

Ontario
Gov't. P.





120675

No. 72

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Surrogate Courts Act

MR. PORTER

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

EXPLANATORY NOTE

The amount of surrogate court fees depends upon the value of the estate which in some cases cannot be determined with accuracy at the time the fees must be paid.

The Act now requires additional fees to be paid where the value of the estate is increased.

This new provision provides for a refund where the value of the estate is decreased.

No. 72

1955

BILL

An Act to amend The Surrogate Courts Act

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

1. Section 56 of *The Surrogate Courts Act* is amended by adding thereto the following subsection: Rev. Stat., c. 380, s. 56, amended

- (2) Where after a grant has issued out of the surrogate court the value of the estate has been decreased for Fees on decreased valuation succession duty purposes, the executor or administrator may apply to the registrar of the surrogate court from which the grant issued for a refund of the amount of the difference between the amount of the fees paid and the amount of the fees that would have been payable at the time of the issue had the value of the estate been placed at the amount to which it has been so decreased, and the registrar shall make such refund and amend his records accordingly.

2. This Act may be cited as *The Surrogate Courts Amendment Act, 1955*. Short title

BILL

An Act to amend The Surrogate
Courts Act

1st Reading

March 1st, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 72

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Surrogate Courts Act

MR. PORTER

TORONTO
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BILL

An Act to amend The Surrogate Courts Act

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

1. Section 56 of *The Surrogate Courts Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 380, s. 56,
amended

- (2) Where after a grant has issued out of the surrogate court the value of the estate has been decreased for succession duty purposes, the executor or administrator may apply to the registrar of the surrogate court from which the grant issued for a refund of the amount of the difference between the amount of the fees paid and the amount of the fees that would have been payable at the time of the issue had the value of the estate been placed at the amount to which it has been so decreased, and the registrar shall make such refund and amend his records accordingly. Fees on
decreased
valuation

2. This Act may be cited as *The Surrogate Courts Amendment Act, 1955*. Short title

BILL

An Act to amend The Surrogate
Courts Act

1st Reading

March 1st, 1955

2nd Reading

March 2nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 73

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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 NOTE

The amendment will bring the provision into line with departmental practice.

BILL

An Act to amend The Real Estate and Business Brokers Act

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

1. Section 14 of *The Real Estate and Business Brokers Act* Rev. Stat., c. 332, s. 14, amended is amended by striking out the words "and salesman shall apply for renewal of registration" in the third and fourth lines and inserting in lieu thereof the words "shall apply for renewal of his own registration and the registration of his currently registered salesmen", so that the section shall read as follows:

14. Every registration and renewal of registration shall lapse on the 31st day of March in each year and every registered broker shall apply for renewal of his own registration and the registration of his currently registered salesmen on or before the 21st day of March giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fee as upon a first application. Termination and renewal of registration

2. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1955* Short title.

BILL

An Act to amend The Real Estate and
Business Brokers Act

1st Reading

March 1st, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 73

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Real Estate and Business Brokers Act

MR. PORTER

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

BILL

An Act to amend The Real Estate and Business Brokers Act

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

1. Section 14 of *The Real Estate and Business Brokers Act* Rev. Stat., c. 332, s. 14, amended is amended by striking out the words "and salesman shall apply for renewal of registration" in the third and fourth lines and inserting in lieu thereof the words "shall apply for renewal of his own registration and the registration of his currently registered salesmen", so that the section shall read as follows:

14. Every registration and renewal of registration shall lapse on the 31st day of March in each year and every registered broker shall apply for renewal of his own registration and the registration of his currently registered salesmen on or before the 21st day of March giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fee as upon a first application. Termination and renewal of registration

2. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1955*. Short title

BILL.

An Act to amend The Real Estate and
Business Brokers Act

1st Reading

March 1st, 1955

2nd Reading

March 2nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Insurance Act

MR. PORTER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The references are brought up to date.

Subsection 2. The reference is brought up to date.

BILL

An Act to amend The Insurance Act

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

1.—(1) Subsection 5 of section 77 of *The Insurance Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the eighth and ninth lines and inserting in lieu thereof the words "*The National Housing Act, 1938* (Canada), the *National Housing Act* (Canada), or the *National Housing Act, 1954* (Canada), or any amendments thereto", so that the subsection shall read as follows:

Rev. Stat.,
c. 183, s. 77,
subs. 5,
amended

- (5) An insurer licensed for the transaction of life insurance may make such investments to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business, the improvement thereof, the construction of buildings thereon, and the management and disposal thereof, as are referred to in *The National Housing Act, 1938* (Canada), the *National Housing Act* (Canada), or the *National Housing Act, 1954* (Canada), or any amendments thereto.

Life
insurance
companies,
investment
of funds in
housing
projects

1938, c. 49
(Can.);
R.S.C. 1952,
c. 188; 1953-54
c. 23
(Can.)

(2) Subsection 6 of the said section 77 is amended by striking out the words "clause *a* of subsection 3 of section 298 of *The Companies Act*" in the fourth and fifth lines and inserting in lieu thereof the words "clause *a* of subsection 4 of section 207 of *The Corporations Act, 1953*", so that the subsection shall read as follows:

Rev. Stat.,
c. 183, s. 77,
subs. 6,
amended

- (6) Except in the case of a fraternal society, a licensed insurer may make such investments in real estate or leaseholds in Ontario and elsewhere in Canada where the insurer is carrying on business, as are referred to in clause *a* of subsection 4 of section 207 of *The Corporation Act, 1953*.

Licensed
insurers,
investment
in real estate
1953, c. 19

Rev. Stat.,
c. 183,
amended

2. *The Insurance Act* is amended by adding thereto the following section:

Interpreta-
tion

226a. In this section "automobile association" means an association, incorporated or unincorporated, whose chief object is to provide service to its members arising out of their use of automobiles, trucks and farm tractors.

Automobile
associations

(2) Any policy or certificate of an insurer issued to an automobile association or its members containing an agreement to indemnify the members against loss arising from accident shall not provide therein for benefits except in respect of accidents resulting in bodily injuries or death arising out of or caused by the use of an automobile or motor truck or farm tractor, and the amount payable thereunder for loss of life shall not exceed \$3,000.

Commence-
ment, s. 2

3. Section 2 comes into force on the 1st day of September, 1955.

Short title

4. This Act may be cited as *The Insurance Amendment Act, 1955*.

SECTION 2. This new section will restrict the type of accident policy that may be sold with a membership in an automobile association.



BILL

An Act to amend The Insurance Act

1st Reading

March 1st, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 74

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Insurance Act

MR. PORTER

(Reprinted as amended by the Committee on Legal Bills)

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The references are brought up to date.

Subsection 2. The reference is brought up to date.

BILL

An Act to amend The Insurance Act

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

1.—(1) Subsection 5 of section 77 of *The Insurance Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the eighth and ninth lines and inserting in lieu thereof the words "*The National Housing Act, 1938* (Canada), the *National Housing Act* (Canada), or the *National Housing Act, 1954* (Canada), or any amendments thereto", so that the subsection shall read as follows:

Rev. Stat.,
c. 183, s. 77,
subs. 5,
amended

- (5) An insurer licensed for the transaction of life insurance may make such investments to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business, the improvement thereof, the construction of buildings thereon, and the management and disposal thereof, as are referred to in *The National Housing Act, 1938* (Canada), the *National Housing Act* (Canada), or the *National Housing Act, 1954* (Canada), or any amendments thereto.

Life
insurance
companies,
investment
of funds in
housing
projects

1938, c. 49
(Can.);
R.S.C. 1952,
c. 188;
1953-54, c. 23
(Can.)

(2) Subsection 6 of the said section 77 is amended by striking out the words "clause *a* of subsection 3 of section 298 of *The Companies Act*" in the fourth and fifth lines and inserting in lieu thereof the words "clause *a* of subsection 4 of section 207 of *The Corporations Act, 1953*", so that the subsection shall read as follows:

Rev. Stat.,
c. 183, s. 77,
subs. 6,
amended

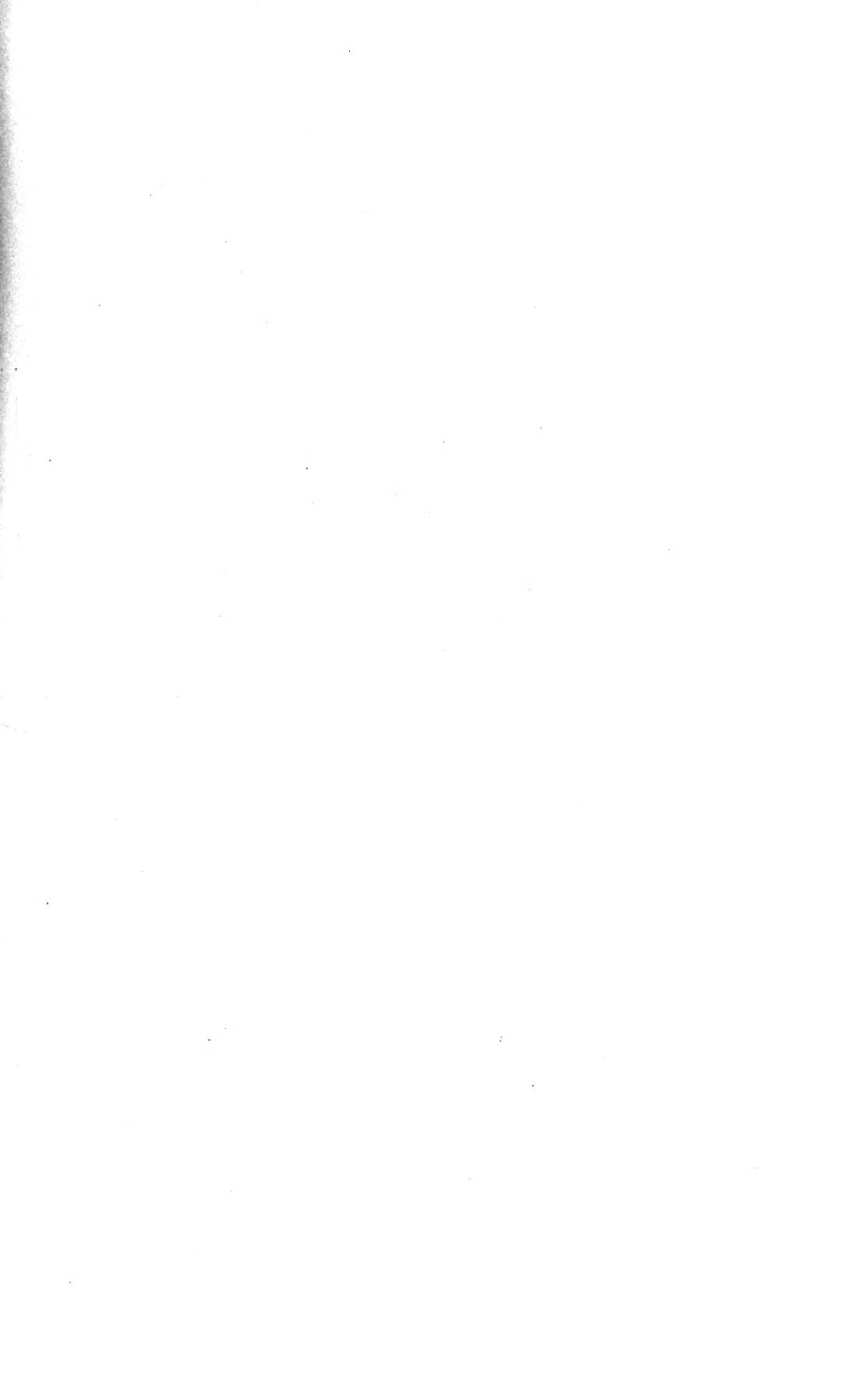
- (6) Except in the case of a fraternal society, a licensed insurer may make such investments in real estate or leaseholds in Ontario and elsewhere in Canada where the insurer is carrying on business, as are referred to in clause *a* of subsection 4 of section 207 of *The Corporations Act, 1953*.

Licensed
insurers,
investment
in real estate

1953, c. 19

Short title **2.** This Act may be cited as *The Insurance Amendment Act, 1955.*





BILL

An Act to amend The Insurance Act

1st Reading

March 1st, 1955

2nd Reading

March 2nd, 1955

3rd Reading

MR. PORTER

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

No. 74

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Insurance Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act to amend The Insurance Act

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

1.—(1) Subsection 5 of section 77 of *The Insurance Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the eighth and ninth lines and inserting in lieu thereof the words "*The National Housing Act, 1938* (Canada), the *National Housing Act* (Canada), or the *National Housing Act, 1954* (Canada), or any amendments thereto", so that the subsection shall read as follows:

Rev. Stat.,
c. 183, s. 77,
subs. 5,
amended

- (5) An insurer licensed for the transaction of life insurance may make such investments to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business, the improvement thereof, the construction of buildings thereon, and the management and disposal thereof, as are referred to in *The National Housing Act, 1938* (Canada), the *National Housing Act* (Canada), or the *National Housing Act, 1954* (Canada), or any amendments thereto.

Life
insurance
companies,
investment
of funds in
housing
projects

1938, c. 49
(Can.);
R.S.C. 1952,
c. 188;
1953-54, c. 23
(Can.)

(2) Subsection 6 of the said section 77 is amended by striking out the words "clause *a* of subsection 3 of section 298 of *The Companies Act*" in the fourth and fifth lines and inserting in lieu thereof the words "clause *a* of subsection 4 of section 207 of *The Corporations Act, 1953*", so that the subsection shall read as follows:

Rev. Stat.,
c. 183, s. 77,
subs. 6,
amended

- (6) Except in the case of a fraternal society, a licensed insurer may make such investments in real estate or leaseholds in Ontario and elsewhere in Canada where the insurer is carrying on business, as are referred to in clause *a* of subsection 4 of section 207 of *The Corporations Act, 1953*.

Licensed
insurers,
investment
in real estate
1953, c. 19

Short title **2.** This Act may be cited as *The Insurance Amendment Act, 1955*.





BILL

An Act to amend The Insurance Act

1st Reading

March 1st, 1955

2nd Reading

March 2nd, 1955

3rd Reading

March 30th, 1955

Mr. PORTER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to provide Welfare Services for Indians

MR. GOODFELLOW

EXPLANATORY NOTE

This bill implements a number of the recommendations of the Select Committee on Civil Liberties and Rights of Indians in Ontario that made its report to the Assembly a year ago.

The provisions of this bill are self-explanatory.

BILL

An Act to provide Welfare Services for Indians

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) "Indian" means a person who is registered as an Indian or entitled to be registered as an Indian under the <i>Indian Act</i> (Canada);	R.S.C. 1952, c. 149
(b) "Minister" means Minister of Public Welfare.	

2. Every Indian resident in Ontario is entitled to the benefits of *The Blind Persons' Allowances Act, 1951*, *The Disabled Persons' Allowances Act, 1955*, *The Mothers' Allowances Act, 1952* and *The Old Age Assistance Act, 1951* to the same extent as any other person.

	Indians eligible for welfare benefits 1951 (2nd Sess.), c. 1; 1955, c. ...; 1952, c. 62; 1951 (2nd Sess.), c. 2
--	---

3. The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada, or any agency thereof,

	Canada- Ontario agreements authorized
--	--

 - (a) to provide compensation to any children's aid society that extends its facilities and services to Indians;
 - (b) to provide compensation to any authority operating a home for the aged that provides accommodation and care for Indians;
 - (c) respecting the payment of the cost of providing rehabilitation services for Indians; or
 - (d) respecting the provision and payment of such other services as will promote the well-being of Indians.

4. The Lieutenant-Governor in Council may appoint an advisory committee composed of such number of persons as

	Advisory committee
--	-----------------------

may be deemed appropriate, to advise the Minister on all matters under this Act and to make recommendations to him from time to time respecting any other matter that may encourage Indians in the development of their independence and promote their integration with the rest of the community.

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 Indian Welfare Services Act, 1955*.





BILL

An Act to provide Welfare Services
for Indians

1st Reading

March 1st, 1955

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 75

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to provide Welfare Services for Indians

MR. GOODFELLOW

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



BILL

An Act to provide Welfare Services for Indians

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) "Indian" means a person who is registered as an Indian or entitled to be registered as an Indian under the *Indian Act* (Canada);

R.S.C. 1952,
c. 149

(b) "Minister" means Minister of Public Welfare.

2. Every Indian resident in Ontario is entitled to the benefits of *The Blind Persons' Allowances Act, 1951*, *The Disabled Persons' Allowances Act, 1955*, *The Mothers' Allowances Act, 1952* and *The Old Age Assistance Act, 1951* to the same extent as any other person.

Indians
eligible
for welfare
benefits
1951
(2nd Sess.),
c. 1;
1955, c. ...;
1952, c. 62;
1951 (2nd
Sess.), c. 2

3. The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada, or any agency thereof,

Canada-
Ontario
agreements
authorized

(a) to provide compensation to any children's aid society that extends its facilities and services to Indians;

(b) to provide compensation to any authority operating a home for the aged that provides accommodation and care for Indians;

(c) respecting the payment of the cost of providing rehabilitation services for Indians; or

(d) respecting the provision and payment of such other services as will promote the well-being of Indians.

4. The Lieutenant-Governor in Council may appoint an advisory committee composed of such number of persons as

Advisory
committee

may be deemed appropriate, to advise the Minister on all matters under this Act and to make recommendations to him from time to time respecting any other matter that may encourage Indians in the development of their independence and promote their integration with the rest of the community.

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 Indian Welfare Services Act, 1955*.







BILL

An Act to provide Welfare Services
for Indians

1st Reading

March 1st, 1955

2nd Reading

March 15th, 1955

3rd Reading

March 23rd, 1955

Mr. GOODFELLOW

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Teachers' Superannuation Act

MR. DUNLOP

EXPLANATORY NOTES

SECTION 1. This power will assist in the efficient administration of the Teachers' Superannuation Fund.

SECTION 2. The section is brought into line with the established practice of the Government to contribute to the Teachers' Superannuation Fund a percentage of all amounts contributed by teachers including the type specified in clause *b* which is not covered in the present Act.

SECTION 3. Dependants' pensions were first granted in 1949 to the dependants of teachers and pensioned teachers who died after April 1st of that year. This section provides a pension for the dependants of such persons who died before that date.

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. Section 16 of *The Teachers' Superannuation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 384, s. 16, amended

(2) The Treasurer, as custodian of the fund, may at the request of the Minister, when both the Treasurer and the Minister deem it advisable for the sound and efficient management of the fund, invest any part of the fund for any period not exceeding twelve months in any securities in which the Treasurer may invest the public moneys of Ontario. Short-term investments

2. Section 22 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat., c. 384, s. 22, re-enacted

22. Annually and at the same time as contributions are placed to the credit of the fund under section 18, the Treasurer shall place to the credit of the fund, Contributions by Province

(a) sums equal to two-thirds of those contributed under section 17; and

(b) in the case of moneys paid into the fund under the regulations for the purpose of establishing service credits in the fund, sums equal to the sums he would have credited to the fund if such moneys had been contributed in the usual way during the periods represented by the service credits.

3.—(1) Where a male person who had credit in the fund for fifteen or more years died before the 1st day of April, 1949, while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health Allowances provided for certain dependants

during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or a male person who was in receipt of an allowance died before the 1st day of April, 1949, leaving a widow or a child or children who if he had died on or after the 1st day of April, 1949, would have been entitled to a dependant's allowance under *The Teachers' Superannuation Act*, such widow or child or children shall be entitled to receive from the 1st day of April, 1954, a dependant's allowance under that Act at the rate of \$300 per annum.

Rev. Stat.,
c. 384

Applica-
tion of
subs. 1 to
Rev. Stat.,
c. 384, s. 31,
subss. 4, 5

(2) Subsection 1 applies *mutatis mutandis* to the persons mentioned in subsections 4 and 5 of section 31 of *The Teachers' Superannuation Act*.

Re-computa-
tion of
certain
allowances

4.—(1) Every allowance that commenced before the 1st day of April, 1954, and which is being paid on the 1st day of April, 1955, shall, on the basis of the periods of employment in respect of which the allowance was originally granted, be re-computed in accordance with *The Teachers' Superannuation Act* and the regulations in force on the day this Act comes into force and shall be paid thereafter as so re-computed.

Idem

(2) If in any case the re-computation mentioned in subsection 1 results in a reduction in the amount of the allowance the re-computation shall be disregarded.

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 Teachers' Superannuation Amendment Act, 1955*.

SECTION 4. From time to time the basis of computing pensions for teachers and pensioned teachers has been changed so that the pensions now being paid have no common basis of computation.

This section brings all pensions up to the present standard.



BILL

An Act to amend 'The Teachers'
Superannuation Act

1st Reading

March 2nd, 1955

2nd Reading

3rd Reading

MR. DUNLOP

No. 76

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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. Section 16 of *The Teachers' Superannuation Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 384, s. 16,
amended

(2) The Treasurer, as custodian of the fund, may at the request of the Minister, when both the Treasurer and the Minister deem it advisable for the sound and efficient management of the fund, invest any part of the fund for any period not exceeding twelve months in any securities in which the Treasurer may invest the public moneys of Ontario. Short-term
investments

2. Section 22 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 384, s. 22,
re-enacted

22. Annually and at the same time as contributions are placed to the credit of the fund under section 18, the Treasurer shall place to the credit of the fund, Contribu-
tions by
Province

(a) sums equal to two-thirds of those contributed under section 17; and

(b) in the case of moneys paid into the fund under the regulations for the purpose of establishing service credits in the fund, sums equal to the sums he would have credited to the fund if such moneys had been contributed in the usual way during the periods represented by the service credits.

3.—(1) Where a male person who had credit in the fund for fifteen or more years died before the 1st day of April, 1949, while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health Allowances
provided for
certain
dependants

during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or a male person who was in receipt of an allowance died before the 1st day of April, 1949, leaving a widow or a child or children who if he had died on or after the 1st day of April, 1949, would have been entitled to a dependant's allowance under *The Teachers' Superannuation Act*, such widow or child or children shall be entitled to receive from the 1st day of April, 1954, a dependant's allowance under that Act at the rate of \$300 per annum.

Rev. Stat.,
c. 384

Applica-
tion of
subs. 1 to
Rev. Stat.,
c. 384, s. 31,
subss. 4, 5

(2) Subsection 1 applies *mutatis mutandis* to the persons mentioned in subsections 4 and 5 of section 31 of *The Teachers' Superannuation Act*.

Re-computa-
tion of
certain
allowances

4.—(1) Every allowance that commenced before the 1st day of April, 1954, and which is being paid on the 1st day of April, 1955, shall, on the basis of the periods of employment in respect of which the allowance was originally granted, be re-computed in accordance with *The Teachers' Superannuation Act* and the regulations in force on the day this Act comes into force and shall be paid thereafter as so re-computed.

Idem

(2) If in any case the re-computation mentioned in subsection 1 results in a reduction in the amount of the allowance the re-computation shall be disregarded.

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 Teachers' Superannuation Amendment Act, 1955*.





BILL

An Act to amend 'The Teachers'
Superannuation Act

1st Reading

March 2nd, 1955

2nd Reading

March 8th, 1955

3rd Reading

March 14th, 1955

MR. DUNLOP

No. 77

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The St. Lawrence Development
Act, 1952 (No. 2)

MR. PORTER

T O R O N T O
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this bill is to make more certain the intent of the compensation provisions of the Act.

No. 77

1955

BILL

An Act to amend The St. Lawrence Development Act, 1952 (No. 2)

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 St. Lawrence Development Act, 1952* (No. 2) is repealed and the following substituted therefor: 1952 (2nd Sess.), c. 3, s. 11, re-enacted

11.—(1) The Commission shall make to the owner of land entered upon, taken or used by it for the purposes of this Act fair, just and equitable compensation under this Act for any damage resulting therefrom beyond any advantage that the owner may derive from the work for which the land has been so entered upon, taken or used, and in making such compensation regard shall be had to the special circumstances occasioned by the power development works provided for in this Act and the resultant dislocation of persons and communities. Right to compensation

(2) The Commission shall make to the owner of any land or property injuriously affected in the carrying out of the purposes of this Act fair, just and equitable compensation under this Act for any damage resulting therefrom beyond any advantage that the owner may derive from the work for the purpose of which the land or property was injuriously affected, and in making such compensation regard shall be had to the special circumstances occasioned by the power development works provided for in this Act and the resultant dislocation of persons and communities. Idem

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

3. This Act may be cited as *The St. Lawrence Development Amendment Act, 1955*. Short title

NO. 11

BILL

**An Act to amend The St. Lawrence
Development Act, 1952 (No. 2)**

1st Reading

March 3rd, 1955

2nd Reading

3rd Reading

MR. PORTER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The St. Lawrence Development
Act, 1952 (No. 2)

MR. PORTER

BILL

An Act to amend The St. Lawrence Development Act, 1952 (No. 2)

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 St. Lawrence Development Act, 1952* (No. 2) is repealed and the following substituted therefor: ¹⁹⁵² (2nd Sess.), c. 3, s. 11, re-enacted

11.—(1) The Commission shall make to the owner of land entered upon, taken or used by it for the purposes of this Act fair, just and equitable compensation under this Act for any damage resulting therefrom beyond any advantage that the owner may derive from the work for which the land has been so entered upon, taken or used, and in making such compensation regard shall be had to the special circumstances occasioned by the power development works provided for in this Act and the resultant dislocation of persons and communities. ^{Right to compensation}

(2) The Commission shall make to the owner of any land or property injuriously affected in the carrying out of the purposes of this Act fair, just and equitable compensation under this Act for any damage resulting therefrom beyond any advantage that the owner may derive from the work for the purpose of which the land or property was injuriously affected, and in making such compensation regard shall be had to the special circumstances occasioned by the power development works provided for in this Act and the resultant dislocation of persons and communities. ^{Idem}

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

3. This Act may be cited as *The St. Lawrence Development Amendment Act, 1955*. ^{Short title}

BILL

An Act to amend The St. Lawrence
Development Act, 1952 (No. 2)

1st Reading

March 3rd, 1955

2nd Reading

March 8th, 1955

3rd Reading

March 18th, 1955

MR. PORTER

No. 78

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to incorporate The Ontario-St. Lawrence
Development Commission

MR. CHALLIES

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

EXPLANATORY NOTE

This bill establishes a Crown agency, The Ontario-St. Lawrence Development Commission.

The provisions of the bill are self-explanatory.

BILL

An Act to Incorporate The Ontario-St. Lawrence Development Commission

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) "Commission" means The Ontario-St. Lawrence Development Commission established by this Act;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (c) "Parks" means all land in the counties of Glengarry, Stormont, Dundas, Grenville, and Leeds hereafter vested in or placed under the control of the Commission, including highways, roads and boulevards and any interest in land.

2.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of The Ontario-St. Lawrence Development Commission, consisting of not less than three and not more than nine members, of whom one shall be chairman and two shall be vice-chairmen.

Commission
established

(2) The Lieutenant-Governor in Council shall appoint the chairman, the first vice-chairman and the second vice-chairman of the Commission, each of whom shall hold office during good behaviour for a term not exceeding ten years and each of whom shall be paid such salary as may be fixed by the Lieutenant-Governor in Council.

Appoint-
ment of
chairman
and vice-
chairmen

(3) The Lieutenant-Governor in Council shall from time to time appoint such other members of the Commission as are deemed advisable who shall hold office for such terms and upon such conditions as the Lieutenant-Governor in Council prescribes.

Appoint-
ment of
other
members

- Re-appoint-
ment (4) On the expiration of his term of office, a member who has been appointed chairman or a vice-chairman may be re-appointed for a further term of office not exceeding ten years.
- Vacancies (5) Vacancies in the membership of the Commission may be filled by the Lieutenant-Governor in Council.
- Members of
Assembly
Rev. Stat.,
c. 202 (6) Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and be entitled to act as such without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly.
- Quorum (7) The powers of the Commission may be exercised by a majority of the members.
- Executive
committee **3.**—(1) The chairman and two vice-chairmen shall be the chief executive officers of the Commission and shall constitute an executive committee which shall be charged with the direction and control of the business of the Commission and it may exercise all of the powers of the Commission in its name, except the making of by-laws, and may, subject to any by-law, delegate such powers as it sees fit to any of the other members of the Commission.
- Absence of
chairman (2) During the incapacity or absence for any reason of the chairman or during a vacancy in the office of the chairman, the first vice-chairman, or in his incapacity or absence the second vice-chairman, may exercise and perform all the powers and functions of the chairman.
- Quorum (3) The powers of the executive committee may be exercised by a majority of them.
- Staff **4.**—(1) The Lieutenant-Governor in Council may appoint such officers, clerks or other employees as may be necessary for the purposes of the Commission and shall fix their salaries, wages or other remuneration.
- Idem
Rev. Stat.,
c. 317 (2) All such officers, clerks or other employees so appointed shall be subject to *The Public Service Act* and shall be civil servants within the meaning of that Act.
- Expenses **5.** All expenditures, costs, charges and expenses incurred and payable in respect of the carrying out of this Act, including the salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof and including all capital expenditures authorized by the Lieutenant-Governor in Council, shall be paid out of such moneys as are appropriated therefor by the Legislature.

6.—(1) It is the duty of the Commission to develop, con- ^{General} trol, manage, operate and maintain the Parks and for the ^{powers and} purposes of carrying out such duty the Commission has power, ^{duties}

- (a) to make such by-laws, rules and orders as may be deemed expedient for the constitution of the Commission and the administration and management of its affairs and the conduct of its business;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational facilities, restaurants, refreshment booths, stands for the sale of souvenirs and other wares, shops, sanitary and toilet facilities, buses and other vehicles for use in connection with the Parks, boats and boat lines, camp sites and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of the Parks;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (d) to operate and maintain a school for the training of apprentice gardeners;
- (e) to receive and take from any person by grant, gift, devise, bequest or otherwise any property real or personal or any interest therein.

(2) It is the duty of the Commission to investigate and inquire into any matter or subject affecting or incidental to the welfare of the municipalities in the counties of Glengarry, Stormont, Dundas, Grenville and Leeds, or any of them, or the inhabitants thereof as may be referred to the Commission by a member of the Executive Council or any such municipality or inhabitant, and the Commission may report thereon to such member, municipality or inhabitant or any of them. ^{General power to investigate matters upon request of Minister, municipality or inhabitant}

7. With the approval of the Lieutenant-Governor in ^{Qualified} Council, the Commission has power, ^{powers}

- (a) to acquire by purchase, lease or otherwise and with or without the consent of the owner enter upon, take and expropriate and sell or otherwise dispose of any land or any interest in land;
- (b) to construct or acquire by purchase, lease or otherwise and operate and maintain bridges over the St. Lawrence River.

Expropria-
tion
Rev. Stat.,
c. 323

8.—(1) The Commission in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act they, where the context permits, mean the Commission, and the taking of such land by the Commission shall be deemed to be for the public purposes of Ontario.

Procedure

(2) The Commission shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the public purposes of Ontario and all the provisions of that Act apply *mutatis mutandis*.

Vesting
of land

(3) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the chairman of the Commission and by an Ontario land surveyor, the land so described thereupon vests in the Commission.

Highways

9.—(1) Notwithstanding any general or special Act, the Lieutenant-Governor in Council may vest any highway in any municipality in the Commission and thereafter the Commission shall have exclusive jurisdiction over it.

Idem

(2) The Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, re-constructing, maintaining or repairing of any highway, including, subject to subsection 3, the cost or the apportionment of the cost of the same and the payment thereof.

Compensa-
tion

(3) Every agreement entered into under subsection 2 shall provide that the cost of any lands acquired pursuant thereto and all compensation payable in respect of such acquisition or for injurious affection to lands by reason of any work undertaken under any such agreement shall be borne and paid solely by the municipality entering into the agreement.

Controlled-
access
highways

10.—(1) The Lieutenant-Governor in Council may designate any portion of any of the highways, roads, boulevards or parkways of the Commission as a controlled-access highway.

Idem

(2) The Lieutenant-Governor in Council may, in respect of any portion of any such highway, road, boulevard or parkway so designated, make any regulation that he may make in respect of controlled-access highways under *The Highway Improvement Act*.

Rev. Stat.,
c. 166

11.—(1) The Commission may enter into agreement with any municipality within which any lands of the Commission are situate or that adjoins or is within three miles of the lands of the Commission as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise, but the Commission is not liable in any way for assessment under *The Local Improvement Act* for the cost of any such work, whether the lands abut directly on the work or otherwise.

Local improvement works

Rev. Stat., c. 215

(2) It is not necessary to submit any agreement entered into under this section for the assent of the electors of the municipality, nor is it necessary to receive the assent of the electors of the municipality for the issue of debentures to defray the cost of the work undertaken under any such agreement.

Idem

12. All lands of the Commission wherever situate are exempt from assessment or taxation by any municipality.

Lands exempt from taxation

13. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, and any such person may make copies of or take extracts from the books.

Books of account

14. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

Security by officers

Rev. Stat., c. 311

15. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council designates.

Audit

16.—(1) The Commission shall make a report annually to the Minister containing such information as the Minister may require.

Annual report

(2) A copy of the report shall be filled with the Provincial Secretary who 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.

Idem

17.—(1) The Commission, with the approval of the Lieutenant-Governor in Council, may make regulations,

Regulations

- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
- (b) providing for the protection and preservation from damage of the property of the Commission;
- (c) prescribing tolls for the occupation and use of Park lands and works, vehicles, boats, recreational facilities and services under the jurisdiction of the Commission, for opening and closing graves or any class thereof in any cemetery in the Parks, and for entrance to places of historical and scenic interest or any other occupation or uses of a similar nature;
- (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within one-quarter mile of any part thereof;
- (g) licensing, regulating and governing taxi-cabs and other vehicles for hire and the owners and drivers thereof, and prescribing fees for such licences;
- (h) licensing, regulating and governing guides and prescribing fees for such licences;
- (i) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (j) for imposing penalties not exceeding \$100 for any breach of any regulation;
- (k) for such other purposes and objects as are deemed necessary for the carrying out of this Act.

Offences

Rev. Stat.,
c. 379

(2) Any offence against any regulation made under this Act is punishable under *The Summary Convictions Act* and the penalty for any such offence is payable to the Treasurer of Ontario.

18. Nothing in this Act authorizes the interference with any right to inter the body of any deceased person in any burying ground vested in the Commission and nothing in this Act confers the right to remove any body there interred. Rights of interment not affected

19. *The Corporations Act, 1953* does not apply to the Commission. 1953, c. 19 not applicable

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

21. This Act may be cited as *The Ontario-St. Lawrence Development Commission Act, 1955*. Short title



BILL

An Act to incorporate The Ontario-
St. Lawrence Development
Commission

1st Reading

March 3rd, 1955

2nd Reading

3rd Reading

MR. CHALLIES

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to incorporate The Ontario-St. Lawrence
Development Commission

MR. CHALLIES

BILL

An Act to incorporate The Ontario-St. Lawrence Development Commission

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) "Commission" means The Ontario-St. Lawrence Development Commission established by this Act;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (c) "Parks" means all land in the counties of Glengarry, Stormont, Dundas, Grenville, and Leeds hereafter vested in or placed under the control of the Commission, including highways, roads and boulevards and any interest in land.

2.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of The Ontario-St. Lawrence Development Commission, consisting of not less than three and not more than nine members, of whom one shall be chairman and two shall be vice-chairmen.

Commission
established

(2) The Lieutenant-Governor in Council shall appoint the chairman, the first vice-chairman and the second vice-chairman of the Commission, each of whom shall hold office during good behaviour for a term not exceeding ten years and each of whom shall be paid such salary as may be fixed by the Lieutenant-Governor in Council.

Appoint-
ment of
chairman
and vice-
chairmen

(3) The Lieutenant-Governor in Council shall from time to time appoint such other members of the Commission as are deemed advisable who shall hold office for such terms and upon such conditions as the Lieutenant-Governor in Council prescribes.

Appoint-
ment of
other
members

- Re-appoint-
ment (4) On the expiration of his term of office, a member who has been appointed chairman or a vice-chairman may be re-appointed for a further term of office not exceeding ten years.
- Vacancies (5) Vacancies in the membership of the Commission may be filled by the Lieutenant-Governor in Council.
- Members of
Assembly
Rev. Stat.,
c. 202 (6) Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and be entitled to act as such without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly.
- Quorum (7) The powers of the Commission may be exercised by a majority of the members.
- Executive
committee **3.**—(1) The chairman and two vice-chairmen shall be the chief executive officers of the Commission and shall constitute an executive committee which shall be charged with the direction and control of the business of the Commission and it may exercise all of the powers of the Commission in its name, except the making of by-laws, and may, subject to any by-law, delegate such powers as it sees fit to any of the other members of the Commission.
- Absence of
chairman (2) During the incapacity or absence for any reason of the chairman or during a vacancy in the office of the chairman, the first vice-chairman, or in his incapacity or absence the second vice-chairman, may exercise and perform all the powers and functions of the chairman.
- Quorum (3) The powers of the executive committee may be exercised by a majority of them.
- Staff **4.**—(1) The Lieutenant-Governor in Council may appoint such officers, clerks or other employees as may be necessary for the purposes of the Commission and shall fix their salaries, wages or other remuneration.
- Idem
Rev. Stat.,
c. 317 (2) All such officers, clerks or other employees so appointed shall be subject to *The Public Service Act* and shall be civil servants within the meaning of that Act.
- Expenses **5.** All expenditures, costs, charges and expenses incurred and payable in respect of the carrying out of this Act, including the salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof and including all capital expenditures authorized by the Lieutenant-Governor in Council, shall be paid out of such moneys as are appropriated therefor by the Legislature.

6.—(1) It is the duty of the Commission to develop, control, manage, operate and maintain the Parks and for the purposes of carrying out such duty the Commission has power, ^{General powers and duties}

- (a) to make such by-laws, rules and orders as may be deemed expedient for the constitution of the Commission and the administration and management of its affairs and the conduct of its business;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational facilities, restaurants, refreshment booths, stands for the sale of souvenirs and other wares, shops, sanitary and toilet facilities, buses and other vehicles for use in connection with the Parks, boats and boat lines, camp sites and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of the Parks;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (d) to operate and maintain a school for the training of apprentice gardeners;
- (e) to receive and take from any person by grant, gift, devise, bequest or otherwise any property real or personal or any interest therein.

(2) It is the duty of the Commission to investigate and inquire into any matter or subject affecting or incidental to the welfare of the municipalities in the counties of Glengarry, Stormont, Dundas, Grenville and Leeds, or any of them, or the inhabitants thereof as may be referred to the Commission by a member of the Executive Council or any such municipality or inhabitant, and the Commission may report thereon to such member, municipality or inhabitant or any of them. ^{General power to investigate matters upon request of Minister, municipality or inhabitant}

7. With the approval of the Lieutenant-Governor in Council, the Commission has power, ^{Qualified powers}

- (a) to acquire by purchase, lease or otherwise and with or without the consent of the owner enter upon, take and expropriate and sell or otherwise dispose of any land or any interest in land;
- (b) to construct or acquire by purchase, lease or otherwise and operate and maintain bridges over the St. Lawrence River.

Expropria-
tion
Rev. Stat.,
c. 323

8.—(1) The Commission in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act they, where the context permits, mean the Commission, and the taking of such land by the Commission shall be deemed to be for the public purposes of Ontario.

Procedure

(2) The Commission shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the public purposes of Ontario and all the provisions of that Act apply *mutatis mutandis*.

Vesting
of land

(3) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the chairman of the Commission and by an Ontario land surveyor, the land so described thereupon vests in the Commission.

Highways

9.—(1) Notwithstanding any general or special Act, the Lieutenant-Governor in Council may vest any highway in any municipality in the Commission and thereafter the Commission shall have exclusive jurisdiction over it.

Idem

(2) The Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, re-constructing, maintaining or repairing of any highway, including, subject to subsection 3, the cost or the apportionment of the cost of the same and the payment thereof.

Compensa-
tion

(3) Every agreement entered into under subsection 2 shall provide that the cost of any lands acquired pursuant thereto and all compensation payable in respect of such acquisition or for injurious affection to lands by reason of any work undertaken under any such agreement shall be borne and paid solely by the municipality entering into the agreement.

Controlled-
access
highways

10.—(1) The Lieutenant-Governor in Council may designate any portion of any of the highways, roads, boulevards or parkways of the Commission as a controlled-access highway.

Idem

(2) The Lieutenant-Governor in Council may, in respect of any portion of any such highway, road, boulevard or parkway so designated, make any regulation that he may make in respect of controlled-access highways under *The Highway Improvement Act*.

Rev. Stat.,
c. 166

11.—(1) The Commission may enter into agreement with any municipality within which any lands of the Commission are situate or that adjoins or is within three miles of the lands of the Commission as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise, but the Commission is not liable in any way for assessment under *The Local Improvement Act* for the cost of any such work, whether the lands abut directly on the work or otherwise.

Local improvement works
Rev. Stat., c. 215

(2) It is not necessary to submit any agreement entered into under this section for the assent of the electors of the municipality, nor is it necessary to receive the assent of the electors of the municipality for the issue of debentures to defray the cost of the work undertaken under any such agreement.

Idem

12. All lands of the Commission wherever situate are exempt from assessment or taxation by any municipality.

Lands exempt from taxation

13. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, and any such person may make copies of or take extracts from the books.

Books of account

14. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

Security by officers
Rev. Stat., c. 1311

15. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council designates.

Audit

16.—(1) The Commission shall make a report annually to the Minister containing such information as the Minister may require.

Annual report

(2) A copy of the report shall be filled with the Provincial Secretary who 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.

Idem

17.—(1) The Commission, with the approval of the Lieutenant-Governor in Council, may make regulations,

Regulations

- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
- (b) providing for the protection and preservation from damage of the property of the Commission;
- (c) prescribing tolls for the occupation and use of Park lands and works, vehicles, boats, recreational facilities and services under the jurisdiction of the Commission, for opening and closing graves or any class thereof in any cemetery in the Parks, and for entrance to places of historical and scenic interest or any other occupation or uses of a similar nature;
- (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within one-quarter mile of any part thereof;
- (g) licensing, regulating and governing taxi-cabs and other vehicles for hire and the owners and drivers thereof, and prescribing fees for such licences;
- (h) licensing, regulating and governing guides and prescribing fees for such licences;
- (i) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (j) for imposing penalties not exceeding \$100 for any breach of any regulation;
- (k) for such other purposes and objects as are deemed necessary for the carrying out of this Act.

Offences

Rev. Stat.,
c. 379

(2) Any offence against any regulation made under this Act is punishable under *The Summary Convictions Act* and the penalty for any such offence is payable to the Treasurer of Ontario.

18. Nothing in this Act authorizes the interference with any right to inter the body of any deceased person in any burying ground vested in the Commission and nothing in this Act confers the right to remove any body there interred. Rights of interment not affected

19. *The Corporations Act, 1953* does not apply to the Commission. 1953, c. 19 not applicable

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

21. This Act may be cited as *The Ontario-St. Lawrence Development Commission Act, 1955*. Short title

BILL

**An Act to incorporate The Ontario-
St. Lawrence Development
Commission**

1st Reading

March 3rd, 1955

2nd Reading

March 8th, 1955

3rd Reading

March 18th, 1955

MR. CHALLES

No. 79

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting The Ontario Hurricane Relief Fund

MR. PORTER

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

BILL

An Act respecting The Ontario Hurricane Relief Fund

WHEREAS by Letters Patent dated the 19th of October, 1954, The Ontario Hurricane Relief Fund was created a corporation under *The Corporations Act, 1953* for the purpose of collecting and disbursing funds for the assistance and relief of persons in Ontario who suffered as a result of the storms and accompanying floods which occurred in Ontario on or about the 15th and 16th days of October, 1954; and whereas it is desirable as a preliminary to the winding up of the Corporation to transfer certain moneys from the Corporation to the Workmen's Compensation Board for the purposes hereinafter set forth:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Ontario Hurricane Relief Fund is hereby authorized to enter into an agreement with the Workmen's Compensation Board to pay over to the Board a sum of money to provide assistance and relief in accordance with subsection 2 for such dependants of deceased victims of the said storms and floods as are named in the agreement.

(2) The Workmen's Compensation Board is hereby authorized to enter into an agreement with The Ontario Hurricane Relief Fund, to accept and to credit to the Pension Fund of the Board the said sum of money and to provide from the Pension Fund assistance and relief for the said dependants in such amounts and subject to such terms, conditions and limitations as are provided in the agreement and in *The Workmen's Compensation Act* in force at the date of the coming into force of this Act.

(3) In the event of disagreement between any dependant and the Board regarding the amount payable to such dependant out of the Pension Fund or regarding the continuation of

such payments, the matter shall be referred to the Deputy Attorney-General or the Acting Deputy Attorney-General and his decision thereon is final.

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 Ontario Hurricane Relief Fund Act, 1955*.

BILL

An Act respecting The Ontario
Hurricane Relief Fund

1st Reading

March 3rd, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 79

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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An Act respecting The Ontario Hurricane Relief Fund

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

BILL

An Act respecting The Ontario Hurricane Relief Fund

WHEREAS by Letters Patent dated the 19th of October, ^{Preamble} 1954, The Ontario Hurricane Relief Fund was created a corporation under *The Corporations Act, 1953* for the purpose ^{1953, c. 19} of collecting and disbursing funds for the assistance and relief of persons in Ontario who suffered as a result of the storms and accompanying floods which occurred in Ontario on or about the 15th and 16th days of October, 1954; and whereas it is desirable as a preliminary to the winding up of the Corporation to transfer certain moneys from the Corporation to the Workmen's Compensation Board for the purposes hereinafter set forth:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Ontario Hurricane Relief Fund is hereby ^{Agreement authorized} authorized to enter into an agreement with the Workmen's Compensation Board to pay over to the Board a sum of money to provide assistance and relief in accordance with subsection 2 for such dependants of deceased victims of the said storms and floods as are named in the agreement.

(2) The Workmen's Compensation Board is hereby ^{Idem} authorized to enter into an agreement with The Ontario Hurricane Relief Fund, to accept and to credit to the Pension Fund of the Board the said sum of money and to provide from the Pension Fund assistance and relief for the said dependants in such amounts and subject to such terms, conditions and limitations as are provided in the agreement and in *The* ^{Rev. Stat., c. 430} *Workmen's Compensation Act* in force at the date of the coming into force of this Act.

(3) In the event of disagreement between any dependant and the Board regarding the amount payable to such dependant out of the Pension Fund or regarding the continuation of ^{Provision for settlement of disagreements}

such payments, the matter shall be referred to the Deputy Attorney-General or the Acting Deputy Attorney-General and his decision thereon is final.

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 Ontario Hurricane Relief Fund Act, 1955*.



BILL

An Act respecting The Ontario
Hurricane Relief Fund

1st Reading

March 3rd, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. PORTER

No. 80

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Solicitors Act

MR. PORTER

TORONTO
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EXPLANATORY NOTE

The section repealed reads as follows:

24. The Registrar of the Supreme Court, and every local registrar, and deputy registrar, and every clerk of a county or district court, and every registrar of the surrogate court, when the said offices are not held by the same person, shall, during the month of January in each year make out a list of the names of solicitors who, by the papers or proceedings filed or had in his office, appear to have practised at any time during the year ending with the 31st day of December next preceding, and shall, on or before the 1st day of February in the year next after that for which the list is made up, transmit such list certified under his hand and the seal of the court to the secretary of the Society.

The practical results of the operation of the section are not commensurate with the amount of work involved. It is therefore repealed.

No. 80

1955

BILL

An Act to amend The Solicitors Act

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

1. Section 24 of *The Solicitors Act* is repealed. Rev. Stat.,
c. 368, s. 24,
repealed
2. This Act may be cited as *The Solicitors Amendment Act, 1955*. Short title

BILL

An Act to amend The Solicitors Act

1st Reading

March 3rd, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 80

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Solicitors Act

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TORONTO
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No. 80

1955

BILL

An Act to amend The Solicitors Act

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

1. Section 24 of *The Solicitors Act* is repealed.

Rev. Stat.,
c. 368, s. 24,
repealed

2. This Act may be cited as *The Solicitors Amendment Act, 1955*.

Short title

BILL

An Act to amend The Solicitors Act

1st Reading

March 3rd, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 81

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Public Service Act

MR. NICKLE

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

EXPLANATORY NOTES

SECTION 1. The present section 21 cannot be applied to persons over 60 years of age. The amendment broadens the scope of the section so that it can be applied to those in the 60-65 age group.

SECTION 2. Correction of typographical error.

SECTIONS 3, 4, 5 and 6. These new provisions are designed to assist in the administration of refunds where the deceased civil servant has left little or no estate and it is therefore inappropriate to require the appointment of a personal representative to whom such refunds may be paid.

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 21 of *The Public Service Act*, as re-enacted by section 1 of *The Public Service Amendment Act, 1953*, is amended by striking out the word "sixty" in the first line and inserting in lieu thereof the word "sixty-five", so that the section shall read as follows: Rev. Stat., c. 317, s. 21 (1953), c. 91, s. 1), amended

21. An employee who has not attained the age of sixty-five years and who is retired by the Lieutenant-Governor in Council may be granted a compensation allowance by the Lieutenant-Governor in Council. Compensation allowances

2. Section 22 of *The Public Service Act*, as re-enacted by section 1 of *The Public Service Amendment Act, 1953*, is amended by striking out the figures "83" in the divisor column and inserting in lieu thereof the figures "88". Rev. Stat., c. 317, s. 22 (1953), c. 91, s. 1), amended

3. Section 24 of *The Public Service Act* is amended by adding thereto the following subsection: Rev. Stat., c. 317, s. 24, amended

(3) Where an employee has died and has no personal representative, moneys refunded under this section may be paid to such person as the Board determines. Where no personal representative

4. Section 26 of *The Public Service Act* is amended by adding thereto the following subsection: Rev. Stat., c. 317, s. 26, amended

(2) Where there is no personal representative, moneys refunded under this section may be paid to such person as the Board determines. Where no personal representative

5. Section 27 of *The Public Service Act* is amended by adding thereto the following subsection: Rev. Stat., c. 317, s. 27, amended

Where no
personal
representa-
tive

(2a) Where there is no personal representative, moneys refunded under subsection 2 may be paid to such person as the Board determines.

Rev. Stat.,
c. 317, s. 47
(1952,
c. 88, s. 3),
amended

6. Section 47 of *The Public Service Act*, as enacted by section 3 of *The Public Service Amendment Act, 1952*, is amended by adding thereto the following subsection:

Where no
personal
representa-
tive

(2a) Where a civil servant has died and has no personal representative, moneys refunded under this section may be paid to such person as the Civil Service Commission determines.

Short title

7. This Act may be cited as *The Public Service Amendment Act, 1955*.



BILL

An Act to amend The Public Service Act

1st Reading

March 3rd, 1955

2nd Reading

3rd Reading

MR. NICKIE

No. 81

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Public Service Act

MR. NICKLE

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 21 of *The Public Service Act*, as re-enacted by Rev. Stat., c. 317, s. 21 (1953), is amended by striking out the word "sixty" in the first line and inserting in lieu thereof the word "sixty-five", so that the section shall read as follows:

21. An employee who has not attained the age of sixty-five years and who is retired by the Lieutenant-Governor in Council may be granted a compensation allowance by the Lieutenant-Governor in Council.

2. Section 22 of *The Public Service Act*, as re-enacted by Rev. Stat., c. 317, s. 22 (1953), is amended by striking out the figures "83" in the divisor column and inserting in lieu thereof the figures "88".

3. Section 24 of *The Public Service Act* is amended by adding thereto the following subsection:

(3) Where an employee has died and has no personal representative, moneys refunded under this section may be paid to such person as the Board determines.

4. Section 26 of *The Public Service Act* is amended by adding thereto the following subsection:

(2) Where there is no personal representative, moneys refunded under this section may be paid to such person as the Board determines.

5. Section 27 of *The Public Service Act* is amended by adding thereto the following subsection:

Where no
personal
representa-
tive

(2a) Where there is no personal representative, moneys refunded under subsection 2 may be paid to such person as the Board determines.

Rev. Stat.,
c. 317, s. 47
(1952,
c. 88, s. 3),
amended

6. Section 47 of *The Public Service Act*, as enacted by section 3 of *The Public Service Amendment Act, 1952*, is amended by adding thereto the following subsection:

Where no
personal
representa-
tive

(2a) Where a civil servant has died and has no personal representative, moneys refunded under this section may be paid to such person as the Civil Service Commission determines.

Short title

7. This Act may be cited as *The Public Service Amendment Act, 1955*.





BILL

An Act to amend The Public Service Act

1st Reading

March 3rd, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. NICKLE

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Mining Act

MR. KELLY

EXPLANATORY NOTES

SECTION 1. The section is brought up to date.

SECTION 2. A person inspecting the books of a mining recorder is now required to pay 10 cents for each claim or application examined. The amendment increases this fee to 25 cents.

SECTION 3. The words deleted are obsolete as quarry claims are not required to be recorded in a recorder's office.

BILL

An Act to amend The Mining Act

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

1. Section 8 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 236, s. 8, re-enacted
8. The Minister is responsible for the administration of this Act and the regulations, *The Mining Tax Act*, *The Unwrought Metal Sales Act* and *The Water-well Drillers Act, 1954* and the regulations thereunder. Administration
Rev. Stat., cc. 237, 404; 1954, c. 104
2. Section 10 of *The Mining Act* is amended by striking out the word "ten" in the fifth line and inserting in lieu thereof the figures "25", so that the section shall read as follows: Rev. Stat., c. 236, s. 10, amended
10. Every recorder shall keep such books for the recording of mining claims, applications and other entries therein as may be directed by the Minister, and such books shall be open to inspection by any person on payment of a fee of 25 cents for each claim or application examined, and every recorder shall also keep displayed in his office a map or maps showing the territory included in his mining division and shall mark thereon all claims as they are recorded, and there shall be no charge for examining such map or maps. Books and maps to be kept by recorder
3. Section 21 of *The Mining Act* is amended by striking out the words "quarry claim or" in the fifth line, so that the section shall read as follows: Rev. Stat., c. 236, s. 21, amended
21. Except as in this Act otherwise specially provided the recorder's office shall be the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any unpatented mining claim or any right, privilege or interest which may be acquired under this Act to or in Claims and documents to be filed in recorder's office

respect of Crown lands or unpatented mining rights, and all such applications, documents and instruments may, before patent, be filed or recorded in such office, but after patent, *The Registry Act* and *The Land Titles Act* shall respectively apply.

Rev. Stat.,
cc. 336, 197

Rev. Stat.,
c. 236, s. 24,
repealed

4. Section 24 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 26,
subs. 1, re-
enacted

5.—(1) Subsection 1 of section 26 of *The Mining Act* is repealed and the following substituted therefor:

Who may
receive
licences

(1) Any person over eighteen years of age and, subject to subsection 6, any company is entitled to obtain a miner's licence upon application therefor in the prescribed form and upon payment of the prescribed fee.

Rev. Stat.,
c. 236, s. 26,
subs. 3, re-
enacted

(2) Subsection 3 of the said section 26 is repealed and the following substituted therefor:

Licence
not valid
unless
signed

(3) Subject to subsection 3a, the licence is not valid unless it is signed by the holder thereof in the space provided therefor on the licence.

Officer to
sign for
company

(3a) Where the licensee is a company, the licence shall be signed by the president or secretary of the company.

Licence not
transferable

(3b) The licence is not transferable.

Rev. Stat.,
c. 236, s. 26,
subs. 6, re-
enacted

(3) Subsection 6 of the said section 26 is repealed and the following substituted therefor:

Proof re-
quired before
licence is
issued to
company

(6) Where a company,

(a) incorporated in Ontario, satisfies the Minister that it is so incorporated; or

(b) incorporated outside Ontario, satisfies the Minister that it is so incorporated and that it is not required to be licensed under Part IX of *The Corporations Act, 1953*; or

(c) other than a company coming within clause a or b, files with the Department a copy of the licence authorizing it to transact business or hold land in Ontario verified by an affidavit of an officer of the company,

a licence shall be issued to the company.

1953, c. 19

SECTION 4. Section 24 provides that the Lieutenant-Governor in Council may declare a locality to be a special mining division. There are now no such divisions in Ontario. The section is obsolete and is therefore repealed.

SECTION 5—Subsections 1 and 2. The purpose of these changes is to tighten up the issue and use of miners' licences. Heretofore no written applications for licences were required and as a result there have been cases in which licences were obtained in the name of fictitious persons or in the name of actual persons without their knowledge or consent. The new provisions will assist in the prevention and detection of this type of fraud.

Subsection 3. The provision is re-enacted in order to bring it into line with *The Corporations Act, 1953*.

SECTION 6. This amendment makes it clear that a miner's licence issued to a company cannot be used for staking out claims.

SECTION 7. Complementary to subsection 1 of section 5 of the bill.

SECTION 8. Under the present section 35 the Minister may, upon the recommendation of the Judge of the Mining Court, cancel a miner's licence. The new subsection 2 permits the recorder, who often discovers wilful violations of the Act by a licensee, to recommend to the Minister that he suspend the licence.

SECTION 9. The provision repealed provides that the holder of a mining claim compensate a timber licensee for his interest in any trees cut or damaged in the claim, a matter that is dealt with in section 103 of the Act. See section 21 of the bill.

SECTION 10. This amendment is complementary to section 4 of the bill. It deletes the reference to special mining divisions. With the deletion, the division of the section into clauses is inappropriate. They are therefore changed to subsections.

SECTION 11. Section 51 prescribes the size and limits of mining claims in special mining divisions. By reason of section 3 and 10 of the bill, the section is unnecessary. It is therefore repealed.

SECTION 12. With the widespread interest and activity in base metals, larger blocks of ground are required in order to secure proper financing of development. The number of claims which may be staked on a miner's licence in any mining division is increased from 9 to 18 with an overall restriction of 36 claims in the whole Province.

SECTION 13. The provisions are amended to ensure that the licensee personally stakes out any mining claim which he records under his licence.

6. Section 28 of *The Mining Act* is amended by adding at the end thereof the words "and shall not be used for the staking of mining claims", so that the section shall read as follows:

Rev. Stat.,
c. 236, s. 28,
amended

28. A miner's licence held by a company shall not entitle any shareholder, officer or employee thereof to the rights or privileges of a licensee and shall not be used for the staking of mining claims.

Effect of
licence to
company

7. Subsection 1 of section 29 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 236, s. 29,
subs. 1, re-
enacted

(1) A licensee is entitled to a renewal of his licence before the expiration thereof upon making application therefor in the prescribed form, upon producing his licence and paying the prescribed fee.

Renewal of
licences

8. Section 35 of *The Mining Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 236, s. 35,
amended

(2) The Minister may, upon the recommendation of a recorder, suspend the licence of a licensee who contravenes any of the provisions of this Act.

Suspension
of licences

9. Subsection 2 of section 48 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 48,
subs. 2,
repealed

10. Section 50 of *The Mining Act* is amended by striking out the words "Except in a special mining division" at the commencement thereof and by numbering clauses *a*, *b*, *c*, *d*, *e* and *f* as subsections 1, 2, 3, 4, 5 and 6, respectively.

Rev. Stat.,
c. 236, s. 50
amended

11. Section 51 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 51,
repealed

12. Section 54 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 236, s. 54,
re-enacted

54. A licensee shall not stake out and apply for more than thirty-six mining claims in a licence year, but not more than eighteen of such mining claims may be staked out and applied for in one mining division or in territory not included in a mining division.

Number of
claims per
licensee

13.—(1) Subsection 1 of section 55 of *The Mining Act* is amended by striking out the words "A mining claim shall be staked out" at the commencement thereof and inserting in lieu thereof the words "A licensee shall stake out a mining claim", so that the subsection, exclusive of the clauses, shall read as follows:

Rev. Stat.,
c. 236, s. 55,
subs. 1,
amended

(1) A licensee shall stake out a mining claim,

Staking out

.

Rev. Stat.,
c. 236, s. 55,
subs. 1,
cls. b, c,
re-enacted

(2) Clauses *b* and *c* of subsection 1 of the said section 55 are repealed and the following substituted therefor:

- (b) by writing or placing on No. 1 post his name, the letter and number of his licence, the date and hour of staking out, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;
- (c) by writing or placing his name and the letter and number of his licence on No. 2, No. 3 and No. 4 posts; and

.

Rev. Stat.,
c. 236, s. 58,
subs. 1,
cl. b,
amended

14.—(1) Clause *b* of subsection 1 of section 58 of *The Mining Act* is amended by striking out the word “and” at the end of subclause iii and by adding thereto the following subclause:

- (v) the inscriptions or markings on the corner posts and on the witnesses posts, if any; and

.

Rev. Stat.,
c. 236, s. 58,
subs. 3, 4,
re-enacted;
subs. 5,
repealed

(2) Subsections 3, 4 and 5 of the said section 58 are repealed and the following substituted therefor:

Certificate
to accom-
pany appli-
cation

- (3) The licensee shall submit with his application and sketch or plan a certificate in the prescribed form stating,
 - (a) that he has staked out the claim in accordance with this Act;
 - (b) that the distances given in his application and sketch or plan are as accurate as they could reasonably be ascertained;
 - (c) that all other statements and particulars set forth in the application and shown on the sketch or plan are true and correct;
 - (d) that at the time of staking there was nothing upon the lands to indicate that they were not open to be staked and that he believes they were so open;
 - (e) that the staking is valid and should be recorded; and

SECTION 14—Subsection 1. The amendment will require the inscription on corner posts, etc., to be given by a licensee in his application to record a mining claim.

Subsection 2. The present subsection 3 of section 58 requires that an application to record a claim be accompanied by an affidavit of the applicant. The new subsection simplifies the procedure by substituting a certificate for the affidavit.

The present subsection 4 of section 58 provides for the investigation of certain complaints to the Minister by the Judge. The new subsection provides that the recorder or Judge may cancel the recording of a claim where the licensee makes a false statement in his application or certificate.

The present subsection 5 of section 58 permits an Ontario land surveyor to swear an affidavit required by the present subsection 3 of section 58. This provision is unnecessary now by reason of the substitution of a certificate for the affidavit.

SECTION 15. A limit of 18 free assay coupons is prescribed in order to prevent the facilities of the Assay Department from being inundated.

SECTION 16—Subsection 1. This amendment is complementary to section 14 (2) of this bill. A certificate, rather than an affidavit, is required.

(f) that there are upon the lands staked no buildings, clearings or improvements for farming or other purposes, except as set forth in the certificate.

- (4) The recorder or the Judge may, after a hearing, cancel the recording of the claim of a licensee who knowingly makes a false statement in his application under subsection 1 or in his certificate under subsection 3. Cancellation of recording

15. Subsection 1 of section 67 of *The Mining Act* is amended by adding at the end thereof the words "but in no case shall any licensee be entitled to more than eighteen free assay coupons in a licence year", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 67, subs. 1, amended

- (1). Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with the required number of coupons, as provided in the regulations, shall be entitled to have such samples assayed without charge, but in no case shall any licensee be entitled to more than eighteen free assay coupons in a licence year. Free assays

16.—(1) Subsection 3 of section 80 of *The Mining Act*, as amended by section 5 of *The Mining Amendment Act, 1953*, is further amended by striking out the word "affidavit" in the fourth line and inserting in lieu thereof the word "certificate", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 80, subs. 3, amended

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by certificate in the prescribed form, and the report shall show in detail, Report of holder upon work
- (a) the location, nature and extent of the work;
 - (b) the names and addresses of the men who performed the work; and
 - (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and the angle and direction of the drill hole and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

Rev. Stat.,
c. 236, s. 80,
subs. 6, re-
enacted;
subs. 7,
repealed

(2) Subsections 6 and 7 of the said section 80 are repealed and the following substituted therefor:

Work to be
performed
on claims

- (6) A licensee may perform, or cause to be performed, on one or more unpatented claims all of the work required to be performed in respect of not more than eighteen contiguous claims recorded in his name, and the reports of work and certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

Rev. Stat.,
c. 236, s. 81,
subs. 3,
amended

17. Subsection 3 of section 81 of *The Mining Act* is amended by adding at the commencement thereof the words "Where the length of the drill hole is more than 25 feet", so that the subsection shall read as follows:

Diamond or
other core
drills

- (3) Where the length of the drill hole is more than 25 feet, boring by a diamond or other core drill shall count as work,
- (a) where the core from the drill is less than $\frac{7}{8}$ of an inch in diameter, at the rate of one day's work for each 2 feet of boring; and
- (b) where the core from the drill is $\frac{7}{8}$ of an inch or more in diameter, at the rate of one day's work for each foot of boring.

Rev. Stat.,
c. 236, s. 97,
amended

18. Section 97 of *The Mining Act* is amended by adding thereto the following subsections:

Holder may
apply for
lease

- (3) Where the holder of a mining claim is entitled to receive a patent of the claim under subsection 1, he may apply instead for a lease of the claim for a term of ten years at a rental payable in advance of \$1 an acre for the first year and 25 cents an acre for each subsequent year, but the minimum rental for a claim shall be \$10 for the first year and \$5 for each subsequent year.

Lease
renewable

- (4) Every lease under subsection 3 is renewable in perpetuity for terms of ten years and every renewal

Subsection 2. With the increased number of claims that may be staked the number of claims that may be grouped is likewise increased. Subsection 7 of section 80 is no longer necessary. It is therefore repealed.

SECTION 17. This amendment sets a minimum length to drill holes for which an allowance for work may be claimed.

SECTION 18. The Act now provides for leases to issue for mining claims in provincial forests and patents in fee simple for claims outside provincial forests. The amendment provides the holder of a claim outside a provincial forest with the choice of taking a lease or a patent.

SECTION 19. The price to be paid for a patent of a mining claim is increased from \$3 to \$6 an acre in surveyed territory and from \$2.50 to \$5 in unsurveyed territory.

SECTION 20. Modern highway construction requires rights-of-way of 200 feet in width. In keeping with this, the reservation for roads is increased from 5 per cent to 10 per cent.

SECTION 21. This section, as re-enacted, clarifies the rights and liabilities of claim-holders in respect of standing timber on the claims. There is only one change in principle from the present section, that is, the section will now apply to all species of trees, with no special provision as to pine trees.

shall be dated from the day following the expiration of the lease or the last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or such further period as the Minister may, in the circumstances of the case, deem proper.

- (5) Subsections 2a, 3, 4 and 5 of section 47 apply *mutatis mutandis* to leases and renewals thereof under subsections 2a, 3, 4, 5 of section 47.

19.—(1) Subsection 1 of section 98 of *The Mining Act* is repealed and the following substituted therefor:

- (1) The price per acre of Crown lands patented as mining claims is \$6 in surveyed territory and \$5 in unsurveyed territory, and the price per acre for mining rights so patented is one-half the price payable for Crown lands.

(2) Subsection 3 of the said section 98 is amended by striking out the symbol and figures "\$2.50" in the fourth line and inserting in lieu thereof the symbol and figure "\$5", so that the subsection shall read as follows:

- (3) Where it is deemed necessary by the Minister under section 106 that a mining claim in surveyed territory shall be surveyed, the purchase price of the claim shall be at the rate of \$5 per acre.

20. Section 99 of *The Mining Act* is repealed and the following substituted therefor:

99.—(1) Every patent or lease issued under this Act shall contain a reservation for road purposes of 10 per cent of the surface rights of the land granted or leased, as the case may be, and the Crown or its officers or agents may lay out and construct roads where deemed proper on the lands so granted or leased.

- (2) Subsection 1 does not apply to patents or leases of the mining rights only.

21. Section 103 of *The Mining Act* is repealed and the following substituted therefor:

103.—(1) Every patent or lease of Crown lands issued under this Act shall contain a reservation to the Crown of all timber and trees standing, being or hereafter found growing upon the lands thereby

granted or leased, and of the right to enter upon such lands to carry on forestry, to cut and remove any timber or trees thereon, and to make necessary roads for such purposes.

Exercise of
rights
reserved

- (2) The rights reserved in subsection 1 may be exercised by any person holding a licence or permit from the Crown when authorized to do so by the Minister of Lands and Forests.

Ownership
of trees
remains in
Crown

- (3) All timber and trees on Crown lands that have been staked out and recorded under this Act remain the property of the Crown, and the Crown may enter upon such lands to carry on forestry, to cut and remove any timber or trees thereon and to make necessary roads for such purpose.

Conditions
under which
holder,
owner or
lessee may
cut trees

- (4) Notwithstanding subsections 1 and 3 and subject to subsections 5 and 6, the recorded holder of a mining claim staked on Crown lands or the owner or lessee of lands acquired under this Act may cut such trees on the lands so staked or acquired as may be necessary for building, fencing or fuel purposes or for any other purpose necessary for the development or working of the minerals thereon.

Idem

- (5) Where a licence or permit from the Crown to cut timber on the land has not been granted, the recorded holder, owner or lessee may, on application to the Minister of Lands and Forests, be granted permission to cut and use the trees for the purposes mentioned in subsection 4 either without payment or on such terms and conditions as the Minister of Lands and Forests may impose.

Idem

- (6) Where a licence or permit from the Crown to cut timber on the lands has been granted, the recorded holder, owner or lessee shall compensate the timber licensee or permittee for the trees cut or used by him.

Determina-
tion of
disputes

- (7) Where a dispute arises between the recorded holder, owner or lessee and the timber licensee or permittee as to the value or quantity of the trees cut or used under subsection 6, the Minister of Lands and Forests shall determine the dispute and his decision is final.

Holder, etc.,
of mining
rights not
to cut trees

- (8) This section does not confer upon the recorded holder, owner or lessee of the mining rights any right to cut trees upon the lands on which he has staked or acquired only the mining rights.

SECTION 22. Penalties are provided for the making of false statements in any certificate, etc., required under the Act.

SECTION 23. For re-organizational purposes and more efficient administration, the imposition and collection of acreage tax and the forfeiture of lands for non-payment of the tax is removed from *The Mining Tax Act* and placed under *The Mining Act*. While many of the sections have been re-written to clarify and confirm departmental practices, there is no change in principle or in the tax rate. The penalty for late payment of the tax is, however, reduced from 10 per cent to 6 per cent.

22. Section 180 of *The Mining Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 236, s. 180,
amended

- (2) Every person who knowingly makes a false statement ^{False statement} in any application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and on summary conviction is liable to a penalty of \$500, or to imprisonment for a term of not more than six months, or both.

23. *The Mining Act* is amended by adding thereto the following Part: Rev. Stat.,
c. 236,
amended

PART XIII

ACREAGE TAX

206. In this Part, "municipality" means city, town, village, township or improvement district. Interpre-
tation
- 207.—(1) There shall be paid to the Crown in right of Ontario in each year an acreage tax of 10 cents an acre on any lands or mining rights to which this Part applies. Amount of
tax
- (2) The minimum acreage tax is \$1 a year in a municipality and \$4 a year in territory without municipal organization. Minimum
tax
208. The acreage tax shall be imposed for each calendar year and is payable on or before the 1st day of October in the year for which it is imposed. Date of
payment
of tax
- 209.—(1) Except as provided in this Part, Lands
liable
for tax
- (a) all lands and mining rights in territory without municipal organization held either mediately or immediately under patent or lease acquired under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (b) all land in territory without municipal organization being held or used for mining purposes howsoever patented or alienated from the Crown;
- (c) all lands and mining rights in a municipality and patented or leased under or pursuant to

any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;

- (d) all mining rights in, upon or under land in a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and
- (e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,

are liable for, and the owner or lessee thereof shall pay the acreage tax.

Lands
exempt
from tax

(2) No acreage tax shall be payable,

- (a) in respect of mining rights in, upon or under any land in a municipality, or any land and mineral rights in territory without municipal organization, where the land,
 - (i) has been subdivided into lots or parcels for city, town, village or summer resort purposes, or
 - (ii) is being actually used for public park, educational, religious or cemetery purposes,

but this clause does not exempt the mining rights from taxation on lots or parcels of more than two acres in area where the mining rights are severed or held apart or separate from the surface rights;

- (b) in respect of the mining rights in, upon or under any land being held, used or developed solely for the production of natural gas or petroleum situated south of the French River, Lake Nipissing and the Mattawa River including the Territorial District of Manitoulin;
- (c) in respect of any land where the owner has executed and filed with the Minister a conveyance to the Crown of the mining rights in, upon and under the land; and

(d) in respect of mining lands or mining rights granted by the Crown under lease or renewal lease issued on or after the 1st day of June, 1953.

- 210.—(1) The Minister may exempt such lands as are in *bona fide* use for farming or agricultural purposes from the tax under this Part, but the exemption does not apply to the mining rights that are severed or held apart or separate from the surface rights. Lands used for agricultural purposes may be exempted
- (2) The decision of the Minister as to the right of exemption under subsection 1 is final and conclusive. Decision of Minister final
211. Where the Minister is satisfied that the surface rights in respect of a mining claim or mining location are being used for purposes other than that of mining or the mineral industry, this Part applies only to the mining rights. Cases where mining rights taxable only
212. The Deputy Minister shall cause to be prepared each year a tax roll of the lands and mining rights and persons liable to the acreage tax. Preparation of tax roll
213. The Deputy Minister shall, on or before the 1st day of June in the year for which the tax is payable, cause to be sent to every owner or lessee of land or mining rights subject to an acreage tax a tax bill showing the amount of the tax payable, the lands or rights to which it is applicable, and such other information as may be prescribed. Tax bills to be sent out before June 1st
214. A tax bill shall be deemed to be delivered to an owner or lessee of land or mining rights subject to an acreage tax, or to his agent or representative, if it is mailed post paid to the last known address in the Department of the owner, or lessee, or his agent or representative. When tax bill deemed to be delivered
215. The Deputy Minister may register in the proper registry or land titles office a notice of liability to taxation and forfeiture, in the prescribed form, in respect of any lands or mining rights subject to the acreage tax. Registration of notice of liability and forfeiture
216. Notwithstanding section 212, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided by this Part. Liability for tax though not on roll

Mining Court to settle dispute as to liability

217. Where any question or dispute arises as to the liability of any person or property to taxation under this Part, the Minister may, in writing, refer the question or dispute to the Mining Court for investigation and adjudication.

Procedure to enforce claim for payment of taxes by one co-owner against another

218.—(1) Where lands or mining rights liable to acreage tax are held by two or more co-owners and the whole of the taxes have been paid by one or more of the co-owners and the other co-owner or co-owners has or have neglected or refused to pay his or their proportion of the taxes for a period of four years, the Mining Court, upon the application of the co-owner or co-owners who have paid the taxes, may make an order requiring the delinquent co-owner or co-owners to pay, within three months from the date of the order or such further time as the Court fixes, their proper proportion of the taxes to the co-owner or co-owners who have paid them, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as may be allowed by the Court.

Service of order

(2) The order shall be served in such manner as the Court directs, and if at the expiration of the period fixed by the order it appears to the Court that payment has not been made in accordance therewith, the Court may make an order vesting the interest of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid the taxes, and that order shall be registered in the proper registry or land titles office, and a duplicate original thereof forwarded by the Court to the Minister.

Service of order on company

(3) Any order made against an incorporated company under this section shall be directed to the company only.

Interpretation

(4) For the purpose of this section, two or more co-holders or co-lessees shall be deemed to be co-owners, and an incorporated company and a shareholder therein shall be deemed to be co-owners of the lands of the company.

Defaulters' list and notice of forfeiture

219.—(1) The Deputy Minister shall cause to be prepared between the 1st day of October and the 31st day of December of each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of April next following, shall cause to be mailed by registered post, a notice to the person appearing

from search or inquiry at the registry or land titles office to be the owner or lessee of the property in default and to every person appearing from that search or inquiry to have an interest therein, stating that unless the total amount of tax and penalties due and payable under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs, the sum of \$5 for each property.

- (2) Not later than the 31st day of May in each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The Ontario Gazette* and in one issue of a newspaper published in the district or county in which property is situate, giving notice that unless the total amount of acreage tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following. Publication of list and notice
- (3) Where the total amount of acreage tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate, in the prescribed form, may, on or after the 1st day of January next following, declare the lands or mining rights, and every interest therein, forfeited to and vested in the Crown, and thereupon the lands or mining rights, and every interest therein, vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto whether existing, arising or accruing before or after such forfeiture is declared. Declaration of forfeiture
- (4) Except as provided in subsection 7, lands and mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act or for disposition under *The Public Lands Act*. Not open to staking
Rev. Stat., c. 309
- (5) The registrar of the registry division in which any land or right mentioned in a certificate of forfeiture made under subsection 3 is situate, or the local master of titles, as the case may be, shall, upon receipt of the certificate, duly register it and it is Registration of certificate

absolute and conclusive evidence of the forfeiture to the Crown of the land or mining rights so certified to be forfeited and is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture.

Rev. Stat.,
cc. 336, 197
not to
apply to
forfeited
lands

- (6) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, ceases to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink.

Opening
forfeited
lands, etc.,
for pros-
pecting

- (7) The lands and mining rights forfeited to and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year shall be open for prospecting, staking out, sale or lease under this Act or for disposition under *The Public Lands Act* at and after 7 o'clock standard time in the forenoon of the 1st day of June next following.

Right to
search
registry and
land titles
office free
of charge

220. Any person duly authorized by the Minister in writing may, for the purpose of ascertaining the names and addresses of owners or lessees of land or mining rights liable to taxation under this Part, search and inspect registry books, indexes and documents in registry and land titles offices, and no charge is to be made by and no fee is payable to a registrar or master of titles for any such search or inspection.

Machinery
and
property
may be
removed
upon for-
feiture

221. Where any lands or mining rights have been forfeited to the Crown under this Part, the owner or lessee may take from them any machinery, chattels or personal property, and any ore or mineral he may have extracted therefrom belonging to him, within six months after the forfeiture or within such further time as may be fixed by the Mining Court, and in default of so doing, all such machinery, chattels, personal property, ore or mineral belongs to the Crown in right of Ontario.

Annulment
of forfeiture

- 222.—(1) The Lieutenant-Governor in Council may by order revoke, cancel or annul the forfeiture of any lands or mining rights under this Part, and the Deputy Minister shall cause the order to be registered in the proper land titles office or registry office and thereupon the lands or mining rights revert in the owner or lessee of the lands or mining rights at the



SECTION 24. Most of the fees payable under *The Mining Act* have remained unchanged for 40 years although the cost of providing the services has increased greatly. The amendments are designed to meet the increased cost.

time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding.

- (2) Where application is made for an order under sub-section 1, the Minister may direct the lands or mining rights described in the application to be withdrawn from prospecting, staking out, sale or lease until the disposition of the application. Withdrawal of lands from prospecting, etc.

223.—(1) Where the acreage tax is not paid within the time prescribed, a penalty of 6 per cent compounded yearly shall be added thereto forthwith and in each year thereafter that the tax remains unpaid, and for all purposes the increased amounts shall be and become the tax due and payable under this Part. Six per cent to be added for default

- (2) The Deputy Minister, or such other person as may be directed by the Minister, shall keep a record of all arrears of acreage taxes with the increased amounts from time to time entered thereon. Record of arrears to be kept

224. All taxes, penalties and costs payable under this Part constitute a special lien on the lands or mining rights against which the tax under this Part is levied in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of that person has accrued before, or accrues after, the attaching of the special lien, and its priority is not lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and the special lien may be realized by action for sale of any or all property subject to it. Special lien and priority of the tax

225. If an owner or lessee of lands or mining rights fails to pay the acreage tax on his land or mining rights when due, the Minister may bring action in any court of competent jurisdiction for the recovery of the tax together with penalties and costs. Right of action

24.—(1) Item 3 of the Schedule to *The Mining Act* is repealed and the following substituted therefor: Rev Stat., c. 236, Sched., item 3, re-enacted

- 3. The fee for a miner's licence, or renewal thereof, for a company shall be based on its authorized capital, as follows:
 - (a) Where the authorized capital does not exceed \$50,000 or 50,000 shares of no par value. \$25.00
 - (b) Where the authorized capital exceeds \$50,000 or 50,000 shares of no par value but does not exceed \$1,000,000 or 1,000,000 shares of no par value 50.00
 - (c) Where the authorized capital exceeds \$1,000,000 or 1,000,000 shares of no par value. 100.00

Rev. Stat.,
c. 236,
Sched.,
items 5, 6, 7,
re-enacted

(2) Items 5, 6 and 7 of the said Schedule are repealed and the following substituted therefor:

- 5. For recording each claim or boring permit staked out by a licensee.....\$10.00
- 6. For examining claim record book, per claim..... .25
- 7. For inspecting any document filed with a mining recorder.. .25

Rev. Stat.,
c. 236,
Sched.,
item 13,
re-enacted

(3) Item 13 of the said Schedule is repealed and the following substituted therefor:

- 13. For filing a transfer of the whole of or any interest in a mining claim.....\$10.00
- 13a. For filing an agreement, power of attorney or revocation thereof, copy of writ of execution, discharge of execution or any other instrument affecting any recorded claim, right or interest, per claim..... 2.00

Rev. Stat.,
c. 236,
Sched.,
item 17,
repealed

(4) Item 17 of the said Schedule is repealed.

Rev. Stat.,
c. 236,
Sched.,
item 24,
re-enacted

(5) Item 24 of the said Schedule is repealed and the following substituted therefor:

- 24. For filing an application for a mining claim under section 61.....\$10.00

Application
of Rev. Stat.,
c. 237

25.—(1) The provisions of *The Mining Tax Act* apply to the tax payable under section 14 of that Act in the year 1954 and earlier years and the provisions of section 23 apply thereafter.

Idem

(2) The tax payable under section 14 of *The Mining Tax Act* which is, under section 3 of that Act, deemed to accrue on the 31st day of December, 1954, is not payable in the year 1955.

Commence-
ment

26. Section 23 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

27. This Act may be cited as *The Mining Amendment Act, 1955*.

SECTION 25—Subsection 1. The rights of the Crown are protected in respect of acreage taxes due and payable before January 1, 1955, under *The Mining Tax Act*.

Subsection 2. This is complementary to section 26 of the bill. It is designed to prevent double acreage taxation in 1955.

SECTION 26. The transfer of the acreage tax from *The Mining Tax Act* to this Act is made effective from the commencement of the present tax year.



BILL

An Act to amend The Mining Act

1st Reading

March 4th, 1955

2nd Reading

3rd Reading

MR. KELLY

No. 82

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Mining Act

MR. KELLY

(Reprinted as amended by the Committee on Mining)

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

EXPLANATORY NOTES

SECTION 1. The section is brought up to date.

SECTION 2. A person inspecting the books of a mining recorder is now required to pay 10 cents for each claim or application examined. The amendment increases this fee to 25 cents.

SECTION 3. The words deleted are obsolete as quarry claims are not required to be recorded in a recorder's office.

No. 82

1955

BILL

An Act to amend The Mining Act

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

1. Section 8 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 236, s. 8, re-enacted
8. The Minister is responsible for the administration of this Act and the regulations, *The Mining Tax Act*, *The Unwrought Metal Sales Act* and *The Water-well Drillers Act, 1954* and the regulations thereunder. Administration Rev. Stat., cc. 237, 404; 1954, c 104
2. Section 10 of *The Mining Act* is amended by striking out the word "ten" in the fifth line and inserting in lieu thereof the figures "25", so that the section shall read as follows: Rev. Stat., c. 236, s. 10, amended
10. Every recorder shall keep such books for the recording of mining claims, applications and other entries therein as may be directed by the Minister, and such books shall be open to inspection by any person on payment of a fee of 25 cents for each claim or application examined, and every recorder shall also keep displayed in his office a map or maps showing the territory included in his mining division and shall mark thereon all claims as they are recorded, and there shall be no charge for examining such map or maps. Books and maps to be kept by recorder
3. Section 21 of *The Mining Act* is amended by striking out the words "quarry claim or" in the fifth line, so that the section shall read as follows: Rev. Stat., c. 236, s. 21, amended
21. Except as in this Act otherwise specially provided the recorder's office shall be the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any unpatented mining claim or any right, privilege or interest which may be acquired under this Act to or in Claims and documents to be filed in recorder's office

respect of Crown lands or unpatented mining rights, and all such applications, documents and instruments may, before patent, be filed or recorded in such office, but after patent, *The Registry Act* and *The Land Titles Act* shall respectively apply.

Rev. Stat.,
cc. 336, 197

Rev. Stat.,
c. 236, s. 24,
repealed

4. Section 24 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 26,
subs. 1, re-
enacted

5.—(1) Subsection 1 of section 26 of *The Mining Act* is repealed and the following substituted therefor:

Who may
receive
licences

(1) Any person over eighteen years of age and, subject to subsection 6, any company is entitled to obtain a miner's licence upon application therefor in the prescribed form and upon payment of the prescribed fee.

Rev. Stat.,
c. 236, s. 26,
subs. 3, re-
enacted

(2) Subsection 3 of the said section 26 is repealed and the following substituted therefor:

Licence
not valid
unless
signed

(3) Subject to subsection 3a, the licence is not valid unless it is signed by the holder thereof in the space provided therefor on the licence.

Officer to
sign for
company

(3a) Where the licensee is a company, the licence shall be signed by the president or secretary of the company.

Licence not
transferable

(3b) The licence is not transferable.

Rev. Stat.,
c. 236, s. 26,
subs. 6, re-
enacted

(3) Subsection 6 of the said section 26 is repealed and the following substituted therefor:

Proof re-
quired before
licence is
issued to
company

(6) Where a company,

(a) incorporated in Ontario, satisfies the Minister that it is so incorporated; or

(b) incorporated outside Ontario, satisfies the Minister that it is so incorporated and that it is not required to be licensed under Part IX of *The Corporations Act, 1953*; or

(c) other than a company coming within clause a or b, files with the Department a copy of the licence authorizing it to transact business or hold land in Ontario verified by an affidavit of an officer of the company,

a licence shall be issued to the company.

1953, c. 19

SECTION 4. Section 24 provides that the Lieutenant-Governor in Council may declare a locality to be a special mining division. There are now no such divisions in Ontario. The section is obsolete and is therefore repealed.

SECTION 5—Subsections 1 and 2. The purpose of these changes is to tighten up the issue and use of miners' licences. Heretofore no written applications for licences were required and as a result there have been cases in which licences were obtained in the name of fictitious persons or in the name of actual persons without their knowledge or consent. The new provisions will assist in the prevention and detection of this type of fraud.

Subsection 3. The provision is re-enacted in order to bring it into line with *The Corporations Act, 1953*.

SECTION 6. This amendment makes it clear that a miner's licence issued to a company cannot be used for staking out claims.

SECTION 7. Complementary to subsection 1 of section 5 of the bill.

SECTION 8. Under the present section 35 the Minister may, upon the recommendation of the Judge of the Mining Court, cancel a miner's licence. The new subsection 2 permits the recorder, who often discovers wilful violations of the Act by a licensee, to recommend to the Minister that he suspend the licence.

SECTION 9. The provision repealed provides that the holder of a mining claim compensate a timber licensee for his interest in any trees cut or damaged in the claim, a matter that is dealt with in section 103 of the Act. See section 22 of the bill.

SECTION 10. This amendment is complementary to section 4 of the bill. It deletes the reference to special mining divisions. With the deletion, the division of the section into clauses is inappropriate. They are therefore changed to subsections.

SECTION 11. Section 51 prescribes the size and limits of mining claims in special mining divisions. By reason of section 3 and 10 of the bill, the section is unnecessary. It is therefore repealed.

SECTION 12. With the widespread interest and activity in base metals, larger blocks of ground are required in order to secure proper financing of development. The number of claims which may be staked on a miner's licence in any mining division is increased from 9 to 18 with an overall restriction of 90 claims in the whole Province.

SECTION 13. The provisions are amended to ensure that the licensee personally stakes out any mining claim which he records under his licence.

6. Section 28 of *The Mining Act* is amended by adding at the end thereof the words "and shall not be used for the staking of mining claims", so that the section shall read as follows:

Rev. Stat.,
c. 236, s. 28,
amended

28. A miner's licence held by a company shall not entitle any shareholder, officer or employee thereof to the rights or privileges of a licensee and shall not be used for the staking of mining claims.

Effect of
licence to
company

7. Subsection 1 of section 29 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 236, s. 29,
subs. 1, re-
enacted

(1) A licensee is entitled to a renewal of his licence before the expiration thereof upon making application therefor in the prescribed form, upon producing his licence and paying the prescribed fee.

Renewal of
licences

8. Section 35 of *The Mining Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 236, s. 35,
amended

(2) The Minister may, upon the recommendation of a recorder, suspend the licence of a licensee who contravenes any of the provisions of this Act.

Suspension
of licences

9. Subsection 2 of section 48 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 48,
subs. 2,
repealed

10. Section 50 of *The Mining Act* is amended by striking out the words "Except in a special mining division" at the commencement thereof and by numbering clauses *a, b, c, d, e* and *f* as subsections 1, 2, 3, 4, 5 and 6, respectively.

Rev. Stat.,
c. 236, s. 50,
amended

11. Section 51 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 51,
repealed

12. Section 54 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 236, s. 54,
re-enacted

54. A licensee shall not stake out and apply for more than ninety mining claims in a licence year, but not more than eighteen of such mining claims may be staked out and applied for in one mining division or in territory not included in a mining division.

Number of
claims per
licensee

13.—(1) Subsection 1 of section 55 of *The Mining Act* is amended by striking out the words "A mining claim shall be staked out" at the commencement thereof and inserting in lieu thereof the words "A licensee shall stake out a mining claim", so that the subsection, exclusive of the clauses, shall read as follows:

Rev. Stat.,
c. 236, s. 55,
subs. 1,
amended

(1) A licensee shall stake out a mining claim, Staking out

.

Rev. Stat.,
c. 236, s. 55,
subs. 1,
cls. b, c,
re-enacted

(2) Clauses *b* and *c* of subsection 1 of the said section 55 are repealed and the following substituted therefor:

- (b) by writing or placing on No. 1 post his name, the letter and number of his licence, the date and hour of the commencement of staking out, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;
- (c) by writing or placing his name and the letter and number of his licence on No. 2, No. 3 and No. 4 posts; and

.

Rev. Stat.,
c. 236, s. 58,
subs. 1,
cl. b,
amended

14.—(1) Clause *b* of subsection 1 of section 58 of *The Mining Act* is amended by striking out the word “and” at the end of subclause iii and by adding thereto the following subclause:

- (v) the inscriptions or markings on the corner posts and on the witnesses posts, if any; and

.

Rev. Stat.,
c. 236, s. 58,
subs. 3, 4,
re-enacted;
subs. 5,
repealed

(2) Subsections 3, 4 and 5 of the said section 58 are repealed and the following substituted therefor:

- (3) The licensee shall submit with his application and sketch or plan a certificate, verified by affidavit, in the prescribed form stating,
 - (a) that he has staked out the claim in accordance with this Act;
 - (b) that the distances given in his application and sketch or plan are as accurate as they could reasonably be ascertained;
 - (c) that all other statements and particulars set forth in the application and shown on the sketch or plan are true and correct;
 - (d) that at the time of staking there was nothing upon the lands to indicate that they were not open to be staked and that he believes they were so open;
 - (e) that the staking is valid and should be recorded; and

Certificate
to accom-
pany appli-
cation

SECTION 14—Subsection 1. The amendment will require the inscription on corner posts, etc., to be given by a licensee in his application to record a mining claim.

Subsection 2. The present subsection 3 of section 58 requires that an application to record a claim be accompanied by an affidavit of the applicant. The new subsection requires a certificate verified by affidavit.

The present subsection 4 of section 58 provides for the investigation of certain complaints to the Minister by the Judge. The new subsection provides that the recorder or Judge may cancel the recording of a claim where the licensee makes a false statement in his application or certificate.

The present subsection 5 of section 58 permits an Ontario land surveyor to swear an affidavit required by the present subsection 3 of section 58. This provision is unnecessary now by reason of the substitution of a certificate for the affidavit.

SECTION 15. A limit of 18 free assay coupons is prescribed in order to prevent the facilities of the Assay Department from being inundated.

SECTION 16. Self-explanatory.

SECTION 17—Subsection 1. This amendment is complementary to section 14 (2) of this bill. A certificate, rather than an affidavit, is required.

(f) that there are upon the lands staked no buildings, clearings or improvements for farming or other purposes, except as set forth in the certificate.

- (4) The recorder or the Judge may, after a hearing, cancel the recording of the claim of a licensee who knowingly makes a false statement in his application under subsection 1 or in his certificate under subsection 3. Cancellation of recording

15. Subsection 1 of section 67 of *The Mining Act* is amended by adding at the end thereof the words "but in no case shall any licensee be entitled to more than eighteen free assay coupons in a licence year", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 67, subs. 1, amended

- (1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with the required number of coupons, as provided in the regulations, shall be entitled to have such samples assayed without charge, but in no case shall any licensee be entitled to more than eighteen free assay coupons in a licence year. Free assays

16.—(1) Subsection 1 of section 70a of *The Mining Act*, as enacted by section 5 of *The Mining Amendment Act, 1954*, is amended by inserting after the word "establishment" in the first and second lines the words "or extension", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 70a (1954), c. 53, s. 5, subs. 1, amended

- (1) Where the Minister recommends the establishment or extension of a townsite on an unpatented mining claim, the Lieutenant-Governor in Council may reserve the surface rights on any such claim or parts of any such claim as may be necessary for townsite purposes. Townsites and unpatented claims

(2) Subsection 1 of the said section 70a, as amended by subsection 1, applies whether or not the claim was staked before the subsection came into force. Application of Rev. Stat., c. 236, s. 70a, subs. 1

17.—(1) Subsection 3 of section 80 of *The Mining Act*, as amended by section 5 of *The Mining Amendment Act, 1953*, is further amended by striking out the word "affidavit" in the fourth line and inserting in lieu thereof the word "certificate", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 80, subs. 3, amended

Report of
holder
upon work

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by certificate in the prescribed form, and the report shall show in detail,

- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who performed the work; and
- (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and the angle and direction of the drill hole and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

Rev. Stat.,
c. 236, s. 80,
subs. 6, re-
enacted;
subs. 7,
repealed

- (2) Subsections 6 and 7 of the said section 80 are repealed and the following substituted therefor:

Work to be
performed
on claims

- (6) A licensee may perform, or cause to be performed, on one or more unpatented claims all of the work required to be performed in respect of not more than eighteen contiguous claims recorded in his name, and the reports of work and certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

Rev. Stat.,
c. 236, s. 81,
subs. 3,
amended

- 18.**—(1) Subsection 3 of section 81 of *The Mining Act* is amended by adding at the commencement thereof the words "Where the length of the drill hole is more than 25 feet", so that the subsection shall read as follows:

Diamond or
other core
drills

- (3) Where the length of the drill hole is more than 25 feet, boring by a diamond or other core drill shall count as work,
- (a) where the core from the drill is less than $\frac{7}{8}$ of an inch in diameter, at the rate of one day's work for each 2 feet of boring; and
 - (b) where the core from the drill is $\frac{7}{8}$ of an inch or more in diameter, at the rate of one day's work for each foot of boring,

Subsection 2. With the increased number of claims that may be staked the number of claims that may be grouped is likewise increased. Subsection 7 of section 80 is no longer necessary. It is therefore repealed.

SECTION 18: Subsection 1. This amendment sets a minimum length to drill holes for which an allowance for work may be claimed.

Subsection 2. Self-explanatory.

SECTION 19. The Act now provides for leases to issue for mining claims in provincial forests and patents in fee simple for claims outside provincial forests. The amendment provides the holder of a claim outside a provincial forest with the choice of taking a lease or a patent.

SECTION 20. The price to be paid for a patent of a mining claim is increased from \$3 to \$6 an acre in surveyed territory and from \$2.50 to \$5 in unsurveyed territory.

(2) The said section 81 is amended by adding thereto, the following subsection: Rev. Stat.,
c. 236, s. 81,
amended

(3a) Boring by other than core drill to a depth greater than 1,000 feet may be counted as work at the rate of one day's work for each two feet of drilling, Boring by
other than
core drill

(a) if the Minister issues a permit in the prescribed form authorizing such work;

(b) if the permit is filed in the office of the recorder before the work is commenced; and

(c) if the recorded holder files with the report required under subsection 3 of section 80 a log in duplicate indicating the footages of the types of rock, earth or other substances penetrated and the angle and direction of the drill hole and a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

19. Section 97 of *The Mining Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 236, s. 97,
amended

(3) Where the holder of a mining claim is entitled to receive a patent of the claim under subsection 1, he may apply instead for a lease of the claim for a term of ten years at a rental payable in advance of \$1 an acre for the first year and 25 cents an acre for each subsequent year, but the minimum rental for a claim shall be \$10 for the first year and \$5 for each subsequent year. Holder may
apply for
lease

(4) Every lease under subsection 3 is renewable in perpetuity for terms of ten years and every renewal shall be dated from the day following the expiration of the lease or the last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or such further period as the Minister may, in the circumstances of the case, deem proper. Lease
renewable

(5) Subsections 2a, 3, 4 and 5 of section 47 apply *mutatis mutandis* to leases and renewals thereof under subsections 3 and 4. Application
of s. 47,
subs. 2a, 3,
4, 5

20.—(1) Subsection 1 of section 98 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 236, s. 98,
subs. 1, re-
enacted

Price to
be paid for
patent

- (1) The price per acre of Crown lands patented as mining claims is \$6 in surveyed territory and \$5 in unsurveyed territory, and the price per acre for mining rights so patented is one-half the price payable for Crown lands.

Rev. Stat.
c. 236, s. 98,
subs. 3,
amended

- (2) Subsection 3 of the said section 98 is amended by striking out the symbol and figures "\$2.50" in the fourth line and inserting in lieu thereof the symbol and figure "\$5", so that the subsection shall read as follows:

Purchase
price

- (3) Where it is deemed necessary by the Minister under section 106 that a mining claim in surveyed territory shall be surveyed, the purchase price of the claim shall be at the rate of \$5 per acre.

Rev. Stat.,
c. 236, s. 99,
re-enacted

- 21.** Section 99 of *The Mining Act* is repealed and the following substituted therefor:

Reservation
for roads

- 99.—(1) Every patent or lease issued under this Act shall contain a reservation for road purposes of 10 per cent of the surface rights of the land granted or leased, as the case may be, and the Crown or its officers or agents may lay out and construct roads where deemed proper on the lands so granted or leased.

Subs. 1 not
to apply to
mining
rights

- (2) Subsection 1 does not apply to patents or leases of the mining rights only.

Rev. Stat.,
c. 236, s. 103,
re-enacted

- 22.** Section 103 of *The Mining Act* is repealed and the following substituted therefor:

Reservation
of trees and
right of
entry

- 103.—(1) Every patent or lease of Crown lands issued under this Act shall contain a reservation to the Crown of all timber and trees standing, being or hereafter found growing upon the lands thereby granted or leased, and of the right to enter upon such lands to carry on forestry, to cut and remove any timber or trees thereon, and to make necessary roads for such purposes.

Exercise of
rights
reserved

- (2) The rights reserved in subsection 1 may be exercised by any person holding a licence or permit from the Crown when authorized to do so by the Minister of Lands and Forests.

Ownership
of trees
remains in
Crown

- (3) All timber and trees on Crown lands that have been staked out and recorded under this Act remain the property of the Crown, and the Crown may enter

SECTION 21. Modern highway construction requires rights-of-way of 200 feet in width. In keeping with this, the reservation for roads is increased from 5 per cent to 10 per cent.

SECTION 22. This section, as re-enacted, clarifies the rights and liabilities of claim-holders in respect of standing timber on the claims. There is only one change in principle from the present section, that is, the section will now apply to all species of trees, with no special provision as to pine trees.

SECTION 23. Penalties are provided for the making of false statements in any certificate, etc., required under the Act.

SECTION 24. For re-organizational purposes and more efficient administration, the imposition and collection of acreage tax and the forfeiture of lands for non-payment of the tax is removed from *The Mining Tax Act* and placed under *The Mining Act*. While many of the sections have been re-written to clarify and confirm departmental practices, there is no change in principle or in the tax rate. The penalty for late payment of the tax is, however, reduced from 10 per cent to 6 per cent.

upon such lands to carry on forestry, to cut and remove any timber or trees thereon and to make necessary roads for such purpose.

- (4) Notwithstanding subsections 1 and 3 and subject to subsections 5 and 6, the recorded holder of a mining claim staked on Crown lands or the owner or lessee of lands acquired under this Act may cut such trees on the lands so staked or acquired as may be necessary for building, fencing or fuel purposes or for any other purpose necessary for the development or working of the minerals thereon. Conditions under which holder, owner or lessee may cut trees
- (5) Where a licence or permit from the Crown to cut timber on the land has not been granted, the recorded holder, owner or lessee may, on application to the Minister of Lands and Forests, be granted permission to cut and use the trees for the purposes mentioned in subsection 4 either without payment or on such terms and conditions as the Minister of Lands and Forests may impose. Idem
- (6) Where a licence or permit from the Crown to cut timber on the lands has been granted, the recorded holder, owner or lessee shall compensate the timber licensee or permittee for the trees cut or used by him. Idem
- (7) Where a dispute arises between the recorded holder, owner or lessee and the timber licensee or permittee as to the value or quantity of the trees cut or used under subsection 6, the Minister of Lands and Forests shall determine the dispute and his decision is final. Determination of disputes
- (8) This section does not confer upon the recorded holder, owner or lessee of the mining rights any right to cut trees upon the lands on which he has staked or acquired only the mining rights. Holder, etc., of mining rights not to cut trees

23. Section 180 of *The Mining Act* is amended by adding thereto the following subsection: Rev. Stat., c. 236, s. 180, amended

- (2) Every person who knowingly makes a false statement in any application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and on summary conviction is liable to a penalty of \$500, or to imprisonment for a term of not more than six months, or both. False statement

24. *The Mining Act* is amended by adding thereto the following Part: Rev. Stat., c. 236, amended

PART XIII

ACREAGE TAX

- Interpre-
tation** 206. In this Part, "municipality" means city, town, village, township or improvement district.
- Amount of
tax** 207.—(1) There shall be paid to the Crown in right of Ontario in each year an acreage tax of 10 cents an acre on any lands or mining rights to which this Part applies.
- Minimum
tax** (2) The minimum acreage tax is \$1 a year in a municipality and \$4 a year in territory without municipal organization.
- Date of
payment
of tax** 208. The acreage tax shall be imposed for each calendar year and is payable on or before the 1st day of October in the year for which it is imposed.
- Lands
liable
for tax** 209.—(1) Except as provided in this Part,
- (a) all lands and mining rights in territory without municipal organization held either mediately or immediately under patent or lease acquired under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
 - (b) all land in territory without municipal organization being held or used for mining purposes howsoever patented or alienated from the Crown;
 - (c) all mining rights in, upon or under lands in a municipality patented or leased under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
 - (d) all mining rights in, upon or under land in a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and
 - (e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,
- are liable for, and the owner or lessee thereof shall pay the acreage tax.

(2) No acreage tax shall be payable,

Lands
exempt
from tax

(a) in respect of mining rights in, upon or under any land in a municipality, or any land and mineral rights in territory without municipal organization, where the land,

(i) has been subdivided into lots or parcels for city, town, village or summer resort purposes, or

(ii) is being actually used for public park, educational, religious or cemetery purposes,

but this clause does not exempt the mining rights from taxation on lots or parcels of more than two acres in area where the mining rights are severed or held apart or separate from the surface rights;

(b) in respect of the mining rights in, upon or under any land being held, used or developed solely for the production of natural gas or petroleum situated south of the French River, Lake Nipissing and the Mattawa River including the Territorial District of Manitoulin;

(c) in respect of any land where the owner has executed and filed with the Minister a conveyance to the Crown of the mining rights in, upon and under the land; and

(d) in respect of mining lands or mining rights granted by the Crown under lease or renewal lease issued on or after the 1st day of June, 1953.

210.—(1) The Minister may exempt such lands as are in *bona fide* use for farming or agricultural purposes from the tax under this Part, but the exemption does not apply to the mining rights that are severed or held apart or separate from the surface rights.

Lands used
for agricul-
tural
purposes
may be
exempted

(2) The decision of the Minister as to the right of exemption under subsection 1 is final and conclusive.

Decision of
Minister
final

211. Where the Minister is satisfied that the surface rights in respect of a mining claim or mining location

Cases where
mining
rights tax-
able only

are being used for purposes other than that of mining or the mineral industry, this Part applies only to the mining rights.

- Preparation of tax roll
212. The Deputy Minister shall cause to be prepared each year a tax roll of the lands and mining rights and persons liable to the acreage tax.
- Tax bills to be sent out before June 1st
213. The Deputy Minister shall, on or before the 1st day of June in the year for which the tax is payable, cause to be sent to every owner or lessee of land or mining rights subject to an acreage tax a tax bill showing the amount of the tax payable, the lands or rights to which it is applicable, and such other information as may be prescribed.
- When tax bill deemed to be delivered
214. A tax bill shall be deemed to be delivered to an owner or lessee of land or mining rights subject to an acreage tax, or to his agent or representative, if it is mailed post paid to the last known address in the Department of the owner, or lessee, or his agent or representative.
- Registration of notice of liability and forfeiture
215. The Deputy Minister may register in the proper registry or land titles office a notice of liability to taxation and forfeiture, in the prescribed form, in respect of any lands or mining rights subject to the acreage tax.
- Liability for tax though not on roll
216. Notwithstanding section 212, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided by this Part.
- Mining Court to settle dispute as to liability
217. Where any question or dispute arises as to the liability of any person or property to taxation under this Part, the Minister may, in writing, refer the question or dispute to the Mining Court for investigation and adjudication.
- Procedure to enforce claim for payment of taxes by one co-owner against another
- 218.—(1) Where lands or mining rights liable to acreage tax are held by two or more co-owners and the whole of the taxes have been paid by one or more of the co-owners and the other co-owner or co-owners has or have neglected or refused to pay his or their proportion of the taxes for a period of four years, the Mining Court, upon the application of the co-owner or co-owners who have paid the taxes, may make an order requiring the delinquent co-owner or co-owners to pay, within three months from the date

of the order or such further time as the Court fixes, their proper proportion of the taxes to the co-owner or co-owners who have paid them, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as may be allowed by the Court.

- (2) The order shall be served in such manner as the Court directs, and if at the expiration of the period fixed by the order it appears to the Court that payment has not been made in accordance therewith, the Court may make an order vesting the interest of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid the taxes, and that order shall be registered in the proper registry or land titles office, and a duplicate original thereof forwarded by the Court to the Minister. Service of order
- (3) Any order made against an incorporated company under this section shall be directed to the company only. Service of order on company
- (4) For the purpose of this section, two or more co-holders or co-lessees shall be deemed to be co-owners, and an incorporated company and a shareholder therein shall be deemed to be co-owners of the lands of the company. Interpretation
- 219.—(1) The Deputy Minister shall cause to be prepared between the 1st day of October and the 31st day of December of each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of April next following, shall cause to be mailed by registered post, a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner or lessee of the property in default and to every person appearing from that search or inquiry to have an interest therein, stating that unless the total amount of tax and penalties due and payable under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs, the sum of \$5 for each property. Defaulters' list and notice of forfeiture
- (2) Not later than the 31st day of May in each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The* Publication of list and notice

Ontario Gazette and in one issue of a newspaper published in the district or county in which property is situate, giving notice that unless the total amount of acreage tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

Declaration
of for-
feiture

- (3) Where the total amount of acreage tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate, in the prescribed form, may, on or after the 1st day of January next following, declare the lands or mining rights, and every interest therein, forfeited to and vested in the Crown, and thereupon the lands or mining rights, and every interest therein, vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto whether existing, arising or accruing before or after such forfeiture is declared.

Not open
to staking

- (4) Except as provided in subsection 7, lands and mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act or for disposition under *The Public Lands Act*.

Rev. Stat.,
c. 309

Registra-
tion of
certificate

- (5) The registrar of the registry division in which any land or right mentioned in a certificate of forfeiture made under subsection 3 is situate, or the local master of titles, as the case may be, shall, upon receipt of the certificate, duly register it and it is absolute and conclusive evidence of the forfeiture to the Crown of the land or mining rights so certified to be forfeited and is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture.

Rev. Stat.,
cc. 336, 197
not to
apply to
forfeited
lands

- (6) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, ceases to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink.

Opening
forfeited
lands, etc.,
for pros-
pecting

- (7) The lands and mining rights forfeited to and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette*

during May of any year shall be open for prospecting, staking out, sale or lease under this Act or for disposition under *The Public Lands Act* at and after 7 o'clock standard time in the forenoon of the 1st day of June next following.

220. Any person duly authorized by the Minister in writing may, for the purpose of ascertaining the names and addresses of owners or lessees of land or mining rights liable to taxation under this Part, search and inspect registry books, indexes and documents in registry and land titles offices, and no charge is to be made by and no fee is payable to a registrar or master of titles for any such search or inspection. Right to search registry and land titles office free of charge
221. Where any lands or mining rights have been forfeited to the Crown under this Part, the owner or lessee may take from them any machinery, chattels or personal property, and any ore or mineral he may have extracted therefrom belonging to him, within six months after the forfeiture or within such further time as may be fixed by the Mining Court, and in default of so doing, all such machinery, chattels, personal property, ore or mineral belongs to the Crown in right of Ontario. Machinery and property may be removed upon forfeiture
- 222.—(1) The Lieutenant-Governor in Council may by order revoke, cancel or annul the forfeiture of any lands or mining rights under this Part, and the Deputy Minister shall cause the order to be registered in the proper land titles office or registry office and thereupon the lands or mining rights revert in the owner or lessee of the lands or mining rights at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. Annulment of forfeiture
- (2) Where application is made for an order under subsection 1, the Minister may direct the lands or mining rights described in the application to be withdrawn from prospecting, staking out, sale or lease until the disposition of the application. Withdrawal of lands from prospecting, etc.
- 223.—(1) Where the acreage tax is not paid within the time prescribed, a penalty of 6 per cent compounded yearly shall be added thereto forthwith and in each year thereafter that the tax remains unpaid, and for all purposes the increased amounts shall be and become the tax due and payable under this Part. Six per cent to be added for default

Record of arrears to be kept

(2) The Deputy Minister, or such other person as may be directed by the Minister, shall keep a record of all arrears of acreage taxes with the increased amounts from time to time entered thereon.

Special lien and priority of the tax

224. All taxes, penalties and costs payable under this Part constitute a special lien on the lands or mining rights against which the tax under this Part is levied in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of that person has accrued before, or accrues after, the attaching of the special lien, and its priority is not lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and the special lien may be realized by action for sale of any or all property subject to it.

Right of action

225. If an owner or lessee of lands or mining rights fails to pay the acreage tax on his land or mining rights when due, the Minister may bring action in any court of competent jurisdiction for the recovery of the tax together with penalties and costs.

Rev. Stat., c. 236, Sched., items 3, 5-7, re-enacted

25.—(1) Items 3, 5, 6 and 7 of the Schedule to *The Mining Act* are repealed and the following substituted therefor:

- 3. The fee for a miner's licence, or renewal thereof, for a company shall be based on its authorized capital, as follows:
 - (a) Where the authorized capital does not exceed \$50,000 or 50,000 shares of no par value..... \$25.00
 - (b) Where the authorized capital exceeds \$50,000 or 50,000 shares of no par value but does not exceed \$1,000,000 or 1,000,000 shares of no par value 50.00
 - (c) Where the authorized capital exceeds \$1,000,000 or 1,000,000 shares of no par value..... 100.00
- 4. For recording each boring permit staked out by a licensee.. 10.00
- 5. For recording each claim of the first nine claims in a mining division..... 5.00
and for each additional claim..... 10.00
- 6. For examining claim record book, per claim..... .25
- 7. For inspecting any document filed with a mining recorder.. .25

Rev. Stat., c. 236, Sched., item 13, re-enacted

(2) Item 13 of the said Schedule is repealed and the following substituted therefor:

- 13. For filing a transfer of the whole of or any interest in a mining claim..... \$ 5.00
- 13a. For filing an agreement, power of attorney or revocation thereof, copy of writ of execution, discharge of execution or any other instrument affecting any recorded claim, right or interest, per claim..... 2.00

SECTION 25. Most of the fees payable under *The Mining Act* have remained unchanged for 40 years although the cost of providing the services has increased greatly. The amendments are designed to meet the increased cost.

SECTION 26—Subsection 1. The rights of the Crown are protected in respect of acreage taxes due and payable before January 1, 1955, under *The Mining Tax Act*.

Subsection 2. This is complementary to section 27 of the bill. It is designed to prevent double acreage taxation in 1955.

SECTION 27. The transfer of the acreage tax from *The Mining Tax Act* to this Act is made effective from the commencement of the present tax year.

(3) Item 17 of the said Schedule is repealed.

Rev. Stat.,
c. 236,
Sched.,
item 17,
repealed

(4) Item 24 of the said Schedule is repealed and the following substituted therefor:

Rev. Stat.,
c. 236,
Sched.,
item 24,
re-enacted

24. For filing an application for a mining claim under section 61.....\$10.00

26.—(1) The provisions of *The Mining Tax Act* apply to the tax payable under section 14 of that Act in the year 1954 and earlier years and the provisions of section 24 apply thereafter.

Application
of Rev. Stat.,
c. 237

(2) The tax payable under section 14 of *The Mining Tax Act* which is, under section 3 of that Act, deemed to accrue on the 31st day of December, 1954, is not payable in the year 1955.

Idem

27. Section 24 shall be deemed to have come into force on the 1st day of January, 1955.

Commence-
ment

28. This Act may be cited as *The Mining Amendment Act, 1955*.

Short title





BILL

An Act to amend The Mining Act

1st Reading

March 4th, 1955

2nd Reading

March 14th, 1955

3rd Reading

MR. KELLY

*(Reprinted as amended by the Committee
on Mining)*

No. 82

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Mining Act

MR. KELLY

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



BILL

An Act to amend The Mining Act

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

1. Section 8 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 236, s. 8, re-enacted
8. The Minister is responsible for the administration of this Act and the regulations, *The Mining Tax Act*, *The Unwrought Metal Sales Act* and *The Water-well Drillers Act, 1954* and the regulations thereunder. Administration
Rev. Stat., cc. 237, 404;
1954, c. 104
2. Section 10 of *The Mining Act* is amended by striking out the word "ten" in the fifth line and inserting in lieu thereof the figures "25", so that the section shall read as follows: Rev. Stat., c. 236, s. 10, amended
10. Every recorder shall keep such books for the recording of mining claims, applications and other entries therein as may be directed by the Minister, and such books shall be open to inspection by any person on payment of a fee of 25 cents for each claim or application examined, and every recorder shall also keep displayed in his office a map or maps showing the territory included in his mining division and shall mark thereon all claims as they are recorded, and there shall be no charge for examining such map or maps. Books and maps to be kept by recorder
3. Section 21 of *The Mining Act* is amended by striking out the words "quarry claim or" in the fifth line, so that the section shall read as follows: Rev. Stat., c. 236, s. 21, amended
21. Except as in this Act otherwise specially provided the recorder's office shall be the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any unpatented mining claim or any right, privilege or interest which may be acquired under this Act to or in Claims and documents to be filed in recorder's office

respect of Crown lands or unpatented mining rights, and all such applications, documents and instruments may, before patent, be filed or recorded in such office, but after patent, *The Registry Act* and *The Land Titles Act* shall respectively apply.

Rev. Stat.,
cc. 336, 197

Rev. Stat.,
c. 236, s. 24,
repealed

4. Section 24 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 26,
subs. 1, re-
enacted

5.—(1) Subsection 1 of section 26 of *The Mining Act* is repealed and the following substituted therefor:

Who may
receive
licences

(1) Any person over eighteen years of age and, subject to subsection 6, any company is entitled to obtain a miner's licence upon application therefor in the prescribed form and upon payment of the prescribed fee.

Rev. Stat.,
c. 236, s. 26,
subs. 3, re-
enacted

(2) Subsection 3 of the said section 26 is repealed and the following substituted therefor:

Licence
not valid
unless
signed

(3) Subject to subsection 3a, the licence is not valid unless it is signed by the holder thereof in the space provided therefor on the licence.

Officer to
sign for
company

(3a) Where the licensee is a company, the licence shall be signed by the president or secretary of the company.

Licence not
transferable

(3b) The licence is not transferable.

Rev. Stat.,
c. 236, s. 26,
subs. 6, re-
enacted

(3) Subsection 6 of the said section 26 is repealed and the following substituted therefor:

Proof re-
quired before
licence is
issued to
company

(6) Where a company,

(a) incorporated in Ontario, satisfies the Minister that it is so incorporated; or

(b) incorporated outside Ontario, satisfies the Minister that it is so incorporated and that it is not required to be licensed under Part IX of *The Corporations Act, 1953*; or

(c) other than a company coming within clause a or b, files with the Department a copy of the licence authorizing it to transact business or hold land in Ontario verified by an affidavit of an officer of the company,

a licence shall be issued to the company.

1953, c. 19

6. Section 28 of *The Mining Act* is amended by adding at the end thereof the words "and shall not be used for the staking of mining claims", so that the section shall read as follows: Rev. Stat.,
c. 236, s. 28,
amended

28. A miner's licence held by a company shall not entitle any shareholder, officer or employee thereof to the rights or privileges of a licensee and shall not be used for the staking of mining claims. Effect of
licence to
company

7. Subsection 1 of section 29 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 236, s. 29,
subs. 1, re-
enacted

(1) A licensee is entitled to a renewal of his licence before the expiration thereof upon making application therefor in the prescribed form, upon producing his licence and paying the prescribed fee. Renewal of
licences

8. Section 35 of *The Mining Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 236, s. 35,
amended

(2) The Minister may, upon the recommendation of a recorder, suspend the licence of a licensee who contravenes any of the provisions of this Act. Suspension
of licences

9. Subsection 2 of section 48 of *The Mining Act* is repealed. Rev. Stat.,
c. 236, s. 48,
subs. 2,
repealed

10. Section 50 of *The Mining Act* is amended by striking out the words "Except in a special mining division" at the commencement thereof and by numbering clauses *a*, *b*, *c*, *d*, *e* and *f* as subsections 1, 2, 3, 4, 5 and 6, respectively. Rev. Stat.,
c. 236, s. 50
amended

11. Section 51 of *The Mining Act* is repealed. Rev. Stat.,
c. 236, s. 51,
repealed

12. Section 54 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 236, s. 54,
re-enacted

54. A licensee shall not stake out and apply for more than ninety mining claims in a licence year, but not more than eighteen of such mining claims may be staked out and applied for in one mining division or in territory not included in a mining division. Number of
claims per
licensee

13.—(1) Subsection 1 of section 55 of *The Mining Act* is amended by striking out the words "A mining claim shall be staked out" at the commencement thereof and inserting in lieu thereof the words "A licensee shall stake out a mining claim", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat.,
c. 236, s. 55,
subs. 1,
amended

(1) A licensee shall stake out a mining claim, Staking out

.

Rev. Stat.,
c. 236, s. 55,
subs. 1,
cls. b, c,
re-enacted

(2) Clauses *b* and *c* of subsection 1 of the said section 55 are repealed and the following substituted therefor:

- (b) by writing or placing on No. 1 post his name, the letter and number of his licence, the date and hour of the commencement of staking out, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;
- (c) by writing or placing his name and the letter and number of his licence on No. 2, No. 3 and No. 4 posts; and

.

Rev. Stat.,
c. 236, s. 58
subs. 1,
cl. b,
amended

14.—(1) Clause *b* of subsection 1 of section 58 of *The Mining Act* is amended by striking out the word “and” at the end of subclause iii and by adding thereto the following subclause:

- (v) the inscriptions or markings on the corner posts and on the witnesses posts, if any; and

.

Rev. Stat.,
c. 236, s. 58,
subs. 3, 4,
re-enacted;
subs. 5,
repealed

(2) Subsections 3, 4 and 5 of the said section 58 are repealed and the following substituted therefor:

Certificate
to accom-
pany appli-
cation

- (3) The licensee shall submit with his application and sketch or plan a certificate, verified by affidavit, in the prescribed form stating,
 - (a) that he has staked out the claim in accordance with this Act;
 - (b) that the distances given in his application and sketch or plan are as accurate as they could reasonably be ascertained;
 - (c) that all other statements and particulars set forth in the application and shown on the sketch or plan are true and correct;
 - (d) that at the time of staking there was nothing upon the lands to indicate that they were not open to be staked and that he believes they were so open;
 - (e) that the staking is valid and should be recorded; and

(f) that there are upon the lands staked no buildings, clearings or improvements for farming or other purposes, except as set forth in the certificate.

- (4) The recorder or the Judge may, after a hearing, cancel the recording of the claim of a licensee who knowingly makes a false statement in his application under subsection 1 or in his certificate under subsection 3. Cancellation of recording

15. Subsection 1 of section 67 of *The Mining Act* is amended by adding at the end thereof the words "but in no case shall any licensee be entitled to more than eighteen free assay coupons in a licence year", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 67, subs. 1, amended

- (1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with the required number of coupons, as provided in the regulations, shall be entitled to have such samples assayed without charge, but in no case shall any licensee be entitled to more than eighteen free assay coupons in a licence year. Free assays

16.—(1) Subsection 1 of section 70a of *The Mining Act*, as enacted by section 5 of *The Mining Amendment Act, 1954*, is amended by inserting after the word "establishment" in the first and second lines the words "or extension", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 70a (1954), c. 53, s. 5, subs. 1, amended

- (1) Where the Minister recommends the establishment or extension of a townsite on an unpatented mining claim, the Lieutenant-Governor in Council may reserve the surface rights on any such claim or parts of any such claim as may be necessary for townsite purposes. Townsites and unpatented claims

(2) Subsection 1 of the said section 70a, as amended by subsection 1, applies whether or not the claim was staked before the subsection came into force. Application of Rev. Stat., c. 236, s. 70a, subs. 1

17.—(1) Subsection 3 of section 80 of *The Mining Act*, as amended by section 5 of *The Mining Amendment Act, 1953*, is further amended by striking out the word "affidavit" in the fourth line and inserting in lieu thereof the word "certificate", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 80, subs. 3, amended

Report of
holder
upon work

(3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by certificate in the prescribed form, and the report shall show in detail,

- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who performed the work; and
- (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and the angle and direction of the drill hole and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

Rev. Stat.,
c. 236, s. 80,
subs. 6, re-
enacted;
subs. 7,
repealed

(2) Subsections 6 and 7 of the said section 80 are repealed and the following substituted therefor:

Work to be
performed
on claims

(6) A licensee may perform, or cause to be performed, on one or more unpatented claims all of the work required to be performed in respect of not more than eighteen contiguous claims recorded in his name, and the reports of work and certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

Rev. Stat.,
c. 236, s. 81,
subs. 3,
amended

18.—(1) Subsection 3 of section 81 of *The Mining Act* is amended by adding at the commencement thereof the words "Where the length of the drill hole is more than 25 feet", so that the subsection shall read as follows:

Diamond or
other core
drills

(3) Where the length of the drill hole is more than 25 feet, boring by a diamond or other core drill shall count as work,

- (a) where the core from the drill is less than $\frac{7}{8}$ of an inch in diameter, at the rate of one day's work for each 2 feet of boring; and
- (b) where the core from the drill is $\frac{7}{8}$ of an inch or more in diameter, at the rate of one day's work for each foot of boring.

(2) The said section 81 is amended by adding thereto the following subsection: Rev. Stat.,
c. 236, s. 81,
amended

(3a) Boring by other than core drill to a depth greater than 1,000 feet may be counted as work at the rate of one day's work for each two feet of drilling, Boring by
other than
core drill

(a) if the Minister issues a permit in the prescribed form authorizing such work;

(b) if the permit is filed in the office of the recorder before the work is commenced; and

(c) if the recorded holder files with the report required under subsection 3 of section 80 a log in duplicate indicating the footages of the types of rock, earth or other substances penetrated and the angle and direction of the drill hole and a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

19. Section 97 of *The Mining Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 236, s. 97,
amended

(3) Where the holder of a mining claim is entitled to receive a patent of the claim under subsection 1, he may apply instead for a lease of the claim for a term of ten years at a rental payable in advance of \$1 an acre for the first year and 25 cents an acre for each subsequent year, but the minimum rental for a claim shall be \$10 for the first year and \$5 for each subsequent year. Holder may
apply for
lease

(4) Every lease under subsection 3 is renewable in perpetuity for terms of ten years and every renewal shall be dated from the day following the expiration of the lease or the last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or such further period as the Minister may, in the circumstances of the case, deem proper. Lease
renewable

(5) Subsections 2a, 3, 4 and 5 of section 47 apply *mutatis mutandis* to leases and renewals thereof under subsections 3 and 4. Application
of s. 47,
subss 2a, 3,
4, 5

20.—(1) Subsection 1 of section 98 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 236, s. 98,
subs. 1, re-
enacted

Price to
be paid for
patent

- (1) The price per acre of Crown lands patented as mining claims is \$6 in surveyed territory and \$5 in unsurveyed territory, and the price per acre for mining rights so patented is one-half the price payable for Crown lands.

Rev. Stat.,
c. 236, s. 98,
subs. 3,
amended

- (2) Subsection 3 of the said section 98 is amended by striking out the symbol and figures "\$2.50" in the fourth line and inserting in lieu thereof the symbol and figure "\$5", so that the subsection shall read as follows:

Purchase
price

- (3) Where it is deemed necessary by the Minister under section 106 that a mining claim in surveyed territory shall be surveyed, the purchase price of the claim shall be at the rate of \$5 per acre.

Rev. Stat.,
c. 236, s. 99,
re-enacted

- 21.** Section 99 of *The Mining Act* is repealed and the following substituted therefor:

Reservation
for roads

- 99.—(1) Every patent or lease issued under this Act shall contain a reservation for road purposes of 10 per cent of the surface rights of the land granted or leased, as the case may be, and the Crown or its officers or agents may lay out and construct roads where deemed proper on the lands so granted or leased.

Subs. 1 not
to apply to
mining
rights

- (2) Subsection 1 does not apply to patents or leases of the mining rights only.

Rev. Stat.,
c. 236, s. 103,
re-enacted

- 22.** Section 103 of *The Mining Act* is repealed and the following substituted therefor:

Reservation
of trees and
right of
entry

- 103.—(1) Every patent or lease of Crown lands issued under this Act shall contain a reservation to the Crown of all timber and trees standing, being or hereafter found growing upon the lands thereby granted or leased, and of the right to enter upon such lands to carry on forestry, to cut and remove any timber or trees thereon, and to make necessary roads for such purposes.

Exercise of
rights
reserved

- (2) The rights reserved in subsection 1 may be exercised by any person holding a licence or permit from the Crown when authorized to do so by the Minister of Lands and Forests.

Ownership
of trees
remains in
Crown

- (3) All timber and trees on Crown lands that have been staked out and recorded under this Act remain the property of the Crown, and the Crown may enter

upon such lands to carry on forestry, to cut and remove any timber or trees thereon and to make necessary roads for such purpose.

- (4) Notwithstanding subsections 1 and 3 and subject to subsections 5 and 6, the recorded holder of a mining claim staked on Crown lands or the owner or lessee of lands acquired under this Act may cut such trees on the lands so staked or acquired as may be necessary for building, fencing or fuel purposes or for any other purpose necessary for the development or working of the minerals thereon. Conditions under which holder, owner or lessee may cut trees
- (5) Where a licence or permit from the Crown to cut timber on the land has not been granted, the recorded holder, owner or lessee may, on application to the Minister of Lands and Forests, be granted permission to cut and use the trees for the purposes mentioned in subsection 4 either without payment or on such terms and conditions as the Minister of Lands and Forests may impose. Idem
- (6) Where a licence or permit from the Crown to cut timber on the lands has been granted, the recorded holder, owner or lessee shall compensate the timber licensee or permittee for the trees cut or used by him. Idem
- (7) Where a dispute arises between the recorded holder, owner or lessee and the timber licensee or permittee as to the value or quantity of the trees cut or used under subsection 6, the Minister of Lands and Forests shall determine the dispute and his decision is final. Determination of disputes
- (8) This section does not confer upon the recorded holder, owner or lessee of the mining rights any right to cut trees upon the lands on which he has staked or acquired only the mining rights. Holder, etc., of mining rights not to cut trees

23. Section 180 of *The Mining Act* is amended by adding thereto the following subsection: Rev. Stat., c. 236, s. 180, amended

- (2) Every person who knowingly makes a false statement in any application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and on summary conviction is liable to a penalty of \$500, or to imprisonment for a term of not more than six months, or both. False statement

24. *The Mining Act* is amended by adding thereto the following Part: Rev. Stat., c. 236, amended

PART XIII

ACREAGE TAX

- Interpre-
tation
206. In this Part, "municipality" means city, town, village, township or improvement district.
- Amount of
tax
- 207.—(1) There shall be paid to the Crown in right of Ontario in each year an acreage tax of 10 cents an acre on any lands or mining rights to which this Part applies.
- Minimum
tax
- (2) The minimum acreage tax is \$1 a year in a municipality and \$4 a year in territory without municipal organization.
- Date of
payment
of tax
208. The acreage tax shall be imposed for each calendar year and is payable on or before the 1st day of October in the year for which it is imposed.
- Lands
liable
for tax
- 209.—(1) Except as provided in this Part,
- (a) all lands and mining rights in territory without municipal organization held either mediately or immediately under patent or lease acquired under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
 - (b) all land in territory without municipal organization being held or used for mining purposes howsoever patented or alienated from the Crown;
 - (c) all mining rights in, upon or under lands in a municipality patented or leased under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
 - (d) all mining rights in, upon or under land in a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and
 - (e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,
- are liable for, and the owner or lessee thereof shall pay the acreage tax.

(2) No acreage tax shall be payable,

Lands
exempt
from tax

(a) in respect of mining rights in, upon or under any land in a municipality, or any land and mineral rights in territory without municipal organization, where the land,

(i) has been subdivided into lots or parcels for city, town, village or summer resort purposes, or

(ii) is being actually used for public park, educational, religious or cemetery purposes,

but this clause does not exempt the mining rights from taxation on lots or parcels of more than two acres in area where the mining rights are severed or held apart or separate from the surface rights;

(b) in respect of the mining rights in, upon or under any land being held, used or developed solely for the production of natural gas or petroleum situated south of the French River, Lake Nipissing and the Mattawa River including the Territorial District of Manitoulin;

(c) in respect of any land where the owner has executed and filed with the Minister a conveyance to the Crown of the mining rights in, upon and under the land; and

(d) in respect of mining lands or mining rights granted by the Crown under lease or renewal lease issued on or after the 1st day of June, 1953.

210.—(1) The Minister may exempt such lands as are in *bona fide* use for farming or agricultural purposes from the tax under this Part, but the exemption does not apply to the mining rights that are severed or held apart or separate from the surface rights.

Lands used
for agricul-
tural
purposes
may be
exempted

(2) The decision of the Minister as to the right of exemption under subsection 1 is final and conclusive.

Decision of
Minister
final

211. Where the Minister is satisfied that the surface rights in respect of a mining claim or mining location

Cases where
mining
rights tax-
able only

are being used for purposes other than that of mining or the mineral industry, this Part applies only to the mining rights.

Preparation
of tax roll

212. The Deputy Minister shall cause to be prepared each year a tax roll of the lands and mining rights and persons liable to the acreage tax.

Tax bills
to be sent
out before
June 1st

213. The Deputy Minister shall, on or before the 1st day of June in the year for which the tax is payable, cause to be sent to every owner or lessee of land or mining rights subject to an acreage tax a tax bill showing the amount of the tax payable, the lands or rights to which it is applicable, and such other information as may be prescribed.

When tax
bill deemed
to be
delivered

214. A tax bill shall be deemed to be delivered to an owner or lessee of land or mining rights subject to an acreage tax, or to his agent or representative, if it is mailed post paid to the last known address in the Department of the owner, or lessee, or his agent or representative.

Registra-
tion of
notice of
liability
and for-
feiture

215. The Deputy Minister may register in the proper registry or land titles office a notice of liability to taxation and forfeiture, in the prescribed form, in respect of any lands or mining rights subject to the acreage tax.

Liability
for tax
though not
on roll

216. Notwithstanding section 212, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided by this Part.

Mining
Court to
settle
dispute
as to
liability

217. Where any question or dispute arises as to the liability of any person or property to taxation under this Part, the Minister may, in writing, refer the question or dispute to the Mining Court for investigation and adjudication.

Procedure
to enforce
claim for
payment of
taxes by one
co-owner
against
another

218.—(1) Where lands or mining rights liable to acreage tax are held by two or more co-owners and the whole of the taxes have been paid by one or more of the co-owners and the other co-owner or co-owners has or have neglected or refused to pay his or their proportion of the taxes for a period of four years, the Mining Court, upon the application of the co-owner or co-owners who have paid the taxes, may make an order requiring the delinquent co-owner or co-owners to pay, within three months from the date

- of the order or such further time as the Court fixes, their proper proportion of the taxes to the co-owner or co-owners who have paid them, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as may be allowed by the Court.
- (2) The order shall be served in such manner as the Court directs, and if at the expiration of the period fixed by the order it appears to the Court that payment has not been made in accordance therewith, the Court may make an order vesting the interest of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid the taxes, and that order shall be registered in the proper registry or land titles office, and a duplicate original thereof forwarded by the Court to the Minister. Service of order
- (3) Any order made against an incorporated company under this section shall be directed to the company only. Service of order on company
- (4) For the purpose of this section, two or more co-holders or co-lessees shall be deemed to be co-owners, and an incorporated company and a shareholder therein shall be deemed to be co-owners of the lands of the company. Interpretation
- 219.—(1) The Deputy Minister shall cause to be prepared between the 1st day of October and the 31st day of December of each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of April next following, shall cause to be mailed by registered post, a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner or lessee of the property in default and to every person appearing from that search or inquiry to have an interest therein, stating that unless the total amount of tax and penalties due and payable under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs, the sum of \$5 for each property. Defaulters' list and notice of forfeiture
- (2) Not later than the 31st day of May in each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The* Publication of list and notice

Ontario Gazette and in one issue of a newspaper published in the district or county in which property is situate, giving notice that unless the total amount of acreage tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

Declaration
of for-
feiture

- (3) Where the total amount of acreage tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate, in the prescribed form, may, on or after the 1st day of January next following, declare the lands or mining rights, and every interest therein, forfeited to and vested in the Crown, and thereupon the lands or mining rights, and every interest therein, vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto whether existing, arising or accruing before or after such forfeiture is declared.

Not open
to staking

- (4) Except as provided in subsection 7, lands and mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act or for disposition under *The Public Lands Act*.

Rev. Stat.,
c. 309

Registra-
tion of
certificate

- (5) The registrar of the registry division in which any land or right mentioned in a certificate of forfeiture made under subsection 3 is situate, or the local master of titles, as the case may be, shall, upon receipt of the certificate, duly register it and it is absolute and conclusive evidence of the forfeiture to the Crown of the land or mining rights so certified to be forfeited and is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture.

Rev. Stat.,
cc. 336, 197
not to
apply to
forfeited
lands

- (6) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, ceases to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink.

Opening
forfeited
lands, etc.,
for pros-
pecting

- (7) The lands and mining rights forfeited to and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette*

during May of any year shall be open for prospecting, staking out, sale or lease under this Act or for disposition under *The Public Lands Act* at and after 7 o'clock standard time in the forenoon of the 1st day of June next following.

220. Any person duly authorized by the Minister in writing may, for the purpose of ascertaining the names and addresses of owners or lessees of land or mining rights liable to taxation under this Part, search and inspect registry books, indexes and documents in registry and land titles offices, and no charge is to be made by and no fee is payable to a registrar or master of titles for any such search or inspection. Right to search registry and land titles office free of charge
221. Where any lands or mining rights have been forfeited to the Crown under this Part, the owner or lessee may take from them any machinery, chattels or personal property, and any ore or mineral he may have extracted therefrom belonging to him, within six months after the forfeiture or within such further time as may be fixed by the Mining Court, and in default of so doing, all such machinery, chattels, personal property, ore or mineral belongs to the Crown in right of Ontario. Machinery and property may be removed upon forfeiture
- 222.—(1) The Lieutenant-Governor in Council may by order revoke, cancel or annul the forfeiture of any lands or mining rights under this Part, and the Deputy Minister shall cause the order to be registered in the proper land titles office or registry office and thereupon the lands or mining rights revert in the owner or lessee of the lands or mining rights at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. Annulment of forfeiture
- (2) Where application is made for an order under subsection 1, the Minister may direct the lands or mining rights described in the application to be withdrawn from prospecting, staking out, sale or lease until the disposition of the application. Withdrawal of lands from prospecting, etc.
- 223.—(1) Where the acreage tax is not paid within the time prescribed, a penalty of 6 per cent compounded yearly shall be added thereto forthwith and in each year thereafter that the tax remains unpaid, and for all purposes the increased amounts shall be and become the tax due and payable under this Part. Six per cent to be added for default

Record of arrears to be kept

- (2) The Deputy Minister, or such other person as may be directed by the Minister, shall keep a record of all arrears of acreage taxes with the increased amounts from time to time entered thereon.

Special lien and priority of the tax

- 224. All taxes, penalties and costs payable under this Part constitute a special lien on the lands or mining rights against which the tax under this Part is levied in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of that person has accrued before, or accrues after, the attaching of the special lien, and its priority is not lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and the special lien may be realized by action for sale of any or all property subject to it.

Right of action

- 225. If an owner or lessee of lands or mining rights fails to pay the acreage tax on his land or mining rights when due, the Minister may bring action in any court of competent jurisdiction for the recovery of the tax together with penalties and costs.

Rev. Stat., c. 236, Sched., items 3, 5-7, re-enacted

25.—(1) Items 3, 5, 6 and 7 of the Schedule to *The Mining Act* are repealed and the following substituted therefor:

- 3. The fee for a miner's licence, or renewal thereof, for a company shall be based on its authorized capital, as follows:
 - (a) Where the authorized capital does not exceed \$50,000 or 50,000 shares of no par value..... \$25.00
 - (b) Where the authorized capital exceeds \$50,000 or 50,000 shares of no par value but does not exceed \$1,000,000 or 1,000,000 shares of no par value 50.00
 - (c) Where the authorized capital exceeds \$1,000,000 or 1,000,000 shares of no par value..... 100.00
- 4. For recording each boring permit staked out by a licensee.. 10.00
- 5. For recording each claim of the first nine claims in a mining division..... 5.00
and for each additional claim..... 10.00
- 6. For examining claim record book, per claim..... .25
- 7. For inspecting any document filed with a mining recorder.. .25

Rev. Stat. c. 236, Sched., item 13, re-enacted

(2) Item 13 of the said Schedule is repealed and the following substituted therefor:

- 13. For filing a transfer of the whole of or any interest in a mining claim.....\$ 5.00
- 13a. For filing an agreement, power of attorney or revocation thereof, copy of writ of execution, discharge of execution or any other instrument affecting any recorded claim, right or interest, per claim..... 2.00

(3) Item 17 of the said Schedule is repealed.

Rev. Stat.,
c. 236,
Sched.,
item 17,
repealed

(4) Item 24 of the said Schedule is repealed and the following substituted therefor:

Rev. Stat.,
c. 236,
Sched.,
item 24,
re-enacted

24. For filing an application for a mining claim under section 61.....\$10.00

26.—(1) The provisions of *The Mining Tax Act* apply to the tax payable under section 14 of that Act in the year 1954 and earlier years and the provisions of section 24 apply thereafter.

Application
of Rev. Stat.,
c. 237

(2) The tax payable under section 14 of *The Mining Tax Act* which is, under section 3 of that Act, deemed to accrue on the 31st day of December, 1954, is not payable in the year 1955.

Idem

27. Section 24 shall be deemed to have come into force on the 1st day of January, 1955.

Commence-
ment

28. This Act may be cited as *The Mining Amendment Act, 1955*.

Short title

BILL

An Act to amend The Mining Act

1st Reading

March 4th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 30th, 1955

MR. KELLY

No. 83

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Mining Tax Act

MR. KELLY

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

EXPLANATORY NOTES

SECTION 1. See note to sections 3 and 4 of this bill. This amendment is complementary.

SECTION 2—Subsection 1. The amendment clarifies the period to be used in determining the output of the mine.

Subsection 2. The new clause *h* clarifies the allowance for depreciation of mining plant, machinery, equipment and buildings. The new clause *i* extends the deduction for the cost of outside exploration but excludes the cost of acquiring mineral deposits or any right to them.

BILL

An Act to amend The Mining Tax Act

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

1. Clause *b* of section 3 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 3, cl. *b*, re-enacted

(*b*) not later than the 1st day of October in each year in respect of the tax payable under section 27.

2.—(1) Subsection 3 of section 4 of *The Mining Tax Act* is amended by striking out the words “the year’s output” in the third line and inserting in lieu thereof the words “the output during the calendar year”, so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 237, s. 4, subs. 3, amended

(3) The annual profits shall be ascertained and fixed in the following manner, that is to say: the gross receipts from the output during the calendar year of the mine, or in case the ore, mineral or mineral-bearing substance or any part thereof is not sold, but is treated by or for the owner, holder, lessee, tenant, occupier or operator of the mine upon the premises or elsewhere, then the actual market value of the output at the pit’s mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the mine assessor shall be ascertained, and from the amount so ascertained, the following, and no other, expenses, payments, allowances or deductions shall be deducted and made, that is to say: Ascertainment of profits

(2) Clauses *h* and *i* of subsection 3 of the said section 4 are repealed and the following substituted therefor: Rev. Stat., c. 237, s. 4, subs. 3, cls. *h*, *i*, re-enacted

(*h*) an allowance for annual depreciation of not less than 5 per cent and not more than 15 per cent for any

calendar year of the value, at the commencement of output, of the usable plant, machinery, equipment and buildings, exclusive of any portion of the plant, machinery, equipment and buildings pertaining to processing, together with the cost of additions thereto or replacements thereof, until the full value or cost thereof is depreciated, subject to the following conditions:

- (i) that the value or cost of such plant, machinery, equipment and buildings, or the additions thereto or replacements thereof, is subject to appraisal by the mine assessor,
 - (ii) that, where a portion of such plant, machinery, equipment and buildings becomes unusable, or is sold or otherwise disposed of before the full value or cost thereof is depreciated, the allowance for depreciation thereof ceases at the end of the year in which it became unusable, was sold or otherwise disposed of, and
 - (iii) that the allowance for depreciation of the cost of additions to, or replacements of such plant, machinery, equipment and buildings does not commence until the year following the taking into use thereof;
- (i) subject to the approval of the mine assessor, the expenditures for actual exploration and development work done in Ontario where the work has as its object the finding, testing, or opening up of deposits of metalliferous ore or other solid mineral substances on the following conditions:
- (i) that such expenditures do not include moneys paid in the purchase of, or in acquiring an option to purchase, or in acquiring the right to mine, or an option on the right to mine, such deposits,
 - (ii) that such expenditures are made or borne by the person liable for taxation upon the mine under this Act, and
 - (iii) that separate accounts of such expenditures are kept and furnished in reasonable detail with the annual statement required under section 7.



Subsection 3. The new clause *a* removes the contradiction between the present clause *a* and subsection 3 of section 4 of the Act.

Subsection 4. The new clause *e* clarifies the Act by expressly disallowing pre-production expenses.

SECTIONS 3 and 4. The present provisions of the Act respecting acreage tax are being transferred to *The Mining Act*—see Bill No. 82. These sections repeal the various provisions in *The Mining Tax Act* dealing with acreage tax.

SECTION 5. This makes the transfer of the acreage tax provisions effective at the commencement of the tax year.

(3) Clause *a* of subsection 4 of the said section 4, as re-enacted by section 2 of *The Mining Tax Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 4,
subs. 4
(1952, c. 60
s. 2), cl. a,
re-enacted

- (a) cost of plant, machinery, equipment or buildings except as provided in subsection 3.

(4) Subsection 4 of the said section 4 is amended by adding at the end of clause *d* the word "and" and by adding thereto the following clause:

Rev. Stat.,
c. 237, s. 4,
subs. 4
(1952,
c. 60, s. 2),
amended

- (e) cost of development of the mine liable for taxation under this Act prior to the commencement of output therefrom.

3. The following sections of *The Mining Tax Act* are repealed:

Rev. Stat.,
c. 237,
ss. 14-24,
repealed

1. Section 14, as amended by section 1 of *The Mining Tax Amendment Act, 1953*.
2. Section 15, as amended by section 4 of *The Mining Tax Amendment Act, 1952*.
3. Sections 16, 17, 18 and 19.
4. Section 20, as amended by section 5 of *The Mining Tax Amendment Act, 1952*.
5. Section 21, as amended by section 6 of *The Mining Tax Amendment Act, 1952*.
6. Section 22.
7. Section 23, as amended by section 7 of *The Mining Tax Amendment Act, 1952*.
8. Section 24.

4. Section 26 of *The Mining Tax Act* is amended by striking out the words "and acreage tax" in the fourth and fifth lines, so that the section shall read as follows:

Rev. Stat.,
c. 237, s. 26,
amended

26. Where by any agreement made before the 20th day of April, 1907, between the owner, holder, lessee, tenant, occupier or operator of a mine and the Crown it is agreed that no tax shall be paid, such mine shall be exempt from the profit tax imposed by this Act.

Mine under
agreement
exempt

5. This Act shall be deemed to have come into force on the 1st day of January, 1955.

Commence-
ment

6. This Act may be cited as *The Mining Tax Amendment Act, 1955*.

Short title

BILL

An Act to amend The Mining Tax Act

1st Reading

March 4th, 1955

2nd Reading

3rd Reading

Mr. KELLY

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Mining Tax Act

MR. KELLY

BILL

An Act to amend The Mining Tax Act

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

1. Clause *b* of section 3 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 3, cl. *b*, re-enacted

(*b*) not later than the 1st day of October in each year in respect of the tax payable under section 27.

2.—(1) Subsection 3 of section 4 of *The Mining Tax Act* is amended by striking out the words “the year’s output” in the third line and inserting in lieu thereof the words “the output during the calendar year”, so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 237, s. 4, subs. 3, amended

(3) The annual profits shall be ascertained and fixed in the following manner, that is to say: the gross receipts from the output during the calendar year of the mine, or in case the ore, mineral or mineral-bearing substance or any part thereof is not sold, but is treated by or for the owner, holder, lessee, tenant, occupier or operator of the mine upon the premises or elsewhere, then the actual market value of the output at the pit’s mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the mine assessor shall be ascertained, and from the amount so ascertained, the following, and no other, expenses, payments, allowances or deductions shall be deducted and made, that is to say: Ascertainment of profits

(2) Clauses *h* and *i* of subsection 3 of the said section 4 are repealed and the following substituted therefor: Rev. Stat., c. 237, s. 4, subs. 3, cls. *h*, *i*, re-enacted

(*h*) an allowance for annual depreciation of not less than 5 per cent and not more than 15 per cent for any

calendar year of the value, at the commencement of output, of the usable plant, machinery, equipment and buildings, exclusive of any portion of the plant, machinery, equipment and buildings pertaining to processing, together with the cost of additions thereto or replacements thereof, until the full value or cost thereof is depreciated, subject to the following conditions:

- (i) that the value or cost of such plant, machinery, equipment and buildings, or the additions thereto or replacements thereof, is subject to appraisal by the mine assessor,
 - (ii) that, where a portion of such plant, machinery, equipment and buildings becomes unusable, or is sold or otherwise disposed of before the full value or cost thereof is depreciated, the allowance for depreciation thereof ceases at the end of the year in which it became unusable, was sold or otherwise disposed of, and
 - (iii) that the allowance for depreciation of the cost of additions to, or replacements of such plant, machinery, equipment and buildings does not commence until the year following the taking into use thereof;
- (i) subject to the approval of the mine assessor, the expenditures for actual exploration and development work done in Ontario where the work has as its object the finding, testing, or opening up of deposits of metalliferous ore or other solid mineral substances on the following conditions:
- (i) that such expenditures do not include moneys paid in the purchase of, or in acquiring an option to purchase, or in acquiring the right to mine, or an option on the right to mine, such deposits,
 - (ii) that such expenditures are made or borne by the person liable for taxation upon the mine under this Act, and
 - (iii) that separate accounts of such expenditures are kept and furnished in reasonable detail with the annual statement required under section 7.

(3) Clause *a* of subsection 4 of the said section 4, as re-enacted by section 2 of *The Mining Tax Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 4,
subs. 4
(1952, c. 60
s. 2), cl. *a*,
re-enacted

(*a*) cost of plant, machinery, equipment or buildings except as provided in subsection 3.

(4) Subsection 4 of the said section 4 is amended by adding at the end of clause *d* the word "and" and by adding thereto the following clause:

Rev. Stat.,
c. 237, s. 4,
subs. 4
(1952,
c. 60, s. 2),
amended

(*e*) cost of development of the mine liable for taxation under this Act prior to the commencement of output therefrom.

3. The following sections of *The Mining Tax Act* are repealed:

Rev. Stat.,
c. 237,
ss. 14-24,
repealed

1. Section 14, as amended by section 1 of *The Mining Tax Amendment Act, 1953*.
2. Section 15, as amended by section 4 of *The Mining Tax Amendment Act, 1952*.
3. Sections 16, 17, 18 and 19.
4. Section 20, as amended by section 5 of *The Mining Tax Amendment Act, 1952*.
5. Section 21, as amended by section 6 of *The Mining Tax Amendment Act, 1952*.
6. Section 22.
7. Section 23, as amended by section 7 of *The Mining Tax Amendment Act, 1952*.
8. Section 24.

4. Section 26 of *The Mining Tax Act* is amended by striking out the words "and acreage tax" in the fourth and fifth lines, so that the section shall read as follows:

Rev. Stat.,
c. 237, s. 26,
amended

26. Where by any agreement made before the 20th day of April, 1907, between the owner, holder, lessee, tenant, occupier or operator of a mine and the Crown it is agreed that no tax shall be paid, such mine shall be exempt from the profit tax imposed by this Act.

Mine under
agreement
exempt

5. This Act shall be deemed to have come into force on the 1st day of January, 1955.

Commence-
ment

6. This Act may be cited as *The Mining Tax Amendment Act, 1955*.

Short title



NO: 00

BILL

An Act to amend The Mining Tax Act

1st Reading

March 4th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 30th, 1955

Mr. KELLY

No. 84

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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. The new provision will give the Board's officer the right to seek a court order authorizing him to seize an employer's books and accounts for the purpose of examining them to ensure that the employer's statement as to wages paid is accurate.

SECTION 2. In 1953 the Act was amended to give increased benefits to widows and other dependants of deceased workmen. The increased amounts applied to cases where the accident happened on or after the date the amending legislation came into force, that is, the date of the accident was the determining factor.

Under the new provision the date of death is the determining factor, thus enlarging the group benefited by the 1953 increases.

No. 84

1955

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 92 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

<p>Rev. Stat., c. 430, s. 92, amended</p>

- (1a) The Board may, for the purpose of the examination mentioned in subsection 1, apply *ex parte* to a judge of the county or district court of the county or district in which the books and accounts are located for an order authorizing an officer of the Board, together with such members of the Ontario Provincial Police Force or other police officers as he calls on to assist him, to enter and search, if necessary by force, any building, receptacle or place for books and accounts of the employer and to seize and take away any such books and accounts for the purpose of the examination and retain them in his possession until such examination is completed.

<p>Order to seize books</p>

2. Section 4 of *The Workmen's Compensation Amendment Act, 1953* is repealed and the following substituted therefor:

<p>1953, c. 109, s. 4, re-enacted</p>

4. Section 3 applies only where the death of the workman resulting from an injury occurs on or after the 2nd day of April, 1953, and where the death of the workman occurred before that date the amount of the compensation shall be the same as if section 3 had not been passed.

<p>Application of s. 3</p>

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

<p>Commence- ment</p>

4. This Act may be cited as *The Workmen's Compensation Amendment Act, 1955*.

<p>Short title</p>

BILL

An Act to amend The Workmen's
Compensation Act

1st Reading

March 8th, 1955

2nd Reading

3rd Reading

MR. DALEY

No. 84

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Workmen's Compensation Act

MR. DALEY

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

BILL

An Act to amend The Workmen's Compensation Act

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

1. Section 92 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 430, s. 92,
amended

(1a) The Board may, for the purpose of the examination mentioned in subsection 1, apply *ex parte* to a judge of the county or district court of the county or district in which the books and accounts are located for an order authorizing an officer of the Board, together with such members of the Ontario Provincial Police Force or other police officers as he calls on to assist him, to enter and search, if necessary by force, any building, receptacle or place for books and accounts of the employer and to seize and take away any such books and accounts for the purpose of the examination and retain them in his possession until such examination is completed. Order to
seize books

2. Section 4 of *The Workmen's Compensation Amendment Act, 1953* is repealed and the following substituted therefor: 1953,
c. 109, s. 4,
re-enacted

4. Section 3 applies only where the death of the workman resulting from an injury occurs on or after the 2nd day of April, 1953, and where the death of the workman occurred before that date the amount of the compensation shall be the same as if section 3 had not been passed. Application
of s. 3

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

4. This Act may be cited as *The Workmen's Compensation Amendment Act, 1955*. Short title

BILL

**An Act to amend The Workmen's
Compensation Act**

1st Reading

March 8th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. DALEY

No. 85

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to amend The Ontario-Manitoba
Boundary Line Act, 1953**

MR. MAPLEDORAM

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

EXPLANATORY NOTE

This bill corrects an error. The present reference is to a Geodetic Survey of Canada made in 1929 whereas in fact the relevant survey was made in 1930.

Manitoba proposes to amend its corresponding statute to make the same correction.

No. 85

1955

BILL

An Act to amend The Ontario-Manitoba Boundary Line 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 Schedule to *The Ontario-Manitoba Boundary Line Act, 1953* is amended by striking out the figures "1929" in the thirty-seventh line and inserting in lieu thereof the figures "1930".
1953, c. 76, Sched., 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 Ontario-Manitoba Boundary Line Amendment Act, 1955*.
Short title

BILL

An Act to amend The Ontario-Manitoba
Boundary Line Act, 1953

1st Reading

March 8th, 1955

2nd Reading

3rd Reading

MR. MAPLEDORAM

No. 85

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Ontario-Manitoba
Boundary Line Act, 1953

MR. MAPLEDORAM

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

No. 85

1955

BILL

An Act to amend The Ontario-Manitoba Boundary Line 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 Schedule to *The Ontario-Manitoba Boundary Line Act, 1953* is amended by striking out the figures "1929" in the ^{Sched.} amended thirty-seventh line and inserting in lieu thereof the figures "1930".
2. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant-Governor by his Proclamation-_{ment}.
3. This Act may be cited as *The Ontario-Manitoba Boundary Line Amendment Act, 1955*. ^{Short title}

BILL

An Act to amend The Ontario-Manitoba
Boundary Line Act, 1953

1st Reading

March 8th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. MAPLEDORAM

No. 86

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Industrial Schools Act, 1925

MR. GRIESINGER

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

EXPLANATORY NOTE

This amendment corrects an error made in 1925 in describing a certain parcel of land that forms part of the Mimico Reformatory grounds.

BILL

An Act to amend The Industrial Schools Act, 1925

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 Industrial Schools Act, 1925* is amended ^{1925,} by inserting after the figures "1904" in the twenty-eighth line ^{c. 79, s. 3,} the words "saving and excepting thereout the lands described ^{amended} in a deed from the Crown to the Grand Trunk Railway Company of Canada dated the 30th day of April, 1905, and registered in the Registry Office for the East and West Ridings of the County of York on the 2nd day of May, 1905, as No. 573", so that the section shall read as follows:

3. All and singular certain parcels and tracts of land ^{Certain} situate, lying and being in the Township of Etobicoke, in the County of York, and better known and ^{lands} described as follows, namely,—Parcel No. 1, containing 33 88/100 acres and comprising Lots 21, 22, 23 and 24 and parts of Lots 7, 8, 9, 10, 11 and 25 ^{occupied by} according to a plan filed by the Province of Ontario on the 29th day of September, 1873, as No. 389 ^{Industrial} (sometimes called No. 339), known as "the Government registered plan", and which lands are included ^{School} in a certain lease from Her Majesty Queen Victoria to the Industrial School Association of Toronto, dated the 30th day of June, 1885; Parcel No. 2, containing eight acres and comprising Lots 7, 8 and 9, ^{Association} according to the said Government plan, which lands ^{vested in} were included in a certain grant made by Her Majesty Queen Victoria and dated the 7th day of June, 1892, conveying to the said Industrial School Association of Toronto, said lands being so granted ^{Crown} as a site on which to erect buildings for the purposes of an industrial school; Parcel No. 3, containing 8 22/100 acres and comprising all those parts of Lots 7, 8, 9 and 10 according to the said Government plan, except those parts included in Parcel No. 1 and Parcel No. 2, which lands were conveyed by grant

from the Crown to the Industrial School Association of Toronto by grant dated the 7th day of June, 1892; Parcel No. 4, containing 11 27/100 acres comprising parts of Lots 4 and 5 on said Government plan, which lands are described in a lease from the Crown to the Industrial School Association of Toronto dated the 24th day of June, 1904, saving and excepting thereout the lands described in a deed from the Crown to the Grand Trunk Railway Company of Canada dated the 30th day of April, 1905, and registered in the Registry Office for the East and West Ridings of the County of York on the 2nd day of May, 1905, as No. 573, shall be and are hereby declared to be vested in His Majesty the King in the right of the Province of Ontario absolutely freed and discharged from any right or claim under any mortgage, lease or otherwise, anything in any general or special Act or in any deed, will or other instrument, or any regulation or by-law of any corporation whatsoever to the contrary notwithstanding.

Short title

2. This Act may be cited as *The Industrial Schools Amendment Act, 1955*.





BILL

An Act to amend The Industrial
Schools Act, 1925

1st Reading

March 9th, 1955

2nd Reading

3rd Reading

MR. GRIESINGER

No. 86

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Industrial Schools Act, 1925

MR. GRIESINGER

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

BILL

An Act to amend The Industrial Schools Act, 1925

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 Industrial Schools Act, 1925* is amended ^{1925,} by inserting after the figures "1904" in the twenty-eighth line ^{c. 79, s. 3,} the words "saving and excepting thereout the lands described ^{amended} in a deed from the Crown to the Grand Trunk Railway Company of Canada dated the 30th day of April, 1905, and registered in the Registry Office for the East and West Ridings of the County of York on the 2nd day of May, 1905, as No. 573", so that the section shall read as follows:

3. All and singular certain parcels and tracts of land ^{Certain} situate, lying and being in the Township of Etobi- ^{lands} cokes, in the County of York, and better known and ^{occupied by} described as follows, namely,—Parcel No. 1, con- ^{Industrial} taining 33 88/100 acres and comprising Lots 21, 22, ^{School} 23 and 24 and parts of Lots 7, 8, 9, 10, 11 and 25 ^{Association} according to a plan filed by the Province of Ontario ^{vested in} on the 29th day of September, 1873, as No. 389 ^{Crown} (sometimes called No. 339), known as "the Govern- ment registered plan", and which lands are included in a certain lease from Her Majesty Queen Victoria to the Industrial School Association of Toronto, dated the 30th day of June, 1885; Parcel No. 2, containing eight acres and comprising Lots 7, 8 and 9, according to the said Government plan, which lands were included in a certain grant made by Her Majesty Queen Victoria and dated the 7th day of June, 1892, conveying to the said Industrial School Association of Toronto, said lands being so granted as a site on which to erect buildings for the purposes of an industrial school; Parcel No. 3, containing 8 22/100 acres and comprising all those parts of Lots 7, 8, 9 and 10 according to the said Government plan, except those parts included in Parcel No. 1 and Parcel No. 2, which lands were conveyed by grant

from the Crown to the Industrial School Association of Toronto by grant dated the 7th day of June, 1892; Parcel No. 4, containing 11 27/100 acres comprising parts of Lots 4 and 5 on said Government plan, which lands are described in a lease from the Crown to the Industrial School Association of Toronto dated the 24th day of June, 1904, saving and excepting thereout the lands described in a deed from the Crown to the Grand Trunk Railway Company of Canada dated the 30th day of April, 1905, and registered in the Registry Office for the East and West Ridings of the County of York on the 2nd day of May, 1905, as No. 573, shall be and are hereby declared to be vested in His Majesty the King in the right of the Province of Ontario absolutely freed and discharged from any right or claim under any mortgage, lease or otherwise, anything in any general or special Act or in any deed, will or other instrument, or any regulation or by-law of any corporation whatsoever to the contrary notwithstanding.

Short title

2. This Act may be cited as *The Industrial Schools Amendment Act, 1955*.





BILL

An Act to amend The Industrial
Schools Act, 1925

1st Reading

March 9th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. GRIESINGER

No. 87

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Highway Improvement Act

MR. ALLAN (Haldimand-Norfolk)

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

EXPLANATORY NOTES

SECTION 1. This amendment increases the rate of provincial subsidy from 50 per cent to 80 per cent that will be paid to a county on its share of the cost of a culvert or bridge on a county road connecting link.

SECTION 2. This new subsection increases the rate of provincial subsidy from 50 per cent to 80 per cent that will be paid to a non-separated town or village on culvert and bridge expenditures.

SECTION 3. This new section is designed to afford further relief to non-separated urban municipalities in respect of their share of county road costs. At present the percentage of the county road levy on the urban municipalities which is rebated by the county for expenditures on urban streets is deducted from the total expenditure on such streets for the purpose of determining the amount of the provincial subsidy payable to the urban municipalities. Hereafter this deduction will not be made and the urban municipalities will gain accordingly.

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. Subsection 17 of section 28 of *The Highway Improvement Act*, as re-enacted by section 2 of *The Highway Improvement Amendment Act, 1951* and amended by subsection 3 of section 6 of *The Highway Improvement Amendment Act, 1952*, is further amended by striking out the words "equal to 50 per cent" in the ninth line and inserting in lieu thereof the words "not exceeding 80 per cent", so that the subsection shall read as follows:

Rev. Stat.,
c. 166, s. 28
(1951,
c. 33, s. 2),
subs. 17,
amended

(17) The part of the cost of the construction or maintenance and repair of such culvert or bridge which is borne and paid by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Act, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent thereof.

Subsidy to
county

2. Section 58 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 166, s. 58,
amended

(2a) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister may direct payment to the treasurer of the town or village out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent of the expenditure on a bridge or culvert which is properly chargeable to road improvement.

Subsidy to
town or
village on
bridge or
culvert

3. *The Highway Improvement Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 166,
amended

Contribution of county under s. 28a may be included in statement for subsidy

61a. Notwithstanding section 61, any contribution made by a county under section 28a towards the construction, improvement, maintenance and repair of roads or streets, other than county roads or county road extensions or connecting links, in an urban municipality not separated from the county may be included in the statement submitted to the Minister under section 58 for the purpose of determining the grant payable to the urban municipality under this Part, and where such contribution is in the form of work carried out by the county the value of such work as certificated by the county road superintendent may be so included.

Rev. Stat., c. 166, s. 78, amended

4.—(1) Section 78 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Idem, cities and separated towns

(5a) Where it is deemed by the Minister desirable and expedient, an agreement may be entered into with the corporation of a city or of a separated town for the construction by the municipality or by the Department of any highway therein which is a connecting link or extension of the King's Highway.

Rev. Stat., c. 166, s. 78, subs. 6, re-enacted

(2) Subsection 6 of the said section 78, as amended by section 18 of *The Highway Improvement Amendment Act, 1952*, is repealed and the following substituted therefor:

Cost of work

(6) The agreement may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and the remainder shall be borne and paid by the city, town or village, but the proportion which shall be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a) in the case of a town or village having a population of not more than 2,500, a sum equal to the cost of a width of roadway not less than 22 feet nor more than the width of the roadway on the King's Highway approaching the town or village where such width exceeds 22 feet;

(b) in the case of a town or village having a population of more than 2,500, a sum equal to 50 per cent of the cost of a width of roadway not less than 22 feet nor more than 33 feet; and

SECTION 4. These provisions authorize the Minister and a city or separated town to enter into an agreement for the construction of a King's Highway connecting link or extension in the city or separated town and for the granting of the same amount of provincial aid as may now be granted in similar cases to non-separated towns and villages having a population of more than 2,500.

SECTION 5. Section 83 (2) of the Act prohibits persons from injuring, destroying, cutting or pruning trees within the limits of the King's Highway without first obtaining the consent of the Department, but heretofore contravention of this prohibition did not constitute an offence. A suitable penalty is now provided.

SECTION 6. The purpose of this new section is to remove all doubts as to the power of the Minister and a municipality to enter into the agreements mentioned.

(c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of a width of roadway not less than 22 feet nor more than 33 feet.

5. Section 83 of *The Highway Improvement Act* is amended by adding thereto the following subsection: Rev. Stat., c. 166, s. 83, amended

(2a) Any person who violates any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 per tree and not more than \$100 per tree, payable to the Department. Penalty

6. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat., c. 166, amended

94a. The Minister and any municipality may enter into agreements for the establishment, construction and apportionment of the cost of roads within the municipality for the purpose of providing means of access to a controlled-access highway at a point where access is permitted. Service roads

7.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1, 2 and 3 shall be deemed to have come into force on the 1st day of January, 1955. Idem

8. This Act may be cited as *The Highway Improvement Amendment Act, 1955*. Short title

BILL

An Act to amend The Highway
Improvement Act

1st Reading

March 9th, 1955

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

No. 87

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Highway Improvement Act

MR. ALLAN (Haldimand-Norfolk)

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. Subsection 17 of section 28 of *The Highway Improvement Act*, as re-enacted by section 2 of *The Highway Improvement Amendment Act, 1951* and amended by subsection 3 of section 6 of *The Highway Improvement Amendment Act, 1952*, is further amended by striking out the words "equal to 50 per cent" in the ninth line and inserting in lieu thereof the words "not exceeding 80 per cent", so that the subsection shall read as follows:

- (17) The part of the cost of the construction or maintenance and repair of such culvert or bridge which is borne and paid by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Act, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent thereof.

2. Section 58 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

- (2a) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister may direct payment to the treasurer of the town or village out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent of the expenditure on a bridge or culvert which is properly chargeable to road improvement.

3. *The Highway Improvement Act* is amended by adding thereto the following section:

Contribution of county under s. 28a may be included in statement for subsidy

61a. Notwithstanding section 61, any contribution made by a county under section 28a towards the construction, improvement, maintenance and repair of roads or streets, other than county roads or county road extensions or connecting links, in an urban municipality not separated from the county may be included in the statement submitted to the Minister under section 58 for the purpose of determining the grant payable to the urban municipality under this Part, and where such contribution is in the form of work carried out by the county the value of such work as certificated by the county road superintendent may be so included.

Rev. Stat., c. 166, s. 78, amended

4.—(1) Section 78 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Idem, cities and separated towns

(5a) Where it is deemed by the Minister desirable and expedient, an agreement may be entered into with the corporation of a city or of a separated town for the construction by the municipality or by the Department of any highway therein which is a connecting link or extension of the King's Highway.

Rev. Stat., c. 166, s. 78, subs. 6, re-enacted

(2) Subsection 6 of the said section 78, as amended by section 18 of *The Highway Improvement Amendment Act, 1952*, is repealed and the following substituted therefor:

Cost of work

(6) The agreement may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and the remainder shall be borne and paid by the city, town or village, but the proportion which shall be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a) in the case of a town or village having a population of not more than 2,500, a sum equal to the cost of a width of roadway not less than 22 feet nor more than the width of the roadway on the King's Highway approaching the town or village where such width exceeds 22 feet;

(b) in the case of a town or village having a population of more than 2,500, a sum equal to 50 per cent of the cost of a width of roadway not less than 22 feet nor more than 33 feet; and

(c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of a width of roadway not less than 22 feet nor more than 33 feet.

5. Section 83 of *The Highway Improvement Act* is amended by adding thereto the following subsection: Rev. Stat., c. 166, s. 83, amended

(2a) Any person who violates any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 per tree and not more than \$100 per tree, payable to the Department. Penalty

6. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat., c. 166, amended

94a. The Minister and any municipality may enter into agreements for the establishment, construction and apportionment of the cost of roads within the municipality for the purpose of providing means of access to a controlled-access highway at a point where access is permitted. Service roads

7.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1, 2 and 3 shall be deemed to have come into force on the 1st day of January, 1955. Idem

8. This Act may be cited as *The Highway Improvement Amendment Act, 1955*. Short title

BILL

An Act to amend The Highway
Improvement Act

1st Reading

March 9th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 30th, 1955

Mr. ALLAN (Haldimand-Norfolk)

No. 88

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to amend The Secondary Schools and
Boards of Education Act, 1954**

MR. DUNLOP

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

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to amendments to be made to *The Assessment Act* providing that business assessment shall be equalized in the same manner as assessment of real property.

SECTION 2. The amendment provides that where a municipality of 2,000 or more in a territorial district has not been established as a high school district and a high school district has been established in an adjoining town, such municipality shall be added to the existing high school district in the town at the request of either municipality.

SECTION 3. Subsection 5 at present provides that any municipality within a high school district may assume a greater proportion of the debenture debt than that specifically assigned to it under subsection 1, 2 or 3, and that the balance of the debt shall be borne by the other municipalities as may be agreed upon and in default on the basis of assessment. The amendment provides that a municipality which assumes a greater proportion of the debt may issue its own debentures.

No. 88

1955

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

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 subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 1, subs. 1, cl. e, re-enacted

(e) "equalized assessment" means the total assessment of real property and business assessment of a municipality as equalized by the county council under *The Assessment Act*. Rev. Stat., c. 24

2. Section 13 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection: 1954, c. 87, s. 13, amended

(2a) Notwithstanding subsection 2, the council of a town in a territorial district in which town a high school district has been established, and the council of an adjoining municipality which has a population of 2,000 or more in which a high school district has not been established, shall, upon the request of the council of either the town or the municipality, pass by-laws providing that the adjoining municipality shall be added to the high school district of the town which it adjoins. High school district of town and adjoining municipality

3. Subsection 5 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* is amended by inserting after the figure "3" in the third line the words "and may issue its own debentures therefor", so that the subsection shall read as follows: 1954, c. 87, s. 33, subs. 5, amended

(5) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3 and may issue its own debentures therefor, and in that case the proportion Assumption of larger proportion

of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be.

Commence-
ment

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

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

5. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1955*.





BILL

An Act to amend The Secondary Schools
and Boards of Education Act, 1954

1st Reading

March 10th, 1955

2nd Reading

3rd Reading

MR. DUNLOP

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Secondary Schools and
Boards of Education Act, 1954

MR. DUNLOP

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

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 subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 1, subs. 1, cl. *e*, re-enacted

(*e*) "equalized assessment" means the total assessment of real property and business assessment of a municipality as equalized by the county council under *The Assessment Act*. Rev. Stat., c. 24

2. Section 13 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection: 1954, c. 87, s. 13, amended

(2*a*) Notwithstanding subsection 2, the council of a town in a territorial district in which a high school district has been established, and the council of an adjoining municipality which has a population of 2,000 or more in which a high school district has not been established, shall, upon the request of the council of either the town or the municipality, pass by-laws providing that the adjoining municipality shall be added to the high school district of the town which it adjoins. High school district of town and adjoining municipality

3. Subsection 5 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* is amended by inserting after the figure "3" in the third line the words "and may issue its own debentures therefor", so that the subsection shall read as follows: 1954, c. 87, s. 33, subs. 5, amended

(5) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3 and may issue its own debentures therefor, and in that case the proportion Assumption of larger proportion

of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be.

Commence-
ment

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

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

5. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1955*.





BILL

An Act to amend The Secondary Schools
and Boards of Education Act, 1954

1st Reading

March 10th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 23rd, 1955

MR. DUNLOP

No. 89

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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. The Act at present provides that a board of trustees shall have all the powers of a public school board in unorganized townships but does not provide that the board is a corporate body with a designated statutory name. The amendment so provides.

SECTION 2. At present it is necessary to publish the entire by-law for borrowing money for separate school purposes. The amendment will require publication of a notice of the passing of the by-law containing the particulars set out in clauses *a*, *b* and *c* of subsection 6.

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. Section 21 of *The Separate Schools Act* is amended by adding thereto the following subsection: Rev. Stat., c. 356, s. 21, amended

(1a) The board shall be a corporation and, where it has jurisdiction in only one unorganized township, shall be known as "The Board of Trustees of the Roman Catholic Separate School of the Township of in the territorial district of (*inserting the name of the township and the district*)", where it has jurisdiction in more than one unorganized township, as "The Board of Trustees of the Roman Catholic Separate School of the Townships of in the territorial district of (*inserting the names of the townships and the name of the district*)" and, where it has jurisdiction in unsurveyed territory, as "The Board of Trustees of the Roman Catholic Separate School of (*inserting a name selected by the inspector*)". Corporate name of board

2. Subsection 6 of section 75 of *The Separate Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 356, s. 75, subs. 6, re-enacted

(6) Before any such by-law is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper published weekly or oftener in the municipality or county in which the separate school is situate stating, Publication of notice of by-law

- (a) the purpose for which the money is to be borrowed;
- (b) the amount to be borrowed and the security therefor;
- (c) the terms of repayment including the rate of interest,

and if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law shall be valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

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 Separate Schools Amendment Act, 1955*.





BILL

An Act to amend The Separate Schools Act

1st Reading

March 10th, 1955

2nd Reading

3rd Reading

MR. DUNLOP

No. 89

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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. The Act at present provides that a board of trustees shall have all the powers of a public school board in unorganized townships but does not provide that the board is a corporate body with a designated statutory name. The amendment so provides.

SECTION 2. At present it is necessary to publish the entire by-law for borrowing money for separate school purposes. The amendment will require publication of a notice of the passing of the by-law containing the particulars set out in clauses *a*, *b* and *c* of subsection 6.

BILL

An Act to amend The Separate Schools Act

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1. Section 21 of *The Separate Schools Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 356, s. 21,
amended

(1a) The board shall be a corporation and, where it has jurisdiction in only one unorganized township, shall be known as "The Board of Trustees of the Roman Catholic Separate School of the Township of in the territorial district of (inserting the name of the township, the number of the separate school and the district)", where it has jurisdiction in more than one unorganized township, as "The Board of Trustees of the Roman Catholic Separate School of the Townships of in the territorial district of (inserting the names of the townships, the number of the separate school and the name of the district)" and, where it has jurisdiction in unsurveyed territory, as "The Board of Trustees of the Roman Catholic Separate School of (inserting a name selected by the inspector)". Corporate
name of
board

2. Subsection 6 of section 75 of *The Separate Schools Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 356, s. 75,
subs. 6,
re-enacted

(6) Before any such by-law is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper published weekly or oftener in the municipality or county in which the separate school is situate stating, Publication
of notice
of by-law

- (a) the purpose for which the money is to be borrowed;
- (b) the amount to be borrowed and the security therefor;

(c) the terms of repayment including the rate of interest,

and if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law shall be valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

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 Separate Schools Amendment Act, 1955*.



BILL

An Act to amend The Separate Schools Act

1st Reading

March 10th, 1955

2nd Reading

March 14th, 1955

3rd Reading

MR. DUNLOP

*(Reprinted as amended by the Committee
on Education)*

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Separate Schools Act

MR. DUNLOP

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. Section 21 of *The Separate Schools Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 356, s. 21,
amended

(1a) The board shall be a corporation and, where it has jurisdiction in only one unorganized township, shall be known as "The Board of Trustees of the Roman Catholic Separate School of the Township of
. in the territorial district of
(inserting the name of the township, the number of the separate school and the district)", where it has jurisdiction in more than one unorganized township, as "The Board of Trustees of the Roman Catholic Separate School of the Townships of
in the territorial district of (inserting the names of the townships, the number of the separate school and the name of the district)" and, where it has jurisdiction in unsurveyed territory, as "The Board of Trustees of the Roman Catholic Separate School of (inserting a name selected by the inspector)". Corporate
name of
board

2. Subsection 6 of section 75 of *The Separate Schools Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 356, s. 75,
subs. 6,
re-enacted

(6) Before any such by-law is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper published weekly or oftener in the municipality or county in which the separate school is situate stating, Publication
of notice
of by-law

(a) the purpose for which the money is to be borrowed;

(b) the amount to be borrowed and the security therefor;

(c) the terms of repayment including the rate of interest,

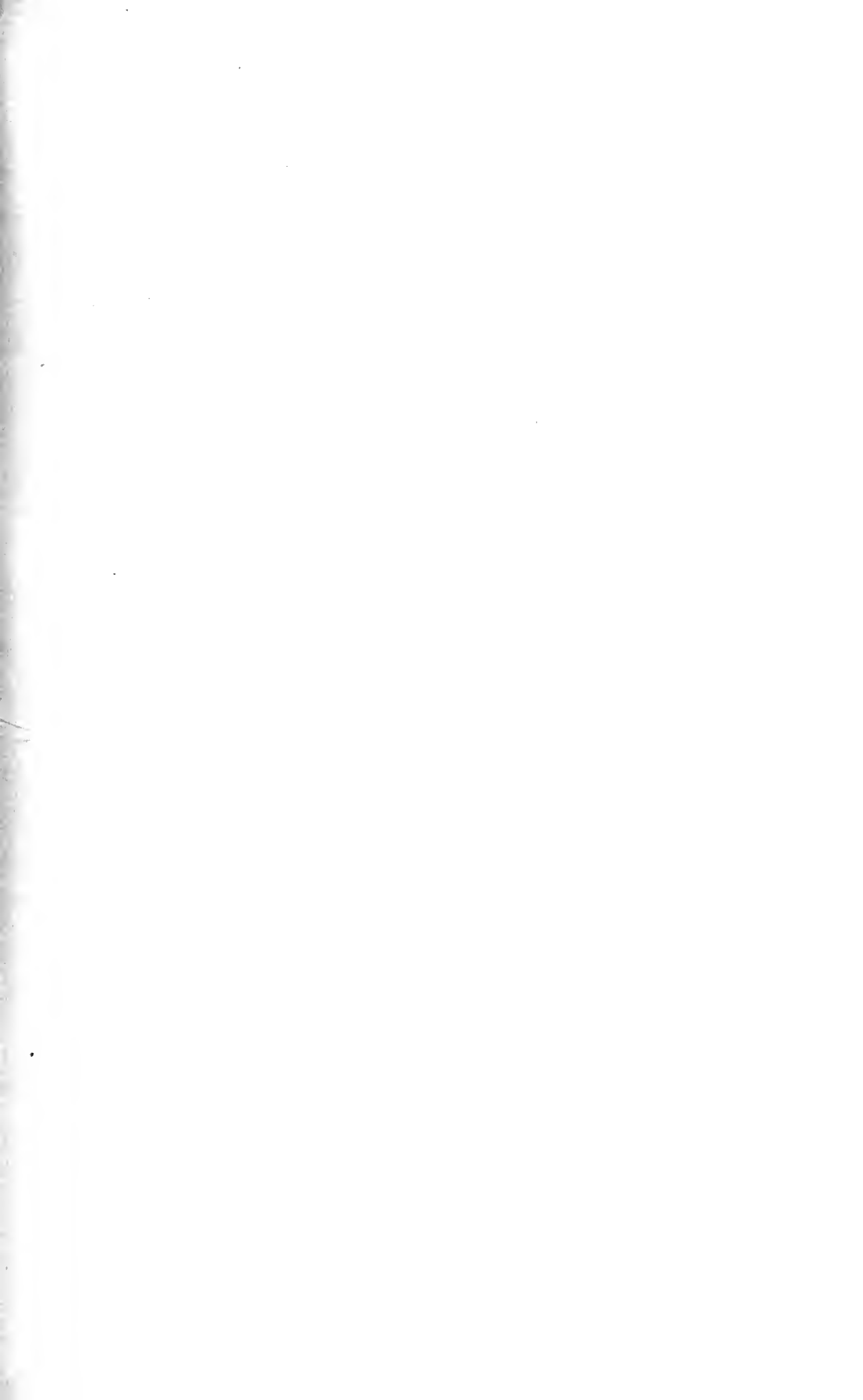
and if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law shall be valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

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 Separate Schools Amendment Act, 1955*.





BILL

An Act to amend The Separate Schools Act

1st Reading

March 10th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 23rd, 1955

MR. DUNLOP

No. 90

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Schools Administration Act, 1954

MR. DUNLOP

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

EXPLANATORY NOTES

SECTION 1. This amendment extends the authority and jurisdiction of school boards over school activities generally.

SECTION 2. The amendment is to exclude an administrative officer from the provisions of the section giving authority to a board to provide pensions for employees if he is eligible to contribute to the Teachers' Superannuation Fund.

SECTION 3. The amendment excludes the requirement that the recommendations of the board of admission to auxiliary classes be approved by the Inspector of Auxiliary Classes.

BILL

An Act to amend 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:

1. Section 33 of *The Schools Administration Act, 1954* is amended by adding thereto the following clause: 1954, c. 86, s. 33, amended

(x) authorize and exercise jurisdiction over such other school activities as pertain to the welfare of the pupils.

2. Subsection 2 of section 34 of *The Schools Administration Act, 1954* is amended by adding at the end thereof the words 1954, c. 86, s. 34, subs. 2, amended "or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund", so that the subsection shall read as follows:

(2) In this section, "employee" does not include a teacher or inspector or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund. Interpretation

3. Subsection 1 of section 49 of *The Schools Administration Act, 1954* is amended by striking out the words "approved by the Inspector of Auxiliary Classes" in the third line, so that the subsection shall read as follows: 1954, c. 86, s. 49, subs. 1, amended

(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation of a board consisting of, Admission only on recommendation

(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.

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 Schools Administration Amendment Act, 1955*.

BILL

An Act to amend The Schools
Administration Act, 1954

1st Reading

March 10th, 1955

2nd Reading

3rd Reading

MR. DUNLOP

No. 90

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Schools Administration Act, 1954

MR. DUNLOP

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

BILL

An Act to amend 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:

1. Section 33 of *The Schools Administration Act, 1954* is amended by adding thereto the following clause: 1954, c. 86, s. 33, amended

(x) authorize and exercise jurisdiction over such other school activities as pertain to the welfare of the pupils.

2. Subsection 2 of section 34 of *The Schools Administration Act, 1954* is amended by adding at the end thereof the words "or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund", so that the subsection shall read as follows: 1954, c. 86, s. 34, subs. 2, amended

(2) In this section, "employee" does not include a teacher or inspector or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund. Interpretation

3. Subsection 1 of section 49 of *The Schools Administration Act, 1954* is amended by striking out the words "approved by the Inspector of Auxiliary Classes" in the third line, so that the subsection shall read as follows: 1954, c. 86, s. 49, subs. 1, amended

(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation of a board consisting of, Admission only on recommendation

- (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.

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 Schools Administration Amendment Act, 1955*.

BILL

An Act to amend The Schools
Administration Act, 1954

1st Reading

March 10th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 23rd, 1955

MR. DUNLOP

No. 91

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Public Libraries Act

MR. DUNLOP

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

EXPLANATORY NOTES

SECTION 1. The object of the re-enactment is to bring pension and sick leave credit plans established by public library boards into conformity with such plans established by school boards. These plans are now subject to the provisions of *The Municipal Act*.

SECTION 2. Section 42 is re-enacted to clarify the powers of a municipal council, or of a school board in territory without municipal organization, to issue debentures for public library purposes.

No. 91

1955

BILL

An Act to amend The Public Libraries Act

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

1. Sections 35a and 35b of *The Public Libraries Act*, as enacted by subsection 1 of section 3 of *The Public Libraries Amendment Act, 1952*, are repealed and the following substituted therefor: Rev. Stat., c. 310, ss. 35a, 35b (1952, c. 87, s. 3, subs. 1), re-enacted

35a. A public library board, by resolution, may provide pensions for employees or any class thereof in accordance with section 34 of *The Schools Administration Act, 1954*, and the provisions thereof shall apply *mutatis mutandis*. Pensions 1954, c. 86

35b. A public library board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in accordance with section 35 of *The Schools Administration Act, 1954*, and the provisions thereof shall apply *mutatis mutandis*. Sick leave credits

2. Section 42 of *The Public Libraries Act* is repealed and the following substituted therefor: Rev. Stat., c. 310, s. 42, re-enacted

42.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for the purpose of acquiring a site, purchasing, erecting, or remodeling a building or buildings and, in the first instance, for obtaining books and other things required for the library, on the application of the board may be raised, Issue of debentures for public library purposes

(a) where the board is established in a municipality, by the issue of municipal debentures; and

(b) where the board is established in a school section or union school section in territory without municipal organization, by the issue of debentures by the board of the section or union section,

and all sums required to pay off the debentures issued under clause *a* and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality, and all sums required to pay off the debentures issued under clause *b* and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the public and separate school supporters in the section or union school section.

Refusal of council or board to issue debentures

- (2) If the council, or the board of the section or union school section, refuses to issue the debentures, at the request of the public library board, the question shall be submitted to a vote of the electors of the municipality or school section, as the case may be, in the manner provided by *The Municipal Act* in the case of a money by-law, and, if the assent of the electors is obtained, the council or the board of school trustees, as the case may be, shall raise the required sums by the issue of debentures as aforesaid but without submitting the by-law to the electors.

Rev. Stat., c. 243

Commencement

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

Short title

4. This Act may be cited as *The Public Libraries Amendment Act, 1955*.



BILL

An Act to amend The Public Libraries Act

1st Reading

March 10th, 1955

2nd Reading

3rd Reading

MR. DUNLOP

No. 91

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Public Libraries Act

MR. DUNLOP

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



No. 91

1955

BILL

An Act to amend The Public Libraries Act

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

1. Sections 35a and 35b of *The Public Libraries Act*, as enacted by subsection 1 of section 3 of *The Public Libraries Amendment Act, 1952*, are repealed and the following substituted therefor: Rev. Stat., c. 310, ss. 35a, 35b (1952, c. 37, s. 3, subs. 1), re-enacted

35a. A public library board, by resolution, may provide pensions for employees or any class thereof in accordance with section 34 of *The Schools Administration Act, 1954*, and the provisions thereof shall apply *mutatis mutandis*. Pensions 1954, c. 86

35b. A public library board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in accordance with section 35 of *The Schools Administration Act, 1954*, and the provisions thereof shall apply *mutatis mutandis*. Sick leave credits

2. Section 42 of *The Public Libraries Act* is repealed and the following substituted therefor: Rev. Stat., c. 310, s. 42, re-enacted

42.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for the purpose of acquiring a site, purchasing, erecting, or remodeling a building or buildings and, in the first instance, for obtaining books and other things required for the library, on the application of the board may be raised, Issue of debentures for public library purposes

(a) where the board is established in a municipality, by the issue of municipal debentures; and

(b) where the board is established in a school section or union school section in territory without municipal organization, by the issue of debentures by the board of the section or union section,

and all sums required to pay off the debentures issued under clause *a* and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality, and all sums required to pay off the debentures issued under clause *b* and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the public and separate school supporters in the section or union school section.

Refusal of council or board to issue debentures

- (2) If the council, or the board of the section or union school section, refuses to issue the debentures, at the request of the public library board, the question shall be submitted to a vote of the electors of the municipality or school section, as the case may be, in the manner provided by *The Municipal Act* in the case of a money by-law, and, if the assent of the electors is obtained, the council or the board of school trustees, as the case may be, shall raise the required sums by the issue of debentures as aforesaid but without submitting the by-law to the electors.

Rev. Stat., c. 243

Commencement

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

Short title

- 4.** This Act may be cited as *The Public Libraries Amendment Act, 1955*.





BILL

An Act to amend The Public Libraries Act

1st Reading

March 10th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 23rd, 1955

MR. DUNLOP

No. 92

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Assessment Act

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides that highways, etc., shall not be exempt from taxation when such highways, etc., are occupied by a tenant or lessee other than a public commission.

Subsection 2. The amendment is to make it clear that the exemption in paragraph 9 is subject to section 39 which permits assessment of certain lands and buildings owned by municipal utilities commissions.

Subsection 3. Agricultural societies are exempt from taxation even when rented if the rent is applied solely for the purposes of the society under *The Agricultural Societies Act*. For clarification the same provision is included in this Act.

No. 92

1955

BILL

An Act to amend The Assessment Act

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

1.—(1) Paragraph 8 of section 4 of *The Assessment Act* Rev. Stat., c. 24, s. 4, par. 8, amended is amended by adding at the end thereof the words “but not when occupied by a tenant or lessee other than a public commission”, so that the paragraph shall read as follows:

8. Every highway, lane or other public communication Highways, etc. and every public square; but not when occupied by a tenant or lessee other than a public commission.

(2) Paragraph 9 of the said section 4, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952* Rev. Stat., c. 24, s. 4, par. 9, amended and subsection 1 of section 2 of *The Assessment Amendment Act, 1954*, is further amended by adding at the commencement thereof the words “Subject to section 39”, so that the paragraph shall read as follows:

9. Subject to section 39, the property belonging to any county or municipality or vested in or controlled by Municipal property 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.

(3) Paragraph 14 of the said section 4 is amended by adding thereto the following clause: Rev. Stat., c. 24, s. 4, par. 14, amended

(a) For the purposes of this paragraph, an agricultural society under *The Agricultural Societies Act* shall be Rev. Stat., c. 13 deemed to be in actual occupation where the property of the society is rented and the rent is applied solely for the purposes of the society.

Rev. Stat.,
c. 24, s. 4,
par. 17,
re-enacted

(4) Paragraph 17 of the said section 4 is repealed and the following substituted therefor:

Machinery

17. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which the same rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes or for producing power for sale, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Rev. Stat.,
c. 24,
amended

2. *The Assessment Act* is amended by adding thereto the following section:

Exemption
of Navy
League

4c. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land belonging to and vested in the Navy League of Canada under such conditions as may be set out in the by-law, so long as the land is occupied and used solely for the purposes of carrying out the activities of the Ontario division of the Navy League.

Rev. Stat.,
c. 24, s. 6,
amended

3. Section 6 of *The Assessment Act* is amended by adding thereto the following subsection:

Exception

(1a) Where any person who is the owner or tenant of land sets aside an area of land for the exclusive use of his employees for parking their motor vehicles while at work and no charge is made for such parking privileges, such person shall not be liable for business assessment on land actually used for such purpose.

Rev. Stat.,
c. 24, s. 7,
subss. 3-5,
re-enacted

4.—(1) Subsections 3, 4 and 5 of section 7 of *The Assessment Act* are repealed and the following substituted therefor:

Assessment
of telephone
companies
on mileage in
townships

(3) Subject to subsection 4, every telephone company shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including

Subsection 4. The amendment provides that motors attached to machinery shall not be assessable but all power house machinery and equipment which provides power for building operations, etc., or for sale is assessable.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.

SECTION 4. The amendments are for clarification purposes only.

SECTION 5. The amendment provides that the returns required from telegraph and telephone companies will be made direct to the municipalities instead of the Department and clarifies what is required in the returns.

such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$135 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile.

- (4) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, it shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$50 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile.

Assessment
of local
telephone
companies

- (5) In computing the length of telephone circuits placed or strung on poles or other structures or in conduits in townships,
- (a) the portion of a circuit within a police village shall not be included;
 - (b) a circuit that does not exceed twenty-five miles in length which is not used as a connecting circuit between two or more central exchange switchboards shall not be included;
 - (c) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

Computation
of length
of circuits

- (2) Subsection 12 of the said section 7 is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 7,
subs. 12,
re-enacted

- (12) In the measurement of such additional wires or circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed.

Measure-
ment of
additional
wires

5. Subsection 1 of section 8 of *The Assessment Act*, as amended by section 4 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 8,
subs. 1,
re-enacted

Returns by
telegraph
and
telephone
companies

- (1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every city, town and village and to the clerk of the township in the case of a police village in which the company does business, a statement in writing of the amount of the gross receipts of the company in such city, town, village or police village for the year ending on the 31st day of December next preceding the assessment.

Idem

- (1a) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every township in which the company does business, a statement in writing (Form 9) showing,

(a) the length in miles of one wire or of one circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment; and

(b) the length in miles of one exempt wire or of one exempt circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional exempt wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment.



SECTION 6—Subsection 1. The amendment is to make it clear that the first statement from a telephone or telegraph company on a gross receipt basis shall be based on the gross receipts earned in the year following that in which the by-law was approved.

Subsection 2. Complementary to section 5 of this bill.

SECTION 7. At present the assessor in cities and towns may enter the names of tenants who are lessees holding under a lease extending over twenty-one years. This provision is now made applicable to all municipalities.

SECTION 8—Subsections 1 and 3. The amendments delete the word “normal” in relation to rental value and sales value for the valuation of land.

Subsection 2. Self-explanatory.

6.—(1) Subsection 3 of section 9 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 9, subs. 3, re-enacted

- (3) Where a by-law is passed under subsection 1, every telephone and telegraph company required under section 8 to transmit a statement to the municipality shall keep records of the gross receipts earned by the company on and after the 1st day of January in the year following that in which the by-law was approved by the Department, and the statement required to be transmitted to the municipality by the 1st day of March in the second year following that in which the by-law was approved shall be based on the gross receipts earned by the company in the year following that in which the by-law was approved. First statement of company based on gross receipts

(2) Subsection 5 of the said section 9, as amended by subsection 2 of section 5 of *The Assessment Amendment Act, 1952*, is repealed. Rev. Stat., c. 24, s. 9, subs. 5, repealed

7. Subsection 4 of section 16 of *The Assessment Act* is amended by striking out the words "In cities and towns" at the commencement thereof, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 16, subs. 4, amended

- (4) The assessor may vary the form of the assessment roll so as to show in columns 1, 2, 3, 5 and 6 the name and other particulars relating to tenants (or if there is no tenant by entering in column 2 the words "vacant lot") and in an additional set of columns numbered 1a, 2a, 3a, 4a and 5a similar particulars relating to the owner or tenant if the tenant is a lessee holding under a lease extending over twenty-one or more years, and by inserting in column 4a the letter "O" or "L", as the case may require, opposite the name of the owner or lessee. Special columns

8.—(1) Subsection 2 of section 33 of *The Assessment Act* is amended by adding at the commencement thereof the words "Subject to subsection 2a" and by striking out the word "normal" where it occurs the first and second times in the third line, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 33, subs. 2, amended

- (2) Subject to subsection 2a, in ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, rental value, sale value and any other circumstance affecting the value. Land without buildings

(2) The said section 33 is amended by adding thereto the following subsection: Rev. Stat., c. 24, s. 33, amended

Farm
lands

- (2a) For the purposes of subsection 2, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming, consideration shall be given to the sale value of such lands for farming purposes only and no consideration shall be given to the sale value of lands in the vicinity to which this subsection does not apply.

Rev. Stat.,
c. 24, s. 33,
subs. 3,
amended

- (3) Subsection 3 of the said section 33 is amended by striking out the word "normal" where it occurs in the third and fourth lines respectively, so that the subsection shall read as follows:

Land with
buildings

- (3) In assessing land having buildings thereon the value of the land and buildings shall be ascertained by giving consideration to present use, location, cost of replacement, rental value, sale value, and any other circumstance affecting the value, and the value of the buildings shall be the amount by which the value of the land is thereby increased, and the actual value of the land and the buildings so ascertained shall be set down separately in the columns of the assessment roll, and the assessment shall be the sum of such values.

Rev. Stat.,
c. 24, s. 34,
repealed

- 9.—(1) Section 34 of *The Assessment Act* is repealed.

By-laws
passed under
section 34,
continued

- (2) Notwithstanding subsection 1, any by-law passed under section 34 of *The Assessment Act* that is in force on the day this section comes into force shall remain in force until repealed.

Rev. Stat.,
c. 24,
amended

10. *The Assessment Act* is amended by adding thereto the following section:

Agreement
for fixed
assessment
for golf
course

- 36a.—(1) Any local municipality may enter into an agreement with the owner of a golf course for providing a fixed assessment for the land occupied as a golf course to apply to taxation for general, school and special purposes but not to apply to taxation for local improvements.

Duties of
municipal
officials :

- (2) Where a golf course has a fixed assessment under an agreement under subsection 1,

assessment

- (a) the golf course shall be assessed each year as if it did not have a fixed assessment;

taxes

- (b) the treasurer shall calculate each year what the taxes would have been on the golf course if it did not have a fixed assessment;

SECTION 9—Subsection 1. The section repealed authorizes the council of a city, town or village to grant partial exemption from taxation of dwelling houses and authorizes the council of any local municipality to exempt certain persons from any poll tax imposed under *The Statute Labour Act*.

Subsection 2. Subsection 2 continues any by-law passed under the repealed section, that is in force on the day this section comes into force, until the by-law is repealed.

SECTION 10. Self-explanatory.

SECTION 11—Subsection 1. At present land owned by a commission but not used for the purposes of the commission are exempt from taxation. The amendment repeals this exemption.

- (c) the treasurer shall keep a record of the dif-^{record}ference between the taxes paid each year and the taxes that would have been paid if the golf course did not have a fixed assessment and shall debit the golf course with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year 4 per cent interest on the aggregate amount of the debit on such date; and
- (d) the taxes paid on the fixed assessment shall ^{distribution}be distributed among the bodies for which ^{of taxes}the municipality is required to levy in the proportion that the levy for each body bears to the total levy.
- (3) Every agreement shall be registered in the registry ^{Agreement}office or land titles office, as the case may be, in the ^{to be}county in which the golf course or any part thereof ^{registered}is located.
- (4) Any agreement may be terminated on the 31st day ^{Termination}of December in any year upon the owner of the golf ^{of agreement}course giving six months notice of such termination in writing to the municipality and the owner shall,
- (a) pay to the municipality the amount debited against the golf course including the amounts of interest debited in accordance with clause *c* of subsection 2; or
- (b) require the municipality to purchase the golf course for an amount equal to the fixed assessment.
- (5) Where a golf course has a fixed assessment under an agreement under subsection 1, the agreement shall ^{Agreement}terminate when the land in respect of which the fixed ^{terminated}assessment is given or any portion thereof ceases to ^{when land}be occupied for the purposes of a golf course and ^{ceases to be}the owner shall comply with clause *a* or *b* of subsection 4. ^{used as golf}^{course}
- (6) Any dispute between the municipality and the ^{Dispute}owner of the golf course in relation to an agreement or this section shall be settled by the Ontario Municipal Board and the decision of the Board shall be final.
- 11.**—(1) Subsection 3 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amend-* ^{Rev. Stat.,}^{c. 24, s. 39}^{(1952, c. 3,}^{s. 10),}^{subs. 3,}^{amended}

ment Act, 1952, is amended by striking out the words “and used for the purposes of the public utility it operates” in the third and fourth lines, so that the subsection shall read as follows:

Annual
payments to
municipal-
ities

- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 7,
amended

- (2) Subsection 7 of the said section 39 is amended by adding at the end thereof the words “and for accounting purposes shall be deemed to be taxes”, so that the subsection shall read as follows:

Credit to
municipal
general
fund

- (7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality and for accounting purposes shall be deemed to be taxes.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
amended

- (3) The said section 39 is amended by adding thereto the following subsection:

Valuation
to be
included in
equalizing
assessment

- (8a) The valuation of properties assessed under this section shall be included when equalizing assessment for any purpose.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 3,
amended

- 12.**—(1) Subsection 3 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word “clerk” in the second line and inserting in lieu thereof the word “assessor”, so that the subsection shall read as follows:

Notice and
appeals

- (3) Where an entry is made or is to be made in the collector’s roll under this section, the assessor shall deliver to or send by registered letter post to the person to be taxed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 4,
cls. a, b,
re-enacted

- (2) Clauses *a* and *b* of subsection 4 of the said section 51 are repealed and the following substituted therefor:

Subsection 2. The payments made under section 39 are deemed to be taxes for accounting purposes.

Subsection 3. The new subsection clarifies the procedure when equalizing municipal assessment for any purpose.

SECTION 12—Subsection 1. Where an addition is made to the collector's roll, the clerk is required to forward a notice to the person taxed. The amendment provides that the assessor shall forward such notice instead of the clerk.

Subsection 2. The amendment is to remove some ambiguity in the present wording as county councils do not levy rates but only apportion the costs for maintaining municipal services among the different municipalities comprising the county unit.

SECTION 13—Subsection 1. Where an addition is made to the assessment roll, the clerk shall forward a notice to the person taxed. The amendment provides that the assessor shall forward such notice instead of the clerk.

Subsection 2. The amendment is to remove any ambiguity, as county councils when apportioning the individual municipality's share of county costs do not levy a rate but simply apportion the costs.

SECTION 14. *The Voters' Lists Act* was revised in 1951. The reference is changed accordingly.

SECTION 15. The amendment is to make it clear that a by-law to extend the time for return of the roll must be passed and approved by the Department before the 1st day of October.

- (a) the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;
- (b) the amount credited to a body under clause *a* shall be paid over to such body not later than the 31st day of December in the year in which it was levied and used by such body to reduce the levy for the purposes of such body in the next succeeding year.

13.—(1) Subsection 2 of section 51*a* of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word “clerk” in the second line and inserting in lieu thereof the word “assessor”, so that the subsection shall read as follows:

- (2) Where an addition is made to the assessment roll under this section, the assessor shall forthwith deliver to or send by registered letter post to the person assessed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

(2) Clause *a* of subsection 3 of the said section 51*a* is repealed and the following substituted therefor:

- (a) for the purpose of apportioning a tax levy or fixing and levying the rate of taxation in any year, be deemed to include the assessments added under this section; and

14. Subsection 4 of section 52 of *The Assessment Act* is repealed and the following substituted therefor:

- (4) In this section, “voter” means voter as defined in *The Voters’ Lists Act, 1951*.

15. Subsection 6 of section 53 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1951*, is further amended by inserting after the word “Department” in the sixth line the words “before the 1st day of October”, so that the subsection shall read as follows:

- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assess-

ment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, by by-law approved by the Department before the 1st day of October, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Rev. Stat.,
c. 24, s. 64,
amended

16. Section 64 of *The Assessment Act* is amended by inserting after the word "municipality" in the first line the words "or some person or persons designated by him", so that the section shall read as follows:

Clerk to
keep
record of
decisions

64. The clerk of the municipality, or some person or persons designated by him, shall be the clerk of the court, and shall keep in a book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court.

Rev. Stat.,
c. 24, s. 69,
subs. 9,
amended

17.—(1) Subsection 9 of section 69 of *The Assessment Act* is amended by striking out the words "The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest or a neighbouring municipality in which one is published" in the first, second, third and fourth lines and inserting in lieu thereof the words "The clerk may also advertise in some newspaper having general circulation in the municipality", so that the subsection shall read as follows:

Clerk may
advertise
sittings
of court

(9) The clerk may also advertise in some newspaper having general circulation in the municipality the time at which the court will hold its first sittings for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

Rev. Stat.,
c. 24, s. 69,
subs. 22,
amended

(2) Subsection 22 of the said section 69 is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice", so that the subsection shall read as follows:

Notice of
decision

(22) When the court of revision has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing of such appeal was given and such notice shall state

SECTION 16. The amendment provides that a clerk may designate another person to act as clerk of the court of revision.

SECTION 17—Subsection 1. The amendment provides for advertising the sittings of the court of revision in a newspaper with general circulation in the municipality.

Subsection 2. Self-explanatory.

SECTION 18. The amendment is to make it clear that a notice of appeal may be mailed to the clerk.

SECTION 19. Self-explanatory.

SECTION 20. At present only the valuations of real property are equalized. The amendment provides for the equalization of business assessment as well.

thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice.

18. Subsection 2 of section 72 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 72, subs. 2, re-enacted

- (2) The person appealing shall personally or by his agent give notice in writing to the clerk of the municipality or to the assessment commissioner, if any, within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 22 of section 69, of his intention to appeal to the county judge. Notice of appeal to clerk

19. Subsection 2 of section 79 of *The Assessment Act*, as re-enacted by section 7 of *The Assessment Amendment Act, 1951*, is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 79 (1951, c. 4, s. 7), subs. 2, amended

- (2) When the judge has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice. Notice of decision

20. Subsection 1 of section 87 of *The Assessment Act* is amended by inserting after the word "property" in the fifth line the words "and business assessment", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 87, subs. 1, amended

- (2) The council of every county shall yearly, and not later than the 1st day of July, examine the assessment rolls for the preceding year of the different townships, towns and villages in the county, for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors. Annual examination of assessment rolls by county councils for purpose of equalization

Rev. Stat.,
c. 24, s. 89,
par. 4,
amended

21.—(1) Paragraph 4 of section 89 of *The Assessment Act* is amended by inserting after the word “property” in the ninth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 89,
par. 10,
amended

(2) Paragraph 10 of the said section 89 is amended by inserting after the word “property” in the twelfth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 91,
amended

22. Section 91 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “year” in the sixth line the words “as equalized”, so that the section shall read as follows:

Apportion-
ment of
county rates,
how to be
based

91. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property and business assessments in the preceding year as equalized the basis upon which the apportionment is made.

Rev. Stat.,
c. 24, s. 96,
subs. 1,
amended

23. Subsection 1 of section 96 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “assessments” in the fifth line the words “as equalized”, so that the subsection shall read as follows:

County rate

(1) Notwithstanding anything in this Act or any other special or general Act, the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property and business assessments as equalized in the county.

Rev. Stat.,
c. 24, s. 97,
amended

24. Section 97 of *The Assessment Act* is amended by adding thereto the following subsections:

Appeal in
cases of
equalization
of assess-
ment

(17) If any municipality or locality in a district is dissatisfied with the last revised assessment as equalized for any purpose by the district assessor or by the Department, the municipality or trustees of an improvement district or school board, as the case may be, may appeal by notice in writing to the Ontario Municipal Board from the decision of the district assessor or the Department at any time within thirty days after the mailing of the equalized report to the municipality or locality by the district assessor or the Department.

SECTION 21. The amendments are complementary to the amendment to section 87.

SECTION 22. The amendment is complementary to the amendment to section 87.

SECTION 23. The amendment is complementary to the amendment to section 87.

SECTION 24. The amendment authorizes an appeal to the Ontario Municipal Board where a district assessor or the Department equalizes the assessment of the municipalities in the district.

SECTION 25—Subsection 1. The amendment extends the time for making an application for the cancellation, reduction or refund of taxes where a person ceases to do business, etc.

Subsection 2. The amendment extends the time in which the court of revision may deal with applications for cancellation, reduction or refund of taxes and provides for the giving of notice of the decision of the court.

- (18) The costs incurred in the prosecution and opposing ^{Costs} of such an appeal respectively, the fees of the stenographic reporter, if any, and any other expenses incidental to the hearing of the appeal, shall be borne and paid as directed by the Ontario Municipal Board and not otherwise, and shall be subject to taxation on the district court scale by the clerk of the district court of the district in which the municipality or locality is situated.
- (19) An appeal shall lie from the decision of the Ontario ^{Appeal from} Municipal Board under this section to the Court of ^{Ontario} Appeal upon all questions of law or the construction of a statute, a municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of the Board.
- (20) The procedure on the appeal to the Court of Appeal ^{Procedure on} shall be, as nearly as may be, the same as upon an ^{appeal to} appeal from a county court to the Court of ^{Court of} Appeal.

25.—(1) Subsection 2 of section 124 of *The Assessment Act*, ^{Rev. Stat.,} as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by striking out the words “31st day of ^{c. 24, s. 124} January” in the third line and inserting in lieu thereof the words “28th day of February”, so that the subsection shall ^{(1953, c. 6,} read as follows: ^{s. 13),} ^{subs. 2,} ^{amended}

- (2) The application may be made at any time during the ^{Time for} year in respect of which the application is made and ^{making} until the 28th day of February in the following year ^{application} and notice in writing of the application shall be given to the assessment commissioner, or if none, the clerk of the municipality.
- (2) Subsection 4 of the said section 124 is repealed and the ^{Rev. Stat.,} following substituted therefor: ^{c. 24, s. 124} ^{(1953, c. 6,} ^{s. 13),} ^{subs. 4,} ^{re-enacted}
- (4) The court of revision shall hear and dispose of every ^{Hearing and} application within two months of the receipt of the ^{disposition} application, but in no case later than the 31st day of March in the year following the year in respect of which the application is made and the clerk shall thereupon cause notice of the decision in such application to be given by registered mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

Rev. Stat.,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 6,
re-enacted

(3) Subsection 6 of the said section 124 is repealed and the following substituted therefor:

Notice of
appeal

- (6) A notice of appeal to the Board under subsection 5 shall be sent by registered mail by the party appealing to the clerk of the municipality and to the secretary of the Board within twenty-one days after the date fixed in subsection 4 or within twenty-one days after notice of the decision of the court of revision has been mailed, whichever date is the earlier.

Rev. Stat.,
c. 24, s. 125,
re-enacted

26. Section 125 of *The Assessment Act* is repealed and the following substituted therefor:

Proceedings
when taxes
unpaid

- 125.—(1) The treasurer shall, upon receiving the roll returned under section 120, mail or cause to be delivered a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

Verification
notice

- (2) When the auditor gives a verification notice to each person mentioned in subsection 1, the treasurer shall not be obliged to comply with subsection 1.

Rev. Stat.,
c. 24, s. 126,
subs. 2,
amended

27. Subsection 2 of section 126 of *The Assessment Act*, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1951*, is further amended by striking out the words "on lands of non-residents which have become occupied, as required by section 132" in the third and fourth lines, so that the subsection shall read as follows:

Contents of
statement

- (2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer shall not be bound to receive any such statement after the 7th day of June in each year.

Rev. Stat.,
c. 24, s. 129,
subs. 2,
amended

28. Subsection 2 of section 129 of *The Assessment Act* is amended by striking out the words "and of all taxes on lands of non-residents" in the third line, so that the subsection shall read as follows:

Collection
of arrears
to belong
to county
treasurer
only

- (2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 139.

Rev. Stat.,
c. 24, s. 132,
subs. 1,
amended

29. Subsection 1 of section 132 of *The Assessment Act* is amended by striking out the words "Occupied or Built upon

Subsection 3. The amendment repeals the limitation of the time within which the Municipal Board is required to dispose of an appeal under section 124 and provides for notice of the appeal to be given by the appellant.

SECTION 26. The amendment is to clarify the procedure of giving notice with respect to unpaid taxes.

SECTION 27. Complementary to amendments to section 132.

SECTION 28. Complementary to amendments made in 1953 which removed the necessity of preparing a separate collector's roll for land of non-residents.

SECTION 29. Complementary to amendments made in 1953 which removed the necessity of preparing a separate collector's roll for land of non-residents.

SECTION 30. Complementary to the amendment to section 132.

and Parties Notified', or 'Not Occupied', or 'Incorrectly described', or" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "'Parties notified' or 'Incorrectly described' ", so that the subsection shall read as follows:

- (1) The clerk of the municipality or assessment commissioner is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver a copy of such list to the assessor of the municipality in each year as soon as he is appointed, and it shall be the duty of the assessor to ascertain if any of the lots or parcels of land contained in such lists are occupied or built upon or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in a column to be reserved for the purpose the words "*Parties notified*" or "*Incorrectly described*", as the case may be, and all such lists shall be signed by the assessor, verified as provided in subsection 3, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall compare the entries in the assessor's return with the assessment roll and report any differences to the assessor for verification, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file the same in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

30. Section 134 of *The Assessment Act* is amended by striking out the words "or neglects to return to the treasurer a correct list of the lands which have become occupied, or built upon, as required by section 132" in the fifth, sixth and seventh lines, so that the section shall read as follows:

134. Any clerk or assessment commissioner, as the case may be, of any municipality who neglects to preserve the said list of lands in arrears for taxes, furnished to him by the treasurer, in pursuance of section 131, or to furnish copies of such lists, as required, to the

Clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

Rev. Stat., c. 24, s. 134, amended

Penalty for neglect to preserve list of lands in arrears for taxes

assessor, or any assessor who neglects to examine the lands entered on his list, and to make returns in manner hereinbefore directed, shall be guilty of an offence and liable to a penalty of not more than \$200.

Rev. Stat.,
c. 24, s. 176,
subs. 1,
re-enacted

31. Subsection 1 of section 176 of *The Assessment Act* is repealed and the following substituted therefor:

Application
of redemption
money

(1) Out of the redemption money the treasurer shall pay to the purchaser (not being the municipality) or his assigns or other legal representatives,

(a) the sum paid by him together with 10 per cent of the full amount of the taxes for which the land was offered for sale; or

(b) if the sum paid by the purchaser was less than the amount of taxes for which the land was offered for sale, the sum paid by him together with 10 per cent of such sum,

and the balance less the lawful costs, charges and expenses of the treasurer shall belong to the municipality.

Rev. Stat.,
c. 24,
amended

32. *The Assessment Act* is amended by adding thereto the following sections:

Where taxes
uncollectable

236. Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the court of revision that such outstanding taxes be struck off the roll, and the court may recommend to the council that such taxes be struck off the roll and the council, upon the recommendation of the court, with the approval of the Department, may direct the treasurer to strike such taxes off the roll.

Agreement
with Her
Majesty in
right of
Canada for
payment in
lieu of taxes

237.—(1) Where the Government of Canada desires to enter into an agreement with a municipality, which will relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, or which will provide payment for specific municipal services rendered to such a tenant or user or to Her Majesty, the municipality may enter into an agreement with Her Majesty in right of Canada providing for an amount of money to be paid to the municipality during the term of the agreement in lieu of taxes, or payment for such specific municipal services, that would otherwise be payable.

SECTION 31. Complementary to a 1954 amendment to section 157 (1) under which an owner redeeming land within one year of a tax sale is required to pay a premium of 10 per cent of the taxes and expenses of sale rather than a premium of 10 per cent of the price paid by the tax sale purchaser. The subsection as re-enacted also provides that where a purchaser pays less than the amount of taxes and the property is redeemed he shall be paid the purchase price plus 10 per cent thereof.

SECTION 32. The new section 236 gives the municipal council authority to cancel uncollectable taxes subject to the approval of the Department on the recommendation of the court of revision and the municipal treasurer. The new section 237 is self-explanatory.

SECTION 33. The amendment adds a new paragraph to the affidavit of the assessor in verification of the assessment roll.

SECTION 34. The amendment is complementary to section 5 of this bill.

(2) Where an agreement is entered into pursuant to subsection 1, no municipality shall levy any tax on or in respect of any person who uses land referred to in such an agreement. Municipality not to levy taxes

(3) The money received by a municipality under an agreement entered into pursuant to subsection 1 shall be credited to the general fund of the municipality. Distribution of money

33. Form 4 of *The Assessment Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 24, Form 4, amended

7. I have, according to the best of my information and belief, complied with all the provisions of *The Assessment Act* with regard to the preparation of the assessment roll.

34. *The Assessment Act* is amended by adding thereto the following form: Rev. Stat., c. 24, amended

FORM 9

(Section 8, Subsection 1a)

(Address).....

THE ASSESSMENT COMMISSIONER OR CLERK
OF THE TOWNSHIP OF.....

Dear Sir or Madam:

Please take notice that the statement of plant of the (*Name of Company*)..... in the Township of..... for the year ending December 31st, 19...., is:

ASSESSABLE PLANT		NON-ASSESSABLE PLANT	
TOTAL MILES of poles and one wire or circuit, including half on boundaries of adjoining townships	TOTAL MILES of additional wires or additional circuits on same poles, including half on boundaries of adjoining townships	TOTAL MILES of one exempt wire or circuit, including half on boundaries of adjoining townships	TOTAL MILES of additional exempt wires or circuits, including half on boundaries of adjoining townships

SIGNED ON BEHALF OF THE COMPANY BY.....
(*Signing Officer*)

35.—(1) This Act, except subsections 1 and 4 of section 1, sections 2, 3, 7, 8 and 11, subsection 2 of section 12, and sections 20, 21, 22, 23 and 24, comes into force on the day it receives Royal Assent. Commencement

- Idem (2) Subsection 2 of section 12 shall be deemed to have come into force on the 1st day of January, 1954.
- Idem (3) Sections 8, 20, 21, 22, 23 and 24 shall be deemed to have come into force on the 1st day of January, 1955.
- Idem (4) Subsections 1 and 4 of section 1 and sections 2, 3, 7 and 11 come into force on the 1st day of January, 1956.
- Short title **36.** This Act may be cited as *The Assessment Amendment Act, 1955.*







BILL

An Act to amend The Assessment Act

1st Reading

March 11th, 1955

2nd Reading

3rd Reading

MR. PORTER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Assessment Act

MR. PORTER

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides that highways, etc., shall not be exempt from taxation when such highways, etc., are occupied by a tenant or lessee other than a public commission.

Subsection 2. The amendment is to make it clear that the exemption in paragraph 9 is subject to section 39 which permits assessment of certain lands and buildings owned by municipal utilities commissions.

Subsection 3. Agricultural societies are exempt from taxation even when rented if the rent is applied solely for the purposes of the society under *The Agricultural Societies Act*. For clarification the same provision is included in this Act.

BILL

An Act to amend The Assessment Act

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

1.—(1) Paragraph 8 of section 4 of *The Assessment Act* Rev. Stat., c. 24, s. 4, par. 8, amended is amended by adding at the end thereof the words “but not when occupied by a tenant or lessee other than a public commission”, so that the paragraph shall read as follows:

8. Every highway, lane or other public communication Highways, etc. and every public square; but not when occupied by a tenant or lessee other than a public commission.

(2) Paragraph 9 of the said section 4, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952* Rev. Stat., c. 24, s. 4, par. 9, amended and subsection 1 of section 2 of *The Assessment Amendment Act, 1954*, is further amended by adding at the commencement thereof the words “Subject to section 39”, so that the paragraph shall read as follows:

9. Subject to section 39, the property belonging to any county or municipality or vested in or controlled by Municipal property 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.

(3) Paragraph 14 of the said section 4 is amended by adding thereto the following clause: Rev. Stat., c. 24, s. 4, par. 14, amended

(a) For the purposes of this paragraph, an agricultural society under *The Agricultural Societies Act* shall be Rev. Stat., c. 13 deemed to be in actual occupation where the property of the society is rented and the rent is applied solely for the purposes of the society.

Rev. Stat.,
c. 24, s. 4,
par. 17,
re-enacted

(4) Paragraph 17 of the said section 4 is repealed and the following substituted therefor:

Machinery

17. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which the same rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes or for producing power for sale, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Rev. Stat.,
c. 24,
amended

2. *The Assessment Act* is amended by adding thereto the following section:

Exemption
of Navy
League

4c. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land belonging to and vested in the Navy League of Canada under such conditions as may be set out in the by-law, so long as the land is occupied and used solely for the purposes of carrying out the activities of the Ontario division of the Navy League.

Rev. Stat.,
c. 24, s. 6,
amended

3. Section 6 of *The Assessment Act* is amended by adding thereto the following subsection:

Exception

(1a) Where any person who is the owner or tenant of land sets aside an area of land for the exclusive use of his employees for parking their motor vehicles while at work and no charge is made for such parking privileges, such person shall not be liable for business assessment on land actually used for such purpose.

Rev. Stat.,
c. 24, s. 7,
subss. 3-5,
re-enacted

4.—(1) Subsections 3, 4 and 5 of section 7 of *The Assessment Act* are repealed and the following substituted therefor:

Assessment
of telephone
companies
on mileage in
townships

(3) Subject to subsection 4, every telephone company shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including

Subsection 4. The amendment provides that motors attached to machinery shall not be assessable but all power house machinery and equipment which provides power for building operations, etc., or for sale is assessable.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.

SECTION 4. The amendments are for clarification purposes only.

SECTION 5. The amendment provides that the returns required from telegraph and telephone companies will be made direct to the municipalities instead of the Department and clarifies what is required in the returns.

such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$135 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile.

- (4) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, it shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$50 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile. Assessment of local telephone companies
- (5) In computing the length of telephone circuits placed or strung on poles or other structures or in conduits in townships, Computation of length of circuits
- (a) the portion of a circuit within a police village shall not be included;
- (b) a circuit that does not exceed twenty-five miles in length which is not used as a connecting circuit between two or more central exchange switchboards shall not be included;
- (c) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

(2) Subsection 12 of the said section 7 is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 7, subs. 12, re-enacted

- (12) In the measurement of such additional wires or circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed. Measurement of additional wires

5. Subsection 1 of section 8 of *The Assessment Act*, as amended by section 4 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 8, subs. 1, re-enacted

Returns by
telegraph
and
telephone
companies

- (1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every city, town and village and to the clerk of the township in the case of a police village in which the company does business, a statement in writing of the amount of the gross receipts of the company in such city, town, village or police village for the year ending on the 31st day of December next preceding the assessment.

Idem

- (1a) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every township in which the company does business, a statement in writing (Form 9) showing,

(a) the length in miles of one wire or of one circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment; and

(b) the length in miles of one exempt wire or of one exempt circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional exempt wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment.



SECTION 6—Subsection 1. The amendment is to make it clear that the first statement from a telephone or telegraph company on a gross receipt basis shall be based on the gross receipts earned in the year following that in which the by-law was approved.

Subsection 2. Complementary to section 5 of this bill.

SECTION 7. At present the assessor in cities and towns may enter the names of tenants who are lessees holding under a lease extending over twenty-one years. This provision is now made applicable to all municipalities.

SECTION 8—Subsections 1 and 3. The amendments delete the word "normal" in relation to rental value and sales value for the valuation of land.

Subsection 2. Self-explanatory.

6.—(1) Subsection 3 of section 9 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 9, subs. 3, re-enacted

(3) Where a by-law is passed under subsection 1, every telephone and telegraph company required under section 8 to transmit a statement to the municipality shall keep records of the gross receipts earned by the company on and after the 1st day of January in the year following that in which the by-law was approved by the Department, and the statement required to be transmitted to the municipality by the 1st day of March in the second year following that in which the by-law was approved shall be based on the gross receipts earned by the company in the year following that in which the by-law was approved. First statement of company based on gross receipts

(2) Subsection 5 of the said section 9, as amended by subsection 2 of section 5 of *The Assessment Amendment Act, 1952*, is repealed. Rev. Stat., c. 24, s. 9, subs. 5, repealed

7. Subsection 4 of section 16 of *The Assessment Act* is amended by striking out the words "In cities and towns" at the commencement thereof, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 16, subs. 4, amended

(4) The assessor may vary the form of the assessment roll so as to show in columns 1, 2, 3, 5 and 6 the name and other particulars relating to tenants (or if there is no tenant by entering in column 2 the words "vacant lot") and in an additional set of columns numbered 1a, 2a, 3a, 4a and 5a similar particulars relating to the owner or tenant if the tenant is a lessee holding under a lease extending over twenty-one or more years, and by inserting in column 4a the letter "O" or "L", as the case may require, opposite the name of the owner or lessee. Special columns

8.—(1) Subsection 2 of section 33 of *The Assessment Act* is amended by adding at the commencement thereof the words "Subject to subsection 2a" and by striking out the word "normal" where it occurs the first and second times in the third line, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 33, subs. 2, amended

(2) Subject to subsection 2a, in ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, rental value, sale value and any other circumstance affecting the value. Land without buildings

(2) The said section 33 is amended by adding thereto the following subsection: Rev. Stat., c. 24, s. 33, amended

Farm lands

(2a) For the purposes of subsection 2, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming, consideration shall be given to the sale value of such lands for farming purposes only and no consideration shall be given to the sale value of lands in the vicinity to which this subsection does not apply.

Rev. Stat., c. 24, s. 33, subs. 3, amended

(3) Subsection 3 of the said section 33 is amended by striking out the word "normal" where it occurs in the third and fourth lines respectively, so that the subsection shall read as follows:

Land with buildings

(3) In assessing land having buildings thereon the value of the land and buildings shall be ascertained by giving consideration to present use, location, cost of replacement, rental value, sale value, and any other circumstance affecting the value, and the value of the buildings shall be the amount by which the value of the land is thereby increased, and the actual value of the land and the buildings so ascertained shall be set down separately in the columns of the assessment roll, and the assessment shall be the sum of such values.

Rev. Stat., c. 24, s. 34, repealed

9.—(1) Section 34 of *The Assessment Act* is repealed.

By-laws passed under section 34, continued

(2) Notwithstanding subsection 1, any by-law passed under section 34 of *The Assessment Act* that is in force on the day this section comes into force shall remain in force until repealed.

Rev. Stat., c. 24, amended

10. *The Assessment Act* is amended by adding thereto the following section:

Agreement for fixed assessment for golf course

36a.—(1) Any local municipality may enter into an agreement with the owner of a golf course for providing a fixed assessment for the land occupied as a golf course to apply to taxation for general, school and special purposes but not to apply to taxation for local improvements.

Duties of municipal officials:

(2) Where a golf course has a fixed assessment under an agreement under subsection 1,

assessment

(a) the golf course shall be assessed each year as if it did not have a fixed assessment;

taxes

(b) the treasurer shall calculate each year what the taxes would have been on the golf course if it did not have a fixed assessment;

SECTION 9—Subsection 1. The section repealed authorizes the council of a city, town or village to grant partial exemption from taxation of dwelling houses and authorizes the council of any local municipality to exempt certain persons from any poll tax imposed under *The Statute Labour Act*.

Subsection 2. Subsection 2 continues any by-law passed under the repealed section, that is in force on the day this section comes into force, until the by-law is repealed.

SECTION 10. Self-explanatory.

SECTION 11—Subsection 1. At present land owned by a commission but not used for the purposes of the commission are exempt from taxation. The amendment repeals this exemption.

- (c) the treasurer shall keep a record of the difference between the taxes paid each year and the taxes that would have been paid if the golf course did not have a fixed assessment and shall debit the golf course with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year 4 per cent interest on the aggregate amount of the debit on such date; and
- (d) the taxes paid on the fixed assessment shall be distributed among the bodies for which the municipality is required to levy in the proportion that the levy for each body bears to the total levy. distribution of taxes
- (3) Every agreement shall be registered in the registry office or land titles office, as the case may be, in the county in which the golf course or any part thereof is located. Agreement to be registered
- (4) Any agreement may be terminated on the 31st day of December in any year upon the owner of the golf course giving six months notice of such termination in writing to the municipality and the owner shall, Termination of agreement
- (a) pay to the municipality the amount debited against the golf course including the amounts of interest debited in accordance with clause c of subsection 2; or
- (b) require the municipality to purchase the golf course for an amount equal to the fixed assessment.
- (5) Where a golf course has a fixed assessment under an agreement under subsection 1, the agreement shall terminate when the land in respect of which the fixed assessment is given or any portion thereof ceases to be occupied for the purposes of a golf course and the owner shall comply with clause a or b of subsection 4. Agreement terminated when land ceases to be used as golf course
- (6) Any dispute between the municipality and the owner of the golf course in relation to an agreement or this section shall be settled by the Ontario Municipal Board and the decision of the Board shall be final. Dispute

11.—(1) Subsection 3 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amend-* Rev. Stat., c. 24, s. 39 (1952, c. 3, s. 10), subs. 3, amended

ment Act, 1952, is amended by striking out the words "and used for the purposes of the public utility it operates" in the third and fourth lines, so that the subsection shall read as follows:

Annual
payments to
municipal-
ities

- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 7,
amended

- (2) Subsection 7 of the said section 39 is amended by adding at the end thereof the words "and for accounting purposes shall be deemed to be taxes", so that the subsection shall read as follows:

Credit to
municipal
general
fund

- (7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality and for accounting purposes shall be deemed to be taxes.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
amended

- (3) The said section 39 is amended by adding thereto the following subsection:

Valuation
to be
included in
equalizing
assessment

- (8a) The valuation of properties assessed under this section shall be included when equalizing assessment or apportioning levies for any purpose.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 3,
amended

- 12.**—(1) Subsection 3 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word "clerk" in the second line and inserting in lieu thereof the word "assessor", so that the subsection shall read as follows:

Notice and
appeals

- (3) Where an entry is made or is to be made in the collector's roll under this section, the assessor shall deliver to or send by registered letter post to the person to be taxed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 4,
cls. a, b,
re-enacted

- (2) Clauses *a* and *b* of subsection 4 of the said section 51 are repealed and the following substituted therefor:

Subsection 2. The payments made under section 39 are deemed to be taxes for accounting purposes.

Subsection 3. The new subsection clarifies the procedure when equalizing municipal assessment for any purpose.

SECTION 12—Subsection 1. Where an addition is made to the collector's roll, the clerk is required to forward a notice to the person taxed. The amendment provides that the assessor shall forward such notice instead of the clerk.

Subsection 2. The amendment is to remove some ambiguity in the present wording as county councils do not levy rates but only apportion the costs for maintaining municipal services among the different municipalities comprising the county unit.

Subsection 3. The amendment is complementary to amendments to section 199 of the Act in this Bill.

SECTION 13—Subsection 1. Where an addition is made to the assessment roll, the clerk shall forward a notice to the person taxed. The amendment provides that the assessor shall forward such notice instead of the clerk.

Subsection 2. The amendment is to remove any ambiguity, as county councils when apportioning the individual municipality's share of county costs do not levy a rate but simply apportion the costs.

SECTION 14. *The Voters' Lists Act* was revised in 1951. The reference is changed accordingly.

SECTION 15. The amendment is to make it clear that a by-law to extend the time for return of the roll must be passed and approved by the Department before the 1st day of October.

- (a) the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;
- (b) the amount credited to a body under clause a shall be paid over to such body not later than the 31st day of December in the year in which it was levied and used by such body to reduce the levy for the purposes of such body in the next succeeding year.

(3) Clause d of subsection 4 of the said section 51 is repealed.

Rev. Stat.,
c. 24, s. 51
(1951,
c. 4, s. 3),
subs. 4, cl. d,
repealed

13.—(1) Subsection 2 of section 51a of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word “clerk” in the second line and inserting in lieu thereof the word “assessor”, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 51a
(1951, c. 4,
s. 3),
subs. 2,
amended

(2) Where an addition is made to the assessment roll under this section, the assessor shall forthwith deliver to or send by registered letter post to the person assessed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Notice and
appeals

(2) Clause a of subsection 3 of the said section 51a is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 51a
(1951, c. 4,
s. 3),
subs. 3, cl. a,
re-enacted

(a) for the purpose of apportioning a tax levy or fixing and levying the rate of taxation in any year, be deemed to include the assessments added under this section; and

14. Subsection 4 of section 52 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 52,
subs. 4,
re-enacted

(4) In this section, “voter” means voter as defined in *The Voters' Lists Act, 1951*.

Interpreta-
tion
1951, c. 93

15. Subsection 6 of section 53 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1951*, is further amended by inserting after the word “Department” in the sixth line the words “before the 1st day of October”, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 53,
subs. 6,
amended

Special extension of time for return of assessment roll

- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, by by-law approved by the Department before the 1st day of October, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Rev. Stat., c. 24, s. 64, amended

16. Section 64 of *The Assessment Act* is amended by inserting after the word "municipality" in the first line the words "or some person or persons designated by him", so that the section shall read as follows:

Clerk to keep record of decisions

64. The clerk of the municipality, or some person or persons designated by him, shall be the clerk of the court, and shall keep in a book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court.

Rev. Stat., c. 24, s. 69, subs. 9, amended

17.—(1) Subsection 9 of section 69 of *The Assessment Act* is amended by striking out the words "The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest or a neighbouring municipality in which one is published" in the first, second, third and fourth lines and inserting in lieu thereof the words "The clerk may also advertise in some newspaper having general circulation in the municipality", so that the subsection shall read as follows:

Clerk may advertise sittings of court

- (9) The clerk may also advertise in some newspaper having general circulation in the municipality the time at which the court will hold its first sittings for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

Rev. Stat., c. 24, s. 69, subs. 22, amended

(2) Subsection 22 of the said section 69 is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice", so that the subsection shall read as follows:

Notice of decision

- (22) When the court of revision has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered

SECTION 16. The amendment provides that a clerk may designate another person to act as clerk of the court of revision.

SECTION 17—Subsection 1. The amendment provides for advertising the sittings of the court of revision in a newspaper with general circulation in the municipality.

Subsection 2. Self-explanatory.

SECTION 18. The amendment is to make it clear that a notice of appeal may be mailed to the clerk.

SECTION 19. Self-explanatory.

SECTION 20. At present only the valuations of real property are equalized. The amendment provides for the equalization of business assessment as well.

mail to the persons to whom notice of the hearing of such appeal was given and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice.

18. Subsection 2 of section 72 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 72, subs. 2, re-enacted

- (2) The person appealing shall personally or by his agent give notice in writing to the clerk of the municipality or to the assessment commissioner, if any, within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 22 of section 69, of his intention to appeal to the county judge. Notice of appeal to clerk

19. Subsection 2 of section 79 of *The Assessment Act*, as re-enacted by section 7 of *The Assessment Amendment Act, 1951*, is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 79 (1951, c. 4, s. 7), subs. 2, amended

- (2) When the judge has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice. Notice of decision

20. Subsection 1 of section 87 of *The Assessment Act* is amended by inserting after the word "property" in the fifth line the words "and business assessment", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 87, subs. 1, amended

- (2) The council of every county shall yearly, and not later than the 1st day of July, examine the assessment rolls for the preceding year of the different townships, towns and villages in the county, for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors. Annual examination of assessment rolls by county councils for purpose of equalization

Rev. Stat.,
c. 24, s. 89,
par. 4,
amended

21.—(1) Paragraph 4 of section 89 of *The Assessment Act* is amended by inserting after the word “property” in the ninth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 89,
par. 10,
amended

(2) Paragraph 10 of the said section 89 is amended by inserting after the word “property” in the twelfth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 91,
amended

22. Section 91 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “year” in the sixth line the words “as equalized”, so that the section shall read as follows:

Apportionment of
county rates,
how to be
based

91. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property and business assessments in the preceding year as equalized the basis upon which the apportionment is made.

Rev. Stat.,
c. 24, s. 96,
subs. 1,
amended

23. Subsection 1 of section 96 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “assessments” in the fifth line the words “as equalized”, so that the subsection shall read as follows:

County rate

(1) Notwithstanding anything in this Act or any other special or general Act, the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property and business assessments as equalized in the county.

Rev. Stat.,
c. 24, s. 97,
amended

24. Section 97 of *The Assessment Act* is amended by adding thereto the following subsections:

Appeal in
cases of
equalization
of assess-
ment

(17) If any municipality or locality in a district is dissatisfied with the last revised assessment as equalized for any purpose by the district assessor or by the Department, the municipality or trustees of an improvement district or school board, as the case may be, may appeal by notice in writing to the Ontario Municipal Board from the decision of the district assessor or the Department at any time within thirty days after the mailing of the equalized report to the municipality or locality by the district assessor or the Department.

SECTION 21. The amendments are complementary to the amendment to section 87.

SECTION 22. The amendment is complementary to the amendment to section 87.

SECTION 23. The amendment is complementary to the amendment to section 87.

SECTION 24. The amendment authorizes an appeal to the Ontario Municipal Board where a district assessor or the Department equalizes the assessment of the municipalities in the district.

SECTION 25—Subsection 1. The amendment extends the time for making an application for the cancellation, reduction or refund of taxes where a person ceases to do business, etc.

Subsection 2. The amendment extends the time in which the court of revision may deal with applications for cancellation, reduction or refund of taxes and provides for the giving of notice of the decision of the court.

- (18) The costs incurred in the prosecution and opposing ^{Costs} of such an appeal respectively, the fees of the stenographic reporter, if any, and any other expenses incidental to the hearing of the appeal, shall be borne and paid as directed by the Ontario Municipal Board and not otherwise, and shall be subject to taxation on the district court scale by the clerk of the district court of the district in which the municipality or locality is situated.
- (19) An appeal shall lie from the decision of the Ontario ^{Appeal from Ontario Municipal Board} Municipal Board under this section to the Court of Appeal upon all questions of law or the construction of a statute, a municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of the Board.
- (20) The procedure on the appeal to the Court of Appeal ^{Procedure on appeal to Court of Appeal} shall be, as nearly as may be, the same as upon an appeal from a county court to the Court of Appeal.

25.—(1) Subsection 2 of section 124 of *The Assessment Act*, ^{Rev. Stat., c. 24, s. 124 (1953, c. 6, s. 13), subs. 2, amended} as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by striking out the words “31st day of January” in the third line and inserting in lieu thereof the words “28th day of February”, so that the subsection shall read as follows:

- (2) The application may be made at any time during the ^{Time for making application} year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the assessment commissioner, or if none, the clerk of the municipality.
- (2) Subsection 4 of the said section 124 is repealed and the ^{Rev. Stat., c. 24, s. 124 (1953, c. 6, s. 13), subs. 4, re-enacted} following substituted therefor:
- (4) The court of revision shall hear and dispose of every ^{Hearing and disposition} application within two months of the receipt of the application, but in no case later than the 31st day of March in the year following the year in respect of which the application is made and the clerk shall thereupon cause notice of the decision in such application to be given by registered mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

Rev. Stat.,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 6,
re-enacted

(3) Subsection 6 of the said section 124 is repealed and the following substituted therefor:

Notice of
appeal

- (6) A notice of appeal to the Board under subsection 5 shall be sent by registered mail by the party appealing to the clerk of the municipality and to the secretary of the Board within twenty-one days after the date fixed in subsection 4 or within twenty-one days after notice of the decision of the court of revision has been mailed, whichever date is the earlier.

Rev. Stat.,
c. 24, s. 125,
re-enacted

26. Section 125 of *The Assessment Act* is repealed and the following substituted therefor:

Proceedings
when taxes
unpaid

- 125.—(1) The treasurer shall, upon receiving the roll returned under section 120, mail or cause to be delivered a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

Verification
notice

- (2) When the auditor gives a verification notice to each person mentioned in subsection 1, the treasurer shall not be obliged to comply with subsection 1.

Rev. Stat.,
c. 24, s. 126,
subs. 2,
amended

27. Subsection 2 of section 126 of *The Assessment Act*, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1951*, is further amended by striking out the words “on lands of non-residents which have become occupied, as required by section 132” in the third and fourth lines, so that the subsection shall read as follows:

Contents of
statement

- (2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer shall not be bound to receive any such statement after the 7th day of June in each year.

Rev. Stat.,
c. 24, s. 129,
subs. 2,
amended

28. Subsection 2 of section 129 of *The Assessment Act* is amended by striking out the words “and of all taxes on lands of non-residents” in the third line, so that the subsection shall read as follows:

Collection
of arrears
to belong
to county
treasurer
only

- (2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 139.

Rev. Stat.,
c. 24, s. 132,
subs. 1,
amended

29. Subsection 1 of section 132 of *The Assessment Act* is amended by striking out the words “*Occupied or Built upon*”

Subsection 3. The amendment repeals the limitation of the time within which the Municipal Board is required to dispose of an appeal under section 124 and provides for notice of the appeal to be given by the appellant.

SECTION 26. The amendment is to clarify the procedure of giving notice with respect to unpaid taxes.

SECTION 27. Complementary to amendments to section 132.

SECTION 28. Complementary to amendments made in 1953 which removed the necessity of preparing a separate collector's roll for land of non-residents.

SECTION 29. Complementary to amendments made in 1953 which removed the necessity of preparing a separate collector's roll for land of non-residents.

SECTION 30. Complementary to the amendment to section 132.

and *Parties Notified*', or '*Not Occupied*', or '*Incorrectly described*', or" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "*Parties notified*" or '*Incorrectly described*'", so that the subsection shall read as follows:

- (1) The clerk of the municipality or assessment commissioner is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver a copy of such list to the assessor of the municipality in each year as soon as he is appointed, and it shall be the duty of the assessor to ascertain if any of the lots or parcels of land contained in such lists are occupied or built upon or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in a column to be reserved for the purpose the words "*Parties notified*" or "*Incorrectly described*", as the case may be, and all such lists shall be signed by the assessor, verified as provided in subsection 3, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall compare the entries in the assessor's return with the assessment roll and report any differences to the assessor for verification, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file the same in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

Clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

30. Section 134 of *The Assessment Act* is amended by striking out the words "or neglects to return to the treasurer a correct list of the lands which have become occupied, or built upon, as required by section 132" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Rev. Stat.,
c. 24, s. 134,
amended

134. Any clerk or assessment commissioner, as the case may be, of any municipality who neglects to preserve the said list of lands in arrears for taxes, furnished to him by the treasurer, in pursuance of section 131, or to furnish copies of such lists, as required, to the

Penalty for neglect to preserve list of lands in arrears for taxes

assessor, or any assessor who neglects to examine the lands entered on his list, and to make returns in manner hereinbefore directed, shall be guilty of an offence and liable to a penalty of not more than \$200.

Rev. Stat.,
c. 24, s. 176,
subs. 1,
re-enacted

31. Subsection 1 of section 176 of *The Assessment Act* is repealed and the following substituted therefor:

Application
of redemption
money

- (1) Out of the redemption money the treasurer shall pay to the purchaser (not being the municipality) or his assigns or other legal representatives,
- (a) the sum paid by him together with 10 per cent of the full amount of the taxes for which the land was offered for sale; or
 - (b) if the sum paid by the purchaser was less than the amount of taxes for which the land was offered for sale, the sum paid by him together with 10 per cent of such sum,

and the balance less the lawful costs, charges and expenses of the treasurer shall belong to the municipality.

Rev. Stat.,
c. 24, s. 199,
amended

32. Section 199 of *The Assessment Act* is amended by inserting after the word "rates" in the second line the words "or raise money", so that the section shall read as follows:

Where
deficiency
occurs

199. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and where any deficiency is caused by the abatement or refund of, or inability to collect taxes, the council shall charge back a proportionate share thereof to every such body.

Rev. Stat.,
c. 24,
amended

33. *The Assessment Act* is amended by adding thereto the following sections:

Where taxes
uncollectable

- 236.—(1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the court of revision that such outstanding taxes be struck off the roll, and the court may recommend to the council that such taxes be struck off the roll and the council, upon the recommendation of the court, with the approval of the Department, may direct the treasurer to strike such taxes off the roll.

SECTION 31. Complementary to a 1954 amendment to section 157 (1) under which an owner redeeming land within one year of a tax sale is required to pay a premium of 10 per cent of the taxes and expenses of sale rather than a premium of 10 per cent of the price paid by the tax sale purchaser. The subsection as re-enacted also provides that where a purchaser pays less than the amount of taxes and the property is redeemed he shall be paid the purchase price plus 10 per cent thereof.

SECTION 32. The amendment is to make it clear that the section applies to bodies for which the municipalities are required to raise moneys.

SECTION 33. The new section 236 gives the municipal council and treasurer authority to cancel uncollectable taxes. The new section 237 is self-explanatory.

SECTION 34. The amendment adds a new paragraph to the affidavit of the assessor in verification of the assessment roll.

SECTION 35. The amendment is complementary to section 5 of this bill.

(2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes which by reason of a decision of a judge of any court are uncollectable.

Taxes uncollectable by reason of court decision

237.—(1) Where the Government of Canada desires to enter into an agreement with a municipality, which will relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, or which will provide payment for specific municipal services rendered to such a tenant or user or to Her Majesty, the municipality may enter into an agreement with Her Majesty in right of Canada providing for an amount of money to be paid to the municipality during the term of the agreement in lieu of taxes, or payment for such specific municipal services, that would otherwise be payable.

Agreement with Her Majesty in right of Canada for payment in lieu of taxes

(2) Where an agreement is entered into pursuant to subsection 1, no municipality shall levy any tax on or in respect of any person who uses land referred to in such an agreement.

Municipality not to levy taxes

(3) The money received by a municipality under an agreement entered into pursuant to subsection 1 shall be credited to the general fund of the municipality.

Distribution of money

34. Form 4 of *The Assessment Act* is amended by adding thereto the following paragraph:

Rev. Stat., c. 24, Form 4, amended

7. I have, according to the best of my information and belief, complied with all the provisions of *The Assessment Act* with regard to the preparation of the assessment roll.

35. *The Assessment Act* is amended by adding thereto the following form:

Rev. Stat., c. 24, amended

FORM 9

(Section 8, Subsection 1a)

(Address).....

THE ASSESSMENT COMMISSIONER OR CLERK
OF THE TOWNSHIP OF.....

Dear Sir or Madam:

Please take notice that the statement of plant of the (*Name of Company*)..... in the Township of..... for the year ending December 31st, 19...., is:

ASSESSABLE PLANT		NON-ASSESSABLE PLANT	
TOTAL MILES of poles and one wire or circuit, including half on boundaries of adjoining townships	TOTAL MILES of additional wires or additional circuits on same poles, including half on boundaries of adjoining townships	TOTAL MILES of one exempt wire or circuit, including half on boundaries of adjoining townships	TOTAL MILES of additional exempt wires or circuits, including half on boundaries of adjoining townships

SIGNED ON BEHALF OF THE COMPANY BY.....
(*Signing Officer*)

Commence-
ment

36.—(1) This Act, except subsections 1 and 4 of section 1, sections 2, 3, 7, 8 and 11, subsection 2 of section 12, and sections 20, 21, 22, 23 and 24, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 12 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(3) Sections 8, 11, 20, 21, 22, 23 and 24 shall be deemed to have come into force on the 1st day of January, 1955.

Idem

(4) Subsections 1 and 4 of section 1 and sections 2, 3 and 7 come into force on the 1st day of January, 1956.

Short title

37. This Act may be cited as *The Assessment Amendment Act, 1955*.







BILL

An Act to amend The Assessment Act

1st Reading

March 11th, 1955

2nd Reading

March 15th, 1955

3rd Reading

MR. PORTER

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

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Assessment Act

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides that highways, etc., shall not be exempt from taxation when such highways, etc., are occupied by a tenant or lessee other than a public commission.

Subsection 2. The amendment is to make it clear that the exemption in paragraph 9 is subject to section 39 which permits assessment of certain lands and buildings owned by municipal utilities commissions.

Subsection 3. Agricultural societies are exempt from taxation even when rented if the rent is applied solely for the purposes of the society under *The Agricultural Societies Act*. For clarification the same provision is included in this Act.

BILL

An Act to amend The Assessment Act

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

1.—(1) Paragraph 8 of section 4 of *The Assessment Act* Rev. Stat., c. 24, s. 4, par. 8, amended is amended by adding at the end thereof the words “but not when occupied by a tenant or lessee other than a public commission”, so that the paragraph shall read as follows:

8. Every highway, lane or other public communication Highways, etc. and every public square; but not when occupied by a tenant or lessee other than a public commission.

(2) Paragraph 9 of the said section 4, as amended by sub-section 1 of section 1 of *The Assessment Amendment Act, 1952* and subsection 1 of section 2 of *The Assessment Amendment Act, 1954*, Rev. Stat., c. 24, s. 4, par. 9, amended is further amended by adding at the commencement thereof the words “Subject to section 39”, so that the paragraph shall read as follows:

9. Subject to section 39, 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

(3) Paragraph 14 of the said section 4 is amended by adding thereto the following clause: Rev. Stat., c. 24, s. 4, par. 14, amended

(a) For the purposes of this paragraph, an agricultural society under *The Agricultural Societies Act* shall be deemed to be in actual occupation where the property of the society is rented and the rent is applied solely for the purposes of the society. Rev. Stat., c. 13

Rev. Stat.,
c. 24, s. 4,
par. 17,
re-enacted

(4) Paragraph 17 of the said section 4 is repealed and the following substituted therefor:

Machinery

17. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which the same rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes or for producing power for sale, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Rev. Stat.,
c. 24,
amended

2. *The Assessment Act* is amended by adding thereto the following section:

Exemption
of Navy
League

4c. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land belonging to and vested in the Navy League of Canada under such conditions as may be set out in the by-law, so long as the land is occupied and used solely for the purposes of carrying out the activities of the Ontario division of the Navy League.

Rev. Stat.,
c. 24, s. 6,
amended

3. Section 6 of *The Assessment Act* is amended by adding thereto the following subsection:

Exception

(1a) Where any person who is the owner or tenant of land sets aside an area of land for the exclusive use of his employees for parking their motor vehicles while at work and no charge is made for such parking privileges, such person shall not be liable for business assessment on land actually used for such purpose.

Rev. Stat.,
c. 24, s. 7,
subss. 3-5,
re-enacted

4.—(1) Subsections 3, 4 and 5 of section 7 of *The Assessment Act* are repealed and the following substituted therefor:

Assessment
of telephone
companies
on mileage in
townships

(3) Subject to subsection 4, every telephone company shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including

Subsection 4. The amendment provides that motors attached to machinery shall not be assessable but all power house machinery and equipment which provides power for building operations, etc., or for sale is assessable.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.

SECTION 4. The amendments are for clarification purposes only.

SECTION 5. The amendment provides that the returns required from telegraph and telephone companies will be made direct to the municipalities instead of the Department and clarifies what is required in the returns.

such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$135 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile.

- (4) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, it shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$50 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile. Assessment of local telephone companies
- (5) In computing the length of telephone circuits placed or strung on poles or other structures or in conduits in townships, Computation of length of circuits
- (a) the portion of a circuit within a police village shall not be included;
 - (b) a circuit that does not exceed twenty-five miles in length which is not used as a connecting circuit between two or more central exchange switchboards shall not be included;
 - (c) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

(2) Subsection 12 of the said section 7 is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 7, subs. 12, re-enacted

- (12) In the measurement of such additional wires or circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed. Measurement of additional wires

5. Subsection 1 of section 8 of *The Assessment Act*, as amended by section 4 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 8, subs. 1, re-enacted

Returns by
telegraph
and
telephone
companies

- (1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every city, town and village and to the clerk of the township in the case of a police village in which the company does business, a statement in writing of the amount of the gross receipts of the company in such city, town, village or police village for the year ending on the 31st day of December next preceding the assessment.

Idem

- (1a) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every township in which the company does business, a statement in writing (Form 9) showing,
- (a) the length in miles of one wire or of one circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment; and
- (b) the length in miles of one exempt wire or of one exempt circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional exempt wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment.



SECTION 6—Subsection 1. The amendment is to make it clear that the first statement from a telephone or telegraph company on a gross receipt basis shall be based on the gross receipts earned in the year following that in which the by-law was approved.

Subsection 2. Complementary to section 5 of this bill.

SECTION 7. At present the assessor in cities and towns may enter the names of tenants who are lessees holding under a lease extending over twenty-one years. This provision is now made applicable to all municipalities.

SECTION 8—Subsections 1 and 3. The amendments delete the word “normal” in relation to rental value and sales value for the valuation of land.

Subsection 2. Self-explanatory.

6.—(1) Subsection 3 of section 9 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 24, s. 9,
subs. 3,
re-enacted

(3) Where a by-law is passed under subsection 1, every telephone and telegraph company required under section 8 to transmit a statement to the municipality shall keep records of the gross receipts earned by the company on and after the 1st day of January in the year following that in which the by-law was approved by the Department, and the statement required to be transmitted to the municipality by the 1st day of March in the second year following that in which the by-law was approved shall be based on the gross receipts earned by the company in the year following that in which the by-law was approved. First state-
ment of
company
based
on gross
receipts

(2) Subsection 5 of the said section 9, as amended by subsection 2 of section 5 of *The Assessment Amendment Act, 1952*, is repealed. Rev. Stat.,
c. 24, s. 9,
subs. 5,
repealed

7. Subsection 4 of section 16 of *The Assessment Act* is amended by striking out the words "In cities and towns" at the commencement thereof, so that the subsection shall read as follows: Rev. Stat.,
c. 24, s. 16,
subs. 4,
amended

(4) The assessor may vary the form of the assessment roll so as to show in columns 1, 2, 3, 5 and 6 the name and other particulars relating to tenants (or if there is no tenant by entering in column 2 the words "vacant lot") and in an additional set of columns numbered 1a, 2a, 3a, 4a and 5a similar particulars relating to the owner or tenant if the tenant is a lessee holding under a lease extending over twenty-one or more years, and by inserting in column 4a the letter "O" or "L", as the case may require, opposite the name of the owner or lessee. Special
columns

8.—(1) Subsection 2 of section 33 of *The Assessment Act* is amended by adding at the commencement thereof the words "Subject to subsection 2a" and by striking out the word "normal" where it occurs the first and second times in the third line, so that the subsection shall read as follows: Rev. Stat.,
c. 24, s. 33,
subs. 2,
amended

(2) Subject to subsection 2a, in ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, rental value, sale value and any other circumstance affecting the value. Land with-
out buildings

(2) The said section 33 is amended by adding thereto the following subsection: Rev. Stat.,
c. 24, s. 33,
amended

Farm
lands

- (2a) For the purposes of subsection 2, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming, consideration shall be given to the sale value of such lands for farming purposes only and no consideration shall be given to the sale value of lands in the vicinity to which this subsection does not apply.

Rev. Stat.,
c. 24, s. 33,
subs. 3,
amended

- (3) Subsection 3 of the said section 33 is amended by striking out the word "normal" where it occurs in the third and fourth lines respectively, so that the subsection shall read as follows:

Land with
buildings

- (3) In assessing land having buildings thereon the value of the land and buildings shall be ascertained by giving consideration to present use, location, cost of replacement, rental value, sale value, and any other circumstance affecting the value, and the value of the buildings shall be the amount by which the value of the land is thereby increased, and the actual value of the land and the buildings so ascertained shall be set down separately in the columns of the assessment roll, and the assessment shall be the sum of such values.

Rev. Stat.,
c. 24, s. 34,
repealed

- 9.**—(1) Section 34 of *The Assessment Act* is repealed.

By-laws
passed under
section 34,
continued

- (2) Notwithstanding subsection 1, any by-law passed under section 34 of *The Assessment Act* that is in force on the day this section comes into force shall remain in force until repealed.

Rev. Stat.,
c. 24,
amended

- 10.** *The Assessment Act* is amended by adding thereto the following section:

Agreement
for fixed
assessment
for golf
course

- 36a.**—(1) Any local municipality may enter into an agreement with the owner of a golf course for providing a fixed assessment for the land occupied as a golf course to apply to taxation for general, school and special purposes but not to apply to taxation for local improvements.

Duties of
municipal
officials:

- (2) Where a golf course has a fixed assessment under an agreement under subsection 1,

assessment

- (a) the golf course shall be assessed each year as if it did not have a fixed assessment;

taxes

- (b) the treasurer shall calculate each year what the taxes would have been on the golf course if it did not have a fixed assessment;

SECTION 9—Subsection 1. The section repealed authorizes the council of a city, town or village to grant partial exemption from taxation of dwelling houses and authorizes the council of any local municipality to exempt certain persons from any poll tax imposed under *The Statute Labour Act*.

Subsection 2. Subsection 2 continues any by-law passed under the repealed section, that is in force on the day this section comes into force, until the by-law is repealed.

SECTION 10. Self-explanatory.

SECTION 11—Subsection 1. At present land owned by a commission but not used for the purposes of the commission are exempt from taxation. The amendment repeals this exemption.

- (c) the treasurer shall keep a record of the difference between the taxes paid each year and the taxes that would have been paid if the golf course did not have a fixed assessment and shall debit the golf course with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year 4 per cent interest on the aggregate amount of the debit on such date; and
- (d) the taxes paid on the fixed assessment shall be distributed among the bodies for which the municipality is required to levy in the proportion that the levy for each body bears to the total levy. ^{distribution of taxes}
- (3) Every agreement shall be registered in the registry office or land titles office, as the case may be, in the county in which the golf course or any part thereof is located. ^{Agreement to be registered}
- (4) Any agreement may be terminated on the 31st day of December in any year upon the owner of the golf course giving six months notice of such termination in writing to the municipality and the owner shall, ^{Termination of agreement}
- (a) pay to the municipality the amount debited against the golf course including the amounts of interest debited in accordance with clause c of subsection 2; or
- (b) require the municipality to purchase the golf course for an amount equal to the fixed assessment.
- (5) Where a golf course has a fixed assessment under an agreement under subsection 1, the agreement shall terminate when the land in respect of which the fixed assessment is given or any portion thereof ceases to be occupied for the purposes of a golf course and the owner shall comply with clause a or b of subsection 4. ^{Agreement terminated when land ceases to be used as golf course}
- (6) Any dispute between the municipality and the owner of the golf course in relation to an agreement or this section shall be settled by the Ontario Municipal Board and the decision of the Board shall be final. ^{Dispute}

11.—(1) Subsection 3 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amend-* ^{Rev. Stat., c. 24, s. 39 (1952, c. 3, s. 10), subs. 3, amended}

ment Act, 1952, is amended by striking out the words "and used for the purposes of the public utility it operates" in the third and fourth lines, so that the subsection shall read as follows:

Annual
payments to
municipal-
ities

- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 7,
amended

- (2) Subsection 7 of the said section 39 is amended by adding at the end thereof the words "and for accounting purposes shall be deemed to be taxes", so that the subsection shall read as follows:

Credit to
municipal
general
fund

- (7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality and for accounting purposes shall be deemed to be taxes.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
amended

- (3) The said section 39 is amended by adding thereto the following subsection:

Valuation
to be
included in
equalizing
assessment

- (8a) The valuation of properties assessed under this section shall be included when equalizing assessment or apportioning levies for any purpose.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 3,
amended

- 12.**—(1) Subsection 3 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word "clerk" in the second line and inserting in lieu thereof the word "assessor", so that the subsection shall read as follows:

Notice and
appeals

- (3) Where an entry is made or is to be made in the collector's roll under this section, the assessor shall deliver to or send by registered letter post to the person to be taxed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 4,
cls. a, b,
re-enacted

- (2) Clauses *a* and *b* of subsection 4 of the said section 51 are repealed and the following substituted therefor:

Subsection 2. The payments made under section 39 are deemed to be taxes for accounting purposes.

Subsection 3. The new subsection clarifies the procedure when equalizing municipal assessment for any purpose.

SECTION 12—Subsection 1. Where an addition is made to the collector's roll, the clerk is required to forward a notice to the person taxed. The amendment provides that the assessor shall forward such notice instead of the clerk.

Subsection 2. The amendment is to remove some ambiguity in the present wording as county councils do not levy rates but only apportion the costs for maintaining municipal services among the different municipalities comprising the county unit.

Subsection 3. The amendment is complementary to amendments to section 199 of the Act in this Bill.

SECTION 13—Subsection 1. Where an addition is made to the assessment roll, the clerk shall forward a notice to the person taxed. The amendment provides that the assessor shall forward such notice instead of the clerk.

Subsection 2. The amendment is to remove any ambiguity, as county councils when apportioning the individual municipality's share of county costs do not levy a rate but simply apportion the costs.

SECTION 14. *The Voters' Lists Act* was revised in 1951. The reference is changed accordingly.

SECTION 15. The amendment is to make it clear that a by-law to extend the time for return of the roll must be passed and approved by the Department before the 1st day of October.

(a) the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;

(b) the amount credited to a body under clause a shall be paid over to such body not later than the 31st day of December in the year in which it was levied and used by such body to reduce the levy for the purposes of such body in the next succeeding year.

(3) Clause d of subsection 4 of the said section 51 is repealed.

Rev. Stat.,
c. 24, s. 51
(1951,
c. 4, s. 3),
subs. 4, cl. d,
repealed

13.—(1) Subsection 2 of section 51a of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word "clerk" in the second line and inserting in lieu thereof the word "assessor", so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 51a
(1951, c. 4,
s. 3),
subs. 2,
amended

(2) Where an addition is made to the assessment roll under this section, the assessor shall forthwith deliver to or send by registered letter post to the person assessed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Notice and
appeals

(2) Clause a of subsection 3 of the said section 51a is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 51a
(1951, c. 4,
s. 3),
subs. 3, cl. a,
re-enacted

(a) for the purpose of apportioning a tax levy or fixing and levying the rate of taxation in any year, be deemed to include the assessments added under this section; and

14. Subsection 4 of section 52 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 52,
subs. 4,
re-enacted

(4) In this section, "voter" means voter as defined in *The Voters' Lists Act, 1951*.

Interpreta-
tion
1951, c. 93

15. Subsection 6 of section 53 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1951*, is further amended by inserting after the word "Department" in the sixth line the words "before the 1st day of October", so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 53,
subs. 6,
amended

Special extension of time for return of assessment roll

- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, by by-law approved by the Department before the 1st day of October, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Rev. Stat., c. 24, s. 64, amended

16. Section 64 of *The Assessment Act* is amended by inserting after the word "municipality" in the first line the words "or some person or persons designated by him", so that the section shall read as follows:

Clerk to keep record of decisions

64. The clerk of the municipality, or some person or persons designated by him, shall be the clerk of the court, and shall keep in a book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court.

Rev. Stat., c. 24, s. 69, subs. 9, amended

17.—(1) Subsection 9 of section 69 of *The Assessment Act* is amended by striking out the words "The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest or a neighbouring municipality in which one is published" in the first, second, third and fourth lines and inserting in lieu thereof the words "The clerk may also advertise in some newspaper having general circulation in the municipality", so that the subsection shall read as follows:

Clerk may advertise sittings of court

- (9) The clerk may also advertise in some newspaper having general circulation in the municipality the time at which the court will hold its first sittings for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

Rev. Stat., c. 24, s. 69, subs. 22, amended

(2) Subsection 22 of the said section 69 is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice", so that the subsection shall read as follows:

Notice of decision

- (22) When the court of revision has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered

SECTION 16. The amendment provides that a clerk may designate another person to act as clerk of the court of revision.

SECTION 17—Subsection 1. The amendment provides for advertising the sittings of the court of revision in a newspaper with general circulation in the municipality.

Subsection 2. Self-explanatory.

SECTION 18. The amendment is to make it clear that a notice of appeal may be mailed to the clerk.

SECTION 19. Self-explanatory.

SECTION 20. At present only the valuations of real property are equalized. The amendment provides for the equalization of business assessment as well.

mail to the persons to whom notice of the hearing of such appeal was given and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice.

18. Subsection 2 of section 72 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 72, subs. 2, re-enacted

- (2) The person appealing shall personally or by his agent give notice in writing to the clerk of the municipality or to the assessment commissioner, if any, within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 22 of section 69, of his intention to appeal to the county judge. Notice of appeal to clerk

19. Subsection 2 of section 79 of *The Assessment Act*, as re-enacted by section 7 of *The Assessment Amendment Act, 1951*, is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 79 (1951, c. 4, s. 7), subs. 2, amended

- (2) When the judge has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice. Notice of decision

20. Subsection 1 of section 87 of *The Assessment Act* is amended by inserting after the word "property" in the fifth line the words "and business assessment", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 87, subs. 1, amended

- (2) The council of every county shall yearly, and not later than the 1st day of July, examine the assessment rolls for the preceding year of the different townships, towns and villages in the county, for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors. Annual examination of assessment rolls by county councils for purpose of equalization

Rev. Stat.,
c. 24, s. 89,
par. 4,
amended

21.—(1) Paragraph 4 of section 89 of *The Assessment Act* is amended by inserting after the word “property” in the ninth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 89,
par. 10,
amended

(2) Paragraph 10 of the said section 89 is amended by inserting after the word “property” in the twelfth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 91,
amended

22. Section 91 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “year” in the sixth line the words “as equalized”, so that the section shall read as follows:

Apportionment of
county rates,
how to be
based

91. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property and business assessments in the preceding year as equalized the basis upon which the apportionment is made.

Rev. Stat.,
c. 24, s. 96,
subs. 1,
amended

23. Subsection 1 of section 96 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “assessments” in the fifth line the words “as equalized”, so that the subsection shall read as follows:

County rate

(1) Notwithstanding anything in this Act or any other special or general Act, the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property and business assessments as equalized in the county.

Rev. Stat.,
c. 24, s. 97,
amended

24. Section 97 of *The Assessment Act* is amended by adding thereto the following subsections:

Appeal in
cases of
equalization
of assess-
ment

(17) If any municipality or locality in a district is dissatisfied with the last revised assessment as equalized for any purpose by the district assessor or by the Department, the municipality or trustees of an improvement district or school board, as the case may be, may appeal by notice in writing to the Ontario Municipal Board from the decision of the district assessor or the Department at any time within thirty days after the mailing of the equalized report to the municipality or locality by the district assessor or the Department.

SECTION 21. The amendments are complementary to the amendment to section 87.

SECTION 22. The amendment is complementary to the amendment to section 87.

SECTION 23. The amendment is complementary to the amendment to section 87.

SECTION 24. The amendment authorizes an appeal to the Ontario Municipal Board where a district assessor or the Department equalizes the assessment of the municipalities in the district.

SECTION 25—Subsection 1. The amendment extends the time for making an application for the cancellation, reduction or refund of taxes where a person ceases to do business, etc.

Subsection 2. The amendment extends the time in which the court of revision may deal with applications for cancellation, reduction or refund of taxes and provides for the giving of notice of the decision of the court.

- (18) The costs incurred in the prosecution and opposing ^{Costs} of such an appeal respectively, the fees of the stenographic reporter, if any, and any other expenses incidental to the hearing of the appeal, shall be borne and paid as directed by the Ontario Municipal Board and not otherwise, and shall be subject to taxation on the district court scale by the clerk of the district court of the district in which the municipality or locality is situated.
- (19) An appeal shall lie from the decision of the Ontario ^{Appeal from} Municipal Board under this section to the Court of ^{Ontario} Appeal upon all questions of law or the construction ^{Municipal} of a statute, a municipal by-law, any agreement in ^{Board} writing to which the municipality concerned is a party, or any order of the Board.
- (20) The procedure on the appeal to the Court of Appeal ^{Procedure on} shall be, as nearly as may be, the same as upon an ^{appeal to} appeal from a county court to the Court of ^{Court of} Appeal ^{Appeal}.

25.—(1) Subsection 2 of section 124 of *The Assessment Act*, ^{Rev. Stat.,} as re-enacted by section 13 of *The Assessment Amendment* ^{c. 24, s. 124} *Act, 1953*, is amended by striking out the words “31st day of ^{(1953, c. 6,} January” in the third line and inserting in lieu thereof the words “28th day of February”, so that the subsection shall ^{s. 13),} read as follows: ^{subs. 2,} ^{amended}

- (2) The application may be made at any time during the ^{Time for} year in respect of which the application is made and ^{making} until the 28th day of February in the following year ^{application} and notice in writing of the application shall be given to the assessment commissioner, or if none, the clerk of the municipality.

(2) Subsection 4 of the said section 124 is repealed and the ^{Rev. Stat.,} following substituted therefor: ^{c. 24, s. 124} ^{(1953, c. 6,} ^{s. 13),} ^{subs. 4,} ^{re-enacted}

- (4) The court of revision shall hear and dispose of every ^{Hearing and} application not later than the 31st day of March in ^{disposition} the year following the year in respect of which the application is made and the clerk shall thereupon cause notice of the decision in such application to be given by registered mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

Rev. Stat.,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 6,
re-enacted

(3) Subsection 6 of the said section 124 is repealed and the following substituted therefor:

Notice of
appeal

(6) A notice of appeal to the Board under subsection 5 shall be sent by registered mail by the party appealing to the clerk of the municipality and to the secretary of the Board within twenty-one days after the date fixed in subsection 4 or within twenty-one days after notice of the decision of the court of revision has been mailed, whichever date is the earlier.

Rev. Stat.,
c. 24, s. 125,
re-enacted

26. Section 125 of *The Assessment Act* is repealed and the following substituted therefor:

Proceedings
when taxes
unpaid

125.—(1) The treasurer shall, upon receiving the roll returned under section 120, mail or cause to be delivered a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

Verification
notice

(2) When the auditor gives a verification notice to each person mentioned in subsection 1, the treasurer shall not be obliged to comply with subsection 1.

Rev. Stat.,
c. 24, s. 126,
subs. 2,
amended

27. Subsection 2 of section 126 of *The Assessment Act*, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1951*, is further amended by striking out the words "on lands of non-residents which have become occupied, as required by section 132" in the third and fourth lines, so that the subsection shall read as follows:

Contents of
statement

(2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer shall not be bound to receive any such statement after the 7th day of June in each year.

Rev. Stat.,
c. 24, s. 129,
subs. 2,
amended

28. Subsection 2 of section 129 of *The Assessment Act* is amended by striking out the words "and of all taxes on lands of non-residents" in the third line, so that the subsection shall read as follows:

Collection
of arrears
to belong
to county
treasurer
only

(2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 139.

Rev. Stat.,
c. 24, s. 132,
subs. 1,
amended

29. Subsection 1 of section 132 of *The Assessment Act* is amended by striking out the words "*Occupied or Built upon*"

Subsection 3. The amendment repeals the limitation of the time within which the Municipal Board is required to dispose of an appeal under section 124 and provides for notice of the appeal to be given by the appellant.

SECTION 26. The amendment is to clarify the procedure of giving notice with respect to unpaid taxes.

SECTION 27. Complementary to amendments to section 132.

SECTION 28. Complementary to amendments made in 1953 which removed the necessity of preparing a separate collector's roll for land of non-residents.

SECTION 29. Complementary to amendments made in 1953 which removed the necessity of preparing a separate collector's roll for land of non-residents.

SECTION 30. Complementary to the amendment to section 132.

and Parties Notified', or 'Not Occupied', or 'Incorrectly described', or" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "'Parties notified' or 'Incorrectly described' ", so that the subsection shall read as follows:

- (1) The clerk of the municipality or assessment commissioner is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver a copy of such list to the assessor of the municipality in each year as soon as he is appointed, and it shall be the duty of the assessor to ascertain if any of the lots or parcels of land contained in such lists are occupied or built upon or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in a column to be reserved for the purpose the words "*Parties notified*" or "*Incorrectly described*", as the case may be, and all such lists shall be signed by the assessor, verified as provided in subsection 3, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall compare the entries in the assessor's return with the assessment roll and report any differences to the assessor for verification, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file the same in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

Clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

30. Section 134 of *The Assessment Act* is amended by striking out the words "or neglects to return to the treasurer a correct list of the lands which have become occupied, or built upon, as required by section 132" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Rev. Stat., c. 24, s. 134, amended

134. Any clerk or assessment commissioner, as the case may be, of any municipality who neglects to preserve the said list of lands in arrears for taxes, furnished to him by the treasurer, in pursuance of section 131, or to furnish copies of such lists, as required, to the

Penalty for neglect to preserve list of lands in arrears for taxes

assessor, or any assessor who neglects to examine the lands entered on his list, and to make returns in manner hereinbefore directed, shall be guilty of an offence and liable to a penalty of not more than \$200.

Rev. Stat.,
c. 24, s. 176,
subs. 1,
re-enacted

31. Subsection 1 of section 176 of *The Assessment Act* is repealed and the following substituted therefor:

Application
of redemp-
tion money

(1) Out of the redemption money the treasurer shall pay to the purchaser (not being the municipality) or his assigns or other legal representatives,

(a) the sum paid by him together with 10 per cent of the full amount of the taxes for which the land was offered for sale; or

(b) if the sum paid by the purchaser was less than the amount of taxes for which the land was offered for sale, the sum paid by him together with 10 per cent of such sum,

and the balance less the lawful costs, charges and expenses of the treasurer shall belong to the municipality.

Rev. Stat.,
c. 24, s. 199,
amended

32. Section 199 of *The Assessment Act* is amended by inserting after the word "rates" in the second line the words "or raise money", so that the section shall read as follows:

Where
deficiency
occurs

199. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and where any deficiency is caused by the abatement or refund of, or inability to collect taxes, the council shall charge back a proportionate share thereof to every such body.

Rev. Stat.,
c. 24,
amended

33. *The Assessment Act* is amended by adding thereto the following sections:

Where taxes
uncollectable

236.—(1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the court of revision that such outstanding taxes be struck off the roll, and the court may recommend to the council that such taxes be struck off the roll and the council, upon the recommendation of the court, with the approval of the Department, may direct the treasurer to strike such taxes off the roll.

SECTION 31. Complementary to a 1954 amendment to section 157 (1) under which an owner redeeming land within one year of a tax sale is required to pay a premium of 10 per cent of the taxes and expenses of sale rather than a premium of 10 per cent of the price paid by the tax sale purchaser. The subsection as re-enacted also provides that where a purchaser pays less than the amount of taxes and the property is redeemed he shall be paid the purchase price plus 10 per cent thereof.

SECTION 32. The amendment is to make it clear that the section applies to bodies for which the municipalities are required to raise moneys.

SECTION 33. The new section 236 gives the municipal council and treasurer authority to cancel uncollectable taxes. The new section 237 is self-explanatory.

SECTION 34. The amendment adds a new paragraph to the affidavit of the assessor in verification of the assessment roll.

SECTION 35. The amendment is complementary to section 5 of this bill.

(2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes which by reason of a decision of a judge of any court are uncollectable. Taxes uncollectable by reason of court decision

237.—(1) Where the Government of Canada desires to enter into an agreement with a municipality, which will relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, or which will provide payment for specific municipal services rendered to such a tenant or user or to Her Majesty, the municipality may enter into an agreement with Her Majesty in right of Canada providing for an amount of money to be paid to the municipality during the term of the agreement in lieu of taxes, or payment for such specific municipal services, that would otherwise be payable. Agreement with Her Majesty in right of Canada for payment in lieu of taxes

(2) Where an agreement is entered into pursuant to subsection 1, no municipality shall levy any tax on or in respect of any person who uses land referred to in such an agreement. Municipality not to levy taxes

(3) The money received by a municipality under an agreement entered into pursuant to subsection 1 shall be credited to the general fund of the municipality. Distribution of money

34. Form 4 of *The Assessment Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 24, Form 4, amended

7. I have, according to the best of my information and belief, complied with all the provisions of *The Assessment Act* with regard to the preparation of the assessment roll.

35. *The Assessment Act* is amended by adding thereto the following form: Rev. Stat., c. 24, amended

FORM 9

(Section 8, Subsection 1a)

(Address).....

THE ASSESSMENT COMMISSIONER OR CLERK

OF THE TOWNSHIP OF.....

Dear Sir or Madam:

Please take notice that the statement of plant of the (*Name of Company*).....in the Township of..... for the year ending December 31st, 19, . . . , is;

ASSESSABLE PLANT		NON-ASSESSABLE PLANT	
TOTAL MILES of poles and one wire or circuit, including half on boundaries of adjoining townships	TOTAL MILES of additional wires or additional circuits on same poles, including half on boundaries of adjoining townships	TOTAL MILES of one exempt wire or circuit, including half on boundaries of adjoining townships	TOTAL MILES of additional exempt wires or circuits, including half on boundaries of adjoining townships

SIGNED ON BEHALF OF THE COMPANY BY.....
(Signing Officer)

Commence-
ment

36.—(1) This Act, except subsections 1 and 4 of section 1, sections 2, 3, 7, 8 and 11, subsection 2 of section 12, and sections 20, 21, 22, 23 and 24, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 12 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(3) Sections 8, 11, 20, 21, 22, 23 and 24 shall be deemed to have come into force on the 1st day of January, 1955.

Idem

(4) Subsections 1 and 4 of section 1 and sections 2, 3 and 7 come into force on the 1st day of January, 1956.

Short title

37. This Act may be cited as *The Assessment Amendment Act, 1955*.





BILL

An Act to amend The Assessment Act

1st Reading

March 11th, 1955

2nd Reading

March 15th, 1955

3rd Reading

MR. PORTER

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

No. 92

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Assessment Act

MR. PORTER

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



BILL

An Act to amend The Assessment Act

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

1.—(1) Paragraph 8 of section 4 of *The Assessment Act* ^{Rev. Stat., c. 24, s. 4, par. 8, amended} is amended by adding at the end thereof the words “but not when occupied by a tenant or lessee other than a public commission”, so that the paragraph shall read as follows:

8. Every highway, lane or other public communication ^{Highways, etc.} and every public square; but not when occupied by a tenant or lessee other than a public commission.

(2) Paragraph 9 of the said section 4, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952* ^{Rev. Stat., c. 24, s. 4, par. 9, amended} and subsection 1 of section 2 of *The Assessment Amendment Act, 1954*, is further amended by adding at the commencement thereof the words “Subject to section 39”, so that the paragraph shall read as follows:

9. Subject to section 39, the property belonging to any ^{Municipal property} 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.

(3) Paragraph 14 of the said section 4 is amended by adding thereto the following clause: ^{Rev. Stat., c. 24, s. 4, par. 14, amended}

(a) For the purposes of this paragraph, an agricultural society under *The Agricultural Societies Act* shall be ^{Rev. Stat., c. 13} deemed to be in actual occupation where the property of the society is rented and the rent is applied solely for the purposes of the society.

Rev. Stat.,
c. 24, s. 4,
par. 17,
re-enacted

(4) Paragraph 17 of the said section 4 is repealed and the following substituted therefor:

Machinery

17. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which the same rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes or for producing power for sale, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Rev. Stat.,
c. 24,
amended

2. *The Assessment Act* is amended by adding thereto the following section:

Exemption
of Navy
League

4c. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land belonging to and vested in the Navy League of Canada under such conditions as may be set out in the by-law, so long as the land is occupied and used solely for the purposes of carrying out the activities of the Ontario division of the Navy League.

Rev. Stat.,
c. 24, s. 6,
amended

3. Section 6 of *The Assessment Act* is amended by adding thereto the following subsection:

Exception

(1a) Where any person who is the owner or tenant of land sets aside an area of land for the exclusive use of his employees for parking their motor vehicles while at work and no charge is made for such parking privileges, such person shall not be liable for business assessment on land actually used for such purpose.

Rev. Stat.,
c. 24, s. 7,
subss. 3-5,
re-enacted

4.—(1) Subsections 3, 4 and 5 of section 7 of *The Assessment Act* are repealed and the following substituted therefor:

Assessment
of telephone
companies
on mileage in
townships

(3) Subject to subsection 4, every telephone company shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including

such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$135 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile.

- (4) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, it shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$50 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile.

Assessment
of local
telephone
companies

- (5) In computing the length of telephone circuits placed or strung on poles or other structures or in conduits in townships,
- (a) the portion of a circuit within a police village shall not be included;
- (b) a circuit that does not exceed twenty-five miles in length which is not used as a connecting circuit between two or more central exchange switchboards shall not be included;
- (c) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

Computation
of length
of circuits

(2) Subsection 12 of the said section 7 is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 7,
subs. 12,
re-enacted

- (12) In the measurement of such additional wires or circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed.

Measure-
ment of
additional
wires

5. Subsection 1 of section 8 of *The Assessment Act*, as amended by section 4 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.
c. 24, s. 8,
subs. 1,
re-enacted

Returns by
telegraph
and
telephone
companies

- (1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every city, town and village and to the clerk of the township in the case of a police village in which the company does business, a statement in writing of the amount of the gross receipts of the company in such city, town, village or police village for the year ending on the 31st day of December next preceding the assessment.

Idem

- (1a) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every township in which the company does business, a statement in writing (Form 9) showing,
- (a) the length in miles of one wire or of one circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment; and
 - (b) the length in miles of one exempt wire or of one exempt circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional exempt wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment.

6.—(1) Subsection 3 of section 9 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 9, subs. 3, re-enacted

- (3) Where a by-law is passed under subsection 1, every telephone and telegraph company required under section 8 to transmit a statement to the municipality shall keep records of the gross receipts earned by the company on and after the 1st day of January in the year following that in which the by-law was approved by the Department, and the statement required to be transmitted to the municipality by the 1st day of March in the second year following that in which the by-law was approved shall be based on the gross receipts earned by the company in the year following that in which the by-law was approved. First statement of company based on gross receipts

(2) Subsection 5 of the said section 9, as amended by subsection 2 of section 5 of *The Assessment Amendment Act, 1952*, is repealed. Rev. Stat., c. 24, s. 9, subs. 5, repealed

7. Subsection 4 of section 16 of *The Assessment Act* is amended by striking out the words "In cities and towns" at the commencement thereof, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 16, subs. 4, amended

- (4) The assessor may vary the form of the assessment roll so as to show in columns 1, 2, 3, 5 and 6 the name and other particulars relating to tenants (or if there is no tenant by entering in column 2 the words "vacant lot") and in an additional set of columns numbered 1a, 2a, 3a, 4a and 5a similar particulars relating to the owner or tenant if the tenant is a lessee holding under a lease extending over twenty-one or more years, and by inserting in column 4a the letter "O" or "L", as the case may require, opposite the name of the owner or lessee. Special columns

8.—(1) Subsection 2 of section 33 of *The Assessment Act* is amended by adding at the commencement thereof the words "Subject to subsection 2a" and by striking out the word "normal" where it occurs the first and second times in the third line, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 33, subs. 2, amended

- (2) Subject to subsection 2a, in ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, rental value, sale value and any other circumstance affecting the value. Land without buildings

(2) The said section 33 is amended by adding thereto the following subsection: Rev. Stat., c. 24, s. 33, amended

Farm
lands

(2a) For the purposes of subsection 2, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming, consideration shall be given to the sale value of such lands for farming purposes only and no consideration shall be given to the sale value of lands in the vicinity to which this subsection does not apply.

Rev. Stat.,
c. 24, s. 33,
subs. 3,
amended

(3) Subsection 3 of the said section 33 is amended by striking out the word "normal" where it occurs in the third and fourth lines respectively, so that the subsection shall read as follows:

Land with
buildings

(3) In assessing land having buildings thereon the value of the land and buildings shall be ascertained by giving consideration to present use, location, cost of replacement, rental value, sale value, and any other circumstance affecting the value, and the value of the buildings shall be the amount by which the value of the land is thereby increased, and the actual value of the land and the buildings so ascertained shall be set down separately in the columns of the assessment roll, and the assessment shall be the sum of such values.

Rev. Stat.,
c. 24, s. 33,
repealed

9.—(1) Section 34 of *The Assessment Act* is repealed.

By-laws
passed under
section 34,
continued

(2) Notwithstanding subsection 1, any by-law passed under section 34 of *The Assessment Act* that is in force on the day this section comes into force shall remain in force until repealed.

Rev. Stat.,
c. 24,
amended

10. *The Assessment Act* is amended by adding thereto the following section:

Agreement
for fixed
assessment
for golf
course

36a.—(1) Any local municipality may enter into an agreement with the owner of a golf course for providing a fixed assessment for the land occupied as a golf course to apply to taxation for general, school and special purposes but not to apply to taxation for local improvements.

Duties of
municipal
officials:

(2) Where a golf course has a fixed assessment under an agreement under subsection 1,

assessment

(a) the golf course shall be assessed each year as if it did not have a fixed assessment;

taxes

(b) the treasurer shall calculate each year what the taxes would have been on the golf course if it did not have a fixed assessment;

- (c) the treasurer shall keep a record of the dif-^{record}ference between the taxes paid each year and the taxes that would have been paid if the golf course did not have a fixed assessment and shall debit the golf course with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year 4 per cent interest on the aggregate amount of the debit on such date; and
- (d) the taxes paid on the fixed assessment shall ^{distribution}be distributed among the bodies for which the municipality is required to levy in the proportion that the levy for each body bears to the total levy.
- (3) Every agreement shall be registered in the registry ^{Agreement}office or land titles office, as the case may be, in the ^{to be}county in which the golf course or any part thereof ^{registered}is located.
- (4) Any agreement may be terminated on the 31st day ^{Termination}of December in any year upon the owner of the golf ^{of agreement}course giving six months notice of such termination in writing to the municipality and the owner shall,
- (a) pay to the municipality the amount debited against the golf course including the amounts of interest debited in accordance with clause *c* of subsection 2; or
- (b) require the municipality to purchase the golf course for an amount equal to the fixed assessment.
- (5) Where a golf course has a fixed assessment under an ^{Agreement}agreement under subsection 1, the agreement shall ^{terminated}terminate when the land in respect of which the fixed ^{when land}assessment is given or any portion thereof ceases to ^{ceases to be}be occupied for the purposes of a golf course and the ^{used as golf}owner shall comply with clause *a* or *b* of subsection 4. ^{course}
- (6) Any dispute between the municipality and the ^{Dispute}owner of the golf course in relation to an agreement or this section shall be settled by the Ontario Municipal Board and the decision of the Board shall be final.

11.—(1) Subsection 3 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amend-* <sup>Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 3,
amended</sup>

ment Act, 1952, is amended by striking out the words "and used for the purposes of the public utility it operates" in the third and fourth lines, so that the subsection shall read as follows:

Annual
payments to
municipal-
ities

- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 7,
amended

- (2) Subsection 7 of the said section 39 is amended by adding at the end thereof the words "and for accounting purposes shall be deemed to be taxes", so that the subsection shall read as follows:

Credit to
municipal
general
fund

- (7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality and for accounting purposes shall be deemed to be taxes.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
amended

- (3) The said section 39 is amended by adding thereto the following subsection:

Valuation
to be
included in
equalizing
assessment

- (8a) The valuation of properties assessed under this section shall be included when equalizing assessment or apportioning levies for any purpose.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 3,
amended

- 12.**—(1) Subsection 3 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word "clerk" in the second line and inserting in lieu thereof the word "assessor", so that the subsection shall read as follows:

Notice and
appeals

- (3) Where an entry is made or is to be made in the collector's roll under this section, the assessor shall deliver to or send by registered letter post to the person to be taxed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 4,
cls. a, b,
re-enacted

- (2) Clauses *a* and *b* of subsection 4 of the said section 51 are repealed and the following substituted therefor:

- (a) the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;
- (b) the amount credited to a body under clause a shall be paid over to such body not later than the 31st day of December in the year in which it was levied and used by such body to reduce the levy for the purposes of such body in the next succeeding year.

(3) Clause d of subsection 4 of the said section 51 is repealed.

Rev. Stat.,
c. 24, s. 51
(1951,
c. 4, s. 3),
subs. 4, cl. d,
repealed

13.—(1) Subsection 2 of section 51a of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word “clerk” in the second line and inserting in lieu thereof the word “assessor”, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 51a
(1951, c. 4,
s. 3),
subs. 2,
amended

- (2) Where an addition is made to the assessment roll under this section, the assessor shall forthwith deliver to or send by registered letter post to the person assessed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Notice and
appeals

(2) Clause a of subsection 3 of the said section 51a is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 51a
(1951, c. 4,
s. 3),
subs. 3, cl. a,
re-enacted

- (a) for the purpose of apportioning a tax levy or fixing and levying the rate of taxation in any year, be deemed to include the assessments added under this section; and

14. Subsection 4 of section 52 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 52,
subs. 4,
re-enacted

- (4) In this section, “voter” means voter as defined in *The Voters’ Lists Act, 1951*.

Interpreta-
tion
1951, c. 93

15. Subsection 6 of section 53 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1951*, is further amended by inserting after the word “Department” in the sixth line the words “before the 1st day of October”, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 53,
subs. 6,
amended

Special extension of time for return of assessment roll

- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, by by-law approved by the Department before the 1st day of October, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Rev. Stat., c. 24, s. 64, amended

16. Section 64 of *The Assessment Act* is amended by inserting after the word "municipality" in the first line the words "or some person or persons designated by him", so that the section shall read as follows:

Clerk to keep record of decisions

64. The clerk of the municipality, or some person or persons designated by him, shall be the clerk of the court, and shall keep in a book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court.

Rev. Stat., c. 24, s. 69, subs. 9, amended

17.—(1) Subsection 9 of section 69 of *The Assessment Act* is amended by striking out the words "The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest or a neighbouring municipality in which one is published" in the first, second, third and fourth lines and inserting in lieu thereof the words "The clerk may also advertise in some newspaper having general circulation in the municipality", so that the subsection shall read as follows:

Clerk may advertise sittings of court

- (9) The clerk may also advertise in some newspaper having general circulation in the municipality the time at which the court will hold its first sittings for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

Rev. Stat., c. 24, s. 69, subs. 22, amended

(2) Subsection 22 of the said section 69 is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice", so that the subsection shall read as follows:

Notice of decision

- (22) When the court of revision has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered

mail to the persons to whom notice of the hearing of such appeal was given and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice.

18. Subsection 2 of section 72 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 72, subs. 2, re-enacted

- (2) The person appealing shall personally or by his agent give notice in writing to the clerk of the municipality or to the assessment commissioner, if any, within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 22 of section 69, of his intention to appeal to the county judge. Notice of appeal to clerk

19. Subsection 2 of section 79 of *The Assessment Act*, as re-enacted by section 7 of *The Assessment Amendment Act, 1951*, is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 79 (1951, c. 4, s. 7), subs. 2, amended

- (2) When the judge has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice. Notice of decision

20. Subsection 1 of section 87 of *The Assessment Act* is amended by inserting after the word "property" in the fifth line the words "and business assessment", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 87, subs. 1, amended

- (1) The council of every county shall yearly, and not later than the 1st day of July, examine the assessment rolls for the preceding year of the different townships, towns and villages in the county, for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors. Annual examination of assessment rolls by county councils for purpose of equalization

Rev. Stat.,
c. 24, s. 89,
par. 4,
amended

21.—(1) Paragraph 4 of section 89 of *The Assessment Act* is amended by inserting after the word “property” in the ninth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 89,
par. 10,
amended

(2) Paragraph 10 of the said section 89 is amended by inserting after the word “property” in the twelfth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 91,
amended

22. Section 91 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “year” in the sixth line the words “as equalized”, so that the section shall read as follows:

Apportion-
ment of
county rates,
how to be
based

91. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property and business assessments in the preceding year as equalized the basis upon which the apportionment is made.

Rev. Stat.,
c. 24, s. 96,
subs. 1,
amended

23. Subsection 1 of section 96 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “assessments” in the fifth line the words “as equalized”, so that the subsection shall read as follows:

County rate

(1) Notwithstanding anything in this Act or any other special or general Act, the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property and business assessments as equalized in the county.

Rev. Stat.,
c. 24, s. 97,
amended

24. Section 97 of *The Assessment Act* is amended by adding thereto the following subsections:

Appeal in
cases of
equalization
of assess-
ment

(17) If any municipality or locality in a district is dissatisfied with the last revised assessment as equalized for any purpose by the district assessor or by the Department, the municipality or trustees of an improvement district or school board, as the case may be, may appeal by notice in writing to the Ontario Municipal Board from the decision of the district assessor or the Department at any time within thirty days after the mailing of the equalized report to the municipality or locality by the district assessor or the Department.

- (18) The costs incurred in the prosecution and opposing ^{Costs} of such an appeal respectively, the fees of the stenographic reporter, if any, and any other expenses incidental to the hearing of the appeal, shall be borne and paid as directed by the Ontario Municipal Board and not otherwise, and shall be subject to taxation on the district court scale by the clerk of the district court of the district in which the municipality or locality is situated.
- (19) An appeal shall lie from the decision of the Ontario ^{Appeal from} Municipal Board under this section to the Court of ^{Ontario} Appeal upon all questions of law or the construction of a statute, a municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of the Board.
- (20) The procedure on the appeal to the Court of Appeal ^{Procedure on} shall be, as nearly as may be, the same as upon an ^{appeal to} appeal from a county court to the Court of ^{Court of} Appeal.

25.—(1) Subsection 2 of section 124 of *The Assessment Act*, ^{Rev. Stat.,} as re-enacted by section 13 of *The Assessment Amendment* ^{c. 24, s. 124} *Act, 1953*, is amended by striking out the words “31st day of ^{(1953, c. 6,} January” in the third line and inserting in lieu thereof ^{s. 13),} the words “28th day of February”, so that the subsection shall ^{subs. 2,} read as follows: ^{amended}

- (2) The application may be made at any time during the ^{Time for} year in respect of which the application is made and ^{making} until the 28th day of February in the following year ^{application} and notice in writing of the application shall be given to the assessment commissioner, or if none, the clerk of the municipality.
- (2) Subsection 4 of the said section 124 is repealed and the ^{Rev. Stat.,} following substituted therefor: ^{c. 24, s. 124} ^{(1953, c. 6,} ^{s. 13),} ^{subs. 4,} ^{re-enacted}
- (4) The court of revision shall hear and dispose of every ^{Hearing and} application not later than the 31st day of March in ^{disposition} the year following the year in respect of which the application is made and the clerk shall thereupon cause notice of the decision in such application to be given by registered mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

Rev. Stat.,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 6,
re-enacted

(3) Subsection 6 of the said section 124 is repealed and the following substituted therefor:

Notice of
appeal

- (6) A notice of appeal to the Board under subsection 5 shall be sent by registered mail by the party appealing to the clerk of the municipality and to the secretary of the Board within twenty-one days after the date fixed in subsection 4 or within twenty-one days after notice of the decision of the court of revision has been mailed, whichever date is the earlier.

Rev. Stat.,
c. 24, s. 125,
re-enacted

26. Section 125 of *The Assessment Act* is repealed and the following substituted therefor:

Proceedings
when taxes
unpaid

- 125.—(1) The treasurer shall, upon receiving the roll returned under section 120, mail or cause to be delivered a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

Verification
notice

- (2) When the auditor gives a verification notice to each person mentioned in subsection 1, the treasurer shall not be obliged to comply with subsection 1.

Rev. Stat.,
c. 24, s. 126,
subs. 2,
amended

27. Subsection 2 of section 126 of *The Assessment Act*, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1951*, is further amended by striking out the words "on lands of non-residents which have become occupied, as required by section 132" in the third and fourth lines, so that the subsection shall read as follows:

Contents of
statement

- (2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer shall not be bound to receive any such statement after the 7th day of June in each year.

Rev. Stat.,
c. 24, s. 129,
subs. 2,
amended

28. Subsection 2 of section 129 of *The Assessment Act* is amended by striking out the words "and of all taxes on lands of non-residents" in the third line, so that the subsection shall read as follows:

Collection
of arrears
to belong
to county
treasurer
only

- (2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 139.

Rev. Stat.,
c. 24, s. 132,
subs. 1,
amended

29. Subsection 1 of section 132 of *The Assessment Act* is amended by striking out the words "*Occupied or Built upon*"

and Parties Notified', or 'Not Occupied', or 'Incorrectly described', or" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "'Parties notified' or 'Incorrectly described' ", so that the subsection shall read as follows:

- (1) The clerk of the municipality or assessment commissioner is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver a copy of such list to the assessor of the municipality in each year as soon as he is appointed, and it shall be the duty of the assessor to ascertain if any of the lots or parcels of land contained in such lists are occupied or built upon or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in a column to be reserved for the purpose the words "*Parties notified*" or "*Incorrectly described*", as the case may be, and all such lists shall be signed by the assessor, verified as provided in subsection 3, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall compare the entries in the assessor's return with the assessment roll and report any differences to the assessor for verification, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file the same in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.
- Clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

30. Section 134 of *The Assessment Act* is amended by striking out the words "or neglects to return to the treasurer a correct list of the lands which have become occupied, or built upon, as required by section 132" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Rev. Stat., c. 24, s. 134, amended

134. Any clerk or assessment commissioner, as the case may be, of any municipality who neglects to preserve the said list of lands in arrears for taxes, furnished to him by the treasurer, in pursuance of section 131, or to furnish copies of such lists, as required, to the
- Penalty for neglect to preserve list of lands in arrears for taxes

assessor, or any assessor who neglects to examine the lands entered on his list, and to make returns in manner hereinbefore directed, shall be guilty of an offence and liable to a penalty of not more than \$200.

Rev. Stat.,
c. 24, s. 176,
subs. 1,
re-enacted

31. Subsection 1 of section 176 of *The Assessment Act* is repealed and the following substituted therefor:

Application
of redem-
tion money

- (1) Out of the redemption money the treasurer shall pay to the purchaser (not being the municipality) or his assigns or other legal representatives,
- (a) the sum paid by him together with 10 per cent of the full amount of the taxes for which the land was offered for sale; or
 - (b) if the sum paid by the purchaser was less than the amount of taxes for which the land was offered for sale, the sum paid by him together with 10 per cent of such sum,

and the balance less the lawful costs, charges and expenses of the treasurer shall belong to the municipality.

Rev. Stat.,
c. 24, s. 199,
amended

32. Section 199 of *The Assessment Act* is amended by inserting after the word "rates" in the second line the words "or raise money", so that the section shall read as follows:

Where
deficiency
occurs

199. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and where any deficiency is caused by the abatement or refund of, or inability to collect taxes, the council shall charge back a proportionate share thereof to every such body.

Rev. Stat.,
c. 24,
amended

33. *The Assessment Act* is amended by adding thereto the following sections:

Where taxes
uncollectable

- 236.—(1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the court of revision that such outstanding taxes be struck off the roll, and the court may recommend to the council that such taxes be struck off the roll and the council, upon the recommendation of the court, with the approval of the Department, may direct the treasurer to strike such taxes off the roll.

(2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes which by reason of a decision of a judge of any court are uncollectable. Taxes uncollectable by reason of court decision

237.—(1) Where the Government of Canada desires to enter into an agreement with a municipality, which will relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, or which will provide payment for specific municipal services rendered to such a tenant or user or to Her Majesty, the municipality may enter into an agreement with Her Majesty in right of Canada providing for an amount of money to be paid to the municipality during the term of the agreement in lieu of taxes, or payment for such specific municipal services, that would otherwise be payable. Agreement with Her Majesty in right of Canada for payment in lieu of taxes

(2) Where an agreement is entered into pursuant to subsection 1, no municipality shall levy any tax on or in respect of any person who uses land referred to in such an agreement. Municipality not to levy taxes

(3) The money received by a municipality under an agreement entered into pursuant to subsection 1 shall be credited to the general fund of the municipality. Distribution of money

34. Form 4 of *The Assessment Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 24, Form 4, amended

7. I have, according to the best of my information and belief, complied with all the provisions of *The Assessment Act* with regard to the preparation of the assessment roll.

35. *The Assessment Act* is amended by adding thereto the following form: Rev. Stat., c. 24, amended

FORM 9

(Section 8, Subsection 1a)

(Address).....

THE ASSESSMENT COMMISSIONER OR CLERK
OF THE TOWNSHIP OF.....

Dear Sir or Madam:

Please take notice that the statement of plant of the (*Name of Company*).....in the Township of.....
for the year ending December 31st, 19...., is:

ASSESSABLE PLANT		NON-ASSESSABLE PLANT	
TOTAL MILES of poles and one wire or circuit, including half on boundaries of adjoining townships	TOTAL MILES of additional wires or additional circuits on same poles, including half on boundaries of adjoining townships	TOTAL MILES of one exempt wire or circuit, including half on boundaries of adjoining townships	TOTAL MILES of additional exempt wires or circuits, including half on boundaries of adjoining townships

SIGNED ON BEHALF OF THE COMPANY BY.....
(Signing Officer)

Commence-
ment

36.—(1) This Act, except subsections 1 and 4 of section 1, sections 2, 3, 7, 8 and 11, subsection 2 of section 12, and sections 20, 21, 22, 23 and 24, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 12 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(3) Sections 8, 11, 20, 21, 22, 23 and 24 shall be deemed to have come into force on the 1st day of January, 1955.

Idem

(4) Subsections 1 and 4 of section 1 and sections 2, 3 and 7 come into force on the 1st day of January, 1956.

Short title

37. This Act may be cited as *The Assessment Amendment Act, 1955*.







BILL

An Act to amend The Assessment Act

1st Reading

March 11th, 1955

2nd Reading

March 15th, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 93

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Corporations Act, 1953

MR. NICKLE

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

EXPLANATORY NOTES

SECTION 1. This amendment will require a certified rather than an ordinary copy of an order of the Court changing the name of a corporation to be filed with the Provincial Secretary. This is consistent with other sections of the Act which require certified copies of Court orders to be filed.

SECTION 2. The effect of this amendment will be to permit a subsidiary company to guarantee the loans of its holding company.

SECTION 3. Subsection 7*b* is obviously intended to apply to preference shares only but to remove any possibility of doubt it is being specifically amended to that effect.

BILL

An Act to amend The Corporations Act, 1953

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

1. Subsection 4 of section 12 of *The Corporations Act, 1953* ^{1953, c. 19, s. 12, subs. 4, amended} is amended by inserting after the figure "3" in the first line the words "certified under the seal of the court", so that the subsection shall read as follows:

(4) A copy of any order made under subsection 3 ^{Filing} certified under the seal of the court shall be filed with the Provincial Secretary by the corporation within ten days after it is made.

2. Subsection 1 of section 23 of *The Corporations Act, 1953* ^{1953, c. 19, s. 23, subs. 1, re-enacted} is repealed and the following substituted therefor:

(1) Except as provided in subsection 2, a company shall ^{Loans to shareholders and directors} not make loans to any of its shareholders or directors or give, directly or indirectly, by means of a loan, guarantee, the provisions of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares of the company.

3. Subsection 7b of section 27 of *The Corporations Act, 1953*, as enacted by subsection 1 of section 6 of *The Corporations Amendment Act, 1954*, ^{1953, c. 19, s. 27, subs. 7b (1954, c. 14, s. 6, subs. 1), amended} is amended by striking out the word "shares" where it occurs in the first and third lines respectively and inserting in lieu thereof the words "preference shares", so that the subsection shall read as follows:

(7b) Where a holder of preference shares of a private ^{Redemption of preference shares of private company} company dies or leaves its employment, it may within one year of such event redeem all or any of the preference shares held by the deceased shareholder or former employee.

1953,
c. 19, s. 33,
subss. 3, 4
(1954,
c. 14, s. 7,
subs. 1),
re-enacted

4. Subsections 3 and 4 of section 33 of *The Corporations Act, 1953*, as re-enacted by subsection 1 of section 7 of *The Corporations Amendment Act, 1954*, are repealed and the following substituted therefor:

Authoriza-
tion of
application
under
cls. o to r

- (3) An application under clauses o to r of subsection 1 shall be authorized by a resolution of the board of directors and confirmed in writing,

(a) by 100 per cent of the shareholders; or

(b) by at least 95 per cent of the shareholders holding at least 95 per cent of the issued capital,

but in the case of confirmation under clause b, the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each shareholder to his last address as shown on the books of the company and only if at the expiration of the twenty-one days none of the shareholders has dissented in writing to the company.

Additional
authoriza-
tion for
variation
of rights of
preference
shareholders

- (4) If the application is to delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to any class of preference shares or to create preference shares ranking in priority to or on a parity with any existing class of preference shares, then, subject to subsection 4a and in addition to the authorization required by subsection 2, the application shall not be made until the application has been authorized in writing,

(a) by 100 per cent of the holders of the shares of such class or classes of shares; or

(b) by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of such class or classes,

but in case of authorization under clause b, the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each of the holders of shares of such class or classes to his last address as shown on the books of the company and at the expiration of twenty-one days none of the holders of such class or classes has dissented in writing to the company.

SECTION 4. Certain applications for supplementary letters patent require confirmation by 95 per cent of the shareholders holding 95 per cent of the issued capital but, before the application is made, twenty-one days notice of the application must be given to each shareholder. Under the amendments if the confirmation of 100 per cent of the shareholders is obtained, it will not be necessary to give the twenty-one days notice.

SECTION 5. This amendment corrects a typographical error.

SECTION 6. This amendment removes any ambiguity that there may be in the present subsection 3.

SECTION 7. This amendment corrects an error.

SECTION 8. See explanation in note to section 4 of the bill. This amendment is similar.

5. Clause *a* of section 91 of *The Corporations Act, 1953* ^{1953, c. 19, s. 91, cl. *a*,} is amended by striking out the word “that” in the third line ^{amended} and inserting in lieu thereof the word “than”, so that the clause shall read as follows:

- (a) amounts appropriated from earned surplus at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred.

6. Subsection 3 of section 94 of *The Corporations Act, 1953* ^{1953, c. 19, s. 94, subs. 3,} is repealed and the following substituted therefor: ^{re-enacted}

- (3) This section does not prevent a subsidiary that on ^{Exception} the 30th day of April, 1954, held shares of its holding company from continuing to hold such shares, but, subject to subsection 2, the subsidiary has no right to vote at meetings of shareholders of the holding company or at meetings of any class of shareholders thereof.

7. Subsection 1 of section 95 of *The Corporations Act, 1953* ^{1953, c. 19, s. 95, subs. 1,} is amended by striking out the word “liabilities” in the seventh ^{amended} line and inserting in lieu thereof the word “limitations”, so that the subsection shall read as follows:

- (1) In this section, “arrangement” includes a re- ^{Interpre-}organization of the authorized capital of a company ^{tation} and includes, without limiting the generality of the foregoing, the consolidation of shares of different classes, the reclassification of shares of a class into shares of another class and the variation of the terms, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to shares of any class and includes a reconstruction under which a company transfers or sells or proposes to transfer or to sell to another company the whole or a substantial part of its undertaking for a consideration consisting in whole or in part of shares or securities of the other company and in which it proposes to distribute a part of such consideration among its shareholders of any class or to cease carrying on its undertaking or the part of its undertaking so transferred or sold or so proposed to be transferred or sold.

8. Subsection 3 of section 113 of *The Corporations Act, 1953*, ^{1953, c. 19, s. 113, subs. 3} as re-enacted by subsection 1 of section 17 of *The Corporations Amendment Act, 1954*, ^{(1954, c. 14, s. 17, subs. 1),} is repealed and the follow- ^{re-enacted}ing substituted therefor:

Authoriza-
tion under
cls. *e* to *g*

- (3) An application under clauses *e* to *g* of subsection 1 shall be authorized by resolution of the board of directors and confirmed in writing,

(a) by 100 per cent of the members; or

(b) by at least 95 per cent of the members,

but in case of confirmation under clause *b*, the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member to his last address as shown on the books of the corporation and only if at the expiration of the twenty-one days none of the members has dissented in writing to the corporation.

1953,
c. 19, s. 114,
subs. 3,
amended

9. Subsection 3 of section 114 of *The Corporations Act, 1953* is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

Filing and
publication
of notice

- (3) Notice of any by-law passed under this section shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the by-law has been confirmed.

1953,
c. 19, s. 207,
subs. 2,
amended

10. Subsection 2 of section 207 of *The Corporations Act, 1953* is amended by adding thereto the following clause:

bonds, etc.,
issued or
guaranteed
by Inter-
national
Bank

- (bb) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton Woods Agreements Act, 1945* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, any member of the British Commonwealth or the United States of America.

1945
(2nd Sess.),
c. 11 (Can.)

11. Subsection 1 of section 217 of *The Corporations Act, 1953*, as amended by section 32 of *The Corporations Amendment Act, 1954*, is further amended by striking out the word "described" in the second line and inserting in lieu thereof the word "describe", so that the subsection, exclusive of the clauses, shall read as follows:

Reserves

- (1) In a financial statement, the term "reserve" shall be used to describe only,

SECTION 9. The period for filing the notice with the Provincial Secretary and publishing it in *The Ontario Gazette* is extended from ten days to fourteen days.

SECTION 10. This amendment will permit insurance companies to invest in the securities of The International Bank for Reconstruction and Development.

SECTION 11. This corrects a typographical error.

SECTION 12. See explanation in note to section 9 of the bill. This amendment is similar.

SECTION 13. See explanation in note to section 9 of the bill. This amendment is similar.

SECTION 14. See explanation in note to section 9 of the bill. This amendment is similar.

SECTION 15. During the first year of a corporation's existence, resolutions and by-laws may be passed by the directors and passed and confirmed by the shareholders or members by their signatures without the necessity of holding a meeting. This amendment will remove the onus from the corporation of proving the signatures of the directors, shareholders or members and of proving that these persons were actually all the directors, shareholders or members, as the case may be. It is similar to the provision now in section 311 of the Act.

12. Subsection 1 of section 243 of *The Corporations Act, 1953*,^{1953, c. 19, s. 243, subs. 1, amended} is amended by striking out the word "ten" in the fourth line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

- (1) Notice of any resolution requiring the voluntary winding up of a corporation shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the resolution has been passed. Filing and publication of notice

13. Subsection 3 of section 289 of *The Corporations Act, 1953*,^{1953, c. 19, s. 289, subs. 3, amended} is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

- (3) Notice of the special resolution shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the resolution has been confirmed by the shareholders or members, but the provisions of this subsection as to the filing and publication of the notice are directory only and are not a condition precedent to the validity of the special resolution. Filing and publication of notice

14. Subsection 2 of section 296 of *The Corporations Act, 1953*,^{1953, c. 19, s. 296, subs. 2, amended} is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

- (2) Notice of the special resolution shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the resolution has been confirmed by the shareholders or members, but the provisions of this subsection as to the filing and publication of the notice are directory only and are not a condition precedent to the validity of the special resolution. Filing and publication of notice

15. Section 310 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:^{1953, c. 19, s. 310, amended}

- (4) Where a by-law or resolution purports to have been passed or confirmed pursuant to this section by the signatures of all the directors, shareholders or members, as the case may be, of the corporation, the signatures to such by-law or resolution are *prima facie* evidence of the signatures of all the directors, shareholders or members, as the case may be, and are *prima facie* evidence that the signatories to the by-law or resolution were all the directors, share- Evidentiary value of signatures

holders or members, as the case may be, at the date that the by law or resolution purports so to have been passed or confirmed.

1953,
c. 19, s. 316,
amended

16. Section 316 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:

Rescission
of orders
made under
subs. 3

- (5) The Provincial Secretary may by order upon such terms as he sees fit rescind any order made under subsection 3 or any order made by the Lieutenant-Governor in Council under a predecessor of that subsection.

1953, c. 19,
s. 323,
amended

17. Section 323 of *The Corporations Act, 1953* is amended by striking out the words "to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it" in the seventh, eighth and ninth lines, so that the section shall read as follows:

Rights of
creditors
preserved

323. All rights of creditors against the property, rights and assets of a corporation amalgamated under section 96 or continued under section 322, and all liens upon its property, rights and assets are unimpaired by such amalgamation or continuation, and all debts, contracts, liabilities and duties of the corporation thenceforth attach to the amalgamated or continued corporation and may be enforced against it.

1953,
c. 19, s. 326,
subs. 1, cl. a,
re-enacted

18. Clause *a* of subsection 1 of section 326 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

- (a) that the surrender of its charter has been authorized,
- (i) by a majority of the votes cast at a meeting of its shareholders or members duly called for that purpose or by such other vote as the letters patent or supplementary letters patent of the corporation may provide, or
- (ii) by the consent in writing of all the shareholders or members entitled to vote at such meeting.

1953,
c. 19, s. 344,
amended

19. Section 344 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:

General
exempting
power

- (2) Notwithstanding subsection 1, the Lieutenant-Governor in Council may exempt any class or classes of extra-provincial corporations from this Part.

SECTION 16. Under *The Companies Act* orders permitting books to be kept outside Ontario were made by the Lieutenant-Governor in Council. By virtue of clause *g* of section 28 of *The Interpretation Act*, such Orders in Council could be rescinded by subsequent Orders in Council. Orders permitting books to be kept outside the Province are, under *The Corporations Act, 1953*, made by the Provincial Secretary. Since the Lieutenant-Governor in Council now no longer has the power to make such orders, he no longer has the power to rescind previous orders made by him and in the absence of this new subsection the Provincial Secretary would not have such power.

SECTION 17. The words deleted might suggest that the corporation resulting from an amalgamation of two or more corporations or the continuation of an existing corporation is a new corporation. This result would be in conflict with the principles of the Act with respect to amalgamation and continuation.

SECTION 18. At present, an application for the surrender of the charter of a corporation must be authorized at a meeting of the shareholders or the members. This amendment will dispense with the necessity of holding such a meeting if the consent in writing of all the shareholders or members can be obtained.

SECTION 19. At present the power of the Lieutenant-Governor in Council to exempt extra-provincial corporations from being required to obtain a licence under Part IX before they can carry on business in Ontario is limited to the case of corporations incorporated in any of the other provinces where there is reciprocal legislation in force. This amendment will give to the Lieutenant-Governor in Council a general exempting power.

SECTION 20. This amendment will make it clear that the section applies to licences issued under *The Extra-provincial Corporations Act* which was repealed on the 30th day of April, 1954, as well as to licences issued under Part IX of the present Act.

SECTION 21. See explanation in note to section 20 of the bill. This amendment is similar.

SECTION 22. The present power of suspending or revoking an extra-provincial licence is limited to certain specific cases. The section as re-enacted will give the Lieutenant-Governor the same power to cancel an extra-provincial licence as he now has to cancel the charter of an Ontario corporation.

20. Subsection 1 of section 345 of *The Corporations Act*,^{1953, c. 19, s. 345, subs. 1, amended} 1953 is amended by inserting after the word "Part" in the third line the words "or a predecessor of this Part", so that the subsection shall read as follows:

- (1) No extra-provincial corporation within class 10 or 11^{Carrying on business without licence prohibited} mentioned in section 343 shall carry on in Ontario any of its business unless a licence under this Part or a predecessor of this Part so to do has been issued to it and unless such licence is in force, and no person, as the representative or agent of or acting in any other capacity for any such extra-provincial corporation, shall carry on any of its business in Ontario unless it has received such licence and unless such licence is in force.

21. Section 352 of *The Corporations Act, 1953* is amended^{1953, c. 19, s. 352, amended} by inserting after the word "licence" in the first line the words "under this Part or a predecessor of this Part", so that the section shall read as follows:

352. An extra-provincial corporation having a licence^{Dealing with land} under this Part or a predecessor of this Part may, subject to the limitations and conditions of the licence, and subject to its Act or instrument of incorporation, acquire, hold, mortgage, alienate and otherwise dispose of land in Ontario and any interest therein to the same extent and for the same purposes as if it had been incorporated under this Act with power to carry on the business and exercise the powers embraced in the licence.

22. Section 353 of *The Corporations Act, 1953* is repealed^{1953, c. 19, s. 353, re-enacted} and the following substituted therefor:

- 353.—(1) Where sufficient cause is shown, the Lieutenant-Governor may by order, upon such terms and conditions as he deems fit, cancel any licence issued under this Part or a predecessor of this Part.^{Cancellation of licence}

- (2) The Provincial Secretary shall cause notice of the cancellation of a licence under this section to be given in *The Ontario Gazette*.^{Publication of notice}

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

24. This Act may be cited as *The Corporations Amendment Act, 1955*.^{Short title}

BILL

An Act to amend The Corporations
Act, 1953

1st Reading

March 14th, 1955

2nd Reading

3rd Reading

MR. NICKLE

No. 93

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Corporations Act, 1953

MR. NICKLE

TORONTO
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BILL

An Act to amend The Corporations Act, 1953

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

1. Subsection 4 of section 12 of *The Corporations Act, 1953* ^{1953, c. 19, s. 12, subs. 4, amended} is amended by inserting after the figure "3" in the first line the words "certified under the seal of the court", so that the subsection shall read as follows:

(4) A copy of any order made under subsection 3 ^{Filing} certified under the seal of the court shall be filed with the Provincial Secretary by the corporation within ten days after it is made.

2. Subsection 1 of section 23 of *The Corporations Act, 1953* ^{1953, c. 19, s. 23, subs. 1, re-enacted} is repealed and the following substituted therefor:

(1) Except as provided in subsection 2, a company shall ^{Loans to shareholders and directors} not make loans to any of its shareholders or directors or give, directly or indirectly, by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares of the company.

3. Subsection 7b of section 27 of *The Corporations Act, 1953*, ^{1953, c. 19, s. 27, subs. 7b} as enacted by subsection 1 of section 6 of *The Corporations Amendment Act, 1954*, ^{(1954, c. 14, s. 6, subs. 1), amended} is amended by striking out the word "shares" where it occurs in the first and third lines respectively and inserting in lieu thereof the words "preference shares", so that the subsection shall read as follows:

(7b) Where a holder of preference shares of a private ^{Redemption of preference shares of private company} company dies or leaves its employment, it may within one year of such event redeem all or any of the preference shares held by the deceased shareholder or former employee.

1953,
c. 19, s. 33,
subss. 3, 4
(1954,
c. 14, s. 7,
subs. 1),
re-enacted

4. Subsections 3 and 4 of section 33 of *The Corporations Act, 1953*, as re-enacted by subsection 1 of section 7 of *The Corporations Amendment Act, 1954*, are repealed and the following substituted therefor:

Authoriza-
tion of
application
under
cls. o to r

(3) An application under clauses o to r of subsection 1 shall be authorized by a resolution of the board of directors and confirmed in writing,

(a) by 100 per cent of the shareholders; or

(b) by at least 95 per cent of the shareholders holding at least 95 per cent of the issued capital,

but in the case of confirmation under clause b, the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each shareholder to his last address as shown on the books of the company and only if at the expiration of the twenty-one days none of the shareholders has dissented in writing to the company.

Additional
authoriza-
tion for
variation
of rights of
preference
shareholders

(4) If the application is to delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to any class of preference shares or to create preference shares ranking in priority to or on a parity with any existing class of preference shares, then, subject to subsection 4a and in addition to the authorization required by subsection 2, the application shall not be made until the application has been authorized in writing,

(a) by 100 per cent of the holders of the shares of such class or classes of shares; or

(b) by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of such class or classes,

but in the case of authorization under clause b, the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each of the holders of shares of such class or classes to his last address as shown on the books of the company and only if at the expiration of twenty-one days none of the holders of such class or classes has dissented in writing to the company.

5. Clause *a* of section 91 of *The Corporations Act, 1953* ^{1953, c. 19, s. 91, cl. a,} is amended by striking out the word "that" in the third line ^{amended} and inserting in lieu thereof the word "than", so that the clause shall read as follows:

- (a) amounts appropriated from earned surplus at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred.

6. Subsection 3 of section 94 of *The Corporations Act, 1953* ^{1953, c. 19, s. 94, subs. 3,} is repealed and the following substituted therefor: ^{re-enacted}

- (3) This section does not prevent a subsidiary that on ^{Exception} the 30th day of April, 1954, held shares of its holding company from continuing to hold such shares, but, subject to subsection 2, the subsidiary has no right to vote at meetings of shareholders of the holding company or at meetings of any class of shareholders thereof.

7. Subsection 1 of section 95 of *The Corporations Act, 1953* ^{1953, c. 19, s. 95, subs. 1,} is amended by striking out the word "liabilities" in the seventh ^{amended} line and inserting in lieu thereof the word "limitations", so that the subsection shall read as follows:

- (1) In this section, "arrangement" includes a re- ^{Interpretation} organization of the authorized capital of a company and includes, without limiting the generality of the foregoing, the consolidation of shares of different classes, the reclassification of shares of a class into shares of another class and the variation of the terms, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to shares of any class and includes a reconstruction under which a company transfers or sells or proposes to transfer or to sell to another company the whole or a substantial part of its undertaking for a consideration consisting in whole or in part of shares or securities of the other company and in which it proposes to distribute a part of such consideration among its shareholders of any class or to cease carrying on its undertaking or the part of its undertaking so transferred or sold or so proposed to be transferred or sold.

8. Subsection 3 of section 113 of *The Corporations Act, 1953*, ^{1953, c. 19, s. 113, subs. 3} as re-enacted by subsection 1 of section 17 of *The Corporations Amendment Act, 1954*, ^{(1954, c. 14, s. 17, subs. 1),} is repealed and the following ^{re-enacted} substituted therefor:

Authoriza-
tion under
cls. e to g

(3) An application under clauses e to g of subsection 1 shall be authorized by resolution of the board of directors and confirmed in writing,

(a) by 100 per cent of the members; or

(b) by at least 95 per cent of the members,

but in the case of confirmation under clause b, the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member to his last address as shown on the books of the corporation and only if at the expiration of the twenty-one days none of the members has dissented in writing to the corporation.

1953,
c. 19, s. 114,
subs. 3,
amended

9. Subsection 3 of section 114 of *The Corporations Act, 1953* is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

Filing and
publication
of notice

(3) Notice of any by-law passed under this section shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the by-law has been confirmed.

1953,
c. 19, s. 207,
subs. 2,
amended

10. Subsection 2 of section 207 of *The Corporations Act, 1953* is amended by adding thereto the following clause:

bonds, etc.,
issued or
guaranteed
by Inter-
national
Bank

(bb) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton Woods Agreements Act, 1945* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, any member of the British Commonwealth or the United States of America.

1945
(2nd Sess.),
c. 11 (Can.)

11. Subsection 1 of section 217 of *The Corporations Act, 1953*, as amended by section 32 of *The Corporations Amendment Act, 1954*, is further amended by striking out the word "described" in the second line and inserting in lieu thereof the word "describe", so that the subsection, exclusive of the clauses, shall read as follows:

1953,
c. 19, s. 217,
subs. 1,
amended

Reserves

(1) In a financial statement, the term "reserve" shall be used to describe only,

.

12. Subsection 1 of section 243 of *The Corporations Act, 1953*,
1953 is amended by striking out the word "ten" in the fourth
line and inserting in lieu thereof the word "fourteen", so that
the subsection shall read as follows:

- (1) Notice of any resolution requiring the voluntary winding up of a corporation shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the resolution has been passed.

13. Subsection 3 of section 289 of *The Corporations Act, 1953*,
1953 is amended by striking out the word "ten" in the third
line and inserting in lieu thereof the word "fourteen", so that
the subsection shall read as follows:

- (3) Notice of the special resolution shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the resolution has been confirmed by the shareholders or members, but the provisions of this subsection as to the filing and publication of the notice are directory only and are not a condition precedent to the validity of the special resolution.

14. Subsection 2 of section 296 of *The Corporations Act, 1953*,
1953 is amended by striking out the word "ten" in the third
line and inserting in lieu thereof the word "fourteen", so that
the subsection shall read as follows:

- (2) Notice of the special resolution shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the resolution has been confirmed by the shareholders or members, but the provisions of this subsection as to the filing and publication of the notice are directory only and are not a condition precedent to the validity of the special resolution.

15. Section 310 of *The Corporations Act, 1953* is amended
by adding thereto the following subsection:

- (4) Where a by-law or resolution purports to have been passed or confirmed pursuant to this section by the signatures of all the directors, shareholders or members, as the case may be, of the corporation, the signatures to such by-law or resolution are *prima facie* evidence of the signatures of all the directors, shareholders or members, as the case may be, and are *prima facie* evidence that the signatories to the by-law or resolution were all the directors, share-

holders or members, as the case may be, at the date that the by-law or resolution purports so to have been passed or confirmed.

1953, c. 19, s. 316, amended
16. Section 316 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:

Rescission of orders made under subs. 3

- (5) The Provincial Secretary may by order upon such terms as he sees fit rescind any order made under subsection 3 or any order made by the Lieutenant-Governor in Council under a predecessor of that subsection.

1953, c. 19, s. 323, amended

17. Section 323 of *The Corporations Act, 1953* is amended by striking out the words "to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it" in the seventh, eighth and ninth lines, so that the section shall read as follows:

Rights of creditors preserved

323. All rights of creditors against the property, rights and assets of a corporation amalgamated under section 96 or continued under section 322, and all liens upon its property, rights and assets are unimpaired by such amalgamation or continuation, and all debts, contracts, liabilities and duties of the corporation thenceforth attach to the amalgamated or continued corporation and may be enforced against it.

1953, c. 19, s. 326, subs. 1, cl. a, re-enacted
18. Clause *a* of subsection 1 of section 326 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

- (a) that the surrender of its charter has been authorized,
- (i) by a majority of the votes cast at a meeting of its shareholders or members duly called for that purpose or by such other vote as the letters patent or supplementary letters patent of the corporation may provide, or
- (ii) by the consent in writing of all the shareholders or members entitled to vote at such meeting.

1953, c. 19, s. 344, amended
19. Section 344 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:

General exempting power

- (2) Notwithstanding subsection 1, the Lieutenant-Governor in Council may exempt any class or classes of extra-provincial corporations from this Part.

20. Subsection 1 of section 345 of *The Corporations Act, 1953*,^{1953, c. 19, s. 345, subs. 1, amended} is amended by inserting after the word "Part" in the third line the words "or a predecessor of this Part", so that the subsection shall read as follows:

- (1) No extra-provincial corporation within class 10 or 11^{Carrying on business without licence prohibited} mentioned in section 343 shall carry on in Ontario any of its business unless a licence under this Part or a predecessor of this Part so to do has been issued to it and unless such licence is in force, and no person, as the representative or agent of or acting in any other capacity for any such extra-provincial corporation, shall carry on any of its business in Ontario unless it has received such licence and unless such licence is in force.

21. Section 352 of *The Corporations Act, 1953* is amended^{1953, c. 19, s. 352, amended} by inserting after the word "licence" in the first line the words "under this Part or a predecessor of this Part", so that the section shall read as follows:

352. An extra-provincial corporation having a licence^{Dealing with land} under this Part or a predecessor of this Part may, subject to the limitations and conditions of the licence, and subject to its Act or instrument of incorporation, acquire, hold, mortgage, alienate and otherwise dispose of land in Ontario and any interest therein to the same extent and for the same purposes as if it had been incorporated under this Act with power to carry on the business and exercise the powers embraced in the licence.

22. Section 353 of *The Corporations Act, 1953* is repealed^{1953, c. 19, s. 353, re-enacted} and the following substituted therefor:

- 353.—(1) Where sufficient cause is shown, the Lieutenant-Governor may by order, upon such terms and conditions as he deems fit, cancel any licence issued under this Part or a predecessor of this Part.^{Cancellation of licence}
- (2) The Provincial Secretary shall cause notice of the cancellation of a licence under this section to be given in *The Ontario Gazette*.^{Publication of notice}

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

24. This Act may be cited as *The Corporations Amendment Act, 1955*.^{Short title}

BILL

An Act to amend The Corporations
Act, 1953

1st Reading

March 14th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. NICKLE

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Marriage Act

MR. NICKLE

EXPLANATORY NOTES

SECTION 1. See section 2 of the Bill. This amendment is complementary.

SECTION 2. The new section is designed to effect a clarification and a reduction (7 to 5 days) in the waiting period between the publication of banns and the solemnization of the marriage.

SECTION 3. A further relevant fact is made part of the certificate.

BILL

An Act to amend The Marriage 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 15 of *The Marriage Act* is amended by striking out the words "at least one week before the marriage" in the third and fourth lines, so that the subsection shall read as follows: Rev. Stat., c. 222, s. 15, subs. 2, amended

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service. Method of publication

2. *The Marriage Act* is amended by adding thereto the following section: Rev. Stat., c. 222, amended

15a. Where a marriage is to be solemnized under the authority of publication of banns, it shall not take place earlier than the fifth day after the date of the publication of banns. Time of publication

3. Form 5 of *The Marriage Act* is amended by adding at the commencement thereof the words "On the day of, 19.", so that the form shall read as follows: Rev. Stat., c. 222, Form 5, amended

FORM 5

(Section 15 (4))

No.

PROOF OF PUBLICATION

On the day of, 19.
I duly published the banns of marriage between
of the of
and of
of the of
in Church in
the of

I further certify that I verily believe the said
.....
(and)
(is or are) in the habit of attending worship at the said Church.

Dated this day of, 19...

.....
(Signature)

.....
(Address)
.....

Commence-
ment

4. This Act comes into force on the 1st day of July, 1955.

Short title

5. This Act may be cited as *The Marriage Amendment Act, 1955*.



BILL

An Act to amend The Marriage Act

1st Reading

March 14th, 1955

2nd Reading

3rd Reading

MR. NICKLE

No. 94

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Marriage Act

MR. NICKLE

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

BILL

An Act to amend The Marriage 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 15 of *The Marriage Act* is amended by striking out the words "at least one week before the marriage" in the third and fourth lines, so that the subsection shall read as follows: Rev. Stat., c. 222, s. 15, subs. 2, amended

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service. Method of publication

2. *The Marriage Act* is amended by adding thereto the following section: Rev. Stat., c. 222, amended

15a. Where a marriage is to be solemnized under the authority of publication of banns, it shall not take place earlier than the fifth day after the date of the publication of banns. Time of publication

3. Form 5 of *The Marriage Act* is amended by adding at the commencement thereof the words "On the..... day of....., 19....", so that the form shall read as follows: Rev. Stat., c. 222, Form 5, amended

FORM 5

(Section 15 (4))

No.....

PROOF OF PUBLICATION

On the.....day of....., 19....,
I duly published the banns of marriage between.....
of the.....of.....
and.....of.....
of the.....of.....
in.....Church in
the.....of.....

I further certify that I verily believe the said.....
.....
(and).....
(is or are) in the habit of attending worship at the said Church.

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

.....
(Signature)

.....
(Address)
.....

Commence-
ment

4. This Act comes into force on the 1st day of July, 1955.

Short title

5. This Act may be cited as *The Marriage Amendment Act, 1955*.

BILL

An Act to amend The Marriage Act

1st Reading

March 14th, 1955

2nd Reading

March 15th, 1955

3rd Reading

March 23rd, 1955

Mr. NICKLE

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Inspection of Fish

MR. MAPLEDORAM

EXPLANATORY NOTE

In 1949 the Parliament of Canada passed an Act regulating the storing, processing and marketing of fish intended for interprovincial and foreign trade (the *Fish Inspection Act*).

This bill provides the same type of control over the storing, processing and marketing of fish within Ontario.

Because of constitutional limitations both Acts are necessary to cover all aspects of the subject.

BILL

An Act respecting the Inspection of Fish

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) "container" means any receptacle or package used in holding, storing, packing or marketing fish;
- (b) "establishment" means any place where fish are handled, graded, processed or stored;
- (c) "fish" means any fish, including shellfish and crustaceans and marine animals and any parts, products or by-products thereof;
- (d) "inspector" means a person appointed by the Minister for the purposes of this Act;
- (e) "marketing" means buying, selling, holding in possession, or offering or advertising for sale;
- (f) "Minister" means Minister of Lands and Forests;
- (g) "processing" means cleaning, filleting, smoking, salting, icing, packing, freezing, cooking, pickling, drying or otherwise preparing fish for market;
- (h) "regulations" means regulations made under this Act;
- (i) "vehicle" includes any steamship, vessel, boat, railway-car, truck, carriage, car, aircraft and any other means of carriage used for transporting fish.

2.—(1) An inspector may at any time,

Powers of
inspector

- (a) enter any establishment or vehicle used for the storage or carriage of fish and open any container that he has reason to believe contains fish;

(b) require to be produced for inspection or for the purpose of obtaining copies thereof, or extracts therefrom, any books, shipping bills, bills of lading or other documents or papers relating to the processing, transporting or marketing of fish; or

(c) take samples of fish for inspection.

Obstruction (2) No person shall obstruct or impede an inspector in the discharge of his duties under this Act.

Appeal **3.** Any person who thinks himself aggrieved by a decision of an inspector in respect of any matter under this Act or the regulations may appeal to the Minister in accordance with the procedure prescribed by the regulations.

Seizure of fish and containers **4.**—(1) Whenever an inspector believes on reasonable grounds that an offence against this Act or the regulations has been committed, he may seize all fish and containers by means of or in relation to which he reasonably believes the offence was committed.

Detention of fish and containers (2) All fish and containers seized under subsection 1 may be detained for a period of two months following the day of seizure, unless during that period proceedings under this Act in respect of such fish and containers are taken, in which case the fish and containers may be further detained until such proceedings are finally concluded.

Disposal of fish seized (3) Where a person is convicted of an offence against this Act or the regulations, any fish or containers seized under subsection 1 are forfeited to Her Majesty and may be disposed of as the Minister directs.

Falsification, etc., of documents **5.**—(1) No person shall falsify or unlawfully alter, destroy, erase or obliterate any document made or issued under this Act or the regulations, or any marks placed on any container pursuant to this Act or the regulations.

Penalty (2) Every person who violates subsection 1 is guilty of an offence and is liable on summary conviction to a fine of not less than \$50 and not more than \$500, or to imprisonment for a term of not less than two months and not more than six months, or to both fine and imprisonment.

Fish for sale to be fit for human food **6.**—(1) No person shall sell, offer for sale, or hold in possession for sale, any fish intended for human consumption unless the fish is wholesome and fit for human food.

Penalty (2) Every person who violates subsection 1 is guilty of an offence and is liable on summary conviction to a fine of not

less than \$100 and not more than \$500, or to imprisonment for a term of not less than three months and not more than six months, or to both fine and imprisonment.

7. No person shall sell, offer for sale, or hold in possession for sale, any fish or container under any name calculated to mislead or deceive. Sale or possession under misleading name

8. Every person who violates any of the provisions of this Act or of the regulations or any condition attached to any licence issued under this Act or the regulations for which no penalty is elsewhere provided in this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$500, or to imprisonment for a term of not more than six months, or to both fine and imprisonment. General penalty

9. Every offence against this Act or the regulations, and every violation of any of the conditions of any licence issued under this Act or the regulations shall, for the purposes of any prosecution, be deemed to have been committed, and every cause of complaint under this Act or the regulations, or any of the conditions of any licence issued under this Act or the regulations, shall be deemed to have arisen in the place where the offence was actually committed or the place where it was first discovered by an inspector or the place where the defendant resides or is found. Where offences deemed to have been committed

10. The Lieutenant-Governor in Council may provide for the disposition of fines imposed for contraventions of this Act or the regulations and for the disposition of any proceeds from the sale of forfeited fish or containers. Disposal of fines, etc.

11. The Minister, in any licence, may impose such terms and conditions as he deems proper and that are not inconsistent with this Act or the regulations. Consideration of licences

12. The Lieutenant-Governor may by proclamation declare any regulations heretofore or hereafter made under the *Fish Inspection Act* (Canada), in so far as they are within the exclusive legislative jurisdiction of the Province, to have the force of law therein, and upon the issue of such proclamation the regulations therein referred to, in so far as they are within the exclusive legislative jurisdiction of the Province, shall have the force of law therein as if enacted by the Legislature. Adoption of regulations under R.S.C. 1952, c. 118

13. The Lieutenant-Governor in Council may, for the purpose of regulating the marketing of fish and containers locally within the Province, make regulations, Regulations

- (a) prescribing grades, qualities and standards of fish for marketing;

- (b) respecting the handling, processing, storing, grading, packaging, marking, transporting and inspecting of fish;
- (c) respecting the quality and specifications for containers and the marking and inspecting of containers;
- (d) requiring and providing for the licensing of establishments and persons handling, processing, storing, grading, transporting or marketing fish, and prescribing and attaching conditions to licences;
- (e) prescribing fees for licences, and for grading and inspection services;
- (f) prescribing the requirements for the equipment and sanitary operation of establishments, and of vehicles used in connection with an establishment or in connection with fishing or the marketing of fish;
- (g) prohibiting the marketing of any fish or containers under any grade name or standard prescribed by the regulations unless all the requirements of this Act and the regulations thereunder with respect thereto have been complied with;
- (h) prescribing the manner in which samples of any fish may be taken;
- (i) prescribing the procedure to be followed in any appeal to the Minister under this Act;
- (j) providing for any other thing connected with the marketing or inspection of fish and containers locally within the Province.

**Commence-
ment** **14.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title **15.** This Act may be cited as *The Fish Inspection Act, 1955*.

BILL

An Act respecting the Inspection of Fish

1st Reading

March 14th, 1955

2nd Reading

3rd Reading

MR. MAPLEDORAN

No. 95

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Inspection of Fish

MR. MAPLEDORAM

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



BILL

An Act respecting the Inspection of Fish

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) "container" means any receptacle or package used in holding, storing, packing or marketing fish;
- (b) "establishment" means any place where fish are handled, graded, processed or stored;
- (c) "fish" means any fish, including shellfish and crustaceans and marine animals and any parts, products or by-products thereof;
- (d) "inspector" means a person appointed by the Minister for the purposes of this Act;
- (e) "marketing" means buying, selling, holding in possession, or offering or advertising for sale;
- (f) "Minister" means Minister of Lands and Forests;
- (g) "processing" means cleaning, filleting, smoking, salting, icing, packing, freezing, cooking, pickling, drying or otherwise preparing fish for market;
- (h) "regulations" means regulations made under this Act;
- (i) "vehicle" includes any steamship, vessel, boat, railway-car, truck, carriage, car, aircraft and any other means of carriage used for transporting fish.

2.—(1) An inspector may at any time,

Powers of
inspector

- (a) enter any establishment or vehicle used for the storage or carriage of fish and open any container that he has reason to believe contains fish;

(b) require to be produced for inspection or for the purpose of obtaining copies thereof, or extracts therefrom, any books, shipping bills, bills of lading or other documents or papers relating to the processing, transporting or marketing of fish; or

(c) take samples of fish for inspection.

Obstruction (2) No person shall obstruct or impede an inspector in the discharge of his duties under this Act.

Appeal **3.** Any person who thinks himself aggrieved by a decision of an inspector in respect of any matter under this Act or the regulations may appeal to the Minister in accordance with the procedure prescribed by the regulations.

Seizure of fish and containers **4.—(1)** Whenever an inspector believes on reasonable grounds that an offence against this Act or the regulations has been committed, he may seize all fish and containers by means of or in relation to which he reasonably believes the offence was committed.

Detention of fish and containers (2) All fish and containers seized under subsection 1 may be detained for a period of two months following the day of seizure, unless during that period proceedings under this Act in respect of such fish and containers are taken, in which case the fish and containers may be further detained until such proceedings are finally concluded.

Disposal of fish seized (3) Where a person is convicted of an offence against this Act or the regulations, any fish or containers seized under subsection 1 are forfeited to Her Majesty and may be disposed of as the Minister directs.

Falsification, etc., of documents **5.—(1)** No person shall falsify or unlawfully alter, destroy, erase or obliterate any document made or issued under this Act or the regulations, or any marks placed on any container pursuant to this Act or the regulations.

Penalty (2) Every person who violates subsection 1 is guilty of an offence and is liable on summary conviction to a fine of not less than \$50 and not more than \$500, or to imprisonment for a term of not less than two months and not more than six months, or to both fine and imprisonment.

Fish for sale to be fit for human food **6.—(1)** No person shall sell, offer for sale, or hold in possession for sale, any fish intended for human consumption unless the fish is wholesome and fit for human food.

Penalty (2) Every person who violates subsection 1 is guilty of an offence and is liable on summary conviction to a fine of not

less than \$100 and not more than \$500, or to imprisonment for a term of not less than three months and not more than six months, or to both fine and imprisonment.

7. No person shall sell, offer for sale, or hold in possession for sale, any fish or container under any name calculated to mislead or deceive. Sale or possession under misleading name

8. Every person who violates any of the provisions of this Act or of the regulations or any condition attached to any licence issued under this Act or the regulations for which no penalty is elsewhere provided in this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$500, or to imprisonment for a term of not more than six months, or to both fine and imprisonment. General penalty

9. Every offence against this Act or the regulations, and every violation of any of the conditions of any licence issued under this Act or the regulations shall, for the purposes of any prosecution, be deemed to have been committed, and every cause of complaint under this Act or the regulations, or any of the conditions of any licence issued under this Act or the regulations, shall be deemed to have arisen in the place where the offence was actually committed or the place where it was first discovered by an inspector or the place where the defendant resides or is found. Where offences deemed to have been committed

10. The Lieutenant-Governor in Council may provide for the disposition of fines imposed for contraventions of this Act or the regulations and for the disposition of any proceeds from the sale of forfeited fish or containers. Disposition of fines, etc.

11. The Minister, in any licence, may impose such terms and conditions as he deems proper and that are not inconsistent with this Act or the regulations. Consideration of licences

12. The Lieutenant-Governor may by proclamation declare any regulations heretofore or hereafter made under the *Fish Inspection Act* (Canada), in so far as they are within the exclusive legislative jurisdiction of the Province, to have the force of law therein, and upon the issue of such proclamation the regulations therein referred to, in so far as they are within the exclusive legislative jurisdiction of the Province, shall have the force of law therein as if enacted by the Legislature. Adoption of regulations under R.S.C. 1952, c. 118

13. The Lieutenant-Governor in Council may, for the purpose of regulating the marketing of fish and containers locally within the Province, make regulations, Regulations

- (a) prescribing grades, qualities and standards of fish for marketing;

- (b) respecting the handling, processing, storing, grading, packaging, marking, transporting and inspecting of fish;
- (c) respecting the quality and specifications for containers and the marking and inspecting of containers;
- (d) requiring and providing for the licensing of establishments and persons handling, processing, storing, grading, transporting or marketing fish, and prescribing and attaching conditions to licences;
- (e) prescribing fees for licences, and for grading and inspection services;
- (f) prescribing the requirements for the equipment and sanitary operation of establishments, and of vehicles used in connection with an establishment or in connection with fishing or the marketing of fish;
- (g) prohibiting the marketing of any fish or containers under any grade name or standard prescribed by the regulations unless all the requirements of this Act and the regulations thereunder with respect thereto have been complied with;
- (h) prescribing the manner in which samples of any fish may be taken;
- (i) prescribing the procedure to be followed in any appeal to the Minister under this Act;
- (j) providing for any other thing connected with the marketing or inspection of fish and containers locally within the Province.

Commence-
ment

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

Short title

15. This Act may be cited as *The Fish Inspection Act, 1955*.

BILL

An Act respecting the Inspection of Fish

1st Reading

March 14th, 1955

2nd Reading

March 15th, 1955

3rd Reading

March 23rd, 1955

MR. MAPLEDORAM

No. 96

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Public Lands Act

MR. MAPLEDORAM

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

EXPLANATORY NOTES

SECTION 1. This section is designed to clarify the intent of section 22 of *The Public Lands Act* that where letters patent for lands are issued in lieu of a patent containing an error it is issued in the name of the original patentee, whether living or dead.

SECTION 2. Complementary to section 20 of Bill No. 82, *An Act to amend The Mining Act*.

BILL

An Act to amend The Public Lands Act

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

1. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat., c. 309, amended

21a. A grant or letters patent issued to or in the name of a person who is dead is not or are not therefore void, but the title to the land thereby granted or intended to be granted vests in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in Ontario as if the grant or letters patent had issued to or in the name of the deceased person during his lifetime. Grants or letters patent issued after death of grantee or patentee

2. Subsection 2 of section 61 of *The Public Lands Act* is amended by striking out the words "five per cent" where they occur in the fourth and fifth lines and in the twelfth line respectively and inserting in lieu thereof the word "any", so that the subsection shall read as follows: Rev. Stat., c. 309, s. 61, subs. 2, amended

(2) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, where the letters patent have been issued containing a reservation of any of the area for roads, wood, gravel and other materials required for the construction or improvement of any colonization or other road or of any road in lieu of or partly deviating from an allowance for road, may be taken from the land without making compensation therefor or for the injury thereby done to the land from which they are taken, and where the letters patent have been issued without a reservation being made of any of the area for roads, wood, gravel and other materials required Right to take wood, gravel and other materials for roads

for the purposes hereinbefore mentioned may be taken from the land, but compensation shall be paid as provided by *The Public Works Act*.

Rev. Stat.,
c. 323

Short title

3. This Act may be cited as *The Public Lands Amendment Act, 1955*.



BILL

An Act to amend The Public Lands Act

1st Reading

March 14th, 1955

2nd Reading

3rd Reading

MR. MAPLEDORAM

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Public Lands Act

MR. MAPLEDORAM

BILL

An Act to amend The Public Lands Act

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1. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat.,
c. 309,
amended

21a. A grant or letters patent issued to or in the name of a person who is dead is not or are not therefore void, but the title to the land thereby granted or intended to be granted vests in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in Ontario as if the grant or letters patent had issued to or in the name of the deceased person during his lifetime. Grants or
letters
patent
issued after
death of
grantee or
patentee

2. Subsection 2 of section 61 of *The Public Lands Act* is amended by striking out the words "five per cent" where they occur in the fourth and fifth lines and in the twelfth line respectively and inserting in lieu thereof the word "any", so that the subsection shall read as follows: Rev. Stat.,
c. 309, s. 61,
subs. 2,
amended

(2) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, where the letters patent have been issued containing a reservation of any of the area for roads, wood, gravel and other materials required for the construction or improvement of any colonization or other road or of any road in lieu of or partly deviating from an allowance for road, may be taken from the land without making compensation therefor or for the injury thereby done to the land from which they are taken, and where the letters patent have been issued without a reservation being made of any of the area for roads, wood, gravel and other materials required Right to
take wood,
gravel and
other
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for roads

for the purposes hereinbefore mentioned may be taken from the land, but compensation shall be paid as provided by *The Public Works Act*.

Rev. Stat.,
c. 323

Short title

3. This Act may be cited as *The Public Lands Amendment Act, 1955*.

BILL

An Act to amend The Public Lands Act

1st Reading

March 14th, 1955

2nd Reading

March 15th, 1955

3rd Reading

March 23rd, 1955

MR. MAPLEDORAM

No. 97

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Succession Duty Act

MR. HAMILTON

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

EXPLANATORY NOTES

SECTION 1. For some years now the banks, trust companies and others wherein there is money on deposit, have been permitted, through the procedure of a blanket consent, to pay out up to \$500 without consent, upon notice being given, where the deceased died domiciled in Ontario.

The new provision now incorporates such practice into the Act itself, at the same time bringing such relative consent provisions in line with the *Succession Duty Act* (Canada).

SECTION 2. Doubt has arisen as to the authority for the taking of security by way of bond or otherwise from the executors of an estate for the payment of duty in that it is felt that the present regulations purporting to do so are without statutory authority.

The new provisions are for the purpose of incorporating in the Act itself the provisions of the present regulations dealing with matters of security.

BILL

An Act to amend The Succession Duty Act

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

- 1.** Subsection 3 of section 9 of *The Succession Duty Act* is repealed and the following substituted therefor: Rev. Stat., c. 378, s. 9, subs. 3, re-enacted
- (3) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario any one branch of any bank, trust company, or any insurance company, other corporation or any one person or any credit union may pay to the person entitled thereto an amount not exceeding \$500 of money on deposit standing to the credit of the deceased either alone or jointly with any person, without the consent of the Treasurer, and notice of such payment shall be transmitted forthwith to the Treasurer, and such notice shall show the full name of the deceased, the date and place of his death, the amount paid, the name and relationship to the deceased of the person to whom paid and the total amount of the money on deposit at the date of death of the deceased. Payment of money on deposit, where no consent necessary
- 2.** Subsection 1 of section 14 of *The Succession Duty Act* is repealed and the following substituted therefor: Rev. Stat., c. 378, s. 14, subs. 1, re-enacted
- (1) The Treasurer may accept security satisfactory to him, Security for duty
- (a) for the payment of any duty that appears to be due, whether it has become payable or not, by deposit with him of a sum of money in an amount which he deems to be sufficient;
- (b) for the payment of any duty that appears to be due which has not become payable, by deposit with him of securities acceptable to him of a value which he deems to be sufficient; or

- (c) for the payment of any duty with respect to an interest in expectancy that is not to be paid until such interest falls into possession or for any duty that is not ascertainable until some future time, by bond acceptable to him and in such penal sum as he requires or by deposit with him of securities acceptable to him of a value which he deems to be sufficient.

Idem

- (1a) The Treasurer may accept security satisfactory to him for compliance by any person with section 24, by bond acceptable to the Treasurer and in such penal sum as he requires or by deposit with him of securities acceptable to him of a value which he deems to be sufficient.

Form of bond

- (1b) Where the security mentioned in clause *c* of subsection 1 or in subsection 1a is by way of bond, the bond shall be in such form as is prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 378, s. 24,
subs. 3,
amended

- 3.** Subsection 3 of section 24 of *The Succession Duty Act* is amended by striking out the words "*The Public Revenue Act*" in the fifth line and inserting in lieu thereof the words "*The Financial Administration Act, 1954*", so that the subsection shall read as follows:

Money to be paid over to Treasurer

- (3) Any executor or trustee or any person who has any money for the payment of duty, interest or penalties shall be deemed to be a person who has received money for the Crown or for which he is accountable to the Crown within the meaning of *The Financial Administration Act, 1954*.

1954, c. 30

Commencement

- 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, 1955*.

SECTION 3. *The Public Revenue Act* has been replaced by *The Financial Administration Act, 1954.*

BILL

An Act to amend The Succession
Duty Act

1st Reading

March 14th, 1955

2nd Reading

3rd Reading

MR. HAMILTON

No. 97

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Succession Duty Act

MR. HAMILTON

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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. Subsection 3 of section 9 of *The Succession Duty Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 378, s. 9,
subs. 3,
re-enacted

- (3) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario any one branch of any bank, trust company, or any insurance company, other corporation or any one person or any credit union may pay to the person entitled thereto an amount not exceeding \$500 of money on deposit standing to the credit of the deceased either alone or jointly with any person, without the consent of the Treasurer, and notice of such payment shall be transmitted forthwith to the Treasurer, and such notice shall show the full name of the deceased, the date and place of his death, the amount paid, the name and relationship to the deceased of the person to whom paid and the total amount of the money on deposit at the date of death of the deceased.

Payment of
money on
deposit,
where no
consent
necessary

2. Subsection 1 of section 14 of *The Succession Duty Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 378, s. 14,
subs. 1,
re-enacted

- (1) The Treasurer may accept security satisfactory to him,
- (a) for the payment of any duty that appears to be due, whether it has become payable or not, by deposit with him of a sum of money in an amount which he deems to be sufficient;
- (b) for the payment of any duty that appears to be due which has not become payable, by deposit with him of securities acceptable to him of a value which he deems to be sufficient;
- or

Security
for duty

- (c) for the payment of any duty with respect to an interest in expectancy that is not to be paid until such interest falls into possession or for any duty that is not ascertainable until some future time, by bond acceptable to him and in such penal sum as he requires or by deposit with him of securities acceptable to him of a value which he deems to be sufficient.

Idem

- (1a) The Treasurer may accept security satisfactory to him for compliance by any person with section 24, by bond acceptable to the Treasurer and in such penal sum as he requires or by deposit with him of securities acceptable to him of a value which he deems to be sufficient.

Form of bond

- (1b) Where the security mentioned in clause *c* of subsection 1 or in subsection 1a is by way of bond, the bond shall be in such form as is prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 378, s. 24,
subs. 3,
amended

- 3.** Subsection 3 of section 24 of *The Succession Duty Act* is amended by striking out the words "*The Public Revenue Act*" in the fifth line and inserting in lieu thereof the words "*The Financial Administration Act, 1954*", so that the subsection shall read as follows:

Money to
be paid
over to
Treasurer

- (3) Any executor or trustee or any person who has any money for the payment of duty, interest or penalties shall be deemed to be a person who has received money for the Crown or for which he is accountable to the Crown within the meaning of *The Financial Administration Act, 1954*.

1954, c. 30

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, 1955*.



BILL

An Act to amend The Succession
Duty Act

1st Reading

March 14th, 1955

2nd Reading

March 15th, 1955

3rd Reading

March 23rd, 1955

MR. HAMLTON

No. 98

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Farm Products Marketing Act

MR. THOMAS (Elgin)

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

EXPLANATORY NOTES

GENERAL. The purpose of this bill is to clarify and strengthen the Act,

- (i) where producers desire orderly marketing of their product under agreements providing for minimum prices and terms of purchase and sale; and
- (ii) where producers desire complete control of the marketing of their product through a marketing agency appointed for the purpose.

SECTION 1. Clause *e* of section 1 of the Act is amended to delete the exemption of buying and selling by retail contained in the definition of "marketing", and to add that "market" and "marketed" have meanings corresponding with "marketing".

Section 1 is further amended by adding a definition of "marketing agency".

SECTION 2—Subsection 1. Subsection 1 of section 3 of the Act is re-enacted with several minor amendments to existing clauses and the addition in clause *d* of a provision to settle any dispute arising out of any agreement or award, and in clause *e* of a provision for arbitration.

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 re-enacted by section 1 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 1, cl. *e* (1954, c. 29, s. 1), re-enacted

- (*e*) “marketing” means buying, selling and offering for sale and includes advertising, assembling, financing, packing and shipping for sale or storage and transporting in any manner by any person, and “market” and “marketed” have corresponding meanings;
- (*ee*) “marketing agency” means a marketing agency designated by the Board in the regulations.

2.—(1) Subsection 1 of section 3 of *The Farm Products Marketing Act*, as amended by section 2 of *The Farm Products Marketing Amendment Act, 1951*, subsections 1 and 2 of section 1 of *The Farm Products Marketing Amendment Act, 1953* and section 2 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 3, subs. 1 re-enacted

(1) The Board may,

Authority
of Board

- (*a*) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of regulated products or between any two of such classes or persons;
- (*b*) investigate the cost of producing, processing and marketing any farm product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the marketing of farm products;

- (c) exempt from any order or direction of the Board or a local board or from 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;
- (d) establish in connection with any scheme with respect to a regulated product, negotiating agencies which may adopt or determine by agreement,
 - (i) minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,
 - (ii) terms of purchase and sale for the regulated product,
 - (iii) handling, transporting, storage or selling charges for the regulated product or for any class, variety, grade or size of the regulated product,
 - (iv) conditions and form of contracts for the purchase and sale of the regulated product,
 and settle any dispute arising out of any such agreement or any award under clause e;
- (e) provide for arbitration of any matter not adopted or determined by agreement under clause d;
- (f) require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board or local board, require such persons to furnish such information in regard to the regulated product as the Board or the local board may determine, and inspect the books and premises of such persons;
- (g) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product, and provide for the administration and disposition of any moneys or securities so furnished;



Subsection 2. Subsection 1*a* of section 3 of the Act is amended to provide that the Board may, by order, declare an agreement or award or a part thereof to come into force.

- (h) except where a marketing agency has been designated for the marketing of a regulated product, prohibit the marketing of any class, variety, grade or size of any regulated product;
- (i) except where a marketing agency has been designated for a regulated product, regulate and control any regulated product;
- (j) stimulate, increase and improve the marketing of farm products by such means as it may deem proper;
- (k) co-operate with a marketing board, a local board or a marketing agency of any other province for the purpose of marketing any regulated product;
- (l) 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;
- (m) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any scheme.

(2) Subsection 1a of the said section 3, as enacted by sub-section 3 of section 1 of *The Farm Products Marketing Amendment Act, 1953*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 3,
subs. 1a
(1953,
c. 36, s. 1,
subs. 3),
re-enacted

(1a) Every agreement or award made under clauses *d* and *e* of subsection 1,

Agreements
and awards,
filing

- (a) shall be filed forthwith after the making thereof with the Board, and the Board may, by order, declare the agreement or award or part thereof to come into force on the day it is so filed or on such later day as may be

named in the agreement or award and, subject to clause *b*, shall remain in force for the marketing of the regulated product during the crop year, or the production period, as provided in the agreement or award; and

re-negotiation

- (b) may, at any time upon the application to the Board of all parties thereto, be re-negotiated in such manner as the Board may determine with respect to any terms of the agreement or the award.

Rev. Stat.,
c. 337
not to apply

- (1b) The provisions of *The Regulations Act* do not apply to the filing with the Board of any agreement or award or any order of the Board with respect thereto under subsection 1a.

Rev. Stat.,
c. 131, s. 3,
subss. 3, 4,
re-enacted

- (3) Subsections 3 and 4 of the said section 3 are repealed and the following substituted therefor:

Delegation
of powers

- (3) The Board may delegate to a local board such of its powers under subsection 1 as it deems necessary, and may, at any time, terminate such delegation of power.

Regulations
respecting
the filing of
records with
the Board

- (4) The Board may make regulations,
- (a) providing for the filing by each local board and marketing agency with the Board of true copies of,
- (i) minutes of all meetings of the local board and the marketing agency,
 - (ii) all orders and directions of the local board,
 - (iii) all reports of annual operations of the local board and the marketing agency,
 - (iv) all annual financial statements and audited reports of the local board and the marketing agency,
 - (v) all agreements made between the local board and the marketing agency, and
 - (vi) such further statements and reports as the Board may require from the local board or the marketing agency;

- (b) providing for,

Section 3 of the Act is further amended by adding subsection 1b to provide that *The Regulations Act* does not apply to the filing of an agreement or award or to an order declaring such to be in force.

Subsection 3. Subsection 3 of section 3 of the Act is amended to clarify the meaning that the Board may delegate any of its powers under subsection 1 of section 3.

Subsection 4 of section 3 of the Act is amended to provide that the Board may, under the regulations, obtain records from local boards and marketing agencies.

SECTION 3—Subsection 1. Subsection 1 of section 4 of the Act is amended to provide that the Board may, and upon petition of 10 per cent of the producers shall, submit a proposed scheme to a vote of the producers.

Subsection 2. Subsection 1c of section 3 is repealed and substitution made of three subsections to provide for the revocation of a scheme on request of producers and on request of a local board, and the resubmission by the Board of a scheme to a vote of producers.

- (i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of each local board and marketing agency, and
- (ii) the publication of the annual statement of operations and the financial report of each local board and marketing agency; and
- (c) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, reports and statements shall be filed with the Board, furnished to producers or published, as the case may be, under clause *a* or *b*.

3.—(1) Subsection 1 of section 4 of *The Farm Products Marketing Act*, as re-enacted by subsection 1 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 4,
subs. 1
(1954, c. 29,
s. 3, subs. 1),
re-enacted

- (1) Where the Board receives from any group of persons engaged in the production of any farm product in Ontario a petition or request asking that a scheme for the marketing or regulating of the farm product be adopted, the Board may, and upon petition of at least 10 per cent of all producers engaged in the production of that farm product in Ontario or that part of Ontario to which the proposed scheme is to apply 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 question of the approval of the scheme.

Approval of
marketing
scheme

(2) Subsection 1*c* of the said section 4, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 4,
subs. 1*c*
(1954, c. 29,
s. 3, subs. 2),
re-enacted

- (1*c*) Where the Board receives from producers a petition or request for the revocation of the scheme under which a regulated product is marketed and the Board is of the opinion that such producers represent at least 10 per cent of all of the producers engaged in the production of the regulated product, the Board shall submit to a vote of the persons engaged in the production of the regulated product the question of the revocation of the scheme.

Request
from pro-
ducers for
revocation
of scheme

Request by local board for revocation of scheme

- (1d) Where a local board requests an amendment to an existing scheme or an amendment to regulations with respect to the marketing of the regulated product under the scheme, the Board may require a vote of the persons engaged in the production of the regulated product to be taken on the amendment requested.

Re-submission of scheme for vote

- (1e) Where the Board, for any reason that it deems sufficient, is of the opinion that an existing scheme should be re-submitted to a vote of the producers, it may re-submit the existing scheme to a vote of the producers engaged in the production of the regulated product under the scheme.

Rev. Stat., c. 131, s. 4, subs. 2, cl. b, re-enacted

- (3) Clause *b* of subsection 2 of the said section 4 is repealed and the following substituted therefor:

- (b) notwithstanding subsection 1d, amend any approved scheme as he may deem proper.

Rev. Stat., c. 131, s. 4, subs. 2, cl. c (1951, c. 25, s. 3), re-enacted

- (4) Clause *c* of subsection 2 of the said section 4, as enacted by section 3 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor:

1953, c. 19

- (c) give to any local board any or all of the powers set out in sections 22 and 287 of *The Corporations Act, 1953*.

Rev. Stat., c. 131, s. 4, amended

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

Members of local board

- (4) The method by which the members of any local board shall be appointed, elected or chosen shall be set out in the scheme under which the local board is established.

Rev. Stat., c. 131, amended

4. *The Farm Products Marketing Act* is amended by adding thereto the following section:

Production of records

- 4a.—(1) Every person, when requested so to do by an officer of the Board or a local board, shall produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to any regulated product.

Obstruction of officers

- (2) No person shall hinder or obstruct an officer of the Board or a local board in the performance of his duties, or refuse to permit him to carry out his duties, or furnish him with false information.

Subsection 3. Clause *b* of subsection 2 of section 4 of the Act is re-enacted to provide for amendment of a scheme notwithstanding the provisions of subsection 1*d*.

Subsection 4. Clause *c* of subsection 2 of section 4 of the Act is re-enacted to give local boards the same powers under *The Corporations Act, 1953* as they had under the corresponding sections of *The Companies Act*.

Subsection 5. Section 4 of the Act is further amended by the addition of subsection 4 to provide for the method of election or appointment of members of a local board to be set out in the scheme.

SECTION 4. The Act is further amended by the addition of section 4*a* to give officers of the Board and local boards authority to obtain records and information from persons engaged in marketing regulated products.

SECTION 5. Section 5 of the Act is amended to add violations of orders and directions of a marketing agency as offences under the Act.

SECTION 6. Subsection 2 of section 6 of the Act is amended to provide that penalties for failure to pay the minimum price under an agreement or award in the marketing of a regulated product shall be paid to the local board instead of the Board as at present, and to provide that the local board may pay the money *pro rata* to producers who failed to receive the minimum price, or may retain the money to stimulate the marketing of the regulated product by the local board.

SECTION 7. Subsection 1 of section 7 of the Act is re-enacted,

- (a) to give the Board authority to make regulations respecting the matters specified without approval by the Lieutenant-Governor in Council;
- (b) to clarify the authority to make regulations respecting licensing;
- (c) to enable regulations to be made designating, on recommendation of a local board, a marketing agency to handle the regulated product;
- (d) to clarify the authority to make regulations respecting the operations of a marketing agency.

5. Section 5 of *The Farm Products Marketing Act*, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1954*, is further amended by inserting after the words "local board" in the fourth line the words "or of any marketing agency", so that the section shall read as follows:

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 marketing agency, 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.

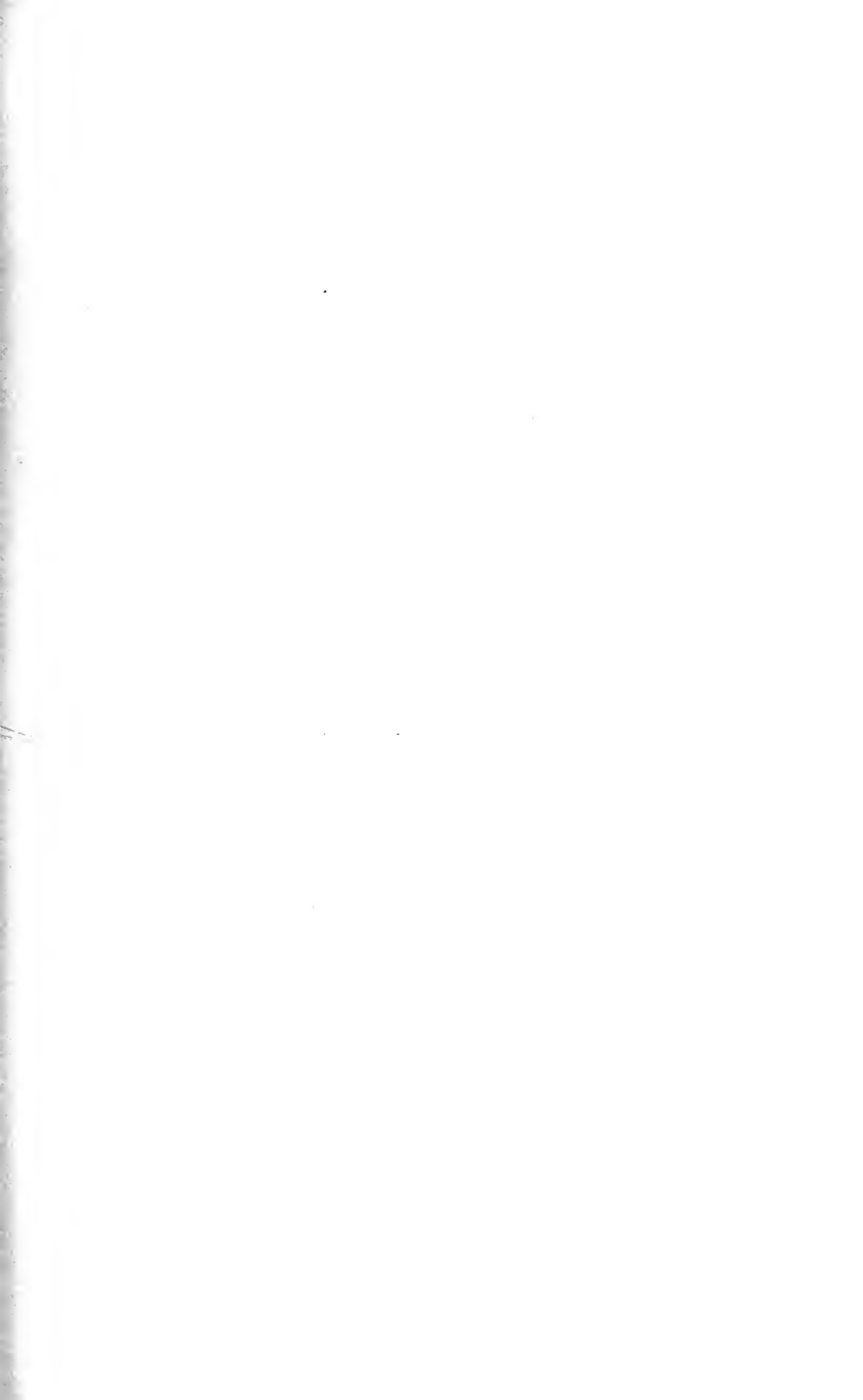
6. Subsection 2 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 5 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

- (2) The penalties imposed under this section shall be paid to the local board, and the local board may,
- (a) distribute the money received as a penalty for failure to pay at least the minimum price established in the agreement or award *pro rata* among the persons who failed to receive at least the minimum price, or
- (b) use the money to stimulate, increase and improve the marketing of the regulated product.

7. Subsection 1 of section 7 of *The Farm Products Marketing Act*, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1951* and section 6 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

- (1) The Board may make regulations generally or with respect to any regulated product,
- (a) providing for the licensing by the Board or the local board of any and all persons before commencing or continuing in the producing, marketing or processing of a regulated product;

- (b) prohibiting persons from engaging in the producing, marketing or processing of any regulated product except under the authority of a licence issued by the Board or the local board;
- (c) providing for the refusal to grant a licence for any reason which the Board or the local board may deem sufficient;
- (d) providing for the suspension or revocation of or the refusal to renew a licence by the Board or a local board for failure to observe, perform or carry out any of the provisions of this Act, the regulations, any scheme or any order or direction of the Board or local board or marketing agency, subject to
 - (i) the right of any person whose licence was suspended or revoked or was not renewed to appear before the Board or the local board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be,
 - (ii) in the case of suspension or revocation of or refusal to renew a licence by a local board, the right of the person to appear before the Board, which may affirm the action of the local board or require the local board to restore or renew the licence;
- (e) providing for the fixing by the Board of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing the regulated product and the collecting of the licence fees by the local board, and the recovering of such licence fees by suit in any court of competent jurisdiction;
- (f) providing that any class of licence fees payable to a local board shall be used by it for the purpose of carrying out and enforcing this Act, the regulations and the scheme under which the local board is established;
- (g) prescribing the form of licences;





- (h) providing for the exemption from the regulations under any scheme of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product. or any class, variety, grade or size of regulated product;
- (i) prescribing the manner of taking votes of persons engaged in the production of farm products and the percentages of votes required under section 4;
- (j) providing for the making of returns or the furnishing of information by any person licensed under this Act;
- (k) providing for the carrying out of any scheme of marketing declared by the Lieutenant-Governor in Council to be in force;
- (l) designating any article of food or drink manufactured or derived in whole or in part from a farm product and designating any natural product of agriculture which shall be deemed to be a farm product;
- (m) upon the recommendation of the local board, designating a marketing agency through which a regulated product shall be marketed and requiring the regulated product to be marketed through the marketing agency;
- (n) providing for the revocation of appointment of a marketing agency designated under clause *m*, and, upon the recommendation of the local board, the designation of a marketing agency for the regulated product to act in its stead;
- (o) where a marketing agency is designated for a regulated product, authorizing the marketing agency,
 - (i) to direct and control, by order or direction, the marketing of the regulated product including the times and places at which the regulated product may be marketed,

- (ii) to determine the quantity, grade and class of the regulated product that shall be marketed by each producer,
 - (iii) to prohibit the marketing of any class, variety, grade or size of the regulated product,
 - (iv) to fix from time to time the price or prices that shall be paid to producers for the regulated product or any class, variety, grade or size of the regulated product and to fix different prices for different parts of Ontario,
 - (v) to impose such service charges as may from time to time be fixed by the local board for the marketing of the regulated product,
 - (vi) to pay to the local board from service charges imposed under subclause v its expenses in carrying out the purposes of the scheme,
 - (vii) to require the price or prices to be paid to the producer for the regulated product to be forwarded to the marketing agency,
 - (viii) to collect from any person by suit in any court of competent jurisdiction the price or prices of the regulated product owing to the producer;
- (p) providing that a local board may, from time to time, fix service charges to be imposed by a marketing agency for the marketing of the product regulated by the scheme under which the local board is established;
 - (q) providing for the payment to producers by a marketing agency of the price or prices for the regulated product less service charges imposed under subclause v of clause o;
 - (r) providing for the times at which or within which a marketing agency shall pay producers for the regulated product marketed;

- (s) providing for statements to producers showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by the marketing agency;
- (t) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

8. The Board may by order declare that all or any schemes heretofore approved, regulations heretofore made, orders and directions of the Board and of local boards and agreements and awards filed with the Board under *The Farm Products Marketing Act* that are in effect on the day this Act comes into force shall be deemed to have been made under *The Farm Products Marketing Act* as amended by this Act.

Continuation
of schemes,
regulations,
orders,
directions,
agreements
and awards

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

Commence-
ment

10. This Act may be cited as *The Farm Products Marketing Amendment Act, 1955*.

Short title



BILL

An Act to amend The Farm Products
Marketing Act

1st Reading

March 15th, 1955

2nd Reading

3rd Reading

MR. THOMAS (Elgin)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Farm Products Marketing Act

MR. THOMAS (Elgin)

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 re-enacted by section 1 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 1, cl. *e* (1954, c. 29, s. 1), re-enacted

- (*e*) "marketing" means buying, selling and offering for sale and includes advertising, assembling, financing, packing and shipping for sale or storage and transporting in any manner by any person, and "market" and "marketed" have corresponding meanings;
- (*ee*) "marketing agency" means a marketing agency designated by the Board in the regulations.

2.—(1) Subsection 1 of section 3 of *The Farm Products Marketing Act*, as amended by section 2 of *The Farm Products Marketing Amendment Act, 1951*, subsections 1 and 2 of section 1 of *The Farm Products Marketing Amendment Act, 1953* and section 2 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 3, subs. 1 re-enacted

(1) The Board may,

Authority
of Board

- (*a*) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of regulated products or between any two of such classes or persons;
- (*b*) investigate the cost of producing, processing and marketing any farm product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the marketing of farm products;

- (c) exempt from any order or direction of the Board or a local board or from 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;
- (d) establish in connection with any scheme with respect to a regulated product, negotiating agencies which may adopt or determine by agreement,
- (i) minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,
 - (ii) terms of purchase and sale for the regulated product,
 - (iii) handling, transporting, storage or selling charges for the regulated product or for any class, variety, grade or size of the regulated product,
 - (iv) conditions and form of contracts for the purchase and sale of the regulated product,
- and settle any dispute arising out of any such agreement or any award under clause *e*;
- (e) provide for arbitration of any matter not adopted or determined by agreement under clause *d*;
- (f) require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board or local board, require such persons to furnish such information in regard to the regulated product as the Board or the local board may determine, and inspect the books and premises of such persons;
- (g) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product, and provide for the administration and disposition of any moneys or securities so furnished;

- (h) except where a marketing agency has been designated for the marketing of a regulated product, prohibit the marketing of any class, variety, grade or size of any regulated product;
- (i) except where a marketing agency has been designated for a regulated product, regulate and control any regulated product;
- (j) stimulate, increase and improve the marketing of farm products by such means as it may deem proper;
- (k) co-operate with a marketing board, a local board or a marketing agency of any other province for the purpose of marketing any regulated product;
- (l) 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;
- (m) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any scheme.

(2) Subsection 1a of the said section 3, as enacted by sub-Rev. Stat.,
c. 131, s. 3,
subs. 1a
(1953,
c. 36, s. 1,
subs. 3),
re-enacted section 3 of section 1 of *The Farm Products Marketing Amendment Act, 1953*, is repealed and the following substituted therefor:

(1a) Every agreement or award made under clauses *d* Agreements
and awards,
filing and *e* of subsection 1,

- (a) shall be filed forthwith after the making thereof with the Board, and the Board may, by order, declare the agreement or award or part thereof to come into force on the day it is so filed or on such later day as may be

named in the agreement or award and, subject to clause *b*, shall remain in force for the marketing of the regulated product during the crop year, or the production period, as provided in the agreement or award; and

re-negotiation

- (b) may, at any time upon the application to the Board of all parties thereto, be re-negotiated in such manner as the Board may determine with respect to any terms of the agreement or the award.

Rev. Stat.,
c. 337
not to apply

- (1b) The provisions of *The Regulations Act* do not apply to the filing with the Board of any agreement or award or any order of the Board with respect thereto under subsection 1a.

Rev. Stat.,
c. 131, s. 3,
subss. 3, 4,
re-enacted

- (3) Subsections 3 and 4 of the said section 3 are repealed and the following substituted therefor:

Delegation
of powers

- (3) The Board may delegate to a local board such of its powers under subsection 1 as it deems necessary, and may, at any time, terminate such delegation of power.

Regulations
respecting
the filing of
records with
the Board

- (4) The Board may make regulations,
- (a) providing for the filing by each local board and marketing agency with the Board of true copies of,
- (i) minutes of all meetings of the local board and the marketing agency,
 - (ii) all orders and directions of the local board,
 - (iii) all reports of annual operations of the local board and the marketing agency,
 - (iv) all annual financial statements and audited reports of the local board and the marketing agency,
 - (v) all agreements made between the local board and the marketing agency, and
 - (vi) such further statements and reports as the Board may require from the local board or the marketing agency;

- (b) providing for,

- (i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of each local board and marketing agency, and
- (ii) the publication of the annual statement of operations and the financial report of each local board and marketing agency; and
- (c) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, reports and statements shall be filed with the Board, furnished to producers or published, as the case may be, under clause *a* or *b*.

3.—(1) Subsection 1 of section 4 of *The Farm Products Marketing Act*, as re-enacted by subsection 1 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 4,
subs. 1
(1954, c. 29,
s. 3, subs. 1),
re-enacted

- (1) Where the Board receives from any group of persons engaged in the production of any farm product in Ontario a petition or request asking that a scheme for the marketing or regulating of the farm product be adopted, the Board may, and upon petition of at least 10 per cent of all producers engaged in the production of that farm product in Ontario or that part of Ontario to which the proposed scheme is to apply 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 question of the approval of the scheme.

Approval of
marketing
scheme

(2) Subsection 1c of the said section 4, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 4,
subs. 1c
(1954, c. 29,
s. 3, subs. 2),
re-enacted

- (1c) Where the Board receives from producers a petition or request for the revocation of the scheme under which a regulated product is marketed and the Board is of the opinion that such producers represent at least 10 per cent of all of the producers engaged in the production of the regulated product, the Board shall submit to a vote of the persons engaged in the production of the regulated product the question of the revocation of the scheme.

Request
from pro-
ducers for
revocation
of scheme

Request by
local board
for revoca-
tion of
scheme

(1d) Where a local board requests an amendment to an existing scheme or an amendment to regulations with respect to the marketing of the regulated product under the scheme, the Board may require a vote of the persons engaged in the production of the regulated product to be taken on the amendment requested.

Re-sub-
mission of
scheme
for vote

(1e) Where the Board, for any reason that it deems sufficient, is of the opinion that an existing scheme should be re-submitted to a vote of the producers, it may re-submit the existing scheme to a vote of the producers engaged in the production of the regulated product under the scheme.

Rev. Stat.,
c. 131, s. 4,
subs. 2, cl. b,
re-enacted

(3) Clause *b* of subsection 2 of the said section 4 is repealed and the following substituted therefor:

(b) notwithstanding subsection 1d, amend any approved scheme as he may deem proper.

Rev. Stat.,
c. 131, s. 4,
subs. 2, cl. c
(1951,
c. 25, s. 3),
re-enacted

(4) Clause *c* of subsection 2 of the said section 4, as enacted by section 3 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor:

1953, c. 19

(c) give to any local board any or all of the powers set out in sections 22 and 287 of *The Corporations Act, 1953*.

Rev. Stat.,
c. 131, s. 4,
amended

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

Members of
local board

(4) The method by which the members of any local board shall be appointed, elected or chosen shall be set out in the scheme under which the local board is established.

Rev. Stat.,
c. 131,
amended

4. *The Farm Products Marketing Act* is amended by adding thereto the following section:

Production
of records

4a.—(1) Every person, when requested so to do by an officer of the Board or a local board, shall produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to any regulated product.

Obstruction
of officers

(2) No person shall hinder or obstruct an officer of the Board or a local board in the performance of his duties, or refuse to permit him to carry out his duties, or furnish him with false information.

5. Section 5 of *The Farm Products Marketing Act*, as ^{Rev. Stat.,} amended by section 4 of *The Farm Products Marketing* ^{c. 131, s. 5,} *Amendment Act, 1954*, is further amended by inserting after the words "local board" in the fourth line the words "or of any marketing agency", so that the section shall read as follows:

5. Every person who violates any of the provisions of ^{Penalty} 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 marketing agency, 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.

6. Subsection 2 of section 6 of *The Farm Products Marketing* ^{Rev. Stat.,} *Act*, as re-enacted by section 5 of *The Farm Products Marketing* ^{c. 131, s. 6,} *Amendment Act, 1954*, is repealed and the following substituted ^{(1954, c. 29,} ^{s. 5), subs. 2,} ^{re-enacted} therefor:

- (2) The penalties imposed under this section shall be ^{Disposition} paid to the local board, and the local board may, ^{of penalties}
- (a) distribute the money received as a penalty for failure to pay at least the minimum price established in the agreement or award *pro rata* among the persons who failed to receive at least the minimum price, or
- (b) use the money to stimulate, increase and improve the marketing of the regulated product.

7. Subsection 1 of section 7 of *The Farm Products Marketing* ^{Rev. Stat.,} *Act*, as amended by section 4 of *The Farm Products Marketing* ^{c. 131, s. 7,} *Amendment Act, 1951* and section 6 of *The Farm Products* ^{subs. 1,} *Marketing Amendment Act, 1954*, is repealed and the follow- ^{re-enacted} ing substituted therefor:

- (1) The Board may make regulations generally or with ^{Regulations} respect to any regulated product,
- (a) providing for the licensing by the Board or the local board of any and all persons before commencing or continuing in the producing, marketing or processing of a regulated product;

- (b) prohibiting persons from engaging in the producing, marketing or processing of any regulated product except under the authority of a licence issued by the Board or the local board;
- (c) providing for the refusal to grant a licence for any reason which the Board or the local board may deem sufficient;
- (d) providing for the suspension or revocation of or the refusal to renew a licence by the Board or a local board for failure to observe, perform or carry out any of the provisions of this Act, the regulations, any scheme or any order or direction of the Board or local board or marketing agency, subject to
 - (i) the right of any person whose licence was suspended or revoked or was not renewed to appear before the Board or the local board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be,
 - (ii) in the case of suspension or revocation of or refusal to renew a licence by a local board, the right of the person to appear before the Board, which may affirm the action of the local board or require the local board to restore or renew the licence;
- (e) providing for the fixing by the Board of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing the regulated product and the collecting of the licence fees by the local board, and the recovering of such licence fees by suit in any court of competent jurisdiction;
- (f) providing that any class of licence fees payable to a local board shall be used by it for the purpose of carrying out and enforcing this Act, the regulations and the scheme under which the local board is established;
- (g) prescribing the form of licences;

- (h) providing for the exemption from the regulations under any scheme of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;
- (i) prescribing the manner of taking votes of persons engaged in the production of farm products and the percentages of votes required under section 4;
- (j) providing for the making of returns or the furnishing of information by any person licensed under this Act;
- (k) providing for the carrying out of any scheme of marketing declared by the Lieutenant-Governor in Council to be in force;
- (l) designating any article of food or drink manufactured or derived in whole or in part from a farm product and designating any natural product of agriculture which shall be deemed to be a farm product;
- (m) upon the recommendation of the local board, designating a marketing agency through which a regulated product shall be marketed and requiring the regulated product to be marketed through the marketing agency;
- (n) providing for the revocation of appointment of a marketing agency designated under clause *m*, and, upon the recommendation of the local board, the designation of a marketing agency for the regulated product to act in its stead;
- (o) where a marketing agency is designated for a regulated product, authorizing the marketing agency,
 - (i) to direct and control, by order or direction, the marketing of the regulated product including the times and places at which the regulated product may be marketed,

- (ii) to determine the quantity, grade and class of the regulated product that shall be marketed by each producer,
 - (iii) to prohibit the marketing of any class, variety, grade or size of the regulated product,
 - (iv) to fix from time to time the price or prices that shall be paid to producers for the regulated product or any class, variety, grade or size of the regulated product and to fix different prices for different parts of Ontario,
 - (v) to impose such service charges as may from time to time be fixed by the local board for the marketing of the regulated product,
 - (vi) to pay to the local board from service charges imposed under subclause v its expenses in carrying out the purposes of the scheme,
 - (vii) to require the price or prices to be paid to the producer for the regulated product to be forwarded to the marketing agency,
 - (viii) to collect from any person by suit in any court of competent jurisdiction the price or prices of the regulated product owing to the producer;
- (p) providing that a local board may, from time to time, fix service charges to be imposed by a marketing agency for the marketing of the product regulated by the scheme under which the local board is established;
 - (q) providing for the payment to producers by a marketing agency of the price or prices for the regulated product less service charges imposed under subclause v of clause o;
 - (r) providing for the times at which or within which a marketing agency shall pay producers for the regulated product marketed;

- (s) providing for statements to producers showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by the marketing agency;
- (t) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

8. The Board may by order declare that all or any schemes heretofore approved, regulations heretofore made, orders and directions of the Board and of local boards and agreements and awards filed with the Board under *The Farm Products Marketing Act* that are in effect on the day this Act comes into force shall be deemed to have been made under *The Farm Products Marketing Act* as amended by this Act.

Continuation
of schemes,
regulations,
orders,
directions,
agreements
and awards

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

Commence-
ment

10. This Act may be cited as *The Farm Products Marketing Amendment Act, 1955*.

Short title





BILL

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

1st Reading

March 15th, 1955

2nd Reading

March 17th, 1955

3rd Reading

March 23rd, 1955

MR. THOMAS (Elgin)

No. 99

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend
The Damage by Fumes Arbitration Act

MR. KELLY

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

EXPLANATORY NOTE

The cost of administering this Act this year will exceed \$10,000 due to the expansion in the nickel and iron mining industries. With new iron deposits coming into production, the cost will continue to mount. Therefore, the amount that must be provided is increased from \$10,000 to \$20,000 a year. The cost is paid by the Department of Mines in the first instance; the Department is then reimbursed by the operating companies as provided in the Act.

BILL

An Act to amend The Damage by Fumes Arbitration 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 6 of *The Damage by Fumes Arbitration Act* is amended by striking out the symbol and figures "\$10,000" in the first line and inserting in lieu thereof the symbol and figures "\$20,000", so that the subsection shall read as follows:

Rev. Stat.,
c. 87, s. 6,
subs. 1,
amended

(1) A sum not exceeding \$20,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore or iron ore.

Expenses,
how repay-
able to
Province

2. This Act shall be deemed to have come into force on the 1st day of January, 1955.

Commence-
ment

3. This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1955*.

Short title

BILL

**An Act to amend The Damage by
Fumes Arbitration Act**

1st Reading

March 15th, 1955

2nd Reading

3rd Reading

MR. KELLY

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend
The Damage by Fumes Arbitration Act

MR. KELLY

BILL

An Act to amend The Damage by Fumes Arbitration Act

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

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(1) A sum not exceeding \$20,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore or iron ore.

2. This Act shall be deemed to have come into force on the 1st day of January, 1955.

3. This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1955*.

BILL

An Act to amend The Damage by
Fumes Arbitration Act

1st Reading

March 15th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. KELLY

No. 100

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Dentistry Act

MR. PHILLIPS

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

EXPLANATORY NOTES

SECTION 1. The amendment provides that the annual fees payable by dentists be prescribed by by-law of the Board of Directors of the College, with the approval of the Lieutenant-Governor in Council. At present these fees are fixed by the Act.

SECTION 2. Ontario is divided into eight electoral districts for the purpose of electing members of the Board of Directors of the College.

The effect of the amendments is to constitute the county of York, including the city of Toronto, as Electoral District No. 4.

Heretofore the city of Toronto constituted Electoral District No. 4 and the rest of the county of York was in Electoral District No. 8.

No. 100

1955

BILL

An Act to amend The Dentistry 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 22 of *The Dentistry Act* is amended by striking out the words "not exceeding \$25, as may be prescribed by by-law of the Board" in the fifth and sixth lines and inserting in lieu thereof the words "as may be prescribed by by-law passed by the Board and approved by the Lieutenant-Governor in Council", so that the subsection shall read as follows:

Rev. Stat.,
c. 92, s. 22,
subs. 1,
amended

- (1) Every member of the College engaged in the practice of dental surgery in Ontario shall, on or before the 1st day of January in each year, pay to the treasurer, or to a person deputed by him to receive the same, such annual registration fee as may be prescribed by by-law passed by the Board and approved by the Lieutenant-Governor in Council, and such fee shall be recoverable by suit in the name of the Royal College of Dental Surgeons of Ontario in the division court of the division in which the member in default resides.

Annual fees

2. The Schedule to *The Dentistry Act* is amended by striking out the words "city of Toronto" in the tenth line and inserting in lieu thereof the words "county of York" and by striking out the words "Wentworth, and York (except Toronto)" in the eighteenth line and inserting in lieu thereof the words "and Wentworth".

Rev. Stat.,
c. 92,
Sched.,
amended

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

Royal
Commence-
ment

4. This Act may be cited as *The Dentistry Amendment Act*, 1955.

Short title

BILL

An Act to amend The Dentistry Act

1st Reading

March 15th, 1955

2nd Reading

3rd Reading

Mr. PHILLIPS

No. 100

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Dentistry Act

MR. PHILLIPS

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

No. 100

1955

BILL

An Act to amend The Dentistry 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 22 of *The Dentistry Act* is amended by striking out the words "not exceeding \$25, as may be prescribed by by-law of the Board" in the fifth and sixth lines and inserting in lieu thereof the words "as may be prescribed by by-law passed by the Board and approved by the Lieutenant-Governor in Council", so that the subsection shall read as follows:

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c. 92, s. 22,
subs. 1,
amended

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Rev. Stat.,
c. 92,
Sched.,
amended

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

Royal
Commence-
ment

4. This Act may be cited as *The Dentistry Amendment Act*, 1955.

Short title

BILL

An Act to amend The Dentistry Act

1st Reading

March 15th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PHILLIPS

No. 101

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Power Commission Act

MR. CHALLIES

EXPLANATORY NOTES

SECTION 1. In the definition of "power" the words "pneumatic", "mechanical" and "atomic" are new.

The definition of "works" is extended and improved.

SECTION 2. Self explanatory.

BILL

An Act to amend The Power Commission Act

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

1. Clauses *e* and *g* of section 1 of *The Power Commission Act* are repealed and the following substituted therefor: Rev. Stat., c. 281, s. 1, cls. *e*, *g*, re-enacted

(*e*) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas or other power and also includes energy;

.

(*g*) "works" includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

2.—(1) Subsection 1 of section 2 of *The Power Commission Act* is amended by striking out the word "three" in the second line and inserting in lieu thereof the words "not less than three and not more than six", so that the subsection shall read as follows: Rev. Stat., c. 281, s. 2, subs. 1, amended

(1) The Commission shall continue to be a body corporate, and shall consist of not less than three and not more than six persons appointed by the Lieutenant-Governor in Council, two of whom may be members, and one of whom shall be a member, of the Executive Council. Commission

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: Rev. Stat., c. 281, s. 2, subs. 2, re-enacted

(2) Two members of the Commission, of whom one shall be the chairman or a vice-chairman, shall constitute a quorum. Quorum

Rev. Stat.,
c. 281, s. 3,
subs. 1,
amended

3.—(1) Subsection 1 of section 3 of *The Power Commission Act* is amended by striking out the words “another member of the Commission to be vice-chairman” in the third and fourth lines and inserting in lieu thereof the words “two other members of the Commission to be vice-chairmen”, so that the subsection shall read as follows:

Chairman

(1) The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman and may appoint two other members of the Commission to be vice-chairmen of the Commission.

Rev. Stat.,
c. 281, s. 3,
subs. 2,
amended

(2) Subsection 2 of the said section 3 is amended by striking out the words “the vice-chairman” in the second and third lines and inserting in lieu thereof the words “a vice-chairman”, so that the subsection shall read as follows:

Powers of
vice-
chairman

(2) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman shall act as and have all the powers of the chairman.

Rev. Stat.,
c. 281, s. 5,
subs. 1,
re-enacted

4. Subsection 1 of section 5 of *The Power Commission Act* is repealed and the following substituted therefor:

Remunera-
tion of
Commis-
sioners

(1) The chairman, vice-chairman and other members of the Commission shall receive such sums annually for their services as may be determined by the Lieutenant-Governor in Council, and such sums shall be deemed to be part of the administration expenses of the Commission.

Rev. Stat.,
c. 281,
amended

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

Executive
committee

5a.—(1) The chairman and two vice-chairmen shall be the chief executive officers of the Commission and shall constitute an executive committee which shall be charged with the direction and control of the business of the Commission and it may exercise all of the powers of the Commission in its name, and may delegate such powers as it sees fit to any of the other members of the Commission.

Quorum

(2) The powers of the executive committee may be exercised by a majority of the committee.

Rev. Stat.,
c. 281, s. 13,
subs. 1, cl. a,
amended

6.—(1) Clause *a* of subsection 1 of section 13 of *The Power Commission Act* is amended by striking out the word “renewal” in the first line and inserting in lieu thereof the word “depreciation”, so that the clause shall read as follows:

SECTION 3. Self explanatory.

SECTION 4. Self explanatory.

SECTION 5. Self explanatory.

SECTION 6—Subsection 1. The more appropriate word “depreciation” takes the place of the word “renewal” for accounting purposes.

SECTION 6—Subsections 2 and 3. SECTIONS 7 to 10. The purpose of the amendments contained in these subsections and sections of the bill is to combine for accounting purposes the contingencies reserve account and the stabilization fund account. It will be known as the stabilization of rates and contingencies reserve account.

(a) to provide for the depreciation, reconstruction and repair of works constructed or operated by the Commission.

(2) Clause *b* of subsection 1 of the said section 13 is repealed.

Rev. Stat.,
c. 281, s. 13,
subs. 1, cl. *b*,
repealed

(3) Subsection 3 of the said section 13 is repealed.

Rev. Stat.,
c. 281, s. 13,
subs. 3,
repealed

7. Clause *a* of subsection 1 of section 14 of *The Power Commission Act* is repealed.

Rev. Stat.,
c. 281, s. 14,
subs. 1, cl. *a*,
repealed

8.—(1) Section 15 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 281, s. 15,
re-enacted

15.—(1) The account established and known as the stabilization fund account is continued and shall be known hereafter as the stabilization of rates and contingencies reserve account and may be maintained on the books of the Commission, and the Commission may place to the credit of that account,

Stabiliza-
tion and
contingen-
cies reserve

(a) such amounts as the Commission may determine and collect for the purposes of this section from its customers and such other amounts as may in its opinion be sufficient for the purposes of this section;

(b) interest at such rates as the Commission deems equitable and just upon balances remaining from time to time to the credit of the account.

(2) Any or all of the moneys in the stabilization of rates and contingencies reserve account may be used in the discretion of the Commission for determining, and for adjusting and apportioning, including making equitable and stabilizing, the amounts payable to the Commission by persons or municipal corporations; and to meet any expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of any works or other property of the Commission; and to meet other contingencies arising in the operations of the Commission; and to provide for such part of the cost of properties to be acquired or which have been acquired as is not allocated to specific works; and to meet the costs and expenses incurred by the Commission which, in the opinion of the Commission, are for the protection or advancement of the interests in the undertakings under its supervision or control and which are not

properly chargeable to any person or specific municipal corporation to which the Commission supplies power.

Transfer of
certain
moneys

(2) The Commission shall transfer to the credit of the stabilization of rates and contingencies reserve account all moneys at the credit of the reserve account discontinued by the repeal of clause *b* of subsection 1 of section 13 of *The Power Commission Act*.

Rev. Stat.,
c. 281, s. 59,
subs. 2,
amended

9. Subsection 2 of section 59 of *The Power Commission Act* is amended by striking out the word "His" in the first and thirteenth lines respectively and inserting in lieu thereof the word "Her" and by striking out the word and figures "section 13" in the eleventh line and inserting in lieu thereof the words and figures "sections 13 and 15", so that the subsection shall read as follows:

Agreements
between the
Crown and
the Com-
mission as
to under-
takings in
territorial
districts

(2) Her Majesty may enter into an agreement or agreements with the Commission, relating to any or all of the works mentioned in subsection 1, providing for payment to the Commission out of the Consolidated Revenue Fund the amounts from time to time by which the revenues that have been or may hereafter be derived from such works are or may be insufficient to meet in full the annual costs and charges in connection therewith as determined by the Commission, including the items set forth in clauses *a*, *b* and *c* of section 74 and an amount to be determined by the Commission to be provided for the purposes of sections 13 and 15, and such agreement or agreements when executed by the President of the Executive Council representing Her Majesty and the Commission shall be valid and binding on the Province and the Commission respectively.

Rev. Stat.,
c. 281, s. 68,
subs. 4,
amended

10. Subsection 4 of section 68 of *The Power Commission Act* is amended by striking out the words "clauses *a*, *b* and *c* of section 74 and for the purposes of section 13 and clause *d* of subsection 1 of section 14" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "clauses *a*, *b*, *c* and *d* of section 74", so that the subsection shall read as follows:

Deter-
mination
of net
profit

(4) Net profit referred to in subsection 3 shall be determined by deducting from the revenue received from supplying power or energy under subsection 1 all moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2



SECTION 11. See note to section 6, subsection 1. This amendment is similar in principle.

SECTION 12. The subsection repealed, which refers to the production for court purposes of the rules and regulations of the Commission as to the installation, etc., of electrical works, is no longer required as it is covered by *The Regulations Act*.

SECTION 13. Section 103 of the Act prohibits a municipality that has a contract with the Commission for the supply of electrical power from issuing debentures, etc., for any extension or improvement of its system without the approval of the Commission.

Metropolitan Toronto has no power contract but is now the entity that borrows money for its constituent municipalities.

The new subsection is self explanatory.

and an amount determined by the Commission for costs and charges as enumerated in clauses *a*, *b*, *c* and *d* of section 74.

11. Clause *a* of section 74 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 281, s. 74,
cl. *a*,
re-enacted

(*a*) the cost of operation, maintenance, depreciation and insurance of the works and the cost of administration of the Commission.

12. Subsection 14 of section 102 of *The Power Commission Act* is repealed.

Rev. Stat.,
c. 281, s. 102,
subs. 14,
repealed

13. Section 103 of *The Power Commission Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 281, s. 103,
amended

(7) For the purposes of this section, The Municipality of Metropolitan Toronto shall be deemed to be a municipal corporation that has entered into a contract with the Commission for the supply of electrical power and energy.

Metropolitan
Toronto

14.—(1) This Act, except subsections 2 and 3 of section 6 and sections 7, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Subsections 2 and 3 of section 6 and sections 7, 8, 9 and 10 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

15. This Act may be cited as *The Power Commission Amendment Act, 1955*.

Short title

BILL

An Act to amend
The Power Commission Act

1st Reading

March 15th, 1955

2nd Reading

3rd Reading

MR. CHALLIES

No. 101

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Power Commission Act

MR. CHALLIES

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

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

EXPLANATORY NOTES

SECTION 1. In the definition of "power" the words "pneumatic", "mechanical" and "atomic" are new.

The definition of "works" is extended and improved.

SECTION 2. Self explanatory.

BILL

An Act to amend The Power Commission Act

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

1. Clauses *e* and *g* of section 1 of *The Power Commission Act* are repealed and the following substituted therefor: Rev. Stat., c. 281, s. 1, cls. *e*, *g*, re-enacted

(*e*) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas or other power and also includes energy;

.

(*g*) "works" includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

2.—(1) Subsection 1 of section 2 of *The Power Commission Act* is amended by striking out the word "three" in the second line and inserting in lieu thereof the words "not less than three and not more than six", so that the subsection shall read as follows: Rev. Stat., c. 281, s. 2, subs. 1, amended

(1) The Commission shall continue to be a body Commission corporate, and shall consist of not less than three and not more than six persons appointed by the Lieutenant-Governor in Council, two of whom may be members, and one of whom shall be a member, of the Executive Council.

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: Rev. Stat., c. 281, s. 2, subs. 2, re-enacted

(2) Two members of the Commission, of whom one Quorum shall be the chairman or a vice-chairman, shall constitute a quorum.

Rev. Stat.,
c. 281, s. 3,
subs. 1,
amended

3.—(1) Subsection 1 of section 3 of *The Power Commission Act* is amended by striking out the words “another member of the Commission to be vice-chairman” in the third and fourth lines and inserting in lieu thereof the words “two other members of the Commission to be vice-chairmen”, so that the subsection shall read as follows:

Chairman

(1) The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman and may appoint two other members of the Commission to be vice-chairmen of the Commission.

Rev. Stat.,
c. 281, s. 3,
subs. 2,
amended

(2) Subsection 2 of the said section 3 is amended by striking out the words “the vice-chairman” in the second and third lines and inserting in lieu thereof the words “a vice-chairman”, so that the subsection shall read as follows:

Powers of
vice-
chairman

(2) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman shall act as and have all the powers of the chairman.

Rev. Stat.,
c. 281, s. 5,
subs. 1,
re-enacted

4. Subsection 1 of section 5 of *The Power Commission Act* is repealed and the following substituted therefor:

Remunera-
tion of
Commis-
sioners

(1) The chairman, vice-chairman and other members of the Commission shall receive such sums annually for their services as may be determined by the Lieutenant-Governor in Council, and such sums shall be deemed to be part of the administration expenses of the Commission.

Rev. Stat.,
c. 281,
amended

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

Executive
committee

5a.—(1) The chairman and two vice-chairmen shall be the chief executive officers of the Commission and shall constitute an executive committee which shall be charged with the direction and control of the business of the Commission and it may exercise all of the powers of the Commission in its name, including, but without limiting the generality of the foregoing, all of the powers of the Commission under sections 51 and 54, and may delegate such powers as it sees fit to any of the other members of the Commission.

Quorum

(2) The powers of the executive committee may be exercised by a majority of the committee.

SECTION 3. Self explanatory.

SECTION 4. Self explanatory.

SECTION 5. Self explanatory.

SECTION 6—Subsection 1. The more appropriate word “depreciation” takes the place of the word “renewal” for accounting purposes.

SECTION 6—Subsections 2 and 3. SECTIONS 7 to 10. The purpose of the amendments contained in these subsections and sections of the bill is to combine for accounting purposes the contingencies reserve account and the stabilization fund account. It will be known as the stabilization of rates and contingencies reserve account.

6.—(1) Clause *a* of subsection 1 of section 13 of *The Power Commission Act* is amended by striking out the word “renewal” in the first line and inserting in lieu thereof the word “depreciation”, so that the clause shall read as follows:

(a) to provide for the depreciation, reconstruction and repair of works constructed or operated by the Commission.

(2) Clause *b* of subsection 1 of the said section 13 is repealed.

Rev. Stat.,
c. 281, s. 13,
subs. 1, cl. *b*,
repealed

(3) Subsection 3 of the said section 13 is repealed.

Rev. Stat.,
c. 281, s. 13,
subs. 3,
repealed

7. Clause *a* of subsection 1 of section 14 of *The Power Commission Act* is repealed.

Rev. Stat.,
c. 281, s. 14,
subs. 1, cl. *a*,
repealed

8.—(1) Section 15 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 281, s. 15,
re-enacted

15.—(1) The account established and known as the stabilization fund account is continued and shall be known hereafter as the stabilization of rates and contingencies reserve account and may be maintained on the books of the Commission, and the Commission may place to the credit of that account,

Stabiliza-
tion and
contingen-
cies reserve

(a) such amounts as the Commission may determine and collect for the purposes of this section from its customers and such other amounts as may in its opinion be sufficient for the purposes of this section;

(b) interest at such rates as the Commission deems equitable and just upon balances remaining from time to time to the credit of the account.

(2) Any or all of the moneys in the stabilization of rates and contingencies reserve account may be used in the discretion of the Commission for determining, and for adjusting and apportioning, including making equitable and stabilizing, the amounts payable to the Commission by persons or municipal corporations; and to meet any expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of any works or other property of the Commission; and to meet other contingencies arising in the operations of the Commission; and to provide for such part of the cost of properties to be acquired or which have been acquired as is not

allocated to specific works; and to meet the costs and expenses incurred by the Commission which, in the opinion of the Commission, are for the protection or advancement of the interests in the undertakings under its supervision or control and which are not properly chargeable to any person or specific municipal corporation to which the Commission supplies power.

Transfer of certain moneys

(2) The Commission shall transfer to the credit of the stabilization of rates and contingencies reserve account all moneys at the credit of the reserve account discontinued by the repeal of clause *b* of subsection 1 of section 13 of *The Power Commission Act*.

Rev. Stat., c. 281, s. 59, subs. 2, amended

9. Subsection 2 of section 59 of *The Power Commission Act* is amended by striking out the word "His" in the first and thirteenth lines respectively and inserting in lieu thereof the word "Her" and by striking out the word and figures "section 13" in the eleventh line and inserting in lieu thereof the words and figures "sections 13 and 15", so that the subsection shall read as follows:

Agreements between the Crown and the Commission as to undertakings in territorial districts

(2) Her Majesty may enter into an agreement or agreements with the Commission, relating to any or all of the works mentioned in subsection 1, providing for payment to the Commission out of the Consolidated Revenue Fund the amounts from time to time by which the revenues that have been or may hereafter be derived from such works are or may be insufficient to meet in full the annual costs and charges in connection therewith as determined by the Commission, including the items set forth in clauses *a*, *b* and *c* of section 74 and an amount to be determined by the Commission to be provided for the purposes of sections 13 and 15, and such agreement or agreements when executed by the President of the Executive Council representing Her Majesty and the Commission shall be valid and binding on the Province and the Commission respectively.

Rev. Stat., c. 281, s. 68, subs. 4, amended

10. Subsection 4 of section 68 of *The Power Commission Act* is amended by striking out the words "clauses *a*, *b* and *c* of section 74 and for the purposes of section 13 and clause *d* of subsection 1 of section 14" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "clauses *a*, *b*, *c* and *d* of section 74", so that the subsection shall read as follows:

Determination of net profit

(4) Net profit referred to in subsection 3 shall be determined by deducting from the revenue received from supplying power or energy under subsection 1 all

SECTION 11. See note to section 6, subsection 1. This amendment is similar in principle.

SECTION 12. The subsection repealed, which refers to the production for court purposes of the rules and regulations of the Commission as to the installation, etc., of electrical works, is no longer required as it is covered by *The Regulations Act*.

SECTION 13. Section 103 of the Act prohibits a municipality that has a contract with the Commission for the supply of electrical power from issuing debentures, etc., for any extension or improvement of its system without the approval of the Commission.

Metropolitan Toronto has no power contract but is now the entity that borrows money for its constituent municipalities.

The new subsection is self explanatory.

moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in clauses *a*, *b*, *c* and *d* of section 74.

11. Clause *a* of section 74 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat., c. 281, s. 74, cl. *a*, re-enacted

(*a*) the cost of operation, maintenance, depreciation and insurance of the works and the cost of administration of the Commission.

12. Subsection 14 of section 102 of *The Power Commission Act* is repealed. Rev. Stat., c. 281, s. 102, subs. 14, repealed

13. Section 103 of *The Power Commission Act* is amended by adding thereto the following subsection: Rev. Stat., c. 281, s. 103, amended

(7) For the purposes of this section, The Municipality of Metropolitan Toronto shall be deemed to be a municipal corporation that has entered into a contract with the Commission for the supply of electrical power and energy. Metropolitan Toronto

14.—(1) This Act, except subsections 2 and 3 of section 6 and sections 7, 8, 9 and 10, comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 2 and 3 of section 6 and sections 7, 8, 9 and 10 shall be deemed to have come into force on the 1st day of January, 1954. Idem

15. This Act may be cited as *The Power Commission Amendment Act, 1955*. Short title

BILL

An Act to amend
The Power Commission Act

1st Reading

March 15th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

MR. CHALLIES

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

No. 101

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Power Commission Act

MR. CHALLIES

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

BILL

An Act to amend The Power Commission Act

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

1. Clauses *e* and *g* of section 1 of *The Power Commission Act* are repealed and the following substituted therefor: Rev. Stat., c. 281, s. 1, cls. *e*, *g*, re-enacted

(*e*) “power” includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas or other power and also includes energy;

.

(*g*) “works” includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

2.—(1) Subsection 1 of section 2 of *The Power Commission Act* is amended by striking out the word “three” in the second line and inserting in lieu thereof the words “not less than three and not more than six”, so that the subsection shall read as follows: Rev. Stat., c. 281, s. 2, subs. 1, amended

(1) The Commission shall continue to be a body corporate, and shall consist of not less than three and not more than six persons appointed by the Lieutenant-Governor in Council, two of whom may be members, and one of whom shall be a member, of the Executive Council. Commission

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: Rev. Stat., c. 281, s. 2, subs. 2, re-enacted

(2) Two members of the Commission, of whom one shall be the chairman or a vice-chairman, shall constitute a quorum. Quorum

Rev. Stat.,
c. 281, s. 3,
subs. 1,
amended

3.—(1) Subsection 1 of section 3 of *The Power Commission Act* is amended by striking out the words “another member of the Commission to be vice-chairman” in the third and fourth lines and inserting in lieu thereof the words “two other members of the Commission to be vice-chairmen”, so that the subsection shall read as follows:

Chairman

(1) The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman and may appoint two other members of the Commission to be vice-chairmen of the Commission.

Rev. Stat.,
c. 281, s. 3,
subs. 2,
amended

(2) Subsection 2 of the said section 3 is amended by striking out the words “the vice-chairman” in the second and third lines and inserting in lieu thereof the words “a vice-chairman”, so that the subsection shall read as follows:

Powers of
vice-
chairman

(2) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman shall act as and have all the powers of the chairman.

Rev. Stat.,
c. 281, s. 5,
subs. 1,
re-enacted

4. Subsection 1 of section 5 of *The Power Commission Act* is repealed and the following substituted therefor:

Remunera-
tion of
Commis-
sioners

(1) The chairman, vice-chairmen and other members of the Commission shall receive such sums annually for their services as may be determined by the Lieutenant-Governor in Council, and such sums shall be deemed to be part of the administration expenses of the Commission.

Rev. Stat.,
c. 281,
amended

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

Executive
committee

5a.—(1) The chairman and two vice-chairmen shall be the chief executive officers of the Commission and shall constitute an executive committee which shall be charged with the direction and control of the business of the Commission and it may exercise all of the powers of the Commission in its name, including, but without limiting the generality of the foregoing, all of the powers of the Commission under sections 51 and 54, and may delegate such powers as it sees fit to any of the other members of the Commission.

Quorum

(2) The powers of the executive committee may be exercised by a majority of the committee.

6.—(1) Clause *a* of subsection 1 of section 13 of *The Power Commission Act* is amended by striking out the word “renewal” in the first line and inserting in lieu thereof the word “depreciation”, so that the clause shall read as follows:

Rev. Stat.,
c. 281, s. 13,
subs. 1, cl. *a*,
amended

(a) to provide for the depreciation, reconstruction and repair of works constructed or operated by the Commission.

(2) Clause *b* of subsection 1 of the said section 13 is repealed.

Rev. Stat.,
c. 281, s. 13,
subs. 1, cl. *b*,
repealed

(3) Subsection 3 of the said section 13 is repealed.

Rev. Stat.,
c. 281, s. 13,
subs. 3,
repealed

7. Clause *a* of subsection 1 of section 14 of *The Power Commission Act* is repealed.

Rev. Stat.,
c. 281, s. 14,
subs. 1, cl. *a*,
repealed

8.—(1) Section 15 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 281, s. 15,
re-enacted

15.—(1) The account established and known as the stabilization fund account is continued and shall be known hereafter as the stabilization of rates and contingencies reserve account and may be maintained on the books of the Commission, and the Commission may place to the credit of that account,

Stabiliza-
tion and
contingen-
cies reserve

(a) such amounts as the Commission may determine and collect for the purposes of this section from its customers and such other amounts as may in its opinion be sufficient for the purposes of this section;

(b) interest at such rates as the Commission deems equitable and just upon balances remaining from time to time to the credit of the account.

(2) Any or all of the moneys in the stabilization of rates and contingencies reserve account may be used in the discretion of the Commission for determining, and for adjusting and apportioning, including making equitable and stabilizing, the amounts payable to the Commission by persons or municipal corporations; and to meet any expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of any works or other property of the Commission; and to meet other contingencies arising in the operations of the Commission; and to provide for such part of the cost of properties to be acquired or which have been acquired as is not

Idem

allocated to specific works; and to meet the costs and expenses incurred by the Commission which, in the opinion of the Commission, are for the protection or advancement of the interests in the undertakings under its supervision or control and which are not properly chargeable to any person or specific municipal corporation to which the Commission supplies power.

Transfer of
certain
moneys

(2) The Commission shall transfer to the credit of the stabilization of rates and contingencies reserve account all moneys at the credit of the reserve account discontinued by the repeal of clause *b* of subsection 1 of section 13 of *The Power Commission Act*.

Rev. Stat.,
c. 281, s. 59,
subs. 2,
amended

9. Subsection 2 of section 59 of *The Power Commission Act* is amended by striking out the word "His" in the first and thirteenth lines respectively and inserting in lieu thereof the word "Her" and by striking out the word and figures "section 13" in the eleventh line and inserting in lieu thereof the words and figures "sections 13 and 15", so that the subsection shall read as follows:

Agreements
between the
Crown and
the Com-
mission as
to under-
takings in
territorial
districts

(2) Her Majesty may enter into an agreement or agreements with the Commission, relating to any or all of the works mentioned in subsection 1, providing for payment to the Commission out of the Consolidated Revenue Fund the amounts from time to time by which the revenues that have been or may hereafter be derived from such works are or may be insufficient to meet in full the annual costs and charges in connection therewith as determined by the Commission, including the items set forth in clauses *a*, *b* and *c* of section 74 and an amount to be determined by the Commission to be provided for the purposes of sections 13 and 15, and such agreement or agreements when executed by the President of the Executive Council representing Her Majesty and the Commission shall be valid and binding on the Province and the Commission respectively.

Rev. Stat.,
c. 281, s. 68,
subs. 4,
amended

10. Subsection 4 of section 68 of *The Power Commission Act* is amended by striking out the words "clauses *a*, *b* and *c* of section 74 and for the purposes of section 13 and clause *d* of subsection 1 of section 14" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "clauses *a*, *b*, *c* and *d* of section 74", so that the subsection shall read as follows:

Deter-
mination
of net
profit

(4) Net profit referred to in subsection 3 shall be determined by deducting from the revenue received from supplying power or energy under subsection 1 all

moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in clauses *a*, *b*, *c* and *d* of section 74.

11. Clause *a* of section 74 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 281, s. 74,
cl. *a*,
re-enacted

(*a*) the cost of operation, maintenance, depreciation and insurance of the works and the cost of administration of the Commission.

12. Subsection 14 of section 102 of *The Power Commission Act* is repealed. Rev. Stat.,
c. 281, s. 102,
subs. 14,
repealed

13. Section 103 of *The Power Commission Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 281, s. 103,
amended

(7) For the purposes of this section, The Municipality of Metropolitan Toronto shall be deemed to be a municipal corporation that has entered into a contract with the Commission for the supply of electrical power and energy. Metropolitan
Toronto

14.—(1) This Act, except subsections 2 and 3 of section 6 and sections 7, 8, 9 and 10, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Subsections 2 and 3 of section 6 and sections 7, 8, 9 and 10 shall be deemed to have come into force on the 1st day of January, 1954. Idem

15. This Act may be cited as *The Power Commission Amendment Act, 1955*. Short title

BILL

**An Act to amend
The Power Commission Act**

1st Reading

March 15th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. CHALLIES

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Old Age Assistance Act, 1951

MR. GOODFELLOW

TORONTO

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

EXPLANATORY NOTES

Section 1. Supplemental agreements may be necessary from time to time in order to enable Ontario to take advantage of changes in the Federal legislation.

SECTION 2. Section 6 of the Act is re-enacted in order to conform with the requirements of the Federal authorities.

BILL

An Act to amend The Old Age Assistance Act, 1951

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 2 of *The Old Age Assistance Act, 1951*, as enacted by section 2 of *The Old Age Assistance Amendment Act, 1952*, is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 2, s. 2,
subs. 2
(1952,
c. 68, s. 2),
re-enacted

(2) The Minister, with the approval of the Lieutenant-Governor in Council, may, from time to time, on behalf of the Government of Ontario, make one or more supplemental agreements with the Minister of National Health and Welfare on behalf of the Government of Canada amending any of the provisions of the agreement mentioned in subsection 1 in order to conform with the *Old Age Assistance Act (Canada)* as amended from time to time.

Supple-
mental
agreements
authorized

R.S.C. 1952,
c. 199

(3) Allowances may be paid in accordance with the agreement made under subsection 1 or any supplemental agreement made under subsection 2.

Payment
authorized

2. Section 6 of *The Old Age Assistance Act, 1951* is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 2, s. 6,
re-enacted

6.—(1) In the case of a recipient,

(a) for whom a committee or trustee is acting; or

When an
allowance
may be
paid to a
trustee

(b) who, in the opinion of the Director, is using or is likely to use the assistance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs,

the Director may appoint a person to act for the recipient and the assistance may be paid for the benefit of the recipient to the committee or trustee mentioned in clause *a* or to the person appointed under clause *b*.

Compensa-
tion

(2) A person acting for a recipient under subsection 1 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

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 Old Age Assistance Amendment Act, 1955*.





BILL

An Act to amend The Old Age
Assistance Act, 1951

1st Reading

March 15th, 1955

2nd Reading

3rd Reading

MR. GOODFELLOW

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Old Age Assistance Act, 1951

MR. GOODFELLOW



BILL

An Act to amend The Old Age Assistance Act, 1951

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 2 of *The Old Age Assistance Act, 1951*, as enacted by section 2 of *The Old Age Assistance Amendment Act, 1952*, is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 2, s. 2,
subs. 2
(1952,
c. 68, s. 2),
re-enacted

- (2) The Minister, with the approval of the Lieutenant-Governor in Council, may, from time to time, on behalf of the Government of Ontario, make one or more supplemental agreements with the Minister of National Health and Welfare on behalf of the Government of Canada amending any of the provisions of the agreement mentioned in subsection 1 in order to conform with the *Old Age Assistance Act* (Canada) as amended from time to time.
- (3) Allowances may be paid in accordance with the agreement made under subsection 1 or any supplemental agreement made under subsection 2.

Supple-
mental
agreements
authorized

R.S.C. 1952,
c. 199

Payment
authorized

2. Section 6 of *The Old Age Assistance Act, 1951* is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 2, s. 6,
re-enacted

6.—(1) In the case of a recipient,

(a) for whom a committee or trustee is acting; or

When an
allowance
may be
paid to a
trustee

(b) who, in the opinion of the Director, is using or is likely to use the assistance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs,

the Director may appoint a person to act for the recipient and the assistance may be paid for the benefit of the recipient to the committee or trustee mentioned in clause *a* or to the person appointed under clause *b*.

Compensa-
tion

- (2) A person acting for a recipient under subsection 1 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

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 Old Age Assistance Amendment Act, 1955*.





BILL

An Act to amend The Old Age
Assistance Act, 1951

1st Reading

March 15th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. GODDELOW

No. 103

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
The Homes for the Aged Act, 1955

MR. GOODFELLOW

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

EXPLANATORY NOTE

This bill is a revision of the Act designed primarily to clarify it for administrative purposes.

A new provision has been added providing for the termination of a magistrate's order committing a person to a home for the aged. See section 14(2) of the bill.

Special-home care which has heretofore been administered under *The Unemployment Relief Act* has been incorporated into this Act in order to facilitate the administration of the programme. See section 15 of the bill.

A new provision has been added enabling a municipality to recover maintenance costs from a resident of a home for the aged. See section 18(2) of the bill.

BILL

The Homes for the Aged Act, 1955

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) "home" means a home for the aged established and maintained by a municipality;
- (b) "joint home" means a home for the aged established and maintained by two or more municipalities;
- (c) "last revised assessment rolls as equalized" means last revised assessment rolls as equalized for the purposes of this Act by the assessor of the territorial district, or, if there is no district assessor, by the Department of Municipal Affairs;
- (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;
- (f) "special-home care" means care and maintenance provided in a private residence. R.S.O. 1950, c. 168, s. 1, *amended*.

2.—(1) Except as otherwise provided in subsection 2 or in section 5, every municipality not in a territorial district shall establish and maintain a home. Homes not in districts, establishment, etc.

(2) In lieu of establishing separate homes, the councils of two or more such municipalities may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint home. Joint homes not in districts; establishment, etc. R.S.O. 1950, c. 168, s. 2, *amended*.

3. A city or town that has a population of not less than 25,000 and that is located in a territorial district may, with Homes and joint homes in districts; establishment, etc.

the approval in writing of the Minister, establish and maintain a home, or the council of any such city or town and the councils of one or more other municipalities in the same district may enter into an agreement to establish and maintain a joint home. 1951, c. 35, s. 1; *part*; 1954, c. 36, s. 1.

Homes in districts; establishment, etc.

4.—(1) When a by-law authorizing the establishment and maintenance of a home under a board of management has been passed by a majority of the municipalities in a territorial district, all of the municipalities in the district shall contribute to its establishment and maintenance. R.S.O. 1950, c. 168, s. 3 (1), *amended*.

Transmission of by-law

(2) When a by-law under subsection 1 is passed, a certified copy thereof shall be transmitted forthwith to the Minister. R.S.O. 1950, c. 168, s. 3 (3).

Where home established under s. 3

(3) Where a home or a joint home is established and maintained under section 3, the municipality or municipalities that establish and maintain it shall be deemed not to be within the territorial district for the purposes of this section and sections 19 to 22. 1951, c. 35, s. 1, *part*.

Provision for admission to and care in existing home

5. Notwithstanding sections 2, 3 and 4, the council of any municipality not having a home and not participating in a joint home may, with the approval in writing of the Minister, enter into an agreement with the council of a municipality having a home, the councils of the municipalities having a joint home, or the board of a home providing for admission thereto and maintenance therein of residents of the municipality. R.S.O. 1950, c. 168, s. 5.

Committee of management, appointment

6.—(1) The council of a municipality establishing and maintaining a home or the councils of the municipalities establishing and maintaining a joint home may appoint from among the members of the council or councils, as the case may be, a committee of management for the home or joint home.

composition

(2) A committee of management, in the case of a home, shall be composed of not less than three and not more than five members of the council of the municipality, and, in the case of a joint home, shall be composed of not more than three members of the council of each of the participating municipalities. *New*.

Board of management, appointment

7.—(1) The Lieutenant-Governor in Council may appoint a board of management, which shall be a corporation, for a home established and maintained under section 4.

composition

(2) A board of management shall consist of five persons residing in the territorial district.

(3) The board shall select the site for the home. powers

(4) The home shall be vested in the board and it shall have Idem
charge thereof. R.S.O. 1950, c. 168, s. 3 (4-6), *amended*.

8.—(1) The council of a municipality that establishes and Superin-
maintains a home, or the councils of the municipalities that tendent,
establish and maintain a joint home or the board of manage- appoint-
ment of a home shall, with the approval of the Lieutenant- ment
Governor in Council, appoint a superintendent therefor.

(2) The council of a municipality that establishes and Staff,
maintains a home, or the councils of the municipalities that appoint-
establish and maintain a joint home or the board of manage- ment
ment of a home may appoint such staff as the superintendent
requires for the carrying out of his duties. R.S.O. 1950,
c. 168, s. 6, *amended*.

9.—(1) A home or joint home shall not be erected until Site and
the site and plans of the building or buildings have been plans, etc.,
approved by the Minister. to be
approved

(2) There shall be no change in site and no sale or disposal Idem
of any portion thereof and no structural alteration in any
building without the approval of the Minister. R.S.O. 1950,
c. 168, s. 4.

10.—(1) The council of a municipality having a home, the Agreement
councils of the municipalities participating in a joint home for con-
or the board of management of a home may enter into an necting
agreement with the council of any municipality for connecting sewerage
the home or joint home with the sewerage system of such system
municipality.

(2) The council of a municipality having a home, the Agreement
councils of the municipalities participating in a joint home for supply-
or the board of management of a home may enter into an ing electric
agreement with The Hydro-Electric Power Commission of power or
Ontario or with the council of any municipality or person water
owning or operating a waterworks system, or works for the
production and supply of electricity for light, heat or power,
for the supply of water for domestic purposes and for fire
protection or of electricity for light, heat or power purposes
at the home or joint home.

(3) For the purpose of connecting such home or joint home Power to
with any such system or works, any lands or highways may carry
be entered upon, passed over or dug up, sewers constructed, necessary
pipes laid down, poles or wires put in place and all work done works over
in or upon such lands and highways as may be necessary, due intervening
lands

Rev. Stat.,
c. 243 compensation being made to the owners thereof as provided by *The Municipal Act*. R.S.O. 1950, c. 168, s. 7.

Debentures

11. Subject to the approval of the Ontario Municipal Board and without the assent of the electors, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or for the erection of buildings for a home or joint home, or for the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 10. R.S.O. 1950, c. 168, s. 8.

Equipment,
etc., for
handicrafts

12.—(1) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home shall provide such equipment and materials as will enable the residents of the home or joint home to engage in handicrafts and other such occupations.

Residents
encouraged
to work

(2) Upon certification by a legally qualified medical practitioner that a resident of a home or joint home is physically able to engage in household, farm or other work, in or about the home or joint home, the superintendent thereof shall encourage the resident to engage in such work. R.S.O. 1950, c. 168, s. 9 (1, 2), *amended*.

Who may be
admitted

13. Any person,

- (a) who is over the age of sixty years and incapable of supporting himself or unable to care properly for himself;
- (b) who is mentally incompetent and ineligible for committal to an institution under *The Mental Hospitals Act* and who requires care, supervision and control for his protection;
- (c) who is over the age of sixty years and who is confined to bed but does not require care in a public hospital or hospital for incurables; or
- (d) who is under the age of sixty years who because of special circumstances cannot be cared for adequately elsewhere, if his admission is approved by the Minister,

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c. 229

may be admitted to a home or joint home by the superintendent thereof upon receipt of,

- (e) an authorization in the prescribed form signed by the head of the council of a city, town, village or

township, or in a county in which the county council has designated the warden to sign such authorizations, by the warden, or in a city having a population of not less than 100,000, by such member of the council as the mayor has designated, or where the person resides in unorganized territory, by the provincial welfare administrator of the territorial district;

- (f) an application in the prescribed form signed by the applicant;
- (g) a consent to inspect assets in the prescribed form signed by the applicant;
- (h) a statement of particulars in the prescribed form signed by the welfare officer of the municipality or territorial district; and
- (i) a statement in the prescribed form signed by a legally qualified medical practitioner designated by the municipality or municipalities having the home or participating in the joint home or by the board of a home as the physician for the home or joint home. R.S.O. 1950, c. 168, s. 9 (4); s. 11, *amended*.

14.—(1) 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 or joint home, and where a person is so committed, the magistrate shall determine the municipality in which the person is resident and ensure that the statement mentioned in clause *i* of section 13 has been completed. R.S.O. 1950, c. 168, s. 9 (3); 1954, c. 36, s. 2. Committal
by magis-
trate

(2) If, in his opinion, it is in the interest of the welfare of the person, any magistrate may, by writing under his hand, rescind any order made under subsection 1. *New*. Committal
order may
be
rescinded

15.—(1) Upon the recommendation of the superintendent, any resident of a home or joint home or any person admissible to a home or joint home may, in lieu of being maintained in the home or joint home, be placed in special-home care. Special-
home care

(2) Where a person is placed in special-home care, the Treasurer of Ontario shall pay out of the Consolidated Revenue Fund to the municipality responsible for the maintenance of such person 50 per cent of its net cost of maintenance or \$30 a month, whichever is the lesser. Province
to share
cost

(3) A person placed in special-home care may be transferred to the home or joint home at any time. Person
may be
transferred

Person considered a resident of the home

(4) A person placed in special-home care shall for all other purposes be deemed to be a resident of the home or joint home.

In cities without homes

(5) The council of a city not having a home and not participating in a joint home may appoint one or more persons to administer this section for the city until such time as it has a home or participates in a joint home. *New.*

Residence

16.—(1) For the purposes of this Act, an applicant for admission to a home or joint home shall be deemed to be a resident of the municipality in which he last resided for a period of twelve consecutive months. R.S.O. 1950, c. 168, s. 12 (1).

Idem

(2) In determining residence under subsection 1, any period of time during which the applicant was an inmate of or resident in a hospital, nursing home, charitable institution or institution for custodial, medical or other care shall not be counted. R.S.O. 1950, c. 168, s. 12 (2), *amended.*

Affidavits 1951 (2nd Sess.), c. 2

17. 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. 1954, c. 36, s. 3.

Reimbursement for maintenance cost

18.—(1) Any resident of a home or joint home or any person on his behalf may reimburse in whole or in part the authority responsible for the payment of the cost of his maintenance. R.S.O. 1950, c. 168, s. 10 (1).

Recovery of net maintenance cost

(2) Any municipality having a home or participating in a joint home or having an agreement under section 5 or the board of a home may recover in any court of competent jurisdiction from a person who was or is a resident of the home or joint home, or in the event of his death, from his estate, all or any part of the net cost of his maintenance. R.S.O. 1950, c. 168, s. 10 (2), *amended.*

Maintenance of home in districts

19.—(1) The cost of maintaining a home established under section 4 shall be defrayed in each year by the municipalities in the territorial district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

Estimates and apportionment

(2) The board of management 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.

(3) Each such municipality shall include the amount ^{Levy and collection} 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 of management on demand.

(4) Where in any year the last revised assessment rolls ^{Where assessments not equalized in time} 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 of management 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. 1954, c. 36, s. 4.

20.—(1) The cost of establishing a new home under section ^{Capital cost of homes in districts} 4 in a district or of an addition to or extension of a home established under that section 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) To assist in defraying the cost of establishing such ^{Provincial subsidy} new home or the addition to or extension of such existing home, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount 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 territorial district in which the home is established.

(3) The board of management shall apportion the amount ^{Apportionment} that it estimates will be required to establish such new home or the addition to or extension of such 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.

(4) Each such municipality shall, within ninety days after receipt of the notice, determine the method it will use in ^{Raising of funds} 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 of management of the home. 1954, c. 36, s. 4.

21.—(1) The Ontario Municipal Board, upon the applica- ^{Alternative method of raising funds} tion of the council of one or more of the municipalities in the territorial district, may by order,

- (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 of management of the home, and in such case subsection 4 of section 20 does not apply.

Apportionment of carrying charges

(2) Where debentures are issued to provide the whole amount required as provided in subsection 1, the board of management 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 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 19, and in such case subsections 3 and 4 of that section apply.

Distribution of carrying charges

(3) The board of management shall in each year distribute the moneys received under subsection 2 to the municipality that 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. 1954, c. 36, s. 4.

Capital cost of homes heretofore established or altered

22.—(1) Where, before the 1st day of April, 1954, a new home under section 4 was established or an addition to or an extension of an existing home under that section was made, the board of management, upon the request expressed by resolutions of a majority of the councils of the municipalities in the territorial 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 such new home or such addition or extension.

Idem

(2) Where the Ontario Municipal Board makes an order under subsection 1,

- (a) the board of management shall determine the annual amount that would have been required to pay the annual amounts of principal and interest if debentures

tures, 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 the addition to or extension of the existing home; and

- (b) the board of management 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 19, and in such case subsections 3 and 4 of that section apply.

(3) The board of management shall in each year distribute the moneys received to the municipalities in the district that contributed to the cost of the new home or 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. 1954, c. 36, s. 4. Distribution

23.—(1) When the Minister has approved the plans for a new building to be used as a home or joint home or for an addition to or an extension of an existing home or joint home, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the one or more municipalities or to the board of management, as the case may be, responsible for the home or joint home, of an amount not exceeding 50 per cent of the cost thereof to the municipality or the municipalities concerned. Provincial
subsidy on
new build-
ings, etc.

(2) Payments under subsection 1 may be made either when the home or joint home or the addition or extension is completed and ready for occupancy or from time to time during the construction thereof as may be deemed expedient. R.S.O. 1950, c. 168, s. 14. When
payable

(3) In computing the amount of the cost of the new building, addition or extension for the purposes of subsection 1, the cost of equipment and furnishings may be included, but the cost of any land in excess of fifteen acres and the cost of any barns or other similar outbuildings shall not be included. 1951, c. 35, s. 2. What to be
included
and excluded
in computing
cost

24.—(1) There shall be paid out of such moneys as are voted therefor by the Legislature to every municipality having Provincial
subsidy on
operating
costs

a home or participating in a joint home or having an agreement under section 5 an amount equal to one-half the amount paid out by the municipality for the operation and maintenance of the home or joint home computed in the manner prescribed by the regulations, except that any amount otherwise payable to a county under this subsection 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. 168, s. 15 (1); 1951, c. 35, s. 3 (1).

Idem

(2) There shall be paid out of such moneys as are voted therefor by the Legislature to the municipalities in a territorial district having a home under section 4 an amount equal to one-half the amount paid out by the board of management of the home for its operation and maintenance computed in the manner prescribed by the regulations, and the amount that shall be paid to each municipality shall be in the same proportion as the contributions of the municipality to the home bears to the total of the contributions made by all the municipalities concerned. R.S.O. 1950, c. 168, s. 15 (2).

Farm cost
to be
excluded

(3) In computing the amount paid out for the operation and maintenance of the home or joint home for the purposes of subsection 1 or 2, the cost of operating and maintaining a farm in connection with the home or joint home shall not be included. 1951, c. 35, s. 3 (2).

Provincial
subsidy for
residents
of unorgan-
ized
territory

25. There shall be paid out of such moneys as are voted therefor by the Legislature to every municipality having a home or participating in a joint home and to every board of management of a home an amount per day computed in the manner prescribed by the regulations as the cost of maintenance for each person whose residence before admission to the home or joint home was in unorganized territory. R.S.O. 1950, c. 168, s. 16.

Regulations

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

- (a) governing the qualifications of superintendents and members of staffs of homes and joint homes and prescribing their powers and duties;
- (b) prescribing rules governing homes and joint homes, the residents therein and the staffs thereof;
- (c) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;

- (d) designating the medical services that shall be provided for residents of homes and joint homes;
- (e) prescribing the manner of computing the cost of maintenance of homes and joint homes;
- (f) prescribing the manner of computing the proportion of the cost of construction of homes in territorial districts which shall be allocated to the unorganized portions of the districts;
- (g) providing for the admission to homes and joint homes of residents of unorganized territory and prescribing the manner of computing the cost of maintenance of such persons in such homes;
- (h) prescribing the conditions that shall be maintained in private residences in which persons may be placed for special-home care;
- (i) providing for the inspection of private residences in which persons may be placed for special-home care;
- (j) prescribing the method, time and manner of payment of the provincial share of the net cost of maintenance of persons placed in special-home care;
- (k) prescribing the forms to be used under this Act; and
- (l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 168, s. 17, *amended*.

27. *The Homes for the Aged Act, The Homes for the Aged Amendment Act, 1951, The Homes for the Aged Amendment Act, 1952, The Homes for the Aged Amendment Act, 1953 and The Homes for the Aged Amendment Act, 1954* are repealed. Rev. Stat., c. 168; 1951, c. 35; 1952, c. 37; 1953, c. 47; 1954, c. 36, repealed

28. This Act comes into force on the 1st day of July, 1955. Commencement

29. This Act may be cited as *The Homes for the Aged Act, 1955*. Short title



BILL

The Homes for the Aged Act, 1955

1st Reading

March 15th, 1955

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 103

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
The Homes for the Aged Act, 1955

MR. GOODFELLOW

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

BILL

The Homes for the Aged Act, 1955

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) "home" means a home for the aged established and maintained by a municipality;
- (b) "joint home" means a home for the aged established and maintained by two or more municipalities;
- (c) "last revised assessment rolls as equalized" means last revised assessment rolls as equalized for the purposes of this Act by the assessor of the territorial district, or, if there is no district assessor, by the Department of Municipal Affairs;
- (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;
- (f) "special-home care" means care and maintenance provided in a private residence. R.S.O. 1950, c. 168, s. 1, *amended*.

2.—(1) Except as otherwise provided in subsection 2 or in section 5, every municipality not in a territorial district shall establish and maintain a home. Homes not in districts, establishment, etc.

(2) In lieu of establishing separate homes, the councils of two or more such municipalities may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint home. Joint homes not in districts; establishment, etc. R.S.O. 1950, c. 168, s. 2, *amended*.

3. A city or town that has a population of not less than 25,000 and that is located in a territorial district may, with Homes and joint homes in districts; establishment, etc.

the approval in writing of the Minister, establish and maintain a home, or the council of any such city or town and the councils of one or more other municipalities in the same district may enter into an agreement to establish and maintain a joint home. 1951, c. 35, s. 1, *part*; 1954, c. 36, s. 1.

Homes in districts; establishment, etc.

4.—(1) When a by-law authorizing the establishment and maintenance of a home under a board of management has been passed by a majority of the municipalities in a territorial district, all of the municipalities in the district shall contribute to its establishment and maintenance. R.S.O. 1950, c. 168, s. 3 (1), *amended*.

Transmission of by-law

(2) When a by-law under subsection 1 is passed, a certified copy thereof shall be transmitted forthwith to the Minister. R.S.O. 1950, c. 168, s. 3 (3).

Where home established under s. 3

(3) Where a home or a joint home is established and maintained under section 3, the municipality or municipalities that establish and maintain it shall be deemed not to be within the territorial district for the purposes of this section and sections 19 to 22. 1951, c. 35, s. 1, *part*.

Provision for admission to and care in existing home

5. Notwithstanding sections 2, 3 and 4, the council of any municipality not having a home and not participating in a joint home may, with the approval in writing of the Minister, enter into an agreement with the council of a municipality having a home, the councils of the municipalities having a joint home, or the board of a home providing for admission thereto and maintenance therein of residents of the municipality. R.S.O. 1950, c. 168, s. 5.

Committee of management, appointment

6.—(1) The council of a municipality establishing and maintaining a home or the councils of the municipalities establishing and maintaining a joint home may appoint from among the members of the council or councils, as the case may be, a committee of management for the home or joint home.

composition

(2) A committee of management, in the case of a home, shall be composed of not less than three and not more than five members of the council of the municipality, and, in the case of a joint home, shall be composed of not more than three members of the council of each of the participating municipalities. *New*.

Board of management, appointment

7.—(1) The Lieutenant-Governor in Council may appoint a board of management, which shall be a corporation, for a home established and maintained under section 4.

composition

(2) A board of management shall consist of five persons residing in the territorial district.

(3) The board shall select the site for the home. powers

(4) The home shall be vested in the board and it shall have Idem
charge thereof. R.S.O. 1950, c. 168, s. 3 (4-6), *amended*.

8.—(1) The council of a municipality that establishes and maintains a home, or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor. Superintendent,
appointment

(2) The council of a municipality that establishes and maintains a home, or the councils of the municipalities that establish and maintain a joint home or the board of management of a home may appoint such staff as the superintendent requires for the carrying out of his duties. R.S.O. 1950, c. 168, s. 6, *amended*. Staff,
appointment

9.—(1) A home or joint home shall not be erected until the site and plans of the building or buildings have been approved by the Minister. Site and
plans, etc.,
to be
approved

(2) There shall be no change in site and no sale or disposal of any portion thereof and no structural alteration in any building without the approval of the Minister. R.S.O. 1950, c. 168, s. 4. Idem

10.—(1) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home may enter into an agreement with the council of any municipality for connecting the home or joint home with the sewerage system of such municipality. Agreement
for con-
necting
sewerage
system

(2) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home may enter into an agreement with The Hydro-Electric Power Commission of Ontario or with the council of any municipality or person owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home or joint home. Agreement
for supply-
ing electric
power or
water

(3) For the purpose of connecting such home or joint home with any such system or works, any lands or highways may be entered upon, passed over or dug up, sewers constructed, pipes laid down, poles or wires put in place and all work done in or upon such lands and highways as may be necessary, due Power to
carry
necessary
works over
intervening
lands

Rev. Stat.,
c. 243 compensation being made to the owners thereof as provided by *The Municipal Act*. R.S.O. 1950, c. 168, s. 7.

Debentures **11.** Subject to the approval of the Ontario Municipal Board and without the assent of the electors, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or for the erection of buildings for a home or joint home, or for the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 10. R.S.O. 1950, c. 168, s. 8.

Equipment,
etc., for
handicrafts **12.**—(1) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home shall provide such equipment and materials as will enable the residents of the home or joint home to engage in handicrafts and other such occupations.

Residents
encouraged
to work (2) Upon certification by a legally qualified medical practitioner that a resident of a home or joint home is physically able to engage in household, farm or other work, in or about the home or joint home, the superintendent thereof shall encourage the resident to engage in such work. R.S.O. 1950, c. 168, s. 9 (1, 2), *amended*.

Who may be
admitted **13.** Any person,

(a) who is over the age of sixty years and incapable of supporting himself or unable to care properly for himself;

(b) who is mentally incompetent and ineligible for committal to an institution under *The Mental Hospitals Act* and who requires care, supervision and control for his protection;

(c) who is over the age of sixty years and who is confined to bed but does not require care in a public hospital or hospital for incurables; or

(d) who is under the age of sixty years who because of special circumstances cannot be cared for adequately elsewhere, if his admission is approved by the Minister,

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may be admitted to a home or joint home by the superintendent thereof upon receipt of,

(e) an authorization in the prescribed form signed by the head of the council of a city, town, village or

township, or in a county in which the county council has designated the warden to sign such authorizations, by the warden, or in a city having a population of not less than 100,000, by such member of the council as the mayor has designated, or where the person resides in unorganized territory, by the provincial welfare administrator of the territorial district;

- (f) an application in the prescribed form signed by the applicant;
- (g) a consent to inspect assets in the prescribed form signed by the applicant;
- (h) a statement of particulars in the prescribed form signed by the welfare officer of the municipality or territorial district; and
- (i) a statement in the prescribed form signed by a legally qualified medical practitioner designated by the municipality or municipalities having the home or participating in the joint home or by the board of a home as the physician for the home or joint home. R.S.O. 1950, c. 168, s. 9 (4); s. 11, *amended*.

14.—(1) 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 or joint home, and where a person is so committed, the magistrate shall determine the municipality in which the person is resident and ensure that the statement mentioned in clause *i* of section 13 has been completed. R.S.O. 1950, c. 168, s. 9 (3); 1954, c. 36, s. 2. Committal
by magis-
trate

(2) If, in his opinion, it is in the interest of the welfare of the person, any magistrate may, by writing under his hand, rescind any order made under subsection 1. *New*. Committal
order may
be
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15.—(1) Upon the recommendation of the superintendent, any resident of a home or joint home or any person admissible to a home or joint home may, in lieu of being maintained in the home or joint home, be placed in special-home care. Special-
home care

(2) Where a person is placed in special-home care, the Treasurer of Ontario shall pay out of the Consolidated Revenue Fund to the municipality responsible for the maintenance of such person 50 per cent of its net cost of maintenance or \$30 a month, whichever is the lesser. Province
to share
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(3) A person placed in special-home care may be transferred to the home or joint home at any time. Person
may be
transferred

Person considered a resident of the home

(4) A person placed in special-home care shall for all other purposes be deemed to be a resident of the home or joint home.

In cities without homes

(5) The council of a city not having a home and not participating in a joint home may appoint one or more persons to administer this section for the city until such time as it has a home or participates in a joint home. *New.*

Residence

16.—(1) For the purposes of this Act, an applicant for admission to a home or joint home shall be deemed to be a resident of the municipality in which he last resided for a period of twelve consecutive months. R.S.O. 1950, c. 168, s. 12 (1).

Idem

(2) In determining residence under subsection 1, any period of time during which the applicant was an inmate of or resident in a hospital, nursing home, charitable institution or institution for custodial, medical or other care shall not be counted. R.S.O. 1950, c. 168, s. 12 (2), *amended.*

Affidavits 1951 (2nd Sess.), c. 2

17. 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. 1954, c. 36, s. 3.

Reimbursement for maintenance cost

18.—(1) Any resident of a home or joint home or any person on his behalf may reimburse in whole or in part the authority responsible for the payment of the cost of his maintenance. R.S.O. 1950, c. 168, s. 10 (1).

Recovery of net maintenance cost

(2) Any municipality having a home or participating in a joint home or having an agreement under section 5 or the board of a home may recover in any court of competent jurisdiction from a person who was or is a resident of the home or joint home, or in the event of his death, from his estate, all or any part of the net cost of his maintenance. R.S.O. 1950, c. 168, s. 10 (2), *amended.*

Maintenance of home in districts

19.—(1) The cost of maintaining a home established under section 4 shall be defrayed in each year by the municipalities in the territorial district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

Estimates and apportionment

(2) The board of management 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.

(3) Each such municipality shall include the amount ^{Levy and collection} 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 of management on demand.

(4) Where in any year the last revised assessment rolls ^{Where assessments not equalized in time} 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 of management 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. 1954, c. 36, s. 4.

20.—(1) The cost of establishing a new home under section ^{Capital cost of homes in districts} 4 in a district or of an addition to or extension of a home established under that section 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) To assist in defraying the cost of establishing such ^{Provincial subsidy} new home or the addition to or extension of such existing home, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount 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 territorial district in which the home is established.

(3) The board of management shall apportion the amount ^{Apportionment} that it estimates will be required to establish such new home or the addition to or extension of such 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.

(4) Each such municipality shall, within ninety days after ^{Raising of funds} 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 of management of the home. 1954, c. 36, s. 4.

21.—(1) The Ontario Municipal Board, upon the applica- ^{Alternative method of raising funds} tion of the council of one or more of the municipalities in the territorial district, may by order,

- (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 of management of the home, and in such case subsection 4 of section 20 does not apply.

Apportionment of carrying charges

(2) Where debentures are issued to provide the whole amount required as provided in subsection 1, the board of management 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 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 19, and in such case subsections 3 and 4 of that section apply.

Distribution of carrying charges

(3) The board of management shall in each year distribute the moneys received under subsection 2 to the municipality that 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. 1954, c. 36, s. 4.

Capital cost of homes heretofore established or altered

22.—(1) Where, before the 1st day of April, 1954, a new home under section 4 was established or an addition to or an extension of an existing home under that section was made, the board of management, upon the request expressed by resolutions of a majority of the councils of the municipalities in the territorial 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 such new home or such addition or extension.

Idem

(2) Where the Ontario Municipal Board makes an order under subsection 1,

- (a) the board of management shall determine the annual amount that would have been required to pay the annual amounts of principal and interest if debentures

tures, 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 the addition to or extension of the existing home; and

- (b) the board of management 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 19, and in such case subsections 3 and 4 of that section apply.

(3) The board of management shall in each year distribute ^{Distribution} the moneys received to the municipalities in the district that contributed to the cost of the new home or 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. 1954, c. 36, s. 4.

23.—(1) When the Minister has approved the plans for a ^{Provincial subsidy on new buildings, etc.} new building to be used as a home or joint home or for an addition to or an extension of an existing home or joint home, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the one or more municipalities or to the board of management, as the case may be, responsible for the home or joint home, of an amount not exceeding 50 per cent of the cost thereof to the municipality or the municipalities concerned.

(2) Payments under subsection 1 may be made either when ^{When payable} the home or joint home or the addition or extension is completed and ready for occupancy or from time to time during the construction thereof as may be deemed expedient. R.S.O. 1950, c. 168, s. 14.

(3) In computing the amount of the cost of the new building, ^{What to be included and excluded in computing cost} addition or extension for the purposes of subsection 1, the cost of equipment and furnishings may be included, but the cost of any land in excess of fifteen acres and the cost of any barns or other similar outbuildings shall not be included. 1951, c. 35, s. 2.

24.—(1) There shall be paid out of such moneys as are ^{Provincial subsidy on operating costs} voted therefor by the Legislature to every municipality having

a home or participating in a joint home or having an agreement under section 5 an amount equal to one-half the amount paid out by the municipality for the operation and maintenance of the home or joint home computed in the manner prescribed by the regulations, except that any amount otherwise payable to a county under this subsection 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. 168, s. 15 (1); 1951, c. 35, s. 3 (1).

Idem

(2) There shall be paid out of such moneys as are voted therefor by the Legislature to the municipalities in a territorial district having a home under section 4 an amount equal to one-half the amount paid out by the board of management of the home for its operation and maintenance computed in the manner prescribed by the regulations, and the amount that shall be paid to each municipality shall be in the same proportion as the contributions of the municipality to the home bears to the total of the contributions made by all the municipalities concerned. R.S.O. 1950, c. 168, s. 15 (2).

Farm cost to be excluded

(3) In computing the amount paid out for the operation and maintenance of the home or joint home for the purposes of subsection 1 or 2, the cost of operating and maintaining a farm in connection with the home or joint home shall not be included. 1951, c. 35, s. 3 (2).

Provincial subsidy for residents of unorganized territory

25. There shall be paid out of such moneys as are voted therefor by the Legislature to every municipality having a home or participating in a joint home and to every board of management of a home an amount per day computed in the manner prescribed by the regulations as the cost of maintenance for each person whose residence before admission to the home or joint home was in unorganized territory. R.S.O. 1950, c. 168, s. 16.

Regulations

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

- (a) governing the qualifications of superintendents and members of staffs of homes and joint homes and prescribing their powers and duties;
- (b) prescribing rules governing homes and joint homes, the residents therein and the staffs thereof;
- (c) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;

- (d) designating the medical services that shall be provided for residents of homes and joint homes;
- (e) prescribing the manner of computing the cost of maintenance of homes and joint homes;
- (f) prescribing the manner of computing the proportion of the cost of construction of homes in territorial districts which shall be allocated to the unorganized portions of the districts;
- (g) providing for the admission to homes and joint homes of residents of unorganized territory and prescribing the manner of computing the cost of maintenance of such persons in such homes;
- (h) prescribing the conditions that shall be maintained in private residences in which persons may be placed for special-home care;
- (i) providing for the inspection of private residences in which persons may be placed for special-home care;
- (j) prescribing the method, time and manner of payment of the provincial share of the net cost of maintenance of persons placed in special-home care;
- (k) prescribing the forms to be used under this Act; and
- (l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 168, s. 17, *amended*.

27. *The Homes for the Aged Act, The Homes for the Aged Amendment Act, 1951, The Homes for the Aged Amendment Act, 1952, The Homes for the Aged Amendment Act, 1953 and The Homes for the Aged Amendment Act, 1954* are repealed. Rev. Stat., c. 168; 1951, c. 35; 1952, c. 37; 1953, c. 47; 1954, c. 36, repealed

28. This Act comes into force on the 1st day of July, 1955. Commencement

29. This Act may be cited as *The Homes for the Aged Act, 1955*. Short title



BILL

The Homes for the Aged Act, 1955

1st Reading

March 15th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. GOODFELLOW

No. 104

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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 designed to authorize the extension of the maternal and child health programme of the Department.

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.** Clause 20 of section 5 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 5, cl. 20, re-enacted
- (20) prescribing the manner, method, times and conditions for the establishing and supplying of facilities and services mentioned in clauses *a* and *b* of subsection 4 of section 76, and for the payment of or making contributions toward the cost thereof; Maternal and child health
- (200) prescribing the manner, method, times and conditions of payment of the grants to hospitals approved under *The Public Hospitals Act* for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants. Expectant mothers and infants
Rev. Stat., c. 307
- 2.** Section 76 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 76, re-enacted
- 76.—(1) In this section, Interpretation
- (a) “infant” means a child under the age of twelve months;
- (b) “maternal and child health” means the care and treatment of expectant mothers, infants and children.
- (2) The Minister may, in accordance with the regulations in that behalf, establish a programme of maternal and child health. Maternal and child health programme
- (3) The maternal and child health programme may include the provision of the facilities and services mentioned in subsection 4 and the co-ordination of Idem

existing facilities and the dissemination of information respecting maternal and child health and such other matters as may be deemed necessary to conduct the programme.

Idem

(4) For the purpose of carrying out the programme of maternal and child health, the Minister may, out of such moneys as are appropriated by the Legislature for the purpose,

(a) provide,

(i) diagnostic, technical and other facilities and services, and

(ii) medical and other services and substances, articles, accommodations and other facilities,

for the prevention and mitigation of disease or disorders among expectant mothers and children;

(b) provide for the examination of expectant mothers by medical practitioners; and

Rev. Stat.,
c. 307

(c) pay grants to hospitals approved under *The Public Hospitals Act* for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants,

in such manner and at such times and upon such conditions and,

(d) in respect of clauses *a* and *b*, pay or contribute toward the cost of providing the facilities and services; and

(e) in respect of clause *c*, pay the grants in such amounts,

as may be prescribed by the regulations.

Commence-
ment

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

Short title

4. This Act may be cited as *The Public Health Amendment Act, 1955*.





BILL

An Act to amend The Public Health Act

1st Reading

March 16th, 1955

2nd Reading

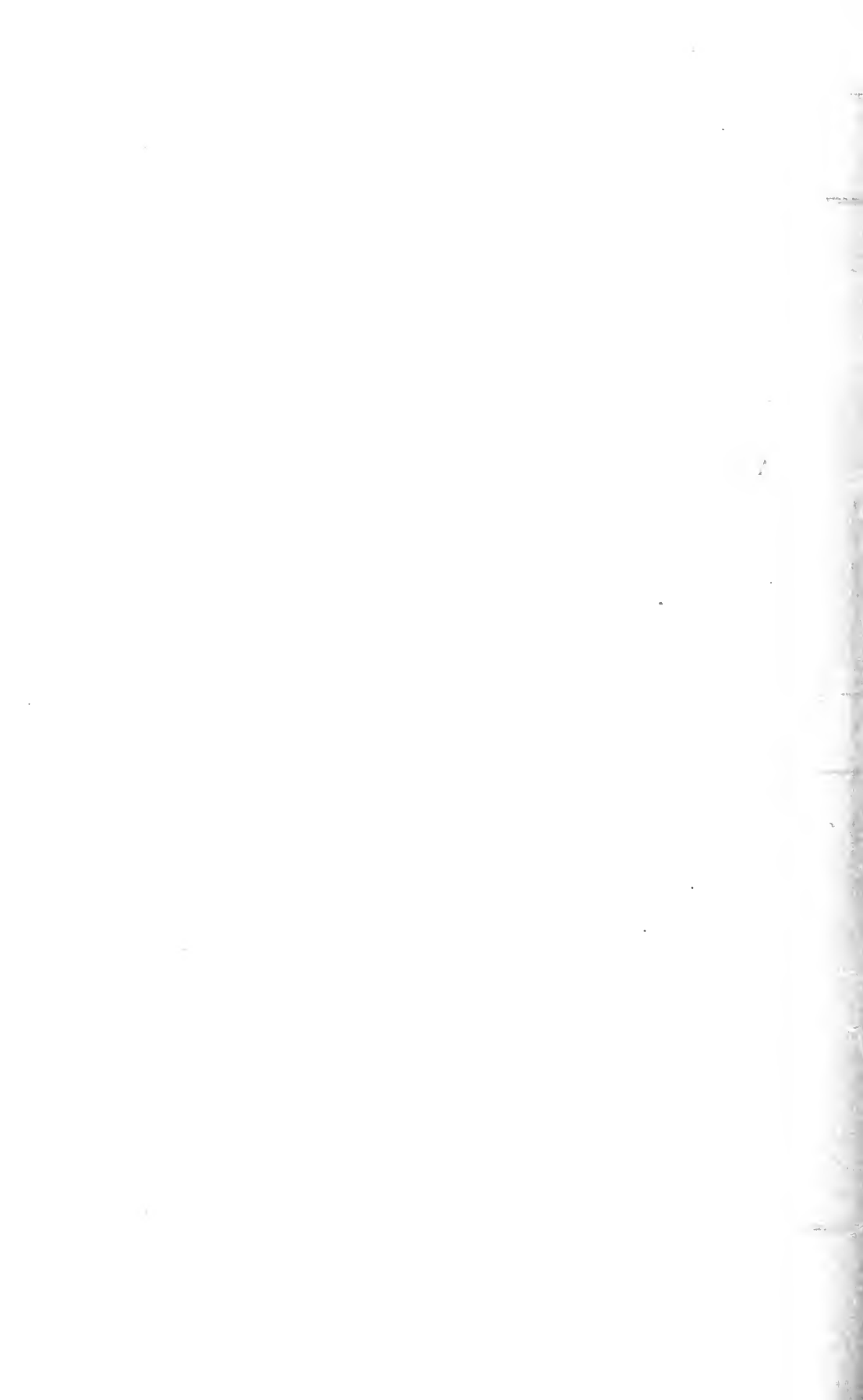
3rd Reading

MR. PHILLIPS

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Public Health Act

MR. PHILLIPS



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. Clause 20 of section 5 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 5, cl. 20, re-enacted
- (20) prescribing the manner, method, times and conditions for the establishing and supplying of facilities and services mentioned in clauses *a* and *b* of subsection 4 of section 76, and for the payment of or making contributions toward the cost thereof; Maternal and child health
- (200) prescribing the manner, method, times and conditions of payment of the grants to hospitals approved under *The Public Hospitals Act* for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants. Expectant mothers and infants
Rev. Stat., c. 307
2. Section 76 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 76, re-enacted
- 76.—(1) In this section, Interpretation
- (a) “infant” means a child under the age of twelve months;
- (b) “maternal and child health” means the care and treatment of expectant mothers, infants and children.
- (2) The Minister may, in accordance with the regulations in that behalf, establish a programme of maternal and child health. Maternal and child health programme
- (3) The maternal and child health programme may include the provision of the facilities and services mentioned in subsection 4 and the co-ordination of Idem

existing facilities and the dissemination of information respecting maternal and child health and such other matters as may be deemed necessary to conduct the programme.

Idem

(4) For the purpose of carrying out the programme of maternal and child health, the Minister may, out of such moneys as are appropriated by the Legislature for the purpose,

(a) provide,

(i) diagnostic, technical and other facilities and services, and

(ii) medical and other services and substances, articles, accommodations and other facilities,

for the prevention and mitigation of disease or disorders among expectant mothers and children;

(b) provide for the examination of expectant mothers by medical practitioners; and

Rev. Stat.,
c. 307

(c) pay grants to hospitals approved under *The Public Hospitals Act* for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants,

in such manner and at such times and upon such conditions and,

(d) in respect of clauses *a* and *b*, pay or contribute toward the cost of providing the facilities and services; and

(e) in respect of clause *c*, pay the grants in such amounts,

as may be prescribed by the regulations.

Commence-
ment

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

Short title

4. This Act may be cited as *The Public Health Amendment Act, 1955*.





BILL

An Act to amend The Public Health Act

1st Reading

March 16th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PHILLIPS

No. 105

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to amend
The Municipality of Metropolitan Toronto Act, 1953**

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment will authorize the Metropolitan Corporation to pass by-law for granting retirement allowances to persons who are not in receipt of, or are in receipt of only small municipal pensions. The Metropolitan Corporation will also be empowered to provide sickness, hospitalization, group insurance and other benefits as are now provided for in paragraph 49a of section 386 of *The Municipal Act*.

Subsection 2. This amendment authorizes the Metropolitan Corporation to set up, with the approval of the Minister of Municipal Affairs, a pension plan which may be made applicable to employees not only of the Metropolitan Corporation and its local boards, but also to employees of the area municipalities and their local boards.

BILL

An Act to amend The Municipality of Metropolitan Toronto 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) Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the figures "255" in the second line the word and figures "section 257" and by striking out the word and figures "and 49" in the second line and inserting in lieu thereof the word, figures and letter "49 and 49a", so that the subsection shall read as follows:

(1) Sections 235, 251 and 253, subsections 4 and 5 of section 255, section 257 and paragraphs 48, 49 and 49a of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

(2) The said section 22 is amended by adding thereto the following subsection:

(2a) In addition to its powers in subsection 1, the Metropolitan Council may pass by-laws for providing pensions for employees, or any class thereof, and their wives and children.

(a) In this subsection, "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the Metropolitan Corporation or any local board thereof, or of any area municipality or local board thereof, and includes any person designated as an employee by the Minister.

(b) No by-law shall be passed under this subsection except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting thereon.

Approval of
Minister

(c) No by-law passed under this subsection shall become operative until approved by the Minister nor shall any by-law passed under this subsection and approved by the Minister be amended or repealed without the approval of the Minister.

Agreement
necessary

(d) A local board of the Metropolitan Corporation, an area municipality, or a local board of an area municipality, may enter into an agreement with the Metropolitan Corporation providing that a pension plan established under this subsection shall be applicable to employees or any class thereof of such local board or area municipality and such agreement may provide for the incorporation of the plan of an area municipality or local board with the plan established under this subsection and for the transfer of any credits or assets from one plan to the other, but no pension plan established under this subsection shall apply to an employee of a local board or an area municipality unless such an agreement has been entered into.

Deductions
from salary,
etc.

(e) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a local board thereof, the local board or area municipality, as the case may be, shall deduct, by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable, the amount which such employee is required to pay in accordance with the provisions of the plan and shall pay the amounts deducted to the treasurer of the Metropolitan Corporation.

Employer
contributions

(f) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a local board thereof, the local board or area municipality shall pay to the treasurer of the Metropolitan Corporation the employer contributions in respect of such employee in accordance with the provisions of the plan.

1953, c. 73,
s. 22,
subss. 3, 4, 5,
6, re-
enacted

(3) Subsections 3, 4, 5 and 6 of the said section 22 are repealed and the following substituted therefor:

Subsection 3. The amendment provides for the pension, sick leave credits and holidays of employees of the County of York and the Toronto and York Roads Commission who become employees of the Metropolitan Corporation in the same manner as employees of the area municipalities who transfer to the Metropolitan Corporation.



- (3) Where the Metropolitan Corporation employs a ^{Pensions} person theretofore employed by an area municipality or a local board thereof, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.
- (4) Until such election, the Metropolitan Corporation ^{Idem} shall deduct by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission and the Metropolitan Corporation shall pay to the area municipality or local board or to the County of York or the Toronto and York Roads Commission in instalments,
- (a) the amounts so deducted;
 - (b) the future service contributions payable under the plan by the area municipality or local board or by the County of York or the Toronto and York Roads Commission.
- (5) Where the Metropolitan Corporation employs a ^{Sick leave credits} person theretofore employed by an area municipality or local board thereof or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any sick leave credit plan of the area municipality, local board, the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing

to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

Holidays

- (6) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

1953, c. 73,
s. 31,
amended

- 2.** Section 31 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Court of
revision
for local
improvements

Rev. Stat.,
c. 215

- (7a) A court or courts of revision constituted for an area municipality under this section shall be deemed to be the court or courts of revision constituted for the area municipality for the purposes of *The Local Improvement Act*.

1953, c. 73,
s. 33,
re-enacted

- 3.** Section 33 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Application
of
Rev. Stat.,
c. 24 to area
municipalities

33. For the purposes of sections 6, 7, 8, 9, 16 and 18 and subsection 5 of section 30 of *The Assessment Act*, each area municipality shall be deemed to be a city having a population of not less than 100,000.

1953, c. 73,
s. 37,
amended

- 4.** Section 37 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Interpre-
tation

- (8) In this section, "works" means buildings, structures, plant, machinery, equipment and appurtenances, devices, conduits, intakes and outlets and underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

1953, c. 73,
s. 83, subs. 1,
amended

- 5.** Subsection 1 of section 83 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the end thereof the words "but the area municipality in which such sidewalks are located shall continue to be liable for the main-

SECTION 2. This amendment ensures that courts of revision established by the Metropolitan Council shall act as courts of revision of the area municipality for the purposes of *The Local Improvement Act*.

SECTION 3. Area municipalities shall be deemed cities for certain purposes of *The Assessment Act* in order to ensure uniformity of assessment and assessment practices in the Metropolitan Area.

SECTION 4. A definition of "works" is added to section 37 to clarify the works for the production, treatment and storage of water that must be assumed as part of the metropolitan waterworks system.

SECTION 5. Section 83 of the Act now provides that the Metropolitan Corporation does not, by assuming a road, become liable for the building, maintenance or repair of sidewalks on the road. The amendment makes it clear that the area municipality's responsibility remains unaffected by the assumption of the road.

SECTION 6. This amendment transfers from the area municipalities to the Metropolitan Corporation the power to give names to, and the power to change names of, highways in the Metropolitan Area.

tenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof", so that the subsection shall read as follows:

- (1) The Metropolitan Corporation shall not by reason of assuming a road under this Act be liable for the building, maintenance or repair of sidewalks on any metropolitan road or portion thereof, but the area municipality in which such sidewalks are located shall continue to be liable for the maintenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof. Sidewalks excepted

6. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73, amended amended by adding thereto the following section:

86a.—(1) The Metropolitan Council may pass by-laws for giving names to, or for changing the names of, highways within the Metropolitan Area, and no area municipality shall hereafter have power to give names to, or to change the names of, any highway within the Metropolitan Area. Names of highways

- (2) A by-law passed under subsection 1 for changing the name of a highway because the name is a duplication of, or is similar to, the name of another highway in the Metropolitan Area shall recite the fact of such duplication or similarity, and the change shall take effect when a certified copy of the by-law is registered in the proper registry or land titles office. When by-law effective in cases of duplication or similarity

- (3) A by-law under subsection 1 for changing the name of a highway for any reason other than duplication or similarity shall state the reason for the change, and shall not be passed except on the affirmative vote of at least three-fourths of all the members of the Metropolitan Council, and shall not be effective until approved by a judge of the County Court of the County of York. Restrictions re changes for other purposes

- (4) In the case provided for in subsection 3, the judge, upon the application of the Metropolitan Council, shall appoint a day, hour and place for considering the by-law and for hearing those advocating and opposing the change. Appointment for hearing

- (5) A copy of the by-law and of the appointment shall be served on the secretary of the planning board Service and notice

of The Metropolitan Toronto Planning Area at least two weeks before the time appointed and a notice of the application in such form as the judge may approve shall be published at least once a week for three successive weeks in such newspaper or newspapers as the judge may direct.

Registration

- (6) If the judge approves of the change he shall so certify and his certificate with a certified copy of the by-law shall be registered in the proper registry or land titles office and the change shall take effect from the date of the registration.

1953, c. 73,
s. 92, subs. 1,
re-enacted

7. Subsection 1 of section 92 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Restrictions

- (1) The Metropolitan Council shall have, with respect to all land lying within a distance of 150 feet from any limit of a metropolitan road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*.

Rev. Stat.,
c. 243

1953, c. 73,
s. 96,
amended

8. Section 96 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "of" where it occurs the first time in the first line the words "subsection 1 of section 11 and", so that the section shall read as follows:

Suburban
roads,
application
of
Rev. Stat.,
c. 166

96. For the purposes of subsection 1 of section 11 and Part III of *The Highway Improvement Act*, the Metropolitan Corporation shall be deemed to be the corporation of a city having a population of more than 50,000 situate within the County of York but separated therefrom for municipal purposes, and the said Part III shall apply to the Metropolitan Corporation, but no area municipality shall have any liability or authority under that Part.

1953, c. 73,
s. 125,
amended

9. Section 125 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Idem

- (1a) Where a resident pupil attends a school situated outside the Metropolitan Area which he has a right to attend under *The Public Schools Act* or *The Secondary Schools and Boards of Education Act, 1954*, the maintenance assistance payments provided for in subsection 1 shall be paid to the board of education of the public school division or high school district of which he is a resident pupil, as the case may be, in the same manner and to the same extent as if the pupil attended a school under the jurisdiction of such board.

Rev. Stat.,
c. 316
1954, c. 87.

SECTION 7. The present subsection refers to land "abutting" on a metropolitan road for a distance of 150 feet from any limit of the road. The amendment makes it clear that the subsection applies to all land lying within 150 feet of the road, whether or not such land abuts on the road.

SECTION 8. This amendment will permit the County to assume portions of boundary roads between the County and the Metropolitan Municipality as county roads and then to have them designated as suburban roads so that the Metropolitan Municipality will contribute toward the cost of their construction and maintenance.

SECTION 9. Section 125 provides for maintenance assistance payments to boards of education within the Metropolitan Area. The amendment provides for payment to such boards with respect to pupils attending schools outside the Metropolitan Area.

SECTION 10. The object of the enactment is to place the Metropolitan School Board in the same position regarding the provision of pensions for non-teaching employees, sick leave credits, group life insurance, group accident insurance, hospitalization, etc., as a school board under *The Schools Administration Act, 1954*.

SECTION 11. Self-explanatory.

10. *The Municipality of Metropolitan Toronto Act, 1953* is ^{1953, c. 73,} amended by adding thereto the following section: ^{amended}

126a.—(1) Sections 34, 35 and 37 of *The Schools Administration Act, 1954* shall apply *mutatis mutandis* to ^{Applica- tion of} the School Board. ^{1954, c. 86,} ^{ss. 34, 35, 37}

(2) Where the School Board employs or has employed a ^{Pensions} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purpose of any pension plan of such board of education, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the board of education, until the School Board has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.

(3) Until such election, the School Board shall deduct ^{Idem} by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the board of education, and the School Board shall pay to the board of education in instalments,

(a) the amounts so deducted;

(b) the future service contributions payable under the plan by the board of education.

(4) Where the School Board employs or has employed a ^{Sick leave credits} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purposes of any sick leave credit plan of such board of education until the School Board has established a sick leave credit plan for its employees, whereupon the School Board shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the board of education.

11. Section 136 of *The Municipality of Metropolitan Toronto Act, 1953* is ^{1953, c. 73,} amended by adding thereto the following ^{s. 136,} subsection: ^{amended}

(2) Notwithstanding subsection 1, the Town of Leaside, ^{Certain} the Town of Mimico, the Town of New Toronto and ^{towns not} the Town of Weston shall be deemed to be towns ^{to be} and not separated towns for the purposes of *The* ^{deemed} *Highway Improvement Act*. ^{separated} ^{towns for} ^{grants or} ^{subsidies}

^{Rev. Stat.,} ^{c. 166}

1953, c. 73,
s. 142,
amended

12. Section 142 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the hospitalization and burial of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, or who is admitted to hospital after such date and in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954.

1947, c. 142

1953, c. 73,
s. 147,
amended

13. Section 147 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Lambert
Lodge

- (5) If the Minister of Public Welfare certifies that Lambert Lodge in the City of Toronto is no longer required by the Metropolitan Corporation for use as a home for the aged, the Metropolitan Corporation shall thereupon transfer that portion of the real property known as Lambert Lodge that was used for the purposes of a home for the aged and was vested in the Metropolitan Corporation by subsection 1 to The Corporation of the City of Toronto, and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof.

1953, c. 73,
s. 150,
amended

14. Section 150 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the maintenance of children committed temporarily or permanently to the care and custody of a children's aid society in respect of which child an order for maintenance was in force on the 31st day of December, 1953, or is made after such date and in respect of which maintenance the City is or would

SECTION 12. The City of Toronto established emergency housing projects outside of Toronto in the Townships of Toronto and Toronto Gore in the County of Peel and by agreements with such municipalities became responsible for the hospitalization of indigents and maintenance of children and children's aid societies or training schools. This agreement was validated by *The City of Toronto Act, 1947*. Under sections 142, 150 and 154 of *The Municipality of Metropolitan Toronto Act, 1953*, the Metropolitan Corporation took over responsibility for such matters, but this responsibility did not extend to cases covered by the agreement in respect of the emergency housing projects in the Townships of Toronto and Toronto Gore. The effect of the amendments in these three sections of the bill is to transfer the City's liability to the Metropolitan Corporation.

SECTION 13. Under subsection 1 of section 147 of *The Municipality of Metropolitan Toronto Act, 1953*, the home for the aged of the City of Toronto (known as Lambert Lodge) and all real and personal property used for the purposes of the home, were vested in the Metropolitan Corporation on January 1st, 1954. This home for the aged has been approved by the Minister of Public Welfare only for provincial grants toward operation, pending the construction of proper home for the aged accommodation. No provincial grant was paid on acquisition or construction costs.

This amendment provides for the re-transfer to the City of Lambert Lodge upon the construction of proper accommodation by the Metropolitan Corporation.

SECTION 14. See Explanatory Note to section 12.

SECTION 15. See Explanatory Note to section 12.

SECTION 16. Under subsection 2 of section 14 of *The Crown Attorneys Act* (which is repealed by bill No. 52) the responsibility for providing office accommodation, etc., for the Crown attorney of Toronto and York was placed on the City of Toronto. Since matters relating to the administration of justice were transferred from the City to the Metropolitan Corporation, the Act is amended to make the provision of accommodation for the Toronto and York Crown attorney the responsibility of the Metropolitan Corporation and the County will contribute thereto as part of the costs of administration of justice.

be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance provided before the 1st day of January, 1954.

15. Section 154 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 154, amended}

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance and education provided before the 1st day of January, 1954. ^{Special provisions Rev. Stat., c. 396 1947, c. 142}

16. Section 161 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out the words "other than the Crown attorney of the City of Toronto" in the thirteenth and fourteenth lines and inserting in lieu thereof the words "including the Crown attorney for the City of Toronto and the County of York", so that the section shall read as follows: ^{1953, c. 73, s. 161, amended}

161. The Metropolitan Council shall have the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper ^{Metro-politan Council to provide accommodation, etc.}

offices, together with fuel, light, stationery and furniture and, when certified by the Attorney-General to be necessary, with typewriters, for all officers connected with such provincial courts, including the Crown attorney for the City of Toronto and the County of York, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172.

1953, c. 73,
s. 174,
re-enacted

17.—(1) Section 174 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Registry
division
not affected

174.—(1) Nothing in this Act alters or affects the boundaries of any registry division.

City Registry
Office
vested in
Metropolitan
Corporation

(2) The building in which the Registry Office for the Registry Division of the City of Toronto is located and the lands on which such building is situated and all personal property used for the purposes of such registry office and the land titles office therein are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay to the City of Toronto such compensation therefor as may be agreed upon and failing agreement as may be determined by the Municipal Board.

Compensation

(3) The surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto and of the Land Titles Office in the City of Toronto to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to the City of Toronto until the compensation agreed upon or determined under subsection 2 is fully paid.

County
Registry
Office vested
in Metropolitan
Corporation

(4) The building in which the Registry Office for the Registry Division of the East and West Riding of the County of York and the lands on which such building is situated and all personal property used for the purposes of such registry office are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay such compensation therefor to the County of York and the area municipalities except the City of Toronto as may be agreed upon and failing agreement as may be determined by the Municipal Board.

SECTION 17. The amendment transfers the responsibility for the Registry and Land Titles Offices in Toronto to the Metropolitan Corporation and vests the property of such Offices in the Metropolitan Corporation.



- (5) The total compensation under subsection 4 shall be determined on the basis of values as of the 1st day of January, 1955, and the County of York shall be entitled to 15 per cent of such total compensation and the area municipalities shall be entitled to the remainder in such proportions as may be agreed upon and failing agreement as may be determined by the Municipal Board. How compensation to be shared
- (6) When the boundaries of the Registry Division of the East and West Riding of the County of York are changed so that no land within a municipality forming part of the County of York for municipal purposes is within the said Registry Division, the Metropolitan Corporation shall pay to the County of York the amount of compensation to which the County is entitled under subsection 5. Compensation to County of York
- (7) The surplus fees of the Registry Office for the Registry Division of the East and West Riding of the County of York to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to and distributed among the area municipalities except the City of Toronto in the same proportions as are determined with respect to the compensation to be paid to the area municipalities under subsection 5 until such compensation is fully paid. Compensation to area municipalities
- (8) No interest shall be payable in respect of any compensation payable by the Metropolitan Corporation under this section. Interest
- (9) For the purposes of *The Registry Act*, the Metropolitan Corporation shall be deemed to be a city and shall provide registry office accommodation and all other matters under *The Registry Act* with respect to the said registry divisions and the registry offices thereof. Responsibility of Metropolitan Corporation
Rev. Stat., c. 336
- (10) So long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the County of York shall bear and pay to the treasurer of the Metropolitan Corporation such equitable proportion of the expenses incurred under section 21 of *The Registry Act* and any other expenses with respect to the registry office for the said registry division, as the Inspector of Legal Offices directs. Liability of County

Surplus
fees of
registry
offices

- (11) Subject to section 152 of *The Land Titles Act*,
- (a) the Metropolitan Corporation shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto; and
 - (b) so long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the East and West Riding of the County of York in the manner provided in *The Registry Act* and thereafter the Metropolitan Corporation shall be entitled to such surplus fees.

Rev. Stat.,
c. 336

Land titles
Rev. Stat.,
c. 197

- (12) For the purposes of *The Land Titles Act*, the Metropolitan Corporation shall be deemed to be a city and the responsibility of the City of Toronto under that Act shall hereafter be the responsibility of the Metropolitan Corporation which shall share with the County of York the expenses under that Act in the manner provided by subsection 3 of section 150 of that Act.

Surplus
fees of
land titles
office

- (13) The Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Land Titles Office in the City of Toronto in the manner provided in *The Land Titles Act*.

Use of
building
by City
of Toronto

- (14) Where any portion of any building that is vested by this section in the Metropolitan Corporation is being used by the City of Toronto for purposes other than a registry or land titles office when this section comes into force, the City of Toronto may continue to use any such portion on such terms and at such rental as may be agreed upon and failing agreement as may be determined by the Municipal Board and when any such portion is required by the Metropolitan Corporation it shall give to the City of Toronto at least six months notice to vacate.

When land
required
for civic
square

- (15) When the building and lands vested by subsection 2 in the Metropolitan Corporation are required by the City of Toronto for the development of a civic square, the Metropolitan Corporation shall sell and



SECTION 18. This amendment will authorize the Metropolitan Corporation to enter into agreements with respect to parks as provided in paragraphs 51a and 51b of section 386 of *The Municipal Act*, as enacted by *The Municipal Amendment Act, 1955*. (See bill No. 71.)

SECTION 19—Subsection 1. With a municipality the size of the Metropolitan Area, it may not always be possible for the courts of revision to complete the revision of the assessment rolls of all of the area municipalities before it is necessary for the Metropolitan Council to apportion its levies among the area municipalities. Section 190 of the Act is therefore amended by adding a new authority under which the Metropolitan Council may apportion its levies on the basis of the assessment rolls as returned in the case of municipalities whose assessment rolls are not then revised. Provision is further made for an adjustment to take care of increases and decreases resulting from the ultimate revision of the assessment rolls of the area municipalities when they have all been revised by the courts of revision.

convey such building and lands to the City of Toronto within two years of being notified by the City that the building and lands are so required at a price equal to the amount of compensation therefor determined under subsection 2.

(2) The Metropolitan Corporation shall repay to the City of Toronto and the County of York the amount of the expenses incurred by them respectively with respect to the operation after the 1st day of January, 1955, of the Registry Office for the Registry Division of the City of Toronto and the Registry Office for the Registry Division of the East and West Riding of the County of York and the Land Titles Office in the City of Toronto. ^{Expenses incurred in 1955}

18. Section 184 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 184, amended}

(2) Paragraphs 51a and 51b of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. ^{Application of Rev. Stat., c. 243}

19.—(1) Section 190 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections: ^{1953, c. 73, s. 190, amended}

(5a) Notwithstanding subsections 3, 4 and 5, the Metropolitan Council may pass its by-law under subsection 2 before the assessment rolls of all the area municipalities are revised by the courts of revision, and in that case the levies shall be apportioned among the area municipalities according to the last revised assessment rolls of those area municipalities whose assessment rolls have been so revised and the assessment rolls as returned of those area municipalities whose assessment rolls have not been so revised. ^{Apportionment where all rolls not revised}

(5b) Where the by-law under subsection 2 is passed as provided in subsection 5a, the Metropolitan Council shall, forthwith after the assessment rolls of all the area municipalities have been revised by the courts of revision, amend the by-law so as to make the apportionments among the area municipalities according to the assessment rolls as so revised, and, ^{Adjustment}

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Metropolitan Corporation; and

- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay to the treasurer of the Metropolitan Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Metropolitan Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

1953, c. 73,
s. 190,
subs. 6,
amended

(2) Subsection 6 of the said section 190 is amended by inserting after the word "assessment" in the third line the words "other than a fixed assessment under section 36a of *The Assessment Act*", so that the subsection shall read as follows:

Fixed
assessments,
etc., not
to apply

- (6) The apportionment of the levy among the area municipalities as provided for in subsections 2 to 5 shall be based on the full value of all rateable property, and no fixed assessment other than a fixed assessment under section 36a of *The Assessment Act* or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*.

Rev. Stat.,
c. 24

1953, c. 73,
s. 190,
subs. 9,
amended

(3) Subsection 9 of the said section 190 is amended by adding at the commencement thereof the words "Subject to section 54a of *The Assessment Act*", so that the subsection shall read as follows:

Local levies
for metro-
politan
purposes
Rev. Stat.,
c. 24

- (9) Subject to section 54a of *The Assessment Act*, in each area municipality, the metropolitan levy,

- (a) for public school purposes shall be calculated and levied upon the whole rateable property rateable for public school purposes;
- (b) for secondary school purposes shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and
- (c) for all other purposes shall be calculated and levied upon the whole rateable property rateable for such purposes,

within such area municipality according to the last revised assessment roll thereof.

1953, c. 73,
s. 197,
subs. 2,
amended

20.—(1) Subsection 2 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the commencement thereof the words "Subject to subsection 2a", so that the subsection shall read as follows:

Subsection 2. Section 36a provides for local municipalities entering into agreements with owners of golf courses to provide for a fixed assessment as set out in section 10 of Bill No. 92.

Subsection 3. The amendment makes it clear that local levies for metropolitan purposes may be made in the first instance on the basis of the assessment roll as returned, as contemplated in section 54a of *The Assessment Act*.

SECTION 20. These amendments authorize the issue of sinking fund debentures by the Metropolitan Corporation.



- (2) Subject to subsection 2a, the by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. ^{Principal and interest payments}
- (2) The said section 197 is amended by adding thereto the following subsections: ^{1953, c. 73, s. 197, amended}
- (2a) The by-law may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. ^{Sinking fund debentures}
-
- (19) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. ^{Principal levies}
- (20) When sinking fund debentures are issued, a consolidated bank account shall be kept in which the treasurer of the Metropolitan Corporation shall deposit each year during the term of the debentures on or before the date of the debentures, separate from any other account, the moneys raised for the sinking funds of all debts which are to be paid by means of sinking funds. ^{Consolidated bank account}
- (21) When sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Metropolitan Corporation and two members appointed by the Lieutenant-Governor in Council, and the two appointed members shall be paid, out of the current funds of the Metropolitan Corporation, such annual remuneration as the Lieutenant-Governor in Council may determine. ^{Sinking fund committee}
- (22) The Lieutenant-Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member shall have all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

- Chairman (23) The treasurer of the Metropolitan Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.
- Security (24) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Metropolitan Corporation shall determine, and in other respects the provisions of section 251 of *The Municipal Act* shall apply with respect to such security.
- Rev. Stat.,
c. 243
- Quorum (25) Two members of the sinking fund committee shall be a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of
sinking
fund account (26) All assets of the sinking fund shall be under the sole control and management of the sinking fund committee and all cheques on the consolidated bank account shall be signed by the chairman and one appointed member of the sinking fund committee.
- Investments (27) The sinking fund committee shall invest and keep invested all money in the sinking fund account, and may at any time vary any such investments.
- Idem (28) The moneys in the sinking fund account shall be invested in any or all of the following ways:
- Rev. Stat.,
c. 400 f
- (a) in such securities as a trustee may invest in under *The Trustee Act*;
 - (b) in debentures of the Metropolitan Corporation;
 - (c) by temporary advances to the Metropolitan Corporation pending the issue and sale of any debentures of the Metropolitan Corporation;
 - (d) by temporary loans to the Metropolitan Corporation for current expenditures, but no loan for this purpose shall be made for a period beyond the end of the calendar year in which the loan is made,

and the earnings derived from any such investments shall form part of the sinking fund account, and

when there is more than one by-law providing for sinking fund debentures, the earnings shall be allocated to each debt in the proportion that the amount of the sinking fund of such debt bears to the aggregate of the sinking funds of all debts.

- (29) The treasurer of the Metropolitan Corporation shall prepare and lay before the Metropolitan Council in each year, before the annual metropolitan levies are made, a statement showing the sums that the Metropolitan Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}
- (30) If the treasurer contravenes subsection 20 or 29, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$250. ^{Offence and penalty}
- (31) If the Metropolitan Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Metropolitan Council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}
- (32) Notwithstanding this or any other Act, or by-law, if the amount in the sinking fund account attributable to any specific debt is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it comes due, the Municipal Board may authorize the Metropolitan Council not to raise or provide any further sum with respect to such debt. ^{Where amount in sinking fund sufficient}
- (33) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Metropolitan Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}
- (34) When, in the opinion of all the members of the sinking fund committee, there is a surplus in the sinking fund account, the sinking fund committee may authorize the use of the surplus for the purpose of retiring unmatured debentures of the Metropolitan Corporation, or of retiring unmatured debentures of an area municipality in respect of which the Metropolitan Corporation is required to pay to the area municipality all amounts of principal and interest becoming due thereon. ^{Surplus}

Deficits
and surplus

- (35) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities or of a board of education, any deficit in the sinking fund account shall be provided by the Metropolitan Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 34.

1953, c. 73,
s. 209,
subs. 1,
amended

21. Subsection 1 of section 209 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word “for” in the fourth line the words “the sinking fund or”, so that the subsection shall read as follows:

Accounts,
how to be
kept

- (1) The Metropolitan Council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it.

1953, c. 73,
s. 211,
subs. 1,
amended

22. Subsection 1 of section 211 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word “purpose” in the second line the words “or collected for a sinking fund”, so that the subsection shall read as follows:

Liability
of members

- (1) If the Metropolitan Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

1953, c. 73,
s. 214,
amended

23. Section 214 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections:

Smoke
abatement

- (6) Section 399 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation and where a by-law is passed by the Metropolitan Council under the said section applicable to an area municipality, any by-law passed by the council of such area municipality under paragraph 70 of subsection 1 of section 388, or under section 399 of *The Municipal Act*, or any predecessor of such paragraph or section shall have no effect while the by-law passed by the Metropolitan Council is in effect in such area municipality.

Rev. Stat.,
c. 243

SECTION 21. Complementary to section 20 of this bill.

SECTION 22. Complementary to section 20 of this bill.

SECTION 23. The new subsection 6 authorizes the Metropolitan Council to pass by-laws respecting smoke abatement, and where such by-laws are passed similar by-laws of the area municipalities will cease to be effective.

The new subsection 7 is self-explanatory.

Under sections 49(2), 66(1), 67(2) and 83(2) of the Act connections to metropolitan waterworks and sewage works, changes in local sewage works that discharge into metropolitan sewage works, and installation of sidewalks and services on metropolitan roads, require the approval or consent of the Metropolitan Council. The new subsection 8 authorizes the delegation to the department head concerned of the power to grant such approvals and consents.



- (7) By-laws may be passed by the Metropolitan Council, Civilian defence, etc.
- (a) for the establishment or maintenance of civilian defence committees in the Metropolitan Area; and
 - (b) for providing moneys for air raid precaution or other similar work within the Metropolitan Area.
- (8) Notwithstanding anything in this Act, the Metropolitan Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 49, subsection 1 of section 66, subsection 2 of section 67 and subsection 2 of section 83 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approvals or consents

24.—(1) This Act, except sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 19, comes into force on the day it receives Royal Assent. Commencement

(2) Section 1 shall be deemed to have come into force on the 15th day of April, 1953. Idem

(3) Sections 2, 4, 5, 9, 10, 11, 12, 13, 14 and 15 shall be deemed to have come into force on the 1st day of January, 1954. Idem

(4) Sections 3, 17 and 19 shall be deemed to have come into force on the 1st day of January, 1955. Idem

(5) Section 16 comes into force on the 1st day of April, 1955. Idem

25. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1955*. Short title





BILL

An Act to amend The Municipality of
Metropolitan Toronto Act, 1953

1st Reading

March 17th, 1955

2nd Reading

3rd Reading

MR. PORTER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend
The Municipality of Metropolitan Toronto Act, 1953

MR. PORTER

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment will authorize the Metropolitan Corporation to pass by-law for granting retirement allowances to persons who are not in receipt of, or are in receipt of only small municipal pensions. The Metropolitan Corporation will also be empowered to provide sickness, hospitalization, group insurance and other benefits as are now provided for in paragraph 49a of section 386 of *The Municipal Act*.

Subsection 2. This amendment authorizes the Metropolitan Corporation to set up, with the approval of the Minister of Municipal Affairs, a pension plan which may be made applicable to employees not only of the Metropolitan Corporation and its local boards, but also to employees of the area municipalities and their local boards.

BILL

An Act to amend The Municipality of Metropolitan Toronto 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) Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the figures "255" in the second line the word and figures "section 257" and by striking out the word and figures "and 49" in the second line and inserting in lieu thereof the word, figures and letter "49 and 49a", so that the subsection shall read as follows:

- (1) Sections 235, 251 and 253, subsections 4 and 5 of section 255, section 257 and paragraphs 48, 49 and 49a of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.
- (2) The said section 22 is amended by adding thereto the following subsection:
- (2a) In addition to its powers in subsection 1, the Metropolitan Council may pass by-laws for providing pensions for employees, or any class thereof, and their wives and children.

(a) In this subsection, "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the Metropolitan Corporation or any local board thereof, or of any area municipality or local board thereof, or of the Toronto and York Roads Commission, and includes any person designated as an employee by the Minister.

(b) No by-law shall be passed under this subsection except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting thereon.

Approval of
Minister

- (c) No by-law passed under this subsection shall become operative until approved by the Minister nor shall any by-law passed under this subsection and approved by the Minister be amended or repealed without the approval of the Minister.

Agreement
necessary

- (d) A local board of the Metropolitan Corporation, an area municipality, a local board of an area municipality or the Toronto and York Roads Commission may enter into an agreement with the Metropolitan Corporation providing that a pension plan established under this subsection shall be applicable to employees or any class thereof of such local board, area municipality or the Toronto and York Roads Commission, and such agreement may provide for the incorporation of the plan of an area municipality, local board or the Toronto and York Roads Commission with the plan established under this subsection and for the transfer of any credits or assets from one plan to the other, but no pension plan established under this subsection shall apply to an employee of a local board, area municipality or the Toronto and York Roads Commission unless such an agreement has been entered into.

Deductions
from salary,
etc.

- (e) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a local board thereof or the Toronto and York Roads Commission, the local board, area municipality or the Toronto and York Roads Commission, as the case may be, shall deduct, by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable, the amount which such employee is required to pay in accordance with the provisions of the plan and shall pay the amounts deducted to the treasurer of the Metropolitan Corporation.

Employer
contributions

- (f) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a



Subsection 3. The amendment provides for the pension, sick leave credits and holidays of employees of the County of York and the Toronto and York Roads Commission who become employees of the Metropolitan Corporation in the same manner as employees of the area municipalities who transfer to the Metropolitan Corporation.

local board thereof or the Toronto and York Roads Commission, the local board or area municipality or the Toronto and York Roads Commission shall pay to the treasurer of the Metropolitan Corporation the employer contributions in respect of such employee in accordance with the provisions of the plan.

(3) Subsections 3, 4, 5 and 6 of the said section 22 are repealed and the following substituted therefor:

1953, c. 73,
s. 22,
subss. 3, 4, 5,
6, re-
enacted

(3) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or a local board thereof, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.

Pensions

(4) Until such election, the Metropolitan Corporation shall deduct by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission and the Metropolitan Corporation shall pay to the area municipality or local board or to the County of York or the Toronto and York Roads Commission in instalments,

Idem

(a) the amounts so deducted;

(b) the future service contributions payable under the plan by the area municipality or local board or by the County of York or the Toronto and York Roads Commission.

(5) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality

Sick leave
credits

or local board thereof or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any sick leave credit plan of the area municipality, local board, the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

Holidays

- (6) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

1953, c. 73,
s. 31,
amended

- 2.** Section 31 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Court of
revision
for local
improvements

Rev. Stat.,
c. 215

- (7a) A court or courts of revision constituted for an area municipality under this section shall be deemed to be the court or courts of revision constituted for the area municipality for the purposes of *The Local Improvement Act*.

1953, c. 73,
s. 33,
re-enacted

- 3.** Section 33 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Application
of
Rev. Stat.,
c. 24 to area
municipalities

33. For the purposes of sections 6, 7, 8, 9, 16 and 18 and subsection 5 of section 30 of *The Assessment Act*, each area municipality shall be deemed to be a city having a population of not less than 100,000.

1953, c. 73,
s. 37,
amended

- 4.** Section 37 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

SECTION 2. This amendment ensures that courts of revision established by the Metropolitan Council shall act as courts of revision of the area municipality for the purposes of *The Local Improvement Act*.

SECTION 3. Area municipalities shall be deemed cities for certain purposes of *The Assessment Act* in order to ensure uniformity of assessment and assessment practices in the Metropolitan Area.

SECTION 4. A definition of "works" is added to section 37 to clarify the works for the production, treatment and storage of water that must be assumed as part of the metropolitan waterworks system.

SECTION 5. Section 83 of the Act now provides that the Metropolitan Corporation does not, by assuming a road, become liable for the building, maintenance or repair of sidewalks on the road. The amendment makes it clear that the area municipality's responsibility remains unaffected by the assumption of the road.

SECTION 6. This amendment transfers from the area municipalities to the Metropolitan Corporation the power to give names to, and the power to change names of, highways in the Metropolitan Area.

- (8) In this section, "works" means buildings, structures, ^{Interpre-} plant, machinery, equipment and appurtenances, ^{tation} devices, conduits, intakes and outlets and underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

5. Subsection 1 of section 83 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the end thereof the words "but the area municipality in which such sidewalks are located shall continue to be liable for the maintenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof", so that the subsection shall read as follows: ^{1953, c. 73, s. 83, subs. 1, amended}

- (1) The Metropolitan Corporation shall not by reason of assuming a road under this Act be liable for the building, maintenance or repair of sidewalks on any metropolitan road or portion thereof, but the area municipality in which such sidewalks are located shall continue to be liable for the maintenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 453 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction. ^{Sidewalks excepted}

6. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section: ^{1953, c. 73, amended}

86a.—(1) Where the name of a highway is a duplication or is similar to the name of another highway in the Metropolitan Area, the Metropolitan Council may pass by-laws for changing the name of any such highway, and no area municipality shall thereafter have power to change the name of such highway. ^{Names of highways}

- (2) A by-law passed under subsection 1 shall recite the fact of such duplication or similarity, and the change shall take effect when a certified copy of the by-law is registered in the proper registry or land titles office. ^{When by-law effective}

1953, c. 73,
s. 92, subs. 1,
re-enacted

7. Subsection 1 of section 92 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Restrictions

- (1) The Metropolitan Council shall have, with respect to all land lying within a distance of 150 feet from any limit of a metropolitan road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*.

Rev. Stat.,
c. 243

1953, c. 73,
s. 96,
amended

8. Section 96 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "of" where it occurs the first time in the first line the words "subsection 1 of section 11 and", so that the section shall read as follows:

Suburban
roads,
application
of
Rev. Stat.,
c. 166

96. For the purposes of subsection 1 of section 11 and Part III of *The Highway Improvement Act*, the Metropolitan Corporation shall be deemed to be the corporation of a city having a population of more than 50,000 situate within the County of York but separated therefrom for municipal purposes, and the said Part III shall apply to the Metropolitan Corporation, but no area municipality shall have any liability or authority under that Part.

1953, c. 73,
s. 125,
amended

9. Section 125 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Idem

- (1a) Where a resident pupil attends a school situated outside the Metropolitan Area which he has a right to attend under *The Public Schools Act* or *The Secondary Schools and Boards of Education Act, 1954*, the maintenance assistance payments provided for in subsection 1 shall be paid to the board of education of the public school division or high school district of which he is a resident pupil, as the case may be, in the same manner and to the same extent as if the pupil attended a school under the jurisdiction of such board.

Rev. Stat.,
c. 316
1954, c. 87.

1953, c. 73,
amended

10. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Applica-
tion of
1954, c. 86,
ss. 34, 35, 37

- 126a.—(1) Sections 34, 35 and 37 of *The Schools Administration Act, 1954* shall apply *mutatis mutandis* to the School Board.

SECTION 7. The present subsection refers to land "abutting" on a metropolitan road for a distance of 150 feet from any limit of the road. The amendment makes it clear that the subsection applies to all land lying within 150 feet of the road, whether or not such land abuts on the road.

SECTION 8. This amendment will permit the County to assume portions of boundary roads between the County and the Metropolitan Municipality as county roads and then to have them designated as suburban roads so that the Metropolitan Municipality will contribute toward the cost of their construction and maintenance.

SECTION 9. Section 125 provides for maintenance assistance payments to boards of education within the Metropolitan Area. The amendment provides for payment to such boards with respect to pupils attending schools outside the Metropolitan Area.

SECTION 10. The object of the enactment is to place the Metropolitan School Board in the same position regarding the provision of pensions for non-teaching employees, sick leave credits, group life insurance, group accident insurance, hospitalization, etc., as a school board under *The Schools Administration Act, 1954*.

SECTION 11. Self-explanatory.

- (2) Where the School Board employs or has employed a ^{Pensions} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purpose of any pension plan of such board of education, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the board of education, until the School Board has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.
- (3) Until such election, the School Board shall deduct ^{Idem} by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the board of education, and the School Board shall pay to the board of education in instalments,
- (a) the amounts so deducted;
- (b) the future service contributions payable under the plan by the board of education.
- (4) Where the School Board employs or has employed a ^{Sick leave credits} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purposes of any sick leave credit plan of such board of education until the School Board has established a sick leave credit plan for its employees, whereupon the School Board shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the board of education.

11. Section 136 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 136, amended}

- (2) Notwithstanding subsection 1, the Town of Leaside, the Town of Mimico, the Town of New Toronto and the Town of Weston shall be deemed to be towns and not separated towns for the purposes of *The Highway Improvement Act*. ^{Certain towns not to be deemed separated towns for the purposes of Rev. Stat., c. 166}

1953, c. 73,
s. 142,
amended

12. Section 142 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the hospitalization and burial of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, or who is admitted to hospital after such date and in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954.

1947, c. 142

1953, c. 73,
s. 147,
amended

13. Section 147 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Lambert
Lodge

- (5) If the Minister of Public Welfare certifies that Lambert Lodge in the City of Toronto is no longer required by the Metropolitan Corporation for use as a home for the aged, the Metropolitan Corporation shall thereupon transfer that portion of the real property known as Lambert Lodge that was used for the purposes of a home for the aged and was vested in the Metropolitan Corporation by subsection 1 to The Corporation of the City of Toronto, and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof.

1953, c. 73,
s. 150,
amended

14. Section 150 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the maintenance of children committed temporarily or permanently to the care and custody of a children's aid society in respect of which child an order for maintenance was in force on the 31st day of December, 1953, or is made after such date and in respect of which maintenance the City is or would

SECTION 12. The City of Toronto established emergency housing projects outside of Toronto in the Townships of Toronto and Toronto Gore in the County of Peel and by agreements with such municipalities became responsible for the hospitalization of indigents and maintenance of children and children's aid societies or training schools. This agreement was validated by *The City of Toronto Act, 1947*. Under sections 142, 150 and 154 of *The Municipality of Metropolitan Toronto Act, 1953*, the Metropolitan Corporation took over responsibility for such matters, but this responsibility did not extend to cases covered by the agreement in respect of the emergency housing projects in the Townships of Toronto and Toronto Gore. The effect of the amendments in these three sections of the bill is to transfer the City's liability to the Metropolitan Corporation.

SECTION 13. Under subsection 1 of section 147 of *The Municipality of Metropolitan Toronto Act, 1953*, the home for the aged of the City of Toronto (known as Lambert Lodge) and all real and personal property used for the purposes of the home, were vested in the Metropolitan Corporation on January 1st, 1954. This home for the aged has been approved by the Minister of Public Welfare only for provincial grants toward operation, pending the construction of proper home for the aged accommodation. No provincial grant was paid on acquisition or construction costs.

This amendment provides for the re-transfer to the City of Lambert Lodge upon the construction of proper accommodation by the Metropolitan Corporation.

SECTION 14. See Explanatory Note to section 12.

SECTION 15. See Explanatory Note to section 12.

SECTION 16. Under subsection 2 of section 14 of *The Crown Attorneys Act* (which is repealed by bill No. 52) the responsibility for providing office accommodation, etc., for the Crown attorney of Toronto and York was placed on the City of Toronto. Since matters relating to the administration of justice were transferred from the City to the Metropolitan Corporation, the Act is amended to make the provision of accommodation for the Toronto and York Crown attorney the responsibility of the Metropolitan Corporation and the County will contribute thereto as part of the costs of administration of justice.

be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance provided before the 1st day of January, 1954.

15. Section 154 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 154, amended}

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance and education provided before the 1st day of January, 1954. ^{Special provisions Rev. Stat., c. 396 1947, c. 142}

16. Section 161 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out the words "other than the Crown attorney of the City of Toronto" in the thirteenth and fourteenth lines and inserting in lieu thereof the words "including the Crown attorney for the City of Toronto and the County of York", so that the section shall read as follows: ^{1953, c. 73, s. 161, amended}

161. The Metropolitan Council shall have the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper ^{Metro-politan Council to provide accommodation, etc.}

offices, together with fuel, light, stationery and furniture and, when certified by the Attorney-General to be necessary, with typewriters, for all officers connected with such provincial courts, including the Crown attorney for the City of Toronto and the County of York, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172.

1953, c. 73,
s. 174,
re-enacted

17.—(1) Section 174 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Registry
division
not affected

174.—(1) Nothing in this Act alters or affects the boundaries of any registry division.

City Regis-
try Office
vested in
Metropol-
itan Cor-
poration

(2) The building in which the Registry Office for the Registry Division of the City of Toronto is located and the lands on which such building is situated and all personal property used for the purposes of such registry office and the land titles office therein are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay to the City of Toronto such compensation therefor as may be agreed upon and failing agreement as may be determined by the Municipal Board.

Compensa-
tion

(3) The surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto and of the Land Titles Office in the City of Toronto to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to the City of Toronto until the compensation agreed upon or determined under subsection 2 is fully paid.

County
Registry
Office vested
in Metropol-
itan Cor-
poration

(4) The building in which the Registry Office for the Registry Division of the East and West Riding of the County of York and the lands on which such building is situated and all personal property used for the purposes of such registry office are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay such compensation therefor to the County of York and the area municipalities except the City of Toronto as may be agreed upon and failing agreement as may be determined by the Municipal Board.

SECTION 17. The amendment transfers the responsibility for the Registry and Land Titles Offices in Toronto to the Metropolitan Corporation and vests the property of such Offices in the Metropolitan Corporation.



- (5) The total compensation under subsection 4 shall be determined on the basis of values as of the 1st day of January, 1955, and the County of York shall be entitled to 15 per cent of such total compensation and the area municipalities shall be entitled to the remainder in such proportions as may be agreed upon and failing agreement as may be determined by the Municipal Board. How compensation to be shared
- (6) When the boundaries of the Registry Division of the East and West Riding of the County of York are changed so that no land within a municipality forming part of the County of York for municipal purposes is within the said Registry Division, the Metropolitan Corporation shall pay to the County of York the amount of compensation to which the County is entitled under subsection 5. Compensation to County of York
- (7) The surplus fees of the Registry Office for the Registry Division of the East and West Riding of the County of York to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to and distributed among the area municipalities except the City of Toronto in the same proportions as are determined with respect to the compensation to be paid to the area municipalities under subsection 5 until such compensation is fully paid. Compensation to area municipalities
- (8) No interest shall be payable in respect of any compensation payable by the Metropolitan Corporation under this section. Interest
- (9) For the purposes of *The Registry Act*, the Metropolitan Corporation shall be deemed to be a city and shall provide registry office accommodation and all other matters under *The Registry Act* with respect to the said registry divisions and the registry offices thereof. Responsibility of Metropolitan Corporation
Rev. Stat., c. 336
- (10) So long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the County of York shall bear and pay to the treasurer of the Metropolitan Corporation such equitable proportion of the expenses incurred under section 21 of *The Registry Act* and any other expenses with respect to the registry office for the said registry division, as the Inspector of Legal Offices directs. Liability of County

Surplus
fees of
registry
offices

(11) Subject to section 152 of *The Land Titles Act*,

(a) the Metropolitan Corporation shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto; and

(b) so long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the East and West Riding of the County of York in the manner provided in *The Registry Act* and thereafter the Metropolitan Corporation shall be entitled to such surplus fees.

Rev. Stat.,
c. 336

Land titles
Rev. Stat.,
c. 197

(12) For the purposes of *The Land Titles Act*, the Metropolitan Corporation shall be deemed to be a city and the responsibility of the City of Toronto under that Act shall hereafter be the responsibility of the Metropolitan Corporation which shall share with the County of York the expenses under that Act in the manner provided by subsection 3 of section 150 of that Act.

Surplus
fees of
land titles
office

(13) The Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Land Titles Office in the City of Toronto in the manner provided in *The Land Titles Act*.

Use of
building
by City
of Toronto

(14) Where any portion of any building that is vested by this section in the Metropolitan Corporation is being used by the City of Toronto for purposes other than a registry or land titles office when this section comes into force, the City of Toronto may continue to use any such portion on such terms and at such rental as may be agreed upon and failing agreement as may be determined by the Municipal Board and when any such portion is required by the Metropolitan Corporation it shall give to the City of Toronto at least six months notice to vacate.

When land
required
for civic
square

(15) When the building and lands vested by subsection 2 in the Metropolitan Corporation are required by the City of Toronto for the development of a civic square, the Metropolitan Corporation shall sell and



SECTION 18. This amendment will authorize the Metropolitan Corporation to enter into agreements with respect to parks as provided in paragraphs 51a and 51b of section 386 of *The Municipal Act*, as enacted by *The Municipal Amendment Act, 1955*. (See bill No. 71.)

SECTION 19—Subsection 1. With a municipality the size of the Metropolitan Area, it may not always be possible for the courts of revision to complete the revision of the assessment rolls of all of the area municipalities before it is necessary for the Metropolitan Council to apportion its levies among the area municipalities. Section 190 of the Act is therefore amended by adding a new authority under which the Metropolitan Council may apportion its levies on the basis of the assessment rolls as returned in the case of municipalities whose assessment rolls are not then revised. Provision is further made for an adjustment to take care of increases and decreases resulting from the ultimate revision of the assessment rolls of the area municipalities when they have all been revised by the courts of revision.

convey such building and lands to the City of Toronto within two years of being notified by the City that the building and lands are so required at a price equal to the amount of compensation therefor determined under subsection 2.

(2) The Metropolitan Corporation shall repay to the City of Toronto and the County of York the amount of the expenses incurred by them respectively with respect to the operation after the 1st day of January, 1955, of the Registry Office for the Registry Division of the City of Toronto and the Registry Office for the Registry Division of the East and West Riding of the County of York and the Land Titles Office in the City of Toronto. ^{Expenses incurred in 1955}

18. Section 184 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 184 amended}

(2) Paragraphs 51a and 51b of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. ^{Application of Rev. Stat., c. 243}

19.—(1) Section 190 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections: ^{1953, c. 73, s. 190, amended}

(5a) Notwithstanding subsections 3, 4 and 5, the Metropolitan Council may pass its by-law under subsection 2 before the assessment rolls of all the area municipalities are revised by the courts of revision, and in that case the levies shall be apportioned among the area municipalities according to the last revised assessment rolls of those area municipalities whose assessment rolls have been so revised and the assessment rolls as returned of those area municipalities whose assessment rolls have not been so revised. ^{Apportionment where all rolls not revised}

(5b) Where the by-law under subsection 2 is passed as provided in subsection 5a, the Metropolitan Council shall, forthwith after the assessment rolls of all the area municipalities have been revised by the courts of revision, amend the by-law so as to make the apportionments among the area municipalities according to the assessment rolls as so revised, and, ^{Adjustment}

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Metropolitan Corporation; and

- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay to the treasurer of the Metropolitan Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Metropolitan Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

1953, c. 73,
s. 190,
subs. 6,
amended

(2) Subsection 6 of the said section 190 is amended by inserting after the word "assessment" in the third line the words "other than a fixed assessment under section 36a of *The Assessment Act*", so that the subsection shall read as follows:

Fixed
assessments,
etc., not
to apply

- (6) The apportionment of the levy among the area municipalities as provided for in subsections 2 to 5 shall be based on the full value of all rateable property, and no fixed assessment other than a fixed assessment under section 36a of *The Assessment Act* or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*.

Rev. Stat.,
c. 24

1953, c. 73,
s. 190,
subs. 9,
amended

(3) Subsection 9 of the said section 190 is amended by adding at the commencement thereof the words "Subject to section 54a of *The Assessment Act*", so that the subsection shall read as follows:

Local levies
for metro-
politan
purposes
Rev. Stat.,
c. 24

- (9) Subject to section 54a of *The Assessment Act*, in each area municipality, the metropolitan levy,
- (a) for public school purposes shall be calculated and levied upon the whole rateable property rateable for public school purposes;
- (b) for secondary school purposes shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and
- (c) for all other purposes shall be calculated and levied upon the whole rateable property rateable for such purposes,

within such area municipality according to the last revised assessment roll thereof.

1953, c. 73,
s. 197,
subs. 2,
amended

20.—(1) Subsection 2 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the commencement thereof the words "Subject to subsection 2a", so that the subsection shall read as follows:

Subsection 2. Section 36a provides for local municipalities entering into agreements with owners of golf courses to provide for a fixed assessment as set out in section 10 of Bill No. 92.

Subsection 3. The amendment makes it clear that local levies for metropolitan purposes may be made in the first instance on the basis of the assessment roll as returned, as contemplated in section 54a of *The Assessment Act*.

SECTION 20. These amendments authorize the issue of sinking fund debentures by the Metropolitan Corporation.



- (2) Subject to subsection 2a, the by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. ^{Principal and interest payments}
- (2) The said section 197 is amended by adding thereto the following subsections: ^{1953, c. 73, s. 197, amended}
- (2a) The by-law may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. ^{Sinking fund debentures}
-
- (19) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. ^{Principal levies}
- (20) When sinking fund debentures are issued, a consolidated bank account shall be kept in which the treasurer of the Metropolitan Corporation shall deposit each year during the term of the debentures on or before the date of the debentures, separate from any other account, the moneys raised for the sinking funds of all debts which are to be paid by means of sinking funds. ^{Consolidated bank account}
- (21) When sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Metropolitan Corporation and two members appointed by the Lieutenant-Governor in Council, and the two appointed members shall be paid, out of the current funds of the Metropolitan Corporation, such annual remuneration as the Lieutenant-Governor in Council may determine. ^{Sinking fund committee}
- (22) The Lieutenant-Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member shall have all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

- Chairman (23) The treasurer of the Metropolitan Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.
- Security (24) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Metropolitan Corporation shall determine, and in other respects the provisions of section 251 of *The Municipal Act* shall apply with respect to such security.
- Rev. Stat.,
c. 243
- Quorum (25) Two members of the sinking fund committee shall be a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of
sinking
fund account (26) All assets of the sinking fund shall be under the sole control and management of the sinking fund committee and all cheques on the consolidated bank account shall be signed by the chairman and one appointed member of the sinking fund committee.
- Investments (27) The sinking fund committee shall invest and keep invested all money in the sinking fund account, and may at any time vary any such investments.
- Idem (28) The moneys in the sinking fund account shall be invested in any or all of the following ways:
- Rev. Stat.,
c. 400
- (a) in such securities as a trustee may invest in under *The Trustee Act*;
 - (b) in debentures of the Metropolitan Corporation;
 - (c) by temporary advances to the Metropolitan Corporation pending the issue and sale of any debentures of the Metropolitan Corporation;
 - (d) by temporary loans to the Metropolitan Corporation for current expenditures, but no loan for this purpose shall be made for a period beyond the end of the calendar year in which the loan is made,

and the earnings derived from any such investments shall form part of the sinking fund account, and

when there is more than one by-law providing for sinking fund debentures, the earnings shall be allocated to each debt in the proportion that the amount of the sinking fund of such debt bears to the aggregate of the sinking funds of all debts.

- (29) The treasurer of the Metropolitan Corporation shall prepare and lay before the Metropolitan Council in each year, before the annual metropolitan levies are made, a statement showing the sums that the Metropolitan Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}
- (30) If the treasurer contravenes subsection 20 or 29, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$250. ^{Offence and penalty}
- (31) If the Metropolitan Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Metropolitan Council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}
- (32) Notwithstanding this or any other Act, or by-law, if the amount in the sinking fund account attributable to any specific debt is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it comes due, the Municipal Board may authorize the Metropolitan Council not to raise or provide any further sum with respect to such debt. ^{Where amount in sinking fund sufficient}
- (33) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Metropolitan Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}
- (34) When, in the opinion of all the members of the sinking fund committee, there is a surplus in the sinking fund account, the sinking fund committee may authorize the use of the surplus for the purpose of retiring unmatured debentures of the Metropolitan Corporation, or of retiring unmatured debentures of an area municipality in respect of which the Metropolitan Corporation is required to pay to the area municipality all amounts of principal and interest becoming due thereon. ^{Surplus}

Deficits
and surplus

- (35) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities or of a board of education, any deficit in the sinking fund account shall be provided by the Metropolitan Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 34.

1953, c. 73,
s. 209,
subs. 1,
amended

21. Subsection 1 of section 209 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word “for” in the fourth line the words “the sinking fund or”, so that the subsection shall read as follows:

Accounts,
how to be
kept

- (1) The Metropolitan Council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it.

1953, c. 73,
s. 211,
subs. 1,
amended

22. Subsection 1 of section 211 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word “purpose” in the second line the words “or collected for a sinking fund”, so that the subsection shall read as follows:

Liability
of members

- (1) If the Metropolitan Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

1953, c. 73,
s. 214,
amended

23. Section 214 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections:

Smoke
abatement

- (6) Section 399 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation and where a by-law is passed by the Metropolitan Council under the said section applicable to an area municipality, any by-law passed by the council of such area municipality under paragraph 70 of subsection 1 of section 388, or under section 399 of *The Municipal Act*, or any predecessor of such paragraph or section shall have no effect while the by-law passed by the Metropolitan Council is in effect in such area municipality.

Rev. Stat.
c. 243

SECTION 21. Complementary to section 20 of this bill.

SECTION 22. Complementary to section 20 of this bill.

SECTION 23. The new subsection 6 authorizes the Metropolitan Council to pass by-laws respecting smoke abatement, and where such by-laws are passed similar by-laws of the area municipalities will cease to be effective.

The new subsection 7 is self-explanatory.

Under sections 49(2), 66(1), 67(2) and 83(2) of the Act connections to metropolitan waterworks and sewage works, changes in local sewage works that discharge into metropolitan sewage works, and installation of sidewalks and services on metropolitan roads, require the approval or consent of the Metropolitan Council. The new subsection 8 authorizes the delegation to the department head concerned of the power to grant such approvals and consents.



- (7) By-laws may be passed by the Metropolitan Council, ^{Civilian defence, etc.}
- (a) for the establishment or maintenance of civilian defence committees in the Metropolitan Area; and
 - (b) for providing moneys for air raid precaution or other similar work within the Metropolitan Area.
- (8) Notwithstanding anything in this Act, the Metropolitan Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 49, subsection 1 of section 66, subsection 2 of section 67 and subsection 2 of section 83 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. ^{Delegation of approvals or consents}

24. *The Municipality of Metropolitan Toronto Act, 1953* is ^{1953, c. 73, amended} amended by adding thereto the following section:

214a. The Metropolitan Corporation may make expenditures not exceeding \$100,000 in any one year for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. ^{Expenditures for diffusing information}

25.—(1) Notwithstanding any trusts or conditions limiting the lands conveyed to The Corporation of the City of Toronto by Larratt William Smith and Samuel George Wood, trustees of John George Howard, by a deed dated November 1st, 1890, and registered in the Registry Office for the Registry Division of the City of Toronto as Instrument No. 7066H to the purposes of a public park for the free use, benefit and enjoyment of the citizens of the City of Toronto forever, The Corporation of the City of Toronto may convey to The Municipality of Metropolitan Toronto any part or parts of such lands for the establishment, laying out and construction of a public highway across the southerly end of High Park in the City of Toronto. ^{Authority of City to convey certain lands to the Metropolitan Corporation}

(2) The deed executed by The Corporation of the City of Toronto shall vest in The Municipality of Metropolitan Toronto a full, clear and absolute title to the lands conveyed by the deed, free from all trusts and conditions whatsoever contained in the deed referred to in subsection 1. ^{Vesting of title free of trust}

- Commence-
ment** **26.**—(1) This Act, except sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 24 and 25, comes into force on the day it receives Royal Assent.
- Idem** (2) Section 1 shall be deemed to have come into force on the 15th day of April, 1953.
- Idem** (3) Sections 2, 4, 5, 9, 10, 11, 12, 13, 14 and 15 shall be deemed to have come into force on the 1st day of January, 1954.
- Idem** (4) Sections 3, 17, 19 and 25 shall be deemed to have come into force on the 1st day of January, 1955.
- Idem** (5) Section 16 comes into force on the 1st day of April, 1955.
- Idem** (6) Section 24 comes into force on the 1st day of January, 1956.
- Short title** **27.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1955*.



BILL

An Act to amend The Municipality of
Metropolitan Toronto Act, 1953

1st Reading

March 17th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

MR. PORTER

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

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to amend
The Municipality of Metropolitan Toronto Act, 1953**

MR. PORTER

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment will authorize the Metropolitan Corporation to pass by-law for granting retirement allowances to persons who are not in receipt of, or are in receipt of only small municipal pensions. The Metropolitan Corporation will also be empowered to provide sickness, hospitalization, group insurance and other benefits as are now provided for in paragraph 49a of section 386 of *The Municipal Act*.

Subsection 2. This amendment authorizes the Metropolitan Corporation to set up, with the approval of the Minister of Municipal Affairs, a pension plan which may be made applicable to employees not only of the Metropolitan Corporation and its local boards, but also to employees of the area municipalities and their local boards.

BILL

An Act to amend The Municipality of Metropolitan Toronto 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) Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the figures "255" in the second line the word and figures "section 257" and by striking out the word and figures "and 49" in the second line and inserting in lieu thereof the word, figures and letter "49 and 49a", so that the subsection shall read as follows:

(1) Sections 235, 251 and 253, subsections 4 and 5 of section 255, section 257 and paragraphs 48, 49 and 49a of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

(2) The said section 22 is amended by adding thereto the following subsection:

(2a) In addition to its powers in subsection 1, the Metropolitan Council may pass by-laws for providing pensions for employees, or any class thereof, and their wives and children.

(a) In this subsection, "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the Metropolitan Corporation or any local board thereof, or of any area municipality or local board thereof, or of the Toronto and York Roads Commission, and includes any person designated as an employee by the Minister.

(b) No by-law shall be passed under this subsection except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting thereon.

Approval of
Minister

- (c) No by-law passed under this subsection shall become operative until approved by the Minister nor shall any by-law passed under this subsection and approved by the Minister be amended or repealed without the approval of the Minister.

Agreement
necessary

- (d) A local board of the Metropolitan Corporation, an area municipality, a local board of an area municipality or the Toronto and York Roads Commission may enter into an agreement with the Metropolitan Corporation providing that a pension plan established under this subsection shall be applicable to employees or any class thereof of such local board, area municipality or the Toronto and York Roads Commission, and such agreement may provide for the incorporation of the plan of an area municipality, local board or the Toronto and York Roads Commission with the plan established under this subsection and for the transfer of any credits or assets from one plan to the other, but no pension plan established under this subsection shall apply to an employee of a local board, area municipality or the Toronto and York Roads Commission unless such an agreement has been entered into.

Deductions
from salary,
etc.

- (e) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a local board thereof or the Toronto and York Roads Commission, the local board, area municipality or the Toronto and York Roads Commission, as the case may be, shall deduct, by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable, the amount which such employee is required to pay in accordance with the provisions of the plan and shall pay the amounts deducted to the treasurer of the Metropolitan Corporation.

Employer
contribu-
tions

- (f) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a



Subsection 3. The amendment provides for the pension, sick leave credits and holidays of employees of the County of York and the Toronto and York Roads Commission who become employees of the Metropolitan Corporation in the same manner as employees of the area municipalities who transfer to the Metropolitan Corporation.

local board thereof or the Toronto and York Roads Commission, the local board or area municipality or the Toronto and York Roads Commission shall pay to the treasurer of the Metropolitan Corporation the employer contributions in respect of such employee in accordance with the provisions of the plan.

(3) Subsections 3, 4, 5 and 6 of the said section 22 are repealed and the following substituted therefor:

1953, c. 73,
s. 22,
subss. 3, 4, 5,
6, re-
enacted

(3) Where the Metropolitan Corporation employs a person

Pensions

theretofore employed by an area municipality or a local board thereof, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.

(4) Until such election, the Metropolitan Corporation shall deduct by instalments from the remuneration

Idem

of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission and the Metropolitan Corporation shall pay to the area municipality or local board or to the County of York or the Toronto and York Roads Commission in instalments,

(a) the amounts so deducted;

(b) the future service contributions payable under the plan by the area municipality or local board or by the County of York or the Toronto and York Roads Commission.

(5) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality

Sick leave
credits

or local board thereof or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any sick leave credit plan of the area municipality, local board, the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

Holidays

- (6) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

1953, c. 73,
s. 31,
amended

2. Section 31 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Court of
revision
for local
improvements

- (7a) A court or courts of revision constituted for an area municipality under this section shall be deemed to be the court or courts of revision constituted for the area municipality for the purposes of *The Local Improvement Act*.

Rev. Stat.,
c. 215

1953, c. 73,
s. 33,
re-enacted

3. Section 33 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Application
of
Rev. Stat.,
c. 24 to area
municipalities

33. For the purposes of sections 6, 7, 8, 9, 16 and 18 and subsection 5 of section 30 of *The Assessment Act*, each area municipality shall be deemed to be a city having a population of not less than 100,000.

1953, c. 73,
s. 37,
amended

4. Section 37 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

SECTION 2. This amendment ensures that courts of revision established by the Metropolitan Council shall act as courts of revision of the area municipality for the purposes of *The Local Improvement Act*.

SECTION 3. Area municipalities shall be deemed cities for certain purposes of *The Assessment Act* in order to ensure uniformity of assessment and assessment practices in the Metropolitan Area.

SECTION 4. A definition of "works" is added to section 37 to clarify the works for the production, treatment and storage of water that must be assumed as part of the metropolitan waterworks system.

SECTION 5. Section 80 provides for expenditures which shall be deemed to be properly chargeable to road improvement and the amendment to section 80 includes the expenditures chargeable for establishing and laying out new roads before such roads are actually assumed as metropolitan roads.

SECTION 6. Section 83 of the Act now provides that the Metropolitan Corporation does not, by assuming a road, become liable for the building, maintenance or repair of sidewalks on the road. The amendment makes it clear that the area municipality's responsibility remains unaffected by the assumption of the road.

SECTION 7. This amendment transfers from the area municipalities to the Metropolitan Corporation the power to give names to, and the power to change names of, highways in the Metropolitan Area.

- (8) In this section, "works" means buildings, structures, ^{Interpre-} plant, machinery, equipment and appurtenances, ^{tation} devices, conduits, intakes and outlets and underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

5. Section 80 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following clause: ^{1953, c. 73, s. 80, amended}

- (jj) establishing and laying out a new road under section 85 and constructing such new road as part of the metropolitan road system before actually assuming it as a metropolitan road by amending the by-law passed under section 76.

6. Subsection 1 of section 83 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the end thereof the words "but the area municipality in which such sidewalks are located shall continue to be liable for the maintenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 453 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction", so that the subsection shall read as follows: ^{1953, c. 73, s. 83, subs. 1, amended}

- (1) The Metropolitan Corporation shall not by reason of assuming a road under this Act be liable for the building, maintenance or repair of sidewalks on any metropolitan road or portion thereof, but the area municipality in which such sidewalks are located shall continue to be liable for the maintenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 453 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction. ^{Sidewalks excepted}

7. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section: ^{1953, c. 73, amended}

- 86a.—(1) Where the name of a highway is a duplication or is similar to the name of another highway in the Metropolitan Area, the Metropolitan Council may pass by-laws for changing the name of any such highway, and no area municipality shall thereafter have power to change the name of such highway. ^{Names of highways}

When by-law effective

- (2) A by-law passed under subsection 1 shall recite the fact of such duplication or similarity, and the change shall take effect when a certified copy of the by-law is registered in the proper registry or land titles office.

1953, c. 73, s. 92, subs. 1, re-enacted

8. Subsection 1 of section 92 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Restrictions

- (1) The Metropolitan Council shall have, with respect to all land lying within a distance of 150 feet from any limit of a metropolitan road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*.

Rev. Stat., c. 243

1953, c. 73, s. 96, amended

9. Section 96 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "of" where it occurs the first time in the first line the words "subsection 1 of section 11 and", so that the section shall read as follows:

Suburban roads, application of Rev. Stat., c. 166

96. For the purposes of subsection 1 of section 11 and Part III of *The Highway Improvement Act*, the Metropolitan Corporation shall be deemed to be the corporation of a city having a population of more than 50,000 situate within the County of York but separated therefrom for municipal purposes, and the said Part III shall apply to the Metropolitan Corporation, but no area municipality shall have any liability or authority under that Part.

1953, c. 73, s. 125, amended

10. Section 125 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Idem

- (1a) Where a resident pupil attends a school situated outside the Metropolitan Area which he has a right to attend under *The Public Schools Act* or *The Secondary Schools and Boards of Education Act, 1954*, the maintenance assistance payments provided for in subsection 1 shall be paid to the board of education of the public school division or high school district of which he is a resident pupil, as the case may be, in the same manner and to the same extent as if the pupil attended a school under the jurisdiction of such board.

Rev. Stat., c. 316
1954, c. 87.

1953, c. 73, amended

11. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Application of 1954, c. 86, ss. 34, 35, 37

- 126a.—(1) Sections 34, 35 and 37 of *The Schools Administration Act, 1954* shall apply *mutatis mutandis* to the School Board.

SECTION 8. The present subsection refers to land "abutting" on a metropolitan road for a distance of 150 feet from any limit of the road. The amendment makes it clear that the subsection applies to all land lying within 150 feet of the road, whether or not such land abuts on the road.

SECTION 9. This amendment will permit the County to assume portions of boundary roads between the County and the Metropolitan Municipality as county roads and then to have them designated as suburban roads so that the Metropolitan Municipality will contribute toward the cost of their construction and maintenance.

SECTION 10. Section 125 provides for maintenance assistance payments to boards of education within the Metropolitan Area. The amendment provides for payment to such boards with respect to pupils attending schools outside the Metropolitan Area.

SECTION 11. The object of the enactment is to place the Metropolitan School Board in the same position regarding the provision of pensions for non-teaching employees, sick leave credits, group life insurance, group accident insurance, hospitalization, etc., as a school board under *The Schools Administration Act, 1954*.

SECTION 12. Self-explanatory.

- (2) Where the School Board employs or has employed a ^{Pensions} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purpose of any pension plan of such board of education, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the board of education, until the School Board has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.
- (3) Until such election, the School Board shall deduct ^{Idem} by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the board of education, and the School Board shall pay to the board of education in instalments,
- (a) the amounts so deducted;
- (b) the future service contributions payable under the plan by the board of education.
- (4) Where the School Board employs or has employed a ^{Sick leave credits} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purposes of any sick leave credit plan of such board of education until the School Board has established a sick leave credit plan for its employees, whereupon the School Board shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the board of education.

12. Section 136 of *The Municipality of Metropolitan* ^{1953, c. 73,} *Toronto Act, 1953* is amended by adding thereto the following ^{s. 136} amended subsection:

- (2) Notwithstanding subsection 1, the Town of Leaside, ^{Certain towns not to be deemed separated towns for the purposes of} the Town of Mimico, the Town of New Toronto and the Town of Weston shall be deemed to be towns and not separated towns for the purposes of *The Highway Improvement Act*. ^{Rev. Stat., c. 166}

1953, c. 73,
s. 142,
amended

13. Section 142 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the hospitalization and burial of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, or who is admitted to hospital after such date and in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954.

1947, c. 142

1953, c. 73,
s. 147,
amended

14. Section 147 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Lambert
Lodge

- (5) If the Minister of Public Welfare certifies that Lambert Lodge in the City of Toronto is no longer required by the Metropolitan Corporation for use as a home for the aged, the Metropolitan Corporation shall thereupon transfer that portion of the real property known as Lambert Lodge that was used for the purposes of a home for the aged and was vested in the Metropolitan Corporation by subsection 1 to The Corporation of the City of Toronto, and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof.

1953, c. 73,
s. 150,
amended

15. Section 150 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the maintenance of children committed temporarily or permanently to the care and custody of a children's aid society in respect of which child an order for maintenance was in force on the 31st day of December, 1953, or is made after such date and in respect of which maintenance the City is or would

SECTION 13. The City of Toronto established emergency housing projects outside of Toronto in the Townships of Toronto and Toronto Gore in the County of Peel and by agreements with such municipalities became responsible for the hospitalization of indigents and maintenance of children and children's aid societies or training schools. This agreement was validated by *The City of Toronto Act, 1947*. Under sections 142, 150 and 154 of *The Municipality of Metropolitan Toronto Act, 1953*, the Metropolitan Corporation took over responsibility for such matters, but this responsibility did not extend to cases covered by the agreement in respect of the emergency housing projects in the Townships of Toronto and Toronto Gore. The effect of the amendments in these three sections of the bill is to transfer the City's liability to the Metropolitan Corporation.

SECTION 14. Under subsection 1 of section 147 of *The Municipality of Metropolitan Toronto Act, 1953*, the home for the aged of the City of Toronto (known as Lambert Lodge) and all real and personal property used for the purposes of the home, were vested in the Metropolitan Corporation on January 1st, 1954. This home for the aged has been approved by the Minister of Public Welfare only for provincial grants toward operation, pending the construction of proper home for the aged accommodation. No provincial grant was paid on acquisition or construction costs.

This amendment provides for the re-transfer to the City of Lambert Lodge upon the construction of proper accommodation by the Metropolitan Corporation.

SECTION 15. See Explanatory Note to section 13.

SECTION 16. See Explanatory Note to section 13.

SECTION 17. Under subsection 2 of section 14 of *The Crown Attorneys Act* (which is repealed by bill No. 52) the responsibility for providing office accommodation, etc., for the Crown attorney of Toronto and York was placed on the City of Toronto. Since matters relating to the administration of justice were transferred from the City to the Metropolitan Corporation, the Act is amended to make the provision of accommodation for the Toronto and York Crown attorney the responsibility of the Metropolitan Corporation and the County will contribute thereto as part of the costs of administration of justice.

be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance provided before the 1st day of January, 1954.

16. Section 154 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 154, amended}

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance and education provided before the 1st day of January, 1954. ^{Special provisions Rev. Stat., c. 396 1947, c. 142}

17. Section 161 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out the words "other than the Crown attorney of the City of Toronto" in the thirteenth and fourteenth lines and inserting in lieu thereof the words "including the Crown attorney for the City of Toronto and the County of York", so that the section shall read as follows: ^{1953, c. 73, s. 161, amended}

161. The Metropolitan Council shall have the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper ^{Metropolitan Council to provide accommodation, etc.}

offices, together with fuel, light, stationery and furniture and, when certified by the Attorney-General to be necessary, with typewriters, for all officers connected with such provincial courts, including the Crown attorney for the City of Toronto and the County of York, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172.

1953, c. 73,
s. 174,
re-enacted

18.—(1) Section 174 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Registry
division
not affected

174.—(1) Nothing in this Act alters or affects the boundaries of any registry division.

City Regis-
try Office
vested in
Metropol-
itan Cor-
poration

(2) The building in which the Registry Office for the Registry Division of the City of Toronto is located and the lands on which such building is situated and all personal property used for the purposes of such registry office and the land titles office therein are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay to the City of Toronto such compensation therefor as may be agreed upon and failing agreement as may be determined by the Municipal Board.

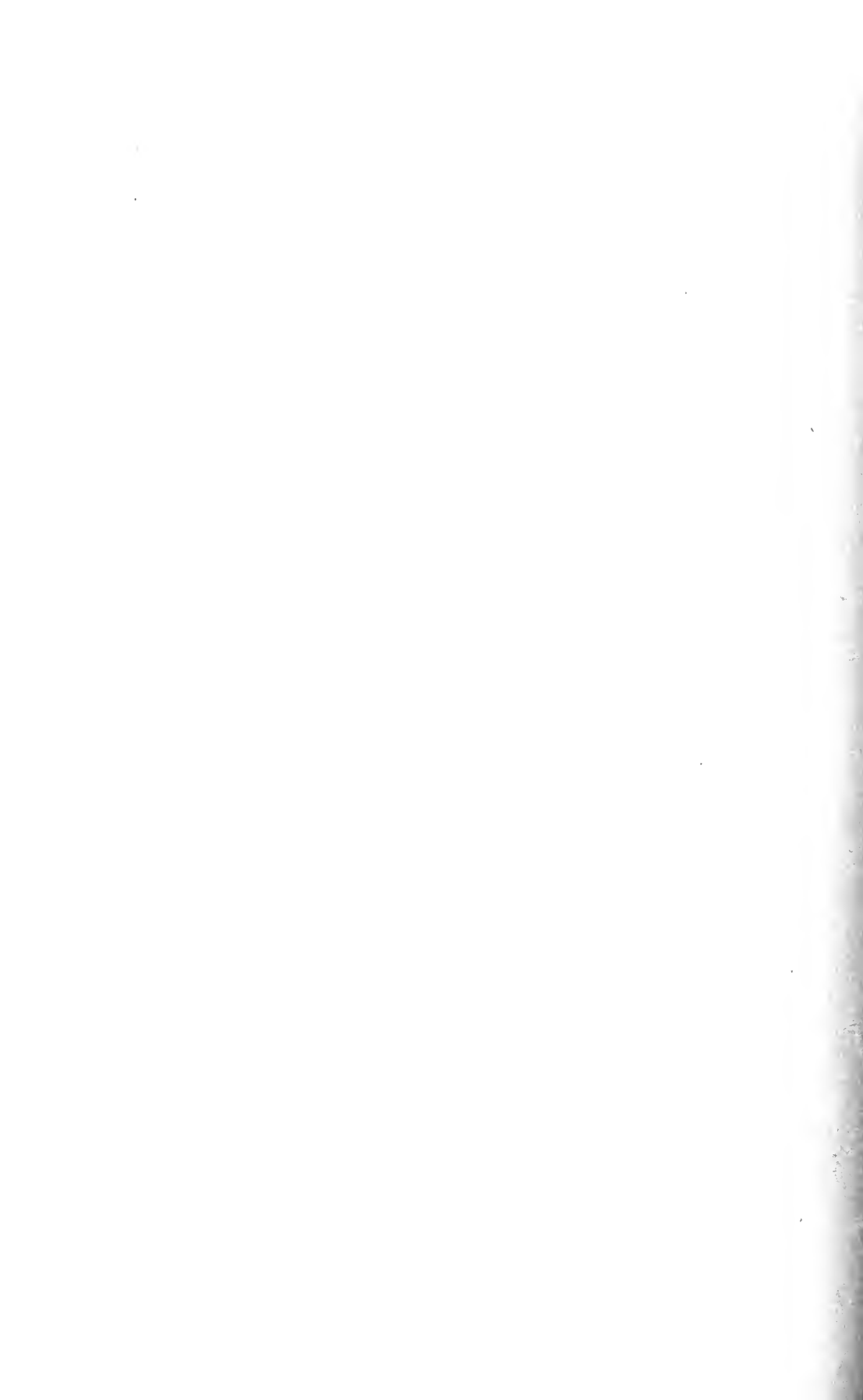
Compensa-
tion

(3) The surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto and of the Land Titles Office in the City of Toronto to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to the City of Toronto in payment of the compensation agreed upon or determined under subsection 2 until such compensation is fully paid.

County
Registry
Office vested
in Metropol-
itan Cor-
poration

(4) The building in which the Registry Office for the Registry Division of the East and West Riding of the County of York and the lands on which such building is situated and all personal property used for the purposes of such registry office are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay such compensation therefor to the County of York and the area municipalities except the City of Toronto as may be agreed upon and failing agreement as may be determined by the Municipal Board.

SECTION 18. The amendment transfers the responsibility for the Registry and Land Titles Offices in Toronto to the Metropolitan Corporation and vests the property of such Offices in the Metropolitan Corporation.



- (5) The total compensation under subsection 4 shall be determined on the basis of values as of the 1st day of January, 1955, and the County of York shall be entitled to 15 per cent of such total compensation and the area municipalities shall be entitled to the remainder in such proportions as may be agreed upon and failing agreement as may be determined by the Municipal Board. How compensation to be shared
- (6) When the boundaries of the Registry Division of the East and West Riding of the County of York are changed so that no land within a municipality forming part of the County of York for municipal purposes is within the said Registry Division, the Metropolitan Corporation shall pay to the County of York the amount of compensation to which the County is entitled under subsection 5. Compensation to County of York
- (7) The surplus fees of the Registry Office for the Registry Division of the East and West Riding of the County of York to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to and distributed among the area municipalities except the City of Toronto in payment of the compensation agreed upon or determined under subsection 5 in the same proportions as are determined with respect to the compensation until such compensation is fully paid. Compensation to area municipalities
- (8) No interest shall be payable in respect of any compensation payable by the Metropolitan Corporation under this section. Interest
- (9) For the purposes of *The Registry Act*, the Metropolitan Corporation shall be deemed to be a city and shall provide registry office accommodation and all other matters under *The Registry Act* with respect to the said registry divisions and the registry offices thereof. Responsibility of Metropolitan Corporation
Rev. Stat., c. 336
- (10) So long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the County of York shall bear and pay to the treasurer of the Metropolitan Corporation such equitable proportion of the expenses incurred under section 21 of *The Registry Act* and any other expenses with respect to the registry office for the said registry division, as the Inspector of Legal Offices directs. Liability of County

Surplus
fees of
registry
offices

(11) Subject to section 152 of *The Land Titles Act*,

- (a) the Metropolitan Corporation shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto; and
- (b) so long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the East and West Riding of the County of York in the manner provided in *The Registry Act* and thereafter the Metropolitan Corporation shall be entitled to such surplus fees.

Rev. Stat.,
c. 336

Land titles
Rev. Stat.,
c. 197

(12) For the purposes of *The Land Titles Act*, the Metropolitan Corporation shall be deemed to be a city and the responsibility of the City of Toronto under that Act shall hereafter be the responsibility of the Metropolitan Corporation which shall share with the County of York the expenses under that Act in the manner provided by subsection 3 of section 150 of that Act.

Surplus
fees of
land titles
office

(13) The Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Land Titles Office in the City of Toronto in the manner provided in *The Land Titles Act*.

Use of
building
by City
of Toronto

(14) Where any portion of any building that is vested by this section in the Metropolitan Corporation is being used by the City of Toronto for purposes other than a registry or land titles office when this section comes into force, the City of Toronto may continue to use any such portion on such terms and at such rental as may be agreed upon and failing agreement as may be determined by the Municipal Board and when any such portion is required by the Metropolitan Corporation it shall give to the City of Toronto at least six months notice to vacate.

When land
required
for civic
square

(15) When the building and lands vested by subsection 2 in the Metropolitan Corporation are required by the City of Toronto for the development of a civic square, the Metropolitan Corporation shall sell and



SECTION 19. This amendment will authorize the Metropolitan Corporation to enter into agreements with respect to parks as provided in paragraphs 51a and 51b of section 386 of *The Municipal Act*, as enacted by *The Municipal Amendment Act, 1955*. (See bill No. 71.)

SECTION 20—Subsection 1. With a municipality the size of the Metropolitan Area, it may not always be possible for the courts of revision to complete the revision of the assessment rolls of all of the area municipalities before it is necessary for the Metropolitan Council to apportion its levies among the area municipalities. Section 190 of the Act is therefore amended by adding a new authority under which the Metropolitan Council may apportion its levies on the basis of the assessment rolls as returned in the case of municipalities whose assessment rolls are not then revised. Provision is further made for an adjustment to take care of increases and decreases resulting from the ultimate revision of the assessment rolls of the area municipalities when they have all been revised by the courts of revision.

convey such building and lands to the City of Toronto within two years of being notified by the City that the building and lands are so required at a price equal to the amount of compensation therefor determined under subsection 2.

(2) The Metropolitan Corporation shall repay to the City of Toronto and the County of York the amount of the expenses incurred by them respectively with respect to the operation after the 1st day of January, 1955, of the Registry Office for the Registry Division of the City of Toronto and the Registry Office for the Registry Division of the East and West Riding of the County of York and the Land Titles Office in the City of Toronto. ^{Expenses incurred in 1955}

19. Section 184 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 184, amended}

(2) Paragraphs 51a and 51b of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. ^{Application of Rev. Stat., c. 243}

20.—(1) Section 190 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections: ^{1953, c. 73, s. 190, amended}

(5a) Notwithstanding subsections 3, 4 and 5, the Metropolitan Council may pass its by-law under subsection 2 before the assessment rolls of all the area municipalities are revised by the courts of revision, and in that case the levies shall be apportioned among the area municipalities according to the last revised assessment rolls of those area municipalities whose assessment rolls have been so revised and the assessment rolls as returned of those area municipalities whose assessment rolls have not been so revised. ^{Apportionment where all rolls not revised}

(5b) Where the by-law under subsection 2 is passed as provided in subsection 5a, the Metropolitan Council shall, forthwith after the assessment rolls of all the area municipalities have been revised by the courts of revision, amend the by-law so as to make the apportionments among the area municipalities according to the assessment rolls as so revised, and, ^{Adjustment}

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Metropolitan Corporation; and

- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay to the treasurer of the Metropolitan Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Metropolitan Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

1953, c. 73,
s. 190,
subs. 6,
amended

(2) Subsection 6 of the said section 190 is amended by inserting after the word "assessment" in the third line the words "other than a fixed assessment under section 36a of *The Assessment Act*", so that the subsection shall read as follows:

Fixed
assessments,
etc., not
to apply

- (6) The apportionment of the levy among the area municipalities as provided for in subsections 2 to 5 shall be based on the full value of all rateable property, and no fixed assessment other than a fixed assessment under section 36a of *The Assessment Act* or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*.

Rev. Stat.,
c. 24

1953, c. 73,
s. 190,
subs. 9,
amended

(3) Subsection 9 of the said section 190 is amended by adding at the commencement thereof the words "Subject to section 54a of *The Assessment Act*", so that the subsection shall read as follows:

Local levies
for metro-
politan
purposes
Rev. Stat.,
c. 24

- (9) Subject to section 54a of *The Assessment Act*, in each area municipality, the metropolitan levy,
- (a) for public school purposes shall be calculated and levied upon the whole rateable property rateable for public school purposes;
 - (b) for secondary school purposes shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and
 - (c) for all other purposes shall be calculated and levied upon the whole rateable property rateable for such purposes,

within such area municipality according to the last revised assessment roll thereof.

1953, c. 73,
s. 197,
subs. 2,
amended

21.—(1) Subsection 2 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the commencement thereof the words "Subject to subsection 2a", so that the subsection shall read as follows:

Subsection 2. Section 36a provides for local municipalities entering into agreements with owners of golf courses to provide for a fixed assessment as set out in section 10 of Bill No. 92.

Subsection 3. The amendment makes it clear that local levies for metropolitan purposes may be made in the first instance on the basis of the assessment roll as returned, as contemplated in section 54a of *The Assessment Act*.

SECTION 21. These amendments authorize the issue of sinking fund debentures by the Metropolitan Corporation.



- (2) Subject to subsection 2a, the by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. ^{Principal and interest payments}
- (2) The said section 197 is amended by adding thereto the following subsections: ^{1953, c. 73, s. 197, amended}
- (2a) The by-law may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. ^{Sinking fund debentures}
-
- (19) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. ^{Principal levies}
- (20) When sinking fund debentures are issued, a consolidated bank account shall be kept in which the treasurer of the Metropolitan Corporation shall deposit each year during the term of the debentures on or before the date of the debentures, separate from any other account, the moneys raised for the sinking funds of all debts which are to be paid by means of sinking funds. ^{Consolidated bank account}
- (21) When sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Metropolitan Corporation and two members appointed by the Lieutenant-Governor in Council, and the two appointed members shall be paid, out of the current funds of the Metropolitan Corporation, such annual remuneration as the Lieutenant-Governor in Council may determine. ^{Sinking fund committee}
- (22) The Lieutenant-Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member shall have all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

- Chairman (23) The treasurer of the Metropolitan Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.
- Security (24) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Metropolitan Corporation shall determine, and in other respects the provisions of section 251 of *The Municipal Act* shall apply with respect to such security.
- Rev. Stat.,
c. 243
- Quorum (25) Two members of the sinking fund committee shall be a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of
sinking
fund account (26) All assets of the sinking fund shall be under the sole control and management of the sinking fund committee and all cheques on the consolidated bank account shall be signed by the chairman and one appointed member of the sinking fund committee.
- Investments (27) The sinking fund committee shall invest and keep invested all money in the sinking fund account, and may at any time vary any such investments.
- Idem (28) The moneys in the sinking fund account shall be invested in any or all of the following ways:
- Rev. Stat.,
c. 400
- (a) in such securities as a trustee may invest in under *The Trustee Act*;
 - (b) in debentures of the Metropolitan Corporation;
 - (c) by temporary advances to the Metropolitan Corporation pending the issue and sale of any debentures of the Metropolitan Corporation;
 - (d) by temporary loans to the Metropolitan Corporation for current expenditures, but no loan for this purpose shall be made for a period beyond the end of the calendar year in which the loan is made,

and the earnings derived from any such investments shall form part of the sinking fund account, and

when there is more than one by-law providing for sinking fund debentures, the earnings shall be allocated to each debt in the proportion that the amount of the sinking fund of such debt bears to the aggregate of the sinking funds of all debts.

- (29) The treasurer of the Metropolitan Corporation shall prepare and lay before the Metropolitan Council in each year, before the annual metropolitan levies are made, a statement showing the sums that the Metropolitan Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}
- (30) If the treasurer contravenes subsection 20 or 29, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$250. ^{Offence and penalty}
- (31) If the Metropolitan Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Metropolitan Council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}
- (32) Notwithstanding this or any other Act, or by-law, if the amount in the sinking fund account attributable to any specific debt is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it comes due, the Municipal Board may authorize the Metropolitan Council not to raise or provide any further sum with respect to such debt. ^{Where amount in sinking fund sufficient}
- (33) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Metropolitan Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}
- (34) When, in the opinion of all the members of the sinking fund committee, there is a surplus in the sinking fund account, the sinking fund committee may authorize the use of the surplus for the purpose of retiring unmatured debentures of the Metropolitan Corporation, or of retiring unmatured debentures of an area municipality in respect of which the Metropolitan Corporation is required to pay to the area municipality all amounts of principal and interest becoming due thereon. ^{surplus}

Deficits
and surplus

- (35) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities or of a board of education, any deficit in the sinking fund account shall be provided by the Metropolitan Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 34.

1953, c. 73,
s. 209,
subs. 1,
amended

22. Subsection 1 of section 209 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "for" in the fourth line the words "the sinking fund or", so that the subsection shall read as follows:

Accounts,
how to be
kept

- (1) The Metropolitan Council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it.

1953, c. 73,
s. 211,
subs. 1,
amended

23. Subsection 1 of section 211 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "purpose" in the second line the words "or collected for a sinking fund", so that the subsection shall read as follows:

Liability
of members

- (1) If the Metropolitan Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

1953, c. 73,
s. 214,
amended

24. Section 214 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections:

Smoke
abatement

- (6) Section 399 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation and where a by-law is passed by the Metropolitan Council under the said section applicable to an area municipality, any by-law passed by the council of such area municipality under paragraph 70 of subsection 1 of section 388, or under section 399 of *The Municipal Act*, or any predecessor of such paragraph or section shall have no effect while the by-law passed by the Metropolitan Council is in effect in such area municipality.

Rev. Stat.,
c. 243

SECTION 22. Complementary to section 21 of this bill.

SECTION 23. Complementary to section 21 of this bill.

SECTION 24. The new subsection 6 authorizes the Metropolitan Council to pass by-laws respecting smoke abatement, and where such by-laws are passed similar by-laws of the area municipalities will cease to be effective.

The new subsection 7 is self-explanatory.

Under sections 49(2), 66(1), 67(2) and 83(2) of the Act connections to metropolitan waterworks and sewage works, changes in local sewage works that discharge into metropolitan sewage works, and installation of sidewalks and services on metropolitan roads, require the approval or consent of the Metropolitan Council. The new subsection 8 authorizes the delegation to the department head concerned of the power to grant such approvals and consents.

(7) By-laws may be passed by the Metropolitan Council, Civilian defence, etc.

(a) for the establishment or maintenance of civilian defence committees in the Metropolitan Area; and

(b) for providing moneys for air raid precaution or other similar work within the Metropolitan Area.

(8) Notwithstanding anything in this Act, the Metropolitan Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 49, subsection 1 of section 66, subsection 2 of section 67 and subsection 2 of section 83 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approvals or consents

25. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73, amended amended by adding thereto the following section:

214a. The Metropolitan Corporation may make expenditures not exceeding \$100,000 in any one year for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. Expenditures for diffusing information

26.—(1) Notwithstanding any trusts or conditions limiting the lands conveyed to The Corporation of the City of Toronto by Larratt William Smith and Samuel George Wood, trustees of John George Howard, by a deed dated November 1st, 1890, and registered in the Registry Office for the Registry Division of the City of Toronto as Instrument No. 7066H to the purposes of a public park for the free use, benefit and enjoyment of the citizens of the City of Toronto forever, The Corporation of the City of Toronto may convey to The Municipality of Metropolitan Toronto any part or parts of such lands for the establishment, laying out and construction of a public highway across the southerly end of High Park in the City of Toronto. Authority of City to convey certain lands to the Metropolitan Corporation

(2) The deed executed by The Corporation of the City of Toronto shall vest in The Municipality of Metropolitan Toronto a full, clear and absolute title to the lands conveyed by the deed, free from all trusts and conditions whatsoever contained in the deed referred to in subsection 1. Vesting of title free of trust

- Commence-
ment** **27.**—(1) This Act, except sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 25 and 26, comes into force on the day it receives Royal Assent.
- Idem** (2) Section 1 shall be deemed to have come into force on the 15th day of April, 1953.
- Idem** (3) Sections 2, 4, 5, 6, 10, 11, 12, 13, 14, 15 and 16 shall be deemed to have come into force on the 1st day of January, 1954.
- Idem** (4) Sections 3, 18, 20 and 26 shall be deemed to have come into force on the 1st day of January, 1955.
- Idem** (5) Section 17 comes into force on the 1st day of April, 1955.
- Idem** (6) Section 25 comes into force on the 1st day of January, 1956.
- Short title** **28.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1955*.



BILL

An Act to amend The Municipality of
Metropolitan Toronto Act, 1953

1st Reading

March 17th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

MR. PORTER

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

No. 105

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend

The Municipality of Metropolitan Toronto Act, 1953

MR. PORTER

T O R O N T O

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

BILL

An Act to amend The Municipality of Metropolitan Toronto 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) Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the figures “255” in the second line the word and figures “section 257” and by striking out the word and figures “and 49” in the second line and inserting in lieu thereof the word, figures and letter “49 and 49a”, so that the subsection shall read as follows:

- (1) Sections 235, 251 and 253, subsections 4 and 5 of section 255, section 257 and paragraphs 48, 49 and 49a of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.
- (2) The said section 22 is amended by adding thereto the following subsection:
- (2a) In addition to its powers in subsection 1, the Metropolitan Council may pass by-laws for providing pensions for employees, or any class thereof, and their wives and children.

(a) In this subsection, “employee” means any salaried officer, clerk, workman, servant or other person in the employ of the Metropolitan Corporation or any local board thereof, or of any area municipality or local board thereof, or of the Toronto and York Roads Commission, and includes any person designated as an employee by the Minister.

(b) No by-law shall be passed under this subsection except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting thereon.

Approval of
Minister

- (c) No by-law passed under this subsection shall become operative until approved by the Minister nor shall any by-law passed under this subsection and approved by the Minister be amended or repealed without the approval of the Minister.

Agreement
necessary

- (d) A local board of the Metropolitan Corporation, an area municipality, a local board of an area municipality or the Toronto and York Roads Commission may enter into an agreement with the Metropolitan Corporation providing that a pension plan established under this subsection shall be applicable to employees or any class thereof of such local board, area municipality or the Toronto and York Roads Commission, and such agreement may provide for the incorporation of the plan of an area municipality, local board or the Toronto and York Roads Commission with the plan established under this subsection and for the transfer of any credits or assets from one plan to the other, but no pension plan established under this subsection shall apply to an employee of a local board, area municipality or the Toronto and York Roads Commission unless such an agreement has been entered into.

Deductions
from salary,
etc.

- (e) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a local board thereof or the Toronto and York Roads Commission, the local board, area municipality or the Toronto and York Roads Commission, as the case may be, shall deduct, by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable, the amount which such employee is required to pay in accordance with the provisions of the plan and shall pay the amounts deducted to the treasurer of the Metropolitan Corporation.

Employer
contribu-
tions

- (f) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a

local board thereof or the Toronto and York Roads Commission, the local board or area municipality or the Toronto and York Roads Commission shall pay to the treasurer of the Metropolitan Corporation the employer contributions in respect of such employee in accordance with the provisions of the plan.

(3) Subsections 3, 4, 5 and 6 of the said section 22 are repealed and the following substituted therefor:

1953, c. 73,
s. 22,
subss. 3, 4, 5,
6, re-
enacted

(3) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or a local board thereof, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.

Pensions

(4) Until such election, the Metropolitan Corporation shall deduct by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission and the Metropolitan Corporation shall pay to the area municipality or local board or to the County of York or the Toronto and York Roads Commission in instalments,

Idem

(a) the amounts so deducted;

(b) the future service contributions payable under the plan by the area municipality or local board or by the County of York or the Toronto and York Roads Commission.

(5) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality

Sick leave
credits

or local board thereof or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any sick leave credit plan of the area municipality, local board, the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

Holidays

- (6) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

1953, c. 73,
s. 31,
amended

2. Section 31 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Court of
revision
for local
improvements

Rev. Stat.,
c. 215

- (7a) A court or courts of revision constituted for an area municipality under this section shall be deemed to be the court or courts of revision constituted for the area municipality for the purposes of *The Local Improvement Act*.

1953, c. 73,
s. 33,
re-enacted

3. Section 33 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Application
of
Rev. Stat.,
c. 24 to area
municipalities

33. For the purposes of sections 6, 7, 8, 9, 16 and 18 and subsection 5 of section 30 of *The Assessment Act*, each area municipality shall be deemed to be a city having a population of not less than 100,000.

1953, c. 73,
s. 37,
amended

4. Section 37 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

- (8) In this section, "works" means buildings, structures, ^{Interpretation} plant, machinery, equipment and appurtenances, devices, conduits, intakes and outlets and underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

5. Section 80 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following clause: ^{1953, c. 73, s. 80, amended}

- (jj) establishing and laying out a new road under section 85 and constructing such new road as part of the metropolitan road system before actually assuming it as a metropolitan road by amending the by-law passed under section 76.

6. Subsection 1 of section 83 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the end thereof the words "but the area municipality in which such sidewalks are located shall continue to be liable for the maintenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 453 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction", so that the subsection shall read as follows: ^{1953, c. 73, s. 83, subs. 1, amended}

- (1) The Metropolitan Corporation shall not by reason of assuming a road under this Act be liable for the ^{Sidewalks excepted} building, maintenance or repair of sidewalks on any metropolitan road or portion thereof, but the area municipality in which such sidewalks are located shall continue to be liable for the maintenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 453 of *The Municipal Act*, in respect ^{Rev. Stat., c. 243} of a sidewalk on a road over which a council has jurisdiction.

7. *The Municipality of Metropolitan Toronto Act, 1953* is ^{1953, c. 73, amended} amended by adding thereto the following section:

- 86a.—(1) Where the name of a highway is a duplication or is similar to the name of another highway in the Metropolitan Area, the Metropolitan Council may pass by-laws for changing the name of any such highway, and no area municipality shall thereafter have power to change the name of such highway. ^{Names of highways}

- When by-law effective (2) A by-law passed under subsection 1 shall recite the fact of such duplication or similarity, and the change shall take effect when a certified copy of the by-law is registered in the proper registry or land titles office.
- 1953, c. 73, s. 92, subs. 1, re-enacted **8.** Subsection 1 of section 92 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:
- Restrictions (1) The Metropolitan Council shall have, with respect to all land lying within a distance of 150 feet from any limit of a metropolitan road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*.
- Rev. Stat., c. 243
- 1953, c. 73, s. 96, amended **9.** Section 96 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "of" where it occurs the first time in the first line the words "subsection 1 of section 11 and", so that the section shall read as follows:
- Suburban roads, application of Rev. Stat., c. 166 96. For the purposes of subsection 1 of section 11 and Part III of *The Highway Improvement Act*, the Metropolitan Corporation shall be deemed to be the corporation of a city having a population of more than 50,000 situate within the County of York but separated therefrom for municipal purposes, and the said Part III shall apply to the Metropolitan Corporation, but no area municipality shall have any liability or authority under that Part.
- 1953, c. 73, s. 125, amended **10.** Section 125 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:
- Idem (1a) Where a resident pupil attends a school situated outside the Metropolitan Area which he has a right to attend under *The Public Schools Act* or *The Secondary Schools and Boards of Education Act, 1954*, the maintenance assistance payments provided for in subsection 1 shall be paid to the board of education of the public school division or high school district of which he is a resident pupil, as the case may be, in the same manner and to the same extent as if the pupil attended a school under the jurisdiction of such board.
- Rev. Stat., c. 316
1954, c. 87.
- 1953, c. 73, amended **11.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:
- Application of 1954, c. 86, ss. 34, 35, 37 126a.—(1) Sections 34, 35 and 37 of *The Schools Administration Act, 1954* shall apply *mutatis mutandis* to the School Board.

- (2) Where the School Board employs or has employed a ^{Pensions} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purpose of any pension plan of such board of education, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the board of education, until the School Board has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.
- (3) Until such election, the School Board shall deduct ^{Idem} by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the board of education, and the School Board shall pay to the board of education in instalments,
- (a) the amounts so deducted;
- (b) the future service contributions payable under the plan by the board of education.
- (4) Where the School Board employs or has employed a ^{Sick leave credits} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purposes of any sick leave credit plan of such board of education until the School Board has established a sick leave credit plan for its employees, whereupon the School Board shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the board of education.

12. Section 136 of *The Municipality of Metropolitan* ^{1953, c. 73,}
Toronto Act, 1953 is amended by adding thereto the following ^{s. 136,} amended
 subsection:

- (2) Notwithstanding subsection 1, the Town of Leaside, ^{Certain towns not to be deemed separated towns for the purposes of} the Town of Mimico, the Town of New Toronto and the Town of Weston shall be deemed to be towns and not separated towns for the purposes of *The Highway Improvement Act.* ^{Rev. Stat., c. 166}

1953, c. 73,
s. 142,
amended

13. Section 142 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the hospitalization and burial of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, or who is admitted to hospital after such date and in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954.

1947, c. 142

1953, c. 73,
s. 147,
amended

14. Section 147 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Lambert
Lodge

- (5) If the Minister of Public Welfare certifies that Lambert Lodge in the City of Toronto is no longer required by the Metropolitan Corporation for use as a home for the aged, the Metropolitan Corporation shall thereupon transfer that portion of the real property known as Lambert Lodge that was used for the purposes of a home for the aged and was vested in the Metropolitan Corporation by subsection 1 to The Corporation of the City of Toronto, and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof.

1953, c. 73,
s. 150,
amended

15. Section 150 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the maintenance of children committed temporarily or permanently to the care and custody of a children's aid society in respect of which child an order for maintenance was in force on the 31st day of December, 1953, or is made after such date and in respect of which maintenance the City is or would

be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance provided before the 1st day of January, 1954.

16. Section 154 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:
1953, c. 73,
s. 154,
amended

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance and education provided before the 1st day of January, 1954.
Special provisions
Rev. Stat.,
c. 396
1947, c. 142

17. Section 161 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out the words "other than the Crown attorney of the City of Toronto" in the thirteenth and fourteenth lines and inserting in lieu thereof the words "including the Crown attorney for the City of Toronto and the County of York", so that the section shall read as follows:
1953, c. 73,
s. 161,
amended

161. The Metropolitan Council shall have the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper
Metro-
politan
Council
to provide
accommoda-
tion, etc.

offices, together with fuel, light, stationery and furniture and, when certified by the Attorney-General to be necessary, with typewriters, for all officers connected with such provincial courts, including the Crown attorney for the City of Toronto and the County of York, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172.

1953, c. 73,
s. 174,
re-enacted

18.—(1) Section 174 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Registry
division
not affected

174.—(1) Nothing in this Act alters or affects the boundaries of any registry division.

City Regis-
try Office
vested in
Metropol-
itan Cor-
poration

(2) The building in which the Registry Office for the Registry Division of the City of Toronto is located and the lands on which such building is situated and all personal property used for the purposes of such registry office and the land titles office therein are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay to the City of Toronto such compensation therefor as may be agreed upon and failing agreement as may be determined by the Municipal Board.

Compensa-
tion

(3) The surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto and of the Land Titles Office in the City of Toronto to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to the City of Toronto in payment of the compensation agreed upon or determined under subsection 2 until such compensation is fully paid.

County
Registry
Office vested
in Metropol-
itan Cor-
poration

(4) The building in which the Registry Office for the Registry Division of the East and West Riding of the County of York and the lands on which such building is situated and all personal property used for the purposes of such registry office are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay such compensation therefor to the County of York and the area municipalities except the City of Toronto as may be agreed upon and failing agreement as may be determined by the Municipal Board.

- (5) The total compensation under subsection 4 shall be determined on the basis of values as of the 1st day of January, 1955, and the County of York shall be entitled to 15 per cent of such total compensation and the area municipalities shall be entitled to the remainder in such proportions as may be agreed upon and failing agreement as may be determined by the Municipal Board. How compensation to be shared
- (6) When the boundaries of the Registry Division of the East and West Riding of the County of York are changed so that no land within a municipality forming part of the County of York for municipal purposes is within the said Registry Division, the Metropolitan Corporation shall pay to the County of York the amount of compensation to which the County is entitled under subsection 5. Compensation to County of York
- (7) The surplus fees of the Registry Office for the Registry Division of the East and West Riding of the County of York to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to and distributed among the area municipalities except the City of Toronto in payment of the compensation agreed upon or determined under subsection 5 in the same proportions as are determined with respect to the compensation until such compensation is fully paid. Compensation to area municipalities
- (8) No interest shall be payable in respect of any compensation payable by the Metropolitan Corporation under this section. Interest
- (9) For the purposes of *The Registry Act*, the Metropolitan Corporation shall be deemed to be a city and shall provide registry office accommodation and all other matters under *The Registry Act* with respect to the said registry divisions and the registry offices thereof. Responsibility of Metropolitan Corporation
Rev. Stat., c. 336
- (10) So long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the County of York shall bear and pay to the treasurer of the Metropolitan Corporation such equitable proportion of the expenses incurred under section 21 of *The Registry Act* and any other expenses with respect to the registry office for the said registry division, as the Inspector of Legal Offices directs. Liability of County

Surplus
fees of
registry
offices

(11) Subject to section 152 of *The Land Titles Act*,

(a) the Metropolitan Corporation shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto; and

(b) so long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the East and West Riding of the County of York in the manner provided in *The Registry Act* and thereafter the Metropolitan Corporation shall be entitled to such surplus fees.

Rev. Stat.,
c. 336

Land titles
Rev. Stat.,
c. 197

(12) For the purposes of *The Land Titles Act*, the Metropolitan Corporation shall be deemed to be a city and the responsibility of the City of Toronto under that Act shall hereafter be the responsibility of the Metropolitan Corporation which shall share with the County of York the expenses under that Act in the manner provided by subsection 3 of section 150 of that Act.

Surplus
fees of
land titles
office

(13) The Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Land Titles Office in the City of Toronto in the manner provided in *The Land Titles Act*.

Use of
building
by City
of Toronto

(14) Where any portion of any building that is vested by this section in the Metropolitan Corporation is being used by the City of Toronto for purposes other than a registry or land titles office when this section comes into force, the City of Toronto may continue to use any such portion on such terms and at such rental as may be agreed upon and failing agreement as may be determined by the Municipal Board and when any such portion is required by the Metropolitan Corporation it shall give to the City of Toronto at least six months notice to vacate.

When land
required
for civic
square

(15) When the building and lands vested by subsection 2 in the Metropolitan Corporation are required by the City of Toronto for the development of a civic square, the Metropolitan Corporation shall sell and

convey such building and lands to the City of Toronto within two years of being notified by the City that the building and lands are so required at a price equal to the amount of compensation therefor determined under subsection 2.

(2) The Metropolitan Corporation shall repay to the City of Toronto and the County of York the amount of the expenses incurred by them respectively with respect to the operation after the 1st day of January, 1955, of the Registry Office for the Registry Division of the City of Toronto and the Registry Office for the Registry Division of the East and West Riding of the County of York and the Land Titles Office in the City of Toronto. Expenses incurred in 1955

19. Section 184 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: 1953, c. 73, s. 184, amended

(2) Paragraphs 51a and 51b of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. Application of Rev. Stat., c. 243

20.—(1) Section 190 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections: 1953, c. 73, s. 190, amended

(5a) Notwithstanding subsections 3, 4 and 5, the Metropolitan Council may pass its by-law under subsection 2 before the assessment rolls of all the area municipalities are revised by the courts of revision, and in that case the levies shall be apportioned among the area municipalities according to the last revised assessment rolls of those area municipalities whose assessment rolls have been so revised and the assessment rolls as returned of those area municipalities whose assessment rolls have not been so revised. Apportionment where all rolls not revised

(5b) Where the by-law under subsection 2 is passed as provided in subsection 5a, the Metropolitan Council shall, forthwith after the assessment rolls of all the area municipalities have been revised by the courts of revision, amend the by-law so as to make the apportionments among the area municipalities according to the assessment rolls as so revised, and, Adjustment

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Metropolitan Corporation; and

- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay to the treasurer of the Metropolitan Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Metropolitan Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

1953, c. 73,
s. 190,
subs. 6,
amended

(2) Subsection 6 of the said section 190 is amended by inserting after the word "assessment" in the third line the words "other than a fixed assessment under section 36a of *The Assessment Act*", so that the subsection shall read as follows:

Fixed
assessments,
etc., not
to apply

- (6) The apportionment of the levy among the area municipalities as provided for in subsections 2 to 5 shall be based on the full value of all rateable property, and no fixed assessment other than a fixed assessment under section 36a of *The Assessment Act* or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*.

Rev. Stat.,
c. 24

1953, c. 73,
s. 190,
subs. 9,
amended

(3) Subsection 9 of the said section 190 is amended by adding at the commencement thereof the words "Subject to section 54a of *The Assessment Act*", so that the subsection shall read as follows:

Local levies
for metro-
politan
purposes
Rev. Stat.,
c. 24

- (9) Subject to section 54a of *The Assessment Act*, in each area municipality, the metropolitan levy,

- (a) for public school purposes shall be calculated and levied upon the whole rateable property rateable for public school purposes;
- (b) for secondary school purposes shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and
- (c) for all other purposes shall be calculated and levied upon the whole rateable property rateable for such purposes,

within such area municipality according to the last revised assessment roll thereof.

1953, c. 73,
s. 197,
subs. 2,
amended

21.—(1) Subsection 2 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the commencement thereof the words "Subject to subsection 2a", so that the subsection shall read as follows:

(2) Subject to subsection 2a, the by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) The said section 197 is amended by adding thereto the following subsections: 1953, c. 73, s. 197, amended

(2a) The by-law may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. Sinking fund debentures

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(19) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. Principal levies

(20) When sinking fund debentures are issued, a consolidated bank account shall be kept in which the treasurer of the Metropolitan Corporation shall deposit each year during the term of the debentures on or before the date of the debentures, separate from any other account, the moneys raised for the sinking funds of all debts which are to be paid by means of sinking funds. Consolidated bank account

(21) When sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Metropolitan Corporation and two members appointed by the Lieutenant-Governor in Council, and the two appointed members shall be paid, out of the current funds of the Metropolitan Corporation, such annual remuneration as the Lieutenant-Governor in Council may determine. Sinking fund committee

(22) The Lieutenant-Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member shall have all the powers and duties of the member in the absence or inability to act of such member. Alternate members

- Chairman (23) The treasurer of the Metropolitan Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.
- Security (24) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Metropolitan Corporation shall determine, and in other respects the provisions of section 251 of *The Municipal Act* shall apply with respect to such security.
- Rev. Stat.,
c. 243
- Quorum (25) Two members of the sinking fund committee shall be a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of
sinking
fund account (26) All assets of the sinking fund shall be under the sole control and management of the sinking fund committee and all cheques on the consolidated bank account shall be signed by the chairman and one appointed member of the sinking fund committee.
- Investments (27) The sinking fund committee shall invest and keep invested all money in the sinking fund account, and may at any time vary any such investments.
- Idem (28) The moneys in the sinking fund account shall be invested in any or all of the following ways:
- Rev. Stat.,
c. 400
- (a) in such securities as a trustee may invest in under *The Trustee Act*;
 - (b) in debentures of the Metropolitan Corporation;
 - (c) by temporary advances to the Metropolitan Corporation pending the issue and sale of any debentures of the Metropolitan Corporation;
 - (d) by temporary loans to the Metropolitan Corporation for current expenditures, but no loan for this purpose shall be made for a period beyond the end of the calendar year in which the loan is made,

and the earnings derived from any such investments shall form part of the sinking fund account, and

when there is more than one by-law providing for sinking fund debentures, the earnings shall be allocated to each debt in the proportion that the amount of the sinking fund of such debt bears to the aggregate of the sinking funds of all debts.

- (29) The treasurer of the Metropolitan Corporation shall prepare and lay before the Metropolitan Council in each year, before the annual metropolitan levies are made, a statement showing the sums that the Metropolitan Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}
- (30) If the treasurer contravenes subsection 20 or 29, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$250. ^{Offence and penalty}
- (31) If the Metropolitan Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Metropolitan Council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}
- (32) Notwithstanding this or any other Act, or by-law, if the amount in the sinking fund account attributable to any specific debt is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it comes due, the Municipal Board may authorize the Metropolitan Council not to raise or provide any further sum with respect to such debt. ^{Where amount in sinking fund sufficient}
- (33) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Metropolitan Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}
- (34) When, in the opinion of all the members of the sinking fund committee, there is a surplus in the sinking fund account, the sinking fund committee may authorize the use of the surplus for the purpose of retiring unmatured debentures of the Metropolitan Corporation, or of retiring unmatured debentures of an area municipality in respect of which the Metropolitan Corporation is required to pay to the area municipality all amounts of principal and interest becoming due thereon. ^{Surplus}

Deficits
and surplus

- (35) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities or of a board of education, any deficit in the sinking fund account shall be provided by the Metropolitan Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 34.

1953, c. 73,
s. 209,
subs. 1,
amended

22. Subsection 1 of section 209 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "for" in the fourth line the words "the sinking fund or", so that the subsection shall read as follows:

Accounts,
how to be
kept

- (1) The Metropolitan Council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it.

1953, c. 73,
s. 211,
subs. 1,
amended

23. Subsection 1 of section 211 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "purpose" in the second line the words "or collected for a sinking fund", so that the subsection shall read as follows:

Liability
of members

- (1) If the Metropolitan Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

1953, c. 73,
s. 214,
amended

24. Section 214 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections:

Smoke
abatement

- (6) Section 399 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation and where a by-law is passed by the Metropolitan Council under the said section applicable to an area municipality, any by-law passed by the council of such area municipality under paragraph 70 of subsection 1 of section 388, or under section 399 of *The Municipal Act*, or any predecessor of such paragraph or section shall have no effect while the by-law passed by the Metropolitan Council is in effect in such area municipality.

Rev. Stat.,
c. 243

- (7) By-laws may be passed by the Metropolitan Council, Civilian defence, etc.
- (a) for the establishment or maintenance of civilian defence committees in the Metropolitan Area; and
 - (b) for providing moneys for air raid precaution or other similar work within the Metropolitan Area.
- (8) Notwithstanding anything in this Act, the Metropolitan Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 49, subsection 1 of section 66, subsection 2 of section 67 and subsection 2 of section 83 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approvals or consents

25. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73, amended amended by adding thereto the following section:

214a. The Metropolitan Corporation may make expenditures not exceeding \$100,000 in any one year for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. Expenditures for diffusing information

26.—(1) Notwithstanding any trusts or conditions limiting the lands conveyed to The Corporation of the City of Toronto by Larratt William Smith and Samuel George Wood, trustees of John George Howard, by a deed dated November 1st, 1890, and registered in the Registry Office for the Registry Division of the City of Toronto as Instrument No. 7066H to the purposes of a public park for the free use, benefit and enjoyment of the citizens of the City of Toronto forever, The Corporation of the City of Toronto may convey to The Municipality of Metropolitan Toronto any part or parts of such lands for the establishment, laying out and construction of a public highway across the southerly end of High Park in the City of Toronto. Authority of City to convey certain lands to the Metropolitan Corporation

(2) The deed executed by The Corporation of the City of Toronto shall vest in The Municipality of Metropolitan Toronto a full, clear and absolute title to the lands conveyed by the deed, free from all trusts and conditions whatsoever contained in the deed referred to in subsection 1. Vesting of title free of trust

- Commence-
ment** **27.**—(1) This Act, except sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 25 and 26, comes into force on the day it receives Royal Assent.
- Idem** (2) Section 1 shall be deemed to have come into force on the 15th day of April, 1953.
- Idem** (3) Sections 2, 4, 5, 6, 10, 11, 12, 13, 14, 15 and 16 shall be deemed to have come into force on the 1st day of January, 1954.
- Idem** (4) Sections 3, 18, 20 and 26 shall be deemed to have come into force on the 1st day of January, 1955.
- Idem** (5) Section 17 comes into force on the 1st day of April, 1955.
- Idem** (6) Section 25 comes into force on the 1st day of January, 1956.
- Short title** **28.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1955*.



BILL

An Act to amend The Municipality of
Metropolitan Toronto Act, 1953

1st Reading

March 17th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 106

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
The Disabled Persons' Allowances Act, 1955

MR. GOODFELLOW

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

EXPLANATORY NOTE

In 1952 Ontario provided for allowances for persons permanently and totally disabled.

In 1954 the Parliament of Canada provided for provincial-federal agreements with respect to allowances of this type under which the Province and Canada each will pay one-half of the amount of the allowances.

This bill provides for the implementation of such an agreement and replaces the earlier Ontario statute.

BILL

The Disabled Persons' Allowances Act, 1951

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

1. In this Act,

Inter-
pretation

- (a) "allowance" means a disabled person's allowance provided under this Act and the regulations to the persons and under the conditions specified in the *Disabled Persons Act* (Canada) and the regulations made under it; ^{1953-54,}
c. 55 (Can.)
- (b) "Director" means Director of the Disabled Persons' Allowances Branch of the Department of Public Welfare;
- (c) "investigator" means an investigator within the meaning of *The Old Age Assistance Act, 1951*; ¹⁹⁵¹
(2nd Sess.),
c. 2
- (d) "local authority" means local authority within the meaning of *The Old Age Assistance Act, 1951*;
- (e) "Minister" means Minister of Public Welfare;
- (f) "recipient" means a person to whom an allowance is granted and includes an applicant for an allowance;
- (g) "unmarried person" includes a widow, a widower, a divorced person, and a married person who, in the opinion of the Director, is living separate and apart from his spouse;
- (h) "regulations" means regulations made under this Act. 1952, c. 22, s. 1, *amended*.

2. An allowance at a rate of not more than \$40 a month ^{Allowance} may be paid to a recipient who,

- (a) at the date of the proposed commencement of allowance payments to him,
- (i) has attained the age of eighteen years, and
 - (ii) has resided in Canada for ten years immediately preceding that date, or if he has not so resided, has been present in Canada prior to those ten years for an aggregate period equal to twice the aggregate period of absences from Canada during those ten years;
- (b) is totally and permanently disabled as prescribed by the regulations under the *Disabled Persons Act* (Canada);
- (c) is not in receipt of an allowance under the *Blind Persons Act* (Canada) or assistance under the *Old Age Assistance Act* (Canada) or an allowance under the *War Veterans Allowance Act, 1952* (Canada), or a pension under the *Old Age Security Act* (Canada);
- (d) is not receiving a benefit under *The Mothers' Allowances Act, 1952* or under similar legislation of another Province;
- (e) is not a patient in a tuberculosis sanatorium, mental institution, home for the aged, infirmary or institution for the care of incurables;
- (f) is not a patient or resident in a hospital, nursing home, or private, charitable or public institution, except as prescribed in the regulations under the *Disabled Persons Act* (Canada);
- (g) is,
- (i) an unmarried person, and his income, inclusive of allowance, is not more than \$720 a year, or
 - (ii) married and living with his spouse and the total income, inclusive of allowance, of the recipient and his spouse is not more than \$1,200 a year, or
 - (iii) married and living with his spouse who is blind within the meaning of the *Blind Persons Act* (Canada), and the total income, inclusive of allowance, of the recipient and his spouse is not more than \$1,320 a year. 1952, c. 22, s. 2, amended.

R.S.C. 1952,
cc. 17, 199,
340, 200

1952, c. 62

1953-54,
c. 55 (Can.)

3. It is the duty of the Director,

Director,
duties

(a) to receive applications for allowances; and

(b) to determine the eligibility of each applicant for an allowance, and where the applicant is eligible, to determine the amount thereof and to direct payment accordingly. 1952, c. 22, s. 3 (2).

4. Where the Director is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as the Minister designates. 1952, c. 22, s. 3 (1).

Acting
Director

5. Every allowance shall be payable monthly in arrears. *New.*

When
allowance
payable

6.—(1) An allowance is exempt from provincial and municipal taxes.

Allowances
exempt from
taxation

(2) An allowance is not subject to alienation or transfer by the recipient.

Allowances
not assign-
able

(3) An allowance is not subject to attachment or seizure in satisfaction of any claim against the recipient. 1952, c. 22, s. 4.

Allowances
not subject
to seizure

7. The receipt of an allowance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election. 1952, c. 22, s. 5.

Voting
rights

8. In the case of a recipient who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapable of handling his affairs, the Director may direct that the allowance be paid to a trustee for the benefit of the recipient. 1952, c. 22, s. 6, *amended*.

When
allowance
may be paid
to trustee

9. Where an allowance has been paid and the Government of Canada,

Refusal of
Canada to
contribute

(a) refuses to pay any amount in respect thereof; or

(b) rules that overpayments have been made to the recipient,

the Lieutenant-Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. *New.*

When
payment of
allowances
to cease
1953-54,
c. 55 (Can.)

10. If for any reason the Government of Canada ceases to make the contributions provided for under the *Disabled Persons Act* (Canada) or fails to carry out any agreement referred to in section 14, all allowances under this Act shall thereafter cease and no further payments of allowances shall be made. *New.*

Funds for
purposes
of Act

11. Allowances and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. 1952, c. 22, s. 7.

Regulations

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

- (a) governing the manner of making application for an allowance;
- (b) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before an allowance is paid;
- (c) prescribing the manner in which allowances are to be paid;
- (d) providing for the suspension and cancellation of allowances;
- (e) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
- (f) prescribing the powers and duties of investigators or local authorities;
- (g) providing for the making of investigations respecting persons to whom allowances may be paid or by whom or on whose behalf application has been made for an allowance or who are in receipt of an allowance;
- (h) establishing an advisory board of one or more persons to assist the Director;
- (i) prescribing forms for use under this Act;
- (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1952, c. 22, s. 8, *amended.*

Offences and
penalties

13.—(1) No person shall knowingly obtain or receive an allowance that he is not entitled to obtain or receive under this Act and the regulations.

(2) No person shall knowingly aid or abet another person ^{Idem} to obtain or receive an allowance that such other person is not entitled to obtain or receive under this Act and the regulations.

(3) Every person who violates subsection 1 or 2 is guilty ^{Idem} of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than three months or to both fine and imprisonment.
New.

14. For the purpose of implementing this Act, the Minister, ^{Agreements authorized} with the approval of the Lieutenant-Governor in Council, may, on behalf of the Government of Ontario, make an agreement and one or more supplemental agreements with the Minister of National Health and Welfare on behalf of the Government of Canada. *New.*

15. *The Disabled Persons' Allowances Act, 1952* and *The Disabled Persons' Allowances Amendment Act, 1954* are <sup>1952, c. 22;
1954, c. 23,
repealed</sup> repealed.

16. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation, which day may ^{Commencement} be the day on which, or any day before or any day after the day on which, the Proclamation is made.

17. This Act may be cited as *The Disabled Persons' Allowances Act, 1955*. ^{Short title}

BILL

The Disabled Persons' Allowances
Act, 1955

1st Reading

March 17th, 1955

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 106

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
The Disabled Persons' Allowances Act, 1955

MR. GOODFELLOW

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



BILL

The Disabled Persons' Allowances Act, 1955

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

1. In this Act,

Interpre-
tation

- (a) "allowance" means a disabled person's allowance provided under this Act and the regulations to the persons and under the conditions specified in the *Disabled Persons Act* (Canada) and the regulations made under it; 1953-54,
c. 55 (Can.)
- (b) "Director" means Director of the Disabled Persons' Allowances Branch of the Department of Public Welfare;
- (c) "investigator" means an investigator within the meaning of *The Old Age Assistance Act, 1951*; 1951
(2nd Sess.),
c. 2
- (d) "local authority" means local authority within the meaning of *The Old Age Assistance Act, 1951*;
- (e) "Minister" means Minister of Public Welfare;
- (f) "recipient" means a person to whom an allowance is granted and includes an applicant for an allowance;
- (g) "unmarried person" includes a widow, a widower, a divorced person, and a married person who, in the opinion of the Director, is living separate and apart from his spouse;
- (h) "regulations" means regulations made under this Act. 1952, c. 22, s. 1, *amended*.

2. An allowance at a rate of not more than \$40 a month Allowance may be paid to a recipient who,

- (a) at the date of the proposed commencement of allowance payments to him,
- (i) has attained the age of eighteen years, and
 - (ii) has resided in Canada for ten years immediately preceding that date, or if he has not so resided, has been present in Canada prior to those ten years for an aggregate period equal to twice the aggregate period of absences from Canada during those ten years;
- (b) is totally and permanently disabled as prescribed by the regulations under the *Disabled Persons Act* (Canada);
- (c) is not in receipt of an allowance under the *Blind Persons Act* (Canada) or assistance under the *Old Age Assistance Act* (Canada) or an allowance under the *War Veterans Allowance Act, 1952* (Canada), or a pension under the *Old Age Security Act* (Canada);
- (d) is not receiving a benefit under *The Mothers' Allowances Act, 1952* or under similar legislation of another Province;
- (e) is not a patient in a tuberculosis sanatorium, mental institution, home for the aged, infirmary or institution for the care of incurables;
- (f) is not a patient or resident in a hospital, nursing home, or private, charitable or public institution, except as prescribed in the regulations under the *Disabled Persons Act* (Canada);
- (g) is,
- (i) an unmarried person, and his income, inclusive of allowance, is not more than \$720 a year, or
 - (ii) married and living with his spouse and the total income, inclusive of allowance, of the recipient and his spouse is not more than \$1,200 a year, or
 - (iii) married and living with his spouse who is blind within the meaning of the *Blind Persons Act* (Canada), and the total income, inclusive of allowance, of the recipient and his spouse is not more than \$1,320 a year. 1952, c. 22, s. 2, amended.

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Director,
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(a) to receive applications for allowances; and

(b) to determine the eligibility of each applicant for an allowance, and where the applicant is eligible, to determine the amount thereof and to direct payment accordingly. 1952, c. 22, s. 3 (2).

4. Where the Director is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as the Minister designates. 1952, c. 22, s. 3 (1).

Acting
Director

5. Every allowance shall be payable monthly in arrears. *New.*

When
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6.—(1) An allowance is exempt from provincial and municipal taxes.

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(2) An allowance is not subject to alienation or transfer by the recipient.

Allowances
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able

(3) An allowance is not subject to attachment or seizure in satisfaction of any claim against the recipient. 1952, c. 22, s. 4.

Allowances
not subject
to seizure

7. The receipt of an allowance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election. 1952, c. 22, s. 5.

Voting
rights

8. In the case of a recipient who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapable of handling his affairs, the Director may direct that the allowance be paid to a trustee for the benefit of the recipient. 1952, c. 22, s. 6, *amended*.

When
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Refusal of
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(a) refuses to pay any amount in respect thereof; or

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the Lieutenant-Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. *New.*

When
payment of
allowances
to cease
1953-54,
c. 55 (Can.)

10. If for any reason the Government of Canada ceases to make the contributions provided for under the *Disabled Persons Act* (Canada) or fails to carry out any agreement referred to in section 14, all allowances under this Act shall thereafter cease and no further payments of allowances shall be made. *New.*

Funds for
purposes
of Act

11. Allowances and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. 1952, c. 22, s. 7.

Regulations

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

- (a) governing the manner of making application for an allowance;
- (b) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before an allowance is paid;
- (c) prescribing the manner in which allowances are to be paid;
- (d) providing for the suspension and cancellation of allowances;
- (e) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
- (f) prescribing the powers and duties of investigators or local authorities;
- (g) providing for the making of investigations respecting persons to whom allowances may be paid or by whom or on whose behalf application has been made for an allowance or who are in receipt of an allowance;
- (h) establishing an advisory board of one or more persons to assist the Director;
- (i) prescribing forms for use under this Act;
- (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1952, c. 22, s. 8, *amended.*

Offences and
penalties

13.—(1) No person shall knowingly obtain or receive an allowance that he is not entitled to obtain or receive under this Act and the regulations.

(2) No person shall knowingly aid or abet another person ^{Idem} to obtain or receive an allowance that such other person is not entitled to obtain or receive under this Act and the regulations.

(3) Every person who violates subsection 1 or 2 is guilty ^{Idem} of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than three months or to both fine and imprisonment.
New.

14. For the purpose of implementing this Act, the Minister, ^{Agreements authorized} with the approval of the Lieutenant-Governor in Council, may, on behalf of the Government of Ontario, make an agreement and one or more supplemental agreements with the Minister of National Health and Welfare on behalf of the Government of Canada. *New.*

15. *The Disabled Persons' Allowances Act, 1952* and *The* ^{1952, c. 22;} *Disabled Persons' Allowances Amendment Act, 1954* ^{1954, c. 23;} are ^{repealed} repealed.

16. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation, which day may ^{Commence-} be the day on which, or any day before or any day after the ^{ment} day on which, the Proclamation is made.

17. This Act may be cited as *The Disabled Persons' Allow-* ^{Short title} *ances Act, 1955.*

BILL

The Disabled Persons' Allowances
Act, 1955

1st Reading

March 17th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

Mr. GOODFELLOW

No. 107

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
The Planning Act, 1955

MR. WARRENDER

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

EXPLANATORY NOTE

This Bill is the first consolidation and revision of *The Planning Act* since its enactment in 1946. The revision consists primarily of changes in the administrative provisions of the Act to clarify them and to give effect to improvements indicated by the practical working of the Act during the past nine years. The provisions respecting housing are transferred to *The Housing Development Act*. (See Bill No. 108.)

The sections of the Bill in which substantial changes in principle are effected are as follows:

SECTION 4 (3). The subsection is amended to provide that where the head of a council appoints a substitute for himself on a planning board, the substitute may, but need not be, a member of the council.

SECTION 5. The Minister's power to make special provisions to suit the needs of a planning area is enlarged to authorize variance of the functions of the planning board, the term of office of members, and the recommendation of the official plan.

SECTION 10 (1). The functions of planning boards are clarified and amplified, in particular to indicate that the planning board has the continuing function of reviewing the official plan.

SECTION 11 (3). A new power is given to the council of a municipality, other than the designated municipality, in a joint planning area to adopt an official plan under certain limited circumstances.

SECTION 15 (2). The procedure is clarified in the case where an amendment to an official plan is adopted and a by-law conforming to the amendment is passed before the official plan amendment is approved.

SECTION 17 (5). Where a planning board constitutes a committee of adjustment, notice thereof will be required to be given to the Minister.

SECTION 17 (15). A committee of adjustment will be required in future to establish general rules and rules of procedure.

SECTION 18 (2) (a). The clause is amended to make it clear that a committee may permit an enlargement, extension or change in a non-conforming use only if it has continued from the time of the passing of the by-law until the time of the application.

SECTION 18 (11). The secretary-treasurer of a committee of adjustment is required to forward to the Minister certain material respecting the application when he sends the copies of the committee's decision to the Minister.

SECTION 20 (2). Authority is given, to a council that has designated a redevelopment area, to amend or repeal the by-law with the approval of the Minister.

SECTION 25 (1) (b). The clause is amended to provide that the Minister cannot make an order relating to subdivision control in respect of land included in an area of subdivision control established by municipal by-law.

SECTION 26 (2) (b). Adjoining subdivisions will be required to be shown on the key plan as well as the draft plan.

SECTION 26 (4) (i). The adequacy of school sites is added to the matters to be regarded by the Minister in considering a draft plan of subdivision.

SECTION 26 (5). The limitations on the amount of land that the Minister may require to be dedicated for highway purposes on approval of a plan of subdivision are removed.

SECTION 26 (8). Provision is made for the investment, in trustee investments, of moneys received by a municipality in lieu of the conveyance of land for public purposes, or from sales of land conveyed to the municipality for public purposes.

SECTION 26 (9). The Minister is given power to change the conditions of his approval of a draft plan at any time before approval for registration.



BILL

The Planning Act, 1955

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) "council" means council of a municipality or board of trustees of an improvement district;
- (b) "designated municipality" means the municipality named by the Minister under subsection 5 of section 2 in the case of a joint planning area or the municipality in the case of a planning area consisting of one municipality or of one municipality and territory without municipal organization; R.S.O. 1950, c. 277, s. 1, cls. *a, b, amended.*
- (c) "joint planning area" means a planning area consisting of more than one municipality or part or parts thereof; *New.*
- (d) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (e) "Minister" means Minister of Planning and Development; R.S.O. 1950, c. 277, s. 1, cls. *d, e.*
- (f) "Municipal Board" means Ontario Municipal Board; *New.*
- (g) "municipality" means city, town, village, township or improvement district; R.S.O. 1950, c. 277, s. 1, cl. *f.*

- (h) "official plan" means a programme and policy, or any part thereof, covering a planning area or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and consisting of the texts and maps, describing such programme and policy, approved by the Minister from time to time as provided in this Act; R.S.O. 1950, c. 277, s. 1, cl. g, *amended*.
- (i) "planning area" means a planning area defined by the Minister under this Act, and includes a joint planning area and a subsidiary planning area; 1954, c. 71, s. 1, *amended*.
- (j) "public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of a council or of a local board. 1953, c. 80, s. 1, *amended*.

PART I

OFFICIAL PLANS

Establishment of planning areas

2.—(1) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a planning area.

Constitution of area

(2) The planning area shall consist of part or all of one municipality or of such municipalities or parts of municipalities as in the opinion of the Minister constitute a complete planning unit having regard to the purposes for which the planning area is defined, and the Minister may include in the planning area any territory without municipal organization that adjoins a municipality or part of a municipality included in the planning area. 1952, c. 75, s. 2, *part*.

Planning area in unorganized territory

(3) The Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the planning area. 1952, c. 75, s. 4, *part*.

Subsidiary planning areas

(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 scope and general purpose of the official plan of the subsidiary planning area and the functions of the planning board thereof. 1954, c. 71, s. 2, *amended*.

(5) In the case of a joint planning area, the Minister shall name the municipality that shall be the designated municipality for the purposes of this Part, and may define the scope and general purpose of the official plan of the planning area and the functions of the planning board thereof. 1952, c. 75, s. 2, *part, amended.*

(6) In defining the scope and general purpose of an official plan, the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services. R.S.O. 1950, c. 277, s. 2 (5).

(7) The Minister may dissolve or alter the boundaries of a planning area, but where an official plan is in effect in the planning area it shall remain in effect, notwithstanding the dissolution or alteration, until altered in accordance with this Part. 1952, c. 75, s. 4, *part.*

3.—(1) The council of the designated municipality shall appoint the planning board of a planning area, and every appointment to the planning board of a joint planning area is subject to the approval of the Minister. R.S.O. 1950, c. 277, s. 3, *amended.*

(2) Where a planning area consists of part or all of one municipality and territory without municipal organization, every appointment to the planning board of the planning area is subject to the approval of the Minister. 1952, c. 75, s. 3, *amended.*

4.—(1) A planning board shall be a body corporate by the name of “.....Board” (*inserting the name designated by the Minister*) and shall consist of,

- (a) where the planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the head of the council of the municipality as a member *ex officio*; or
- (b) in the case of a joint planning area, the head of the council of the designated municipality as a member *ex officio*,

and four, six or eight members who are not employees of a municipality or of a local board. R.S.O. 1950, c. 277, s. 4 (1), *amended.*

- Idem (2) The members of a planning board who are members of a municipal council shall not constitute a majority of the members of the planning board. R.S.O. 1950, c. 277, s. 4 (2).
- Substitute for head of council (3) The head of a council who is *ex officio* a member of the planning board, with the approval of the council, may appoint a substitute who may, but need not, be a member of the council, to act for him from time to time. R.S.O. 1950, c. 277, s. 4 (3), *amended*.
- Term of office (4) The members of the planning board who are not members of a municipal council shall hold office for three years, provided that on the first appointment the council of the designated municipality, from among such members, shall designate members who shall hold office,
- (a) until the 1st day of January of the year following the date of appointment;
 - (b) until the 1st day of January of the second year following the date of appointment; and
 - (c) until the 1st day of January of the third year following the date of appointment,
- respectively, so that as nearly as possible one-third of such members shall retire each year; and the members of the planning board who are members of a council shall be appointed annually. 1951, c. 65, s. 1.
- Reap- pointment (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 are eligible for reappointment. R.S.O. 1950, c. 277, s. 4 (5); 1954, c. 71, s. 3.
- Vacancies (6) Where a member ceases to be a member of the planning board before the expiration of his term, the council of the designated municipality shall appoint another eligible person for the unexpired portion of the term.
- Quorum (7) A majority of the members of a planning board shall constitute a quorum.
- Officers (8) The planning board shall elect a chairman and a vice-chairman who shall preside in the absence of the chairman.
- Secretary-treasurer, employees, consultants (9) The planning board shall appoint a secretary-treasurer, who may be a member of the planning board, and may engage such employees and consultants as is deemed expedient. R.S.O. 1950, c. 277, s. 4 (6-9).

5. Notwithstanding anything in this Act, the Minister ^{Special provisions} may, in order to suit the special needs of any planning area, vary the constitution and functions of the planning board, the procedures by which it is appointed, the term of office of its members, and the manner in which it is to function, and may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area. 1952, c. 75, s. 5, *amended*.

6. The execution of documents by the planning board shall ^{Execution of documents} be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the planning board. R.S.O. 1950, c. 277, s. 6.

7.--(1) Where a planning area consists of part or all of one ^{Finances} municipality or of part or all of one municipality and territory without municipal organization, the planning board shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

(2) In the case of a joint planning area, the planning board ^{Estimates} shall submit its estimates to the council of each municipality included in the planning area, and shall submit with the estimates a statement as to the proportion thereof to be chargeable to each of the municipalities.

(3) If the estimates are approved, or are amended and ^{Approval} approved, by the councils of municipalities in the planning area representing more than one-half of the population of the planning area, the estimates shall be binding on all the municipalities in the planning area. 1952, c. 75, s. 6, *part*.

(4) After the estimates have been approved as provided in ^{Notice} subsection 3, the planning board shall so notify each municipality in the planning 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. 1952, c. 75, s. 6, *part*; 1954, c. 71, s. 4.

(5) If the council of any municipality is not satisfied with ^{Where apportionment unsatisfactory} the apportionment, it may, within fifteen days after receiving the notice under subsection 4, notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Municipal Board.

Power of
Municipal
Board

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision shall be final.

Payments

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection 4 or by the Municipal Board under subsection 6, as the case may be.

County
acting on
behalf of
its municipa-
lities

(8) Where a planning area includes all or a majority of the municipalities forming part of a county for municipal purposes and one or more municipalities that do not form part of the county for municipal purposes, whether situated in or out of the county, the Minister may, for the purposes of this section, authorize the council of the county to act on behalf of the municipalities included in the planning area and forming part of the county for municipal purposes, and in that case the estimates and the statement of the apportionment shall be submitted only to the councils of the county and of each municipality in the planning area that does not form part of the county for municipal purposes, and the apportionment shall be made between the county and such municipalities, and subsections 1 to 7 apply *mutatis mutandis* except that the estimates must be approved by the councils of the county and of each such municipality that does not form part of the county for municipal purposes.

Recovery
by county

(9) Where a county is chargeable under subsection 8, it shall recover its payments as part of the county rates from the municipalities on behalf of which it acts in the manner provided in section 91 of *The Assessment Act*. 1952, c. 75, s. 6, *part*.

Rev. Stat.,
c. 24

Grants,
municipal

8.—(1) Any municipality within or partly within a planning area may make grants of money to the planning board.

county

(2) The county in which a planning area or part thereof is situate may make grants of money to the planning board. 1952, c. 75, s. 6, *part*.

Audit of
planning
board's
accounts

Rev. Stat.,
c. 243

9. Notwithstanding subsection 2 of section 245 of *The Municipal Act*, in the case of a joint planning area the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality. 1954, c. 71, s. 5, *amended*.

Duties of
planning
boards

10.—(1) Every planning board shall investigate and survey the physical, social and economic conditions in relation to the development of the planning area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the planning area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan for the planning area suitable for adoption as the official plan thereof and forward it to the councils of the municipalities affected thereby, and recommend such plan to the council of the designated municipality for adoption;
- (e) recommend from time to time to the councils of the municipalities in the planning area the implementation of any of the features of the official plan of the planning area;
- (f) review the official plan from time to time and recommend amendments thereto to the council of the designated municipality for adoption. R.S.O. 1950, c. 277, s. 8, *amended*.

(2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board. 1951, c. 65, s. 2.

11.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council of the designated municipality.

(2) The council of the designated municipality may adopt the plan by a vote of the majority of all the members.

(3) In the case of a joint planning area, the council of any other municipality within or partly within the planning area may adopt the plan by a vote of the majority of all its members,

- (a) after the expiration of ninety days from the day that the plan was recommended to the council of the designated municipality by the planning board, if the council of the designated municipality has not in the meantime adopted the plan; or

(b) within such period of ninety days if the council of the designated municipality by resolution consents thereto. *New.*

Plan to be submitted to Minister

12.—(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable, the Minister shall settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly. R.S.O. 1950, c. 277, s. 10 (1), *amended.*

Approval by Minister

(2) The Minister may then approve the plan, whereupon it shall be the official plan of the planning area. R.S.O. 1950, c. 277, s. 10 (2).

Lodging of official plan

13.—(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 specified 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. 1954, c. 71, s. 6.

Amendments

14.—(1) The provisions of this Act with respect to an official plan apply *mutatis mutandis* to amendments thereto, provided that the Minister may, subject to subsection 2, approve any amendment that may be proposed by the council of any municipality. R.S.O. 1950, c. 277, s. 12 (1), *amended.*

Conditions for Minister's approval

(2) Before approving an amendment initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the proposal and if the planning board does not concur in the proposal the Minister shall not approve the amendment unless it has been adopted by a vote of two-thirds of all the members of the council. 1951, c. 65, s. 3, *amended.*

Where council fails to act

(3) Where any person requests the council to initiate an amendment and the council fails to propose the amendment

within thirty days from the receipt of the request, such person may request the Minister to refer the proposal to the Municipal Board.

(4) Upon receipt of the request, the Minister may require a report on the proposal from the planning board and may refer the proposal to any public authority that may be concerned therewith and he may refuse the request or refer the proposal to the Municipal Board. Reference to Municipal Board

(5) When a proposal is referred to the Municipal Board under subsection 4, the Municipal Board may reject the proposal or direct that the council cause the amendment to be made in the manner provided in the order. 1953, c. 80, s. 2, *amended*. Disposal of reference

15.—(1) Notwithstanding any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections 2 and 3, no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1950, c. 277, s. 13 (1); 1953, c. 80, s. 3 (1). Public works and by-laws to conform with plan

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and such by-law shall be deemed to be valid and to have come into force on the day it was passed if the Minister approves the amendment to the official plan and if the Municipal Board subsequently approves the by-law, where such approval of the by-law is required. 1953, c. 80, s. 3 (2), *amended*. Validity of by-laws conforming to amendments to official plans

(3) The Municipal Board, upon the application of the council of a municipality for which an official plan is in effect, may by its order declare that a by-law of such municipality shall be deemed to conform with the official plan, if the Municipal Board is of opinion that the by-law conforms with the general intent and purpose of the official plan. Municipal Board may approve by-law

(4) The procedure upon an application to the Municipal Board under subsection 3 shall be the same as nearly as may be as in the case of an application to the Municipal Board under section 390 of *The Municipal Act*. R.S.O. 1950, c. 277, s. 13 (2, 3). Procedure Rev. Stat., c. 243

16. A by-law that conforms with an official plan shall be deemed to implement the official plan whether the by-law is passed before or after the official plan is approved. R.S.O. 1950, c. 277, s. 14. By-laws implementing plans

Establishment of committees of adjustment

17.—(1) Where,

- (a) a planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization; and
- (b) an official plan is in effect in the municipality and is implemented by one or more by-laws of the municipality,

the council of the municipality may constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council deems advisable, and if the council has not constituted such a committee, the planning board of the planning area may constitute its members or not less than three of its members as a committee of adjustment for the municipality or part, to act as such until the council of the municipality constitutes such a committee. 1952, c. 75, s. 7, *part*; 1954, c. 71, s. 7 (1), *amended*.

Idem

(2) Where,

- (a) an official plan is in effect in a municipality which, or part of which, is within a joint planning area; and
- (b) the official plan is implemented by one or more by-laws of the municipality,

the council of the municipality may constitute and appoint a committee of adjustment for the municipality or the part, composed of such persons, not less than three, as the council deems advisable, and if the council has not constituted such a committee, the planning board of the joint planning area may constitute its members or not less than three of its members as a committee of adjustment for the municipality or part, to act as such until the council of the municipality constitutes such a committee. 1953, c. 80, s. 4; 1954, c. 71, s. 7 (2), *amended*.

Idem

(3) Where two planning boards would have authority to constitute a committee of adjustment under subsection 1 or 2 for a municipality or part, the Minister shall determine which of them may do so. *New*.

Appointments subject to approval

(4) Every appointment to a committee of adjustment by the council of a municipality is subject to the approval of the Minister. 1952, c. 75, s. 7, *part*, *amended*.

Notice to Minister

(5) Where a planning board constitutes its members or some of them as a committee of adjustment, the secretary-treasurer of the planning board shall forthwith give notice thereof to the Minister. *New*.

(6) Except where the committee of adjustment is composed <sup>Disquali-
fication</sup> of all the members of the planning board, no member of the council of the municipality and no employee of the municipality or of a local board thereof is eligible to be a member of the committee of adjustment, whether it is constituted by the planning board or the council. 1952, c. 75, s. 7, *part, amended.*

(7) Where the committee is constituted by the planning <sup>Term of
office</sup> board, the members shall remain in office during the pleasure of the planning board.

(8) Where the committee is constituted by the council, ^{Idem} the members shall hold office for three years, provided that on the first appointment the council shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year. 1952, c. 75, s. 7, *part.*

(9) Where the committee is constituted by the council, <sup>Reappoint-
ment and
vacancies</sup> the members shall hold office until their successors are appointed and approved, and are eligible for reappointment, and where a member ceases to be a member before the expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term. 1952, c. 75, s. 7, *part, amended.*

(10) A majority of the members of the committee shall ^{Quorum} constitute a quorum.

(11) The members of the committee shall elect one of them- ^{Chairman} selves as chairman, and when the chairman is absent, through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore.*

(12) The committee shall appoint a secretary-treasurer who ^{Employees} may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose.

Remunera-
tion (13) The members of the committee shall be paid such compensation as the council may provide.

Filing of
documents,
etc. (14) The secretary-treasurer shall keep on file in his office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 234 of *The Municipal Act* applies *mutatis mutandis* to such documents. 1952, c. 75, s. 7, *part*.

Rev. Stat.,
c. 243

Rules (15) The committee shall adopt such general rules and rules of procedure as are approved by the Minister. 1952, c. 75, s. 7, *part, amended*.

Powers of
committee,
general

18.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that implements an official plan, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan is maintained. 1952, c. 75, s. 7, *part*.

special

(2) In addition to its powers under subsection 1, the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued until the date of the application to the committee, may permit,

(i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, 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;

- (b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan; or
- (c) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose which, in the opinion of the committee, conforms with the uses permitted in the by-law. 1952, c. 75, s. 7, *part*; 1954, c. 71, s. 81, *amended*.

(3) The hearing on any application shall be held within ^{Time for hearing} thirty days after the application is received by the secretary-treasurer.

(4) The committee, before hearing an application, shall ^{Notice of hearing} give notice thereof in such manner and to such persons as the committee deems proper.

(5) The committee may require that a fee of not more than ^{Fees} \$25 be paid on every application.

(6) The hearing of every application shall be held in public ^{Hearing} and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

(7) The chairman, or in his absence the acting chairman, ^{Oaths} may administer oaths.

(8) No decision of the committee on an application shall be ^{Decision} valid unless it is concurred in by the majority of all the members of the committee, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for its decision, and shall be signed by the members who concur in the decision.

(9) Any authority or permission granted by the committee ^{Conditions in decision} may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision. 1952, c. 75, s. 7, *part*.

Notice of
decision

- (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,

together with a notice of the last day for appealing to the Municipal Board. 1954, c. 71, s. 8 (2), *part.*

Additional
material

(11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, two copies of the following documents:

1. The application to the committee of adjustment, certified by the secretary-treasurer.
2. The notice of the hearing by the committee of adjustment and a list of the persons to whom the notice was sent, both certified by the secretary-treasurer.
3. The minutes of the hearing by the committee of adjustment, certified by the secretary-treasurer.
4. List of persons to whom copies of the decision were sent under clause *b* of subsection 10, showing the date of sending, certified by the secretary-treasurer.
5. All other relevant documents, including any maps or sketches showing the land, building or structure concerned. *New.*

Appeal

(12) The applicant, the Minister, or any other person who has an interest in the matter may appeal to the Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the 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

(13) 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.

(14) On an appeal to the Municipal Board, the Municipal 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 Municipal Board may determine. 1954, c. 71, s. 8 (2), *part*. ^{Hearing}

(15) The Municipal Board may dismiss the appeal, and may make any decision that the committee could have made on the original application. 1954, c. 71, s. 8 (2), *part, amended*. ^{Powers of Municipal Board}

(16) The costs on the appeal are in the discretion of the Municipal Board. ^{Costs}

(17) When the Municipal Board makes an order on an appeal, the secretary of the Municipal Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee. ^{Notice of decision}

(18) The secretary-treasurer shall send to the applicant a copy of the order of the Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality. 1954, c. 71, s. 8 (2), *part*. ^{Idem}

19.—(1) For the purpose of developing any feature of the official plan, a municipality, with the approval of the Minister, may at any time and from time to time, ^{Acquisition of lands for official plan purposes}

(a) acquire land within the municipality;

(b) hold land heretofore or hereafter acquired within the municipality; or

(c) sell, lease or otherwise dispose of land so acquired or held when no longer required. R.S.O. 1950, c. 277, s. 16 (1).

(2) For the purpose of developing any feature of the official plan, the designated municipality in the case of a joint planning area, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area. R.S.O. 1950, c. 277, s. 16 (2), *amended*. ^{Powers of designated municipality}

(3) For the purpose of developing any feature of any official plan, a county, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of the land within the county. ^{Powers of county}

(4) Any county or municipality may contribute towards the cost of acquiring land under this section. R.S.O. 1950, c. 277, s. 16 (3, 4). ^{Contributions to cost}

Interpretation

20.—(1) In this section,

- (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;
- (b) “redevelopment area” means an area within a municipality, the redevelopment of which in the opinion of the council is desirable because of age, dilapidation, over-crowding, faulty arrangement, unsuitability of buildings or for any other reason;
- (c) “redevelopment plan” means a general scheme, including supporting maps and texts, approved by the Municipal Board for the redevelopment of a redevelopment area. 1952, c. 75, s. 8, *part*; 1954, c. 71, s. 9.

Designation of redevelopment area

(2) The council of a municipality which has an official plan may, with the approval of the Minister, by by-law designate an area within the municipality as a redevelopment area and the redevelopment area shall not be altered or dissolved without the approval of the Minister. 1952, c. 75, s. 8, *part, amended*.

Acquisition and clearance of land

(3) When a by-law has been passed and approved under subsection 2, the municipality, with the approval of the Minister, may,

- (a) acquire land within the redevelopment area;
- (b) hold land acquired before or after the passing of the by-law within the redevelopment area; and
- (c) clear, grade or otherwise prepare the land for redevelopment. 1952, c. 75, s. 8, *part*.

Withdrawal of Minister's approvals

(4) If, at any time before a redevelopment plan for the redevelopment area has been approved by the Municipal Board, the Minister is not satisfied with the progress made by the municipality in acquiring land within the redevelopment area or in preparing a redevelopment plan, he may withdraw his approvals under subsections 2 and 3 and thereupon the by-law designating the redevelopment area shall cease to have effect and the redevelopment area shall cease to exist. 1953, c. 80, s. 5.

(5) When a by-law has been passed and approved under subsection 2, the council, with the approval of the Municipal Board, may by by-law adopt a redevelopment plan for the redevelopment area. Adoption of re-development plan

(6) No redevelopment plan shall be approved by the Municipal Board unless it conforms with the official plan. Conformity to official plan

(7) A redevelopment plan adopted and approved under subsection 5 may be amended by by-law with the approval of the Municipal Board. Amendment

(8) For the purpose of carrying out the redevelopment plan, the municipality, with the approval of the Minister, may, Powers of council re land

(a) construct buildings on land acquired or held by it in the redevelopment area in conformity with the redevelopment plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;

(b) sell, lease or otherwise dispose of any land acquired or held by it in the redevelopment area to any person or governmental authority for use in conformity with the redevelopment plan.

(9) Until a by-law or amending by-law passed under section 390 of *The Municipal Act* after the adoption of the redevelopment plan is in force in the redevelopment area, no land acquired, and no building constructed, by the municipality in the redevelopment area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of agrees with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the redevelopment plan until such a by-law or amending by-law is in force; but the municipality may, with the approval of the Minister, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the redevelopment plan, for a term of not more than three years at any one time. Conditions of sale, etc.

(10) Notwithstanding subsection 2 of section 298 of *The Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides. 1952, c. 75, s. 8, *part.* Debentures

21. The provisions of *The Municipal Act* shall apply to the acquisition of land under this Act. R.S.O. 1950, c. 277, s. 18. Rev. Stat., c. 243 to apply

Power to
clear, grade,
etc., lands
acquired

22. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held. R.S.O. 1950, c. 277, s. 19.

Exchange
of lands

23. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality. R.S.O. 1950, c. 277, s. 20.

PART II

SUBDIVISIONS

Areas of
subdivision
control

24.—(1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control, and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or enter into an agreement of sale and purchase of land in the area, or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more, unless the land is described in accordance with and is within a registered plan of subdivision, and the council may, in the by-law, designate a registered plan of subdivision or part thereof which shall be deemed not to be a registered plan of subdivision for the purposes of this subsection. R.S.O. 1950, c. 277, s. 24 (1), *part, amended*.

Part lots

(2) The by-law may provide that where land is,

(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 a deed or transfer on any sale, or enter into an agreement of sale and purchase of a part of any lot or block of the land, or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more; and when the by-law contains any such provision, no person shall contravene the provision. 1954, c. 71, s. 10 (1), *part, amended*.

Exceptions

(3) Nothing in subsection 1 or 2 prohibits any conveyance or agreement respecting land,

(a) if the land is ten acres or more in area and the remnant, if any, remaining in the grantor is also ten acres or more; or

- (b) if the land is the whole part remaining to the grantor of one parcel described in a registered conveyance to him; or
- (c) if the consent,
- (i) of the planning board of the planning area in which the land lies, or
 - (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
 - (iii) where there is no planning board, of the Minister,

is given to the conveyance or agreement. R.S.O. 1950, c. 277, s. 24 (1), cls. (b), (c); 1953, c. 80, s. 6; 1954, c. 71, s. 10 (1), *part, amended*.

(4) Two certified copies of the by-law shall be lodged in the office of the Minister where they shall be available for public inspection during office hours, and the by-law shall be registered in the proper registry office where it shall be made available to the public as a production. R.S.O. 1950, c. 277, s. 24 (2), *amended*. Lodging
of copies
of by-law

(5) Where a registered plan of subdivision or a part thereof is deemed under the by-law not to be a registered plan of subdivision, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within the plan of subdivision or part. 1952, c. 75, s. 9, *amended*. Notice

(6) Where the by-law contains provisions authorized by subsection 2, 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 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. 1954, c. 71, s. 10 (2), *amended*. Idem

(7) When an area is designated as an area of subdivision control, it shall not be altered or dissolved without the approval of the Minister. Alteration
and dis-
solution

(8) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 24 (3, 4). Penalty

Power of Minister re zoning and subdivision control

Rev. Stat., c. 243

25.—(1) The Minister may by order,

- (a) with respect to any land in Ontario that is not within the scope of a by-law passed under section 390 of *The Municipal Act*, exercise any of the powers conferred upon councils by the said section 390 without the approval of the Municipal Board; and
- (b) with respect to any land in Ontario that is not within an area of subdivision control, exercise the powers conferred upon councils by section 24. 1951, c. 65, s. 4, *part, amended*.

Limitation of zoning powers

(2) Where an official plan is in effect, the Minister shall not, with respect to land covered by the official plan, make an order under clause *a* of subsection 1 that does not conform with the official plan. 1951, c. 65, s. 4, *part*.

Notice

(3) The Minister may give notice of any such order in such manner as he deems expedient. R.S.O. 1950, c. 277, s. 25 (2).

Revocation or amendment

(4) The Minister may, by order, revoke or amend any order made under subsection 1. 1952, c. 75, s. 10.

Penalty

(5) Every person who contravenes an order of the Minister made under this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 25 (3).

Application for approval of subdivision plans

26.—(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. R.S.O. 1950, c. 277, s. 26 (1); 1954, c. 71, s. 11.

What draft plan to indicate

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,

- (a) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (b) on a small key plan, on a scale of not less than one inch to 1,000 feet, all of the land adjacent to the proposed subdivision which is owned by the applicant or in which the applicant has an interest, and the information specified under clause *c*;

- (c) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (d) the purpose for which the lots are to be used;
- (e) the nature of the existing uses of adjoining land;
- (f) the approximate dimensions and layouts of the proposed lots;
- (g) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided;
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided. R.S.O. 1950, c. 277, s. 26 (2); 1953, c. 80, s. 7; *amended*.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements. R.S.O. 1950, c. 277, s. 26 (3). Minister
to confer

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following: What
matters to
be regarded

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

- (b) whether the proposed subdivision is premature or necessary in the public interest;
- (c) the suitability of the land for the purposes for which it is to be subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services;
- (i) adequacy of school sites;
- (j) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes. R.S.O. 1950, c. 277, s. 26 (4), *amended*.

Dedication
of land
for public
and highway
purposes

(5) The Minister may impose as a condition to the approval of a plan of subdivision,

- (a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for public purposes other than highways or, if the land is not in a municipality, shall be dedicated for public purposes other than highways;
- (b) that such highways shall be dedicated as the Minister deems necessary; and
- (c) when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister deems necessary. R.S.O. 1950, c. 277, s. 26 (5); 1952, c. 75, s. 11 (1), *amended*.

(6) Where the land is in a municipality and an official plan, indicating the amount and location of the land to be ultimately provided for public purposes, is in effect in the municipality, the Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of 5 per cent of the land included in the subdivision. 1952, c. 75, s. 11 (2), *part, amended*. Cash payment in lieu of conveyance

(7) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister. 1952, c. 75, s. 11 (2), *part*. Use and sale of land

(8) All moneys received by the municipality under subsection 6, and all moneys received on the sale of land under subsection 7, shall be paid into a special account and the moneys in such special account shall be expended only for the purchase, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account. 1952, c. 75, s. 11 (2), *part, amended*. Special account

(9) Upon settlement of the draft plan, the Minister may give his approval thereto, and may in his discretion withdraw his approval or change the conditions of approval at any time prior to his approval of a final plan for registration. R.S.O. 1950, c. 277, s. 26 (6), *amended*. Rev. Stat., c. 400

(10) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor. R.S.O. 1950, c. 277, s. 26 (7). Approval of draft plan by Minister

(11) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration. R.S.O. 1950, c. 277, s. 26 (8), *amended*. When draft plan approved

(12) When a final plan for registration is approved by the Minister under subsection 11 and is not registered within one month of the date of approval, the Minister may withdraw his approval and may require that a new application be submitted. Rev. Stat., cc. 381, 336, 197

Duplicates to be deposited and sent to Minister
Rev. Stat., cc. 336, 197

(13) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Saving

(14) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act. R.S.O. 1950, c. 277, s. 26 (9-11).

Penalty for certain land sales

27. Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 27.

PART III

GENERAL

Right to restrain

28. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 15 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 25 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality. R.S.O. 1950, c. 277, s. 28.

Reference to Municipal Board

29.—(1) When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Municipal Board in which case the approval or consent, as the case may be, of the Municipal Board shall have the same force and effect as if it were the approval or consent of the Minister. R.S.O. 1950, c. 277, s. 29 (1), *amended*.

Effect of approval

(2) When under this Act the approval or consent of the Minister is given, the signature of the Minister or the seal of the Municipal Board, as the case may be, by which the

approval or consent is evidenced shall be conclusive evidence that the provisions of this Act leading to such approval or consent have been complied with. R.S.O. 1950, c. 277, s. 29 (2), *amended*.

30. In the event of conflict between the provisions of this Conflict and any other general or special Act, the provisions of this Act shall prevail. R.S.O. 1950, c. 277, s. 30.

31. *The Planning Act, The Planning Amendment Act, 1951, The Planning Amendment Act, 1952, The Planning Amendment Act, 1953 and The Planning Amendment Act, 1954* are repealed. Rev. Stat., c. 277; 1951, c. 65; 1952, c. 75; 1953, c. 80; 1954, c. 71, repealed

32. This Act comes into force on the 1st day of July, 1955. Commencement

33. This Act may be cited as *The Planning Act, 1955*. Short title





BILL

The Planning Act, 1955

1st Reading

March 17th, 1955

2nd Reading

3rd Reading

MR. WARRENDER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
The Planning Act, 1955

MR. WARRENDER

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTE

This Bill is the first consolidation and revision of *The Planning Act* since its enactment in 1946. The revision consists primarily of changes in the administrative provisions of the Act to clarify them and to give effect to improvements indicated by the practical working of the Act during the past nine years. The provisions respecting housing are transferred to *The Housing Development Act*. (See Bill No. 108.)

The sections of the Bill in which substantial changes in principle are effected are as follows:

SECTION 4 (3). The subsection is amended to provide that where the head of a council appoints a substitute for himself on a planning board, the substitute must be a member of the council.

SECTION 5. The Minister's power to make special provisions to suit the needs of a planning area is enlarged to authorize variance of the functions of the planning board, the term of office of members, and the recommendation of the official plan.

SECTION 10 (1). The functions of planning boards are clarified and amplified, in particular to indicate that the planning board has the continuing function of reviewing the official plan.

SECTION 11 (3). A new power is given to the council of a municipality, other than the designated municipality, in a joint planning area to adopt an official plan under certain limited circumstances.

SECTION 15 (2). The procedure is clarified in the case where an amendment to an official plan is adopted and a by-law conforming to the amendment is passed before the official plan amendment is approved.

SECTION 17 (5). Where a planning board constitutes a committee of adjustment, notice thereof will be required to be given to the Minister.

SECTION 17 (15). A committee of adjustment will be required in future to establish general rules and rules of procedure.

SECTION 18 (2) (a). The clause is amended to make it clear that a committee may permit an enlargement, extension or change in a non-conforming use only if it has continued from the time of the passing of the by-law until the time of the application.

SECTION 18 (11). The secretary-treasurer of a committee of adjustment is required to forward to the Minister certain material respecting the application when he sends the copies of the committee's decision to the Minister.

SECTION 20 (2). Authority is given, to a council that has designated a redevelopment area, to amend or repeal the by-law with the approval of the Minister.

SECTION 25 (1) (b). The clause is amended to provide that the Minister cannot make an order relating to subdivision control in respect of land included in an area of subdivision control established by municipal by-law.

SECTION 26 (2) (b). Adjoining subdivisions will be required to be shown on the key plan as well as the draft plan.

SECTION 26 (4) (i). The adequacy of school sites is added to the matters to be regarded by the Minister in considering a draft plan of subdivision.

SECTION 26 (5). The limitations on the amount of land that the Minister may require to be dedicated for highway purposes on approval of a plan of subdivision are removed.

SECTION 26 (8). Provision is made for the investment, in trustee investments, of moneys received by a municipality in lieu of the conveyance of land for public purposes, or from sales of land conveyed to the municipality for public purposes.

SECTION 26 (9). The Minister is given power to change the conditions of his approval of a draft plan at any time before approval for registration.



BILL

The Planning Act, 1955

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) "council" means council of a municipality or board of trustees of an improvement district;
- (b) "designated municipality" means the municipality named by the Minister under subsection 5 of section 2 in the case of a joint planning area or the municipality in the case of a planning area consisting of one municipality or of one municipality and territory without municipal organization; R.S.O. 1950, c. 277, s. 1, cls. *a, b*, *amended*.
- (c) "joint planning area" means a planning area consisting of more than one municipality or part or parts thereof; *New*.
- (d) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (e) "Minister" means Minister of Planning and Development; R.S.O. 1950, c. 277, s. 1, cls. *d, e*.
- (f) "Municipal Board" means Ontario Municipal Board; *New*.
- (g) "municipality" means city, town, village, township or improvement district; R.S.O. 1950, c. 277, s. 1, cl. *f*.

- (h) "official plan" means a programme and policy, or any part thereof, covering a planning area or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and consisting of the texts and maps, describing such programme and policy, approved by the Minister from time to time as provided in this Act; R.S.O. 1950, c. 277, s. 1, cl. g, *amended*.
- (i) "planning area" means a planning area defined by the Minister under this Act, and includes a joint planning area and a subsidiary planning area; 1954, c. 71, s. 1, *amended*.
- (j) "public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of a council or of a local board. 1953, c. 80, s. 1, *amended*.

PART I

OFFICIAL PLANS

Establishment of planning areas

2.—(1) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a planning area.

Constitution of area

(2) The planning area shall consist of part or all of one municipality or of such municipalities or parts of municipalities as in the opinion of the Minister constitute a complete planning unit having regard to the purposes for which the planning area is defined, and the Minister may include in the planning area any territory without municipal organization that adjoins a municipality or part of a municipality included in the planning area. 1952, c. 75, s. 2, *part*.

Planning area in unorganized territory

(3) The Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the planning area. 1952, c. 75, s. 4, *part*.

Subsidiary planning areas

(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 scope and general purpose of the official plan of the subsidiary planning area and the functions of the planning board thereof. 1954, c. 71, s. 2, *amended*.

(5) In the case of a joint planning area, the Minister shall name the municipality that shall be the designated municipality for the purposes of this Part, and may define the scope and general purpose of the official plan of the planning area and the functions of the planning board thereof. 1952, c. 75, s. 2, *part, amended*.

(6) In defining the scope and general purpose of an official plan, the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services. R.S.O. 1950, c. 277, s. 2 (5).

(7) The Minister may dissolve or alter the boundaries of a planning area, but where an official plan is in effect in the planning area it shall remain in effect, notwithstanding the dissolution or alteration, until altered in accordance with this Part. 1952, c. 75, s. 4, *part*.

3.—(1) The council of the designated municipality shall appoint the planning board of a planning area, and every appointment to the planning board of a joint planning area is subject to the approval of the Minister. R.S.O. 1950, c. 277, s. 3, *amended*.

(2) Where a planning area consists of part or all of one municipality and territory without municipal organization, every appointment to the planning board of the planning area is subject to the approval of the Minister. 1952, c. 75, s. 3, *amended*.

4.—(1) A planning board shall be a body corporate by the name of “.....Board” (*inserting the name designated by the Minister*) and shall consist of,

- (a) where the planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the head of the council of the municipality as a member *ex officio*; or
- (b) in the case of a joint planning area, the head of the council of the designated municipality as a member *ex officio*,

and four, six or eight members who are not employees of a municipality or of a local board. R.S.O. 1950, c. 277, s. 4 (1), *amended*.

- Idem** (2) The members of a planning board who are members of a municipal council shall not constitute a majority of the members of the planning board. R.S.O. 1950, c. 277, s. 4 (2).
- Substitute for head of council** (3) The head of a council who is *ex officio* a member of the planning board, with the approval of the council, may appoint a substitute, who shall be a member of the council, to act for him from time to time. R.S.O. 1950, c. 277, s. 4 (3), *amended*.
- Term of office** (4) The members of the planning board who are not members of a municipal council shall hold office for three years, provided that on the first appointment the council of the designated municipality, from among such members, shall designate members who shall hold office,
- (a) until the 1st day of January of the year following the date of appointment;
 - (b) until the 1st day of January of the second year following the date of appointment; and
 - (c) until the 1st day of January of the third year following the date of appointment,
- respectively, so that as nearly as possible one-third of such members shall retire each year; and the members of the planning board who are members of a council shall be appointed annually. 1951, c. 65, s. 1.
- Reap-
pointment** (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 are eligible for reappointment. R.S.O. 1950, c. 277, s. 4 (5); 1954, c. 71, s. 3.
- Vacancies** (6) Where a member ceases to be a member of the planning board before the expiration of his term, the council of the designated municipality shall appoint another eligible person for the unexpired portion of the term.
- Quorum** (7) A majority of the members of a planning board shall constitute a quorum.
- Officers** (8) The planning board shall elect a chairman and a vice-chairman who shall preside in the absence of the chairman.
- Secretary-treasurer, employees, consultants** (9) The planning board shall appoint a secretary-treasurer, who may be a member of the planning board, and may engage such employees and consultants as is deemed expedient. R.S.O. 1950, c. 277, s. 4 (6-9).

5. Notwithstanding anything in this Act, the Minister ^{Special provisions} may, in order to suit the special needs of any planning area, vary the constitution of the planning board, the procedures by which it is appointed, the term of office of its members, and the manner in which it is to function, and designate the functions of the planning board within the scope of section 10, and may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area. 1952, c. 75, s. 5, *amended*.

6. The execution of documents by the planning board shall ^{Execution of documents} be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the planning board. R.S.O. 1950, c. 277, s. 6.

7.—(1) Where a planning area consists of part or all of one ^{Finances} municipality or of part or all of one municipality and territory without municipal organization, the planning board shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

(2) In the case of a joint planning area, the planning board ^{Estimates} shall submit its estimates to the council of each municipality included in the planning area, and shall submit with the estimates a statement as to the proportion thereof to be chargeable to each of the municipalities.

(3) If the estimates are approved, or are amended and ^{Approval} approved, by the councils of municipalities in the planning area representing more than one-half of the population of the planning area, the estimates shall be binding on all the municipalities in the planning area. 1952, c. 75, s. 6, *part*.

(4) After the estimates have been approved as provided in ^{Notice} subsection 3, the planning board shall so notify each municipality in the planning 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. 1952, c. 75, s. 6, *part*; 1954, c. 71, s. 4.

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving ^{Where apportionment unsatisfactory} the notice under subsection 4, notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Municipal Board.

Power of
Municipal
Board

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision shall be final.

Payments

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection 4 or by the Municipal Board under subsection 6, as the case may be.

County
acting on
behalf of
its muni-
cipalities

(8) Where a planning area includes all or a majority of the municipalities forming part of a county for municipal purposes and one or more municipalities that do not form part of the county for municipal purposes, whether situated in or out of the county, the Minister may, for the purposes of this section, authorize the council of the county to act on behalf of the municipalities included in the planning area and forming part of the county for municipal purposes, and in that case the estimates and the statement of the apportionment shall be submitted only to the councils of the county and of each municipality in the planning area that does not form part of the county for municipal purposes, and the apportionment shall be made between the county and such municipalities, and subsections 1 to 7 apply *mutatis mutandis* except that the estimates must be approved by the councils of the county and of each such municipality that does not form part of the county for municipal purposes.

Recovery
by county

(9) Where a county is chargeable under subsection 8, it shall recover its payments as part of the county rates from the municipalities on behalf of which it acts in the manner provided in section 91 of *The Assessment Act*. 1952, c. 75, s. 6, *part*.

Rev. Stat.,
c. 24

Grants,
municipal

8.—(1) Any municipality within or partly within a planning area may make grants of money to the planning board.

county

(2) The county in which a planning area or part thereof is situate may make grants of money to the planning board. 1952, c. 75, s. 6, *part*.

Audit of
planning
board's
accounts
Rev. Stat.,
c. 243

9. Notwithstanding subsection 2 of section 245 of *The Municipal Act*, in the case of a joint planning area the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality. 1954, c. 71, s. 5, *amended*.

Duties of
planning
boards

10.—(1) Every planning board shall investigate and survey the physical, social and economic conditions in relation to the development of the planning area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the planning area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan for the planning area suitable for adoption as the official plan thereof and forward it to the councils of the municipalities affected thereby, and recommend such plan to the council of the designated municipality for adoption;
- (e) recommend from time to time to the councils of the municipalities in the planning area the implementation of any of the features of the official plan of the planning area;
- (f) review the official plan from time to time and recommend amendments thereto to the council of the designated municipality for adoption. R.S.O. 1950, c. 277, s. 8, *amended*.

(2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board. 1951, c. 65, s. 2.

11.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council of the designated municipality.

(2) The council of the designated municipality may adopt the plan by a vote of the majority of all the members. 1950, c. 277, s. 9, *amended*.

(3) In the case of a joint planning area, the council of any other municipality within or partly within the planning area may adopt the plan by a vote of the majority of all its members,

- (a) after the expiration of ninety days from the day that the plan was recommended to the council of the designated municipality by the planning board, if the council of the designated municipality has not in the meantime adopted the plan; or

- (b) within such period of ninety days if the council of the designated municipality by resolution consents thereto. *New.*

Plan to be submitted to Minister

12.—(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable, the Minister shall settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly. R.S.O. 1950, c. 277, s. 10 (1), *amended.*

Approval by Minister

(2) The Minister may then approve the plan, whereupon it shall be the official plan of the planning area. R.S.O. 1950, c. 277, s. 10 (2).

Lodging of official plan

13.—(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 specified 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. 1954, c. 71, s. 6.

Amendments

14.—(1) The provisions of this Act with respect to an official plan apply *mutatis mutandis* to amendments thereto, provided that the Minister may, subject to subsection 2, approve any amendment that may be proposed by the council of any municipality. R.S.O. 1950, c. 277, s. 12 (1), *amended.*

Conditions for Minister's approval

(2) Before approving an amendment initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the proposal and if the planning board does not concur in the proposal the Minister shall not approve the amendment unless it has been adopted by a vote of two-thirds of all the members of the council. 1951, c. 65, s. 3, *amended.*

Application for amendment

(3) Where any person requests the council to initiate an amendment to the official plan and the council,

- (a) refuses to propose the amendment; or

- (b) fails to propose the amendment within thirty days from the receipt of the request,

such person may request the Minister to refer the proposal to the Municipal Board.

(4) Upon receipt of the request, the Minister may require a report on the proposal from the planning board and may refer the proposal to any public authority that may be concerned therewith and he may refuse the request or refer the proposal to the Municipal Board.

Reference to
Municipal
Board

(5) When a proposal is referred to the Municipal Board under subsection 4, the Municipal Board may reject the proposal or direct that the council cause the amendment to be made in the manner provided in the order. 1953, c. 80, s. 2, *amended*.

Disposal of
reference

15.—(1) Notwithstanding any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections 2 and 3, no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1950, c. 277, s. 13 (1); 1953, c. 80, s. 3 (1).

Public works
and by-laws
to conform
with plan

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and such by-law shall be deemed to be valid and to have come into force on the day it was passed if the Minister approves the amendment to the official plan and if the Municipal Board subsequently approves the by-law, where such approval of the by-law is required. 1953, c. 80, s. 3 (2), *amended*.

Validity of
by-laws
conforming
to amend-
ments to
official plans

(3) The Municipal Board, upon the application of the council of a municipality for which an official plan is in effect, may by its order declare that a by-law of such municipality shall be deemed to conform with the official plan, if the Municipal Board is of opinion that the by-law conforms with the general intent and purpose of the official plan.

Municipal
Board may
approve
by-law

(4) The procedure upon an application to the Municipal Board under subsection 3 shall be the same as nearly as may be as in the case of an application to the Municipal Board under section 390 of *The Municipal Act*. R.S.O. 1950, c. 277, s. 13 (2, 3).

Procedure
Rev. Stat.,
c. 243

16. A by-law that conforms with an official plan shall be deemed to implement the official plan whether the by-law is passed before or after the official plan is approved. R.S.O. 1950, c. 277, s. 14.

By-laws
implement-
ing plans

Establishment of committees of adjustment

17.—(1) Where,

- (a) a planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization; and
- (b) an official plan is in effect in the municipality and is implemented by one or more by-laws of the municipality,

the council of the municipality may constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council deems advisable, and if the council has not constituted such a committee, the planning board of the planning area may constitute its members or not less than three of its members as a committee of adjustment for the municipality or part, to act as such until the council of the municipality constitutes such a committee. 1952, c. 75, s. 7, *part*; 1954, c. 71, s. 7 (1), *amended*.

Idem

(2) Where,

- (a) an official plan is in effect in a municipality which, or part of which, is within a joint planning area; and
- (b) the official plan is implemented by one or more by-laws of the municipality,

the council of the municipality may constitute and appoint a committee of adjustment for the municipality or the part, composed of such persons, not less than three, as the council deems advisable, and if the council has not constituted such a committee, the planning board of the joint planning area may constitute its members or not less than three of its members as a committee of adjustment for the municipality or part, to act as such until the council of the municipality constitutes such a committee. 1953, c. 80, s. 4; 1954, c. 71, s. 7 (2), *amended*.

Idem

(3) Where two planning boards would have authority to constitute a committee of adjustment under subsection 1 or 2 for a municipality or part, the Minister shall determine which of them may do so. *New*.

Appointments subject to approval

(4) Every appointment to a committee of adjustment by the council of a municipality is subject to the approval of the Minister. 1952, c. 75, s. 7, *part*, *amended*.

Notice to Minister

(5) Where a planning board constitutes its members or some of them as a committee of adjustment, the secretary-treasurer of the planning board shall forthwith give notice thereof to the Minister. *New*.

(6) Except where the committee of adjustment is composed of all the members of the planning board, no member of the council of the municipality and no employee of the municipality or of a local board thereof is eligible to be a member of the committee of adjustment, whether it is constituted by the planning board or the council. 1952, c. 75, s. 7, *part, amended*. ^{Disqualification}

(7) Where the committee is constituted by the planning board, the members shall remain in office during the pleasure of the planning board. ^{Term of office}

(8) Where the committee is constituted by the council, the members shall hold office for three years, provided that on the first appointment the council shall designate members who shall hold office, ^{Idem}

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year. 1952, c. 75, s. 7, *part*.

(9) Where the committee is constituted by the council, the members shall hold office until their successors are appointed and approved, and are eligible for reappointment, and where a member ceases to be a member before the expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term. 1952, c. 75, s. 7, *part, amended*. ^{Reappointment and vacancies}

(10) A majority of the members of the committee shall constitute a quorum. ^{Quorum}

(11) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent, through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*. ^{Chairman}

(12) The committee shall appoint a secretary-treasurer who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose. ^{Employees}

Remuneration (13) The members of the committee shall be paid such compensation as the council may provide.

Filing of documents, etc. (14) The secretary-treasurer shall keep on file in his office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 234 of *The Municipal Act* applies *mutatis mutandis* to such documents. 1952, c. 75, s. 7, *part*.

Rev. Stat., c. 243

Rules (15) The committee shall adopt such general rules and rules of procedure as are approved by the Minister. 1952, c. 75, s. 7, *part, amended*.

Powers of committee, general

18.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that implements an official plan, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan is maintained. 1952, c. 75, s. 7, *part*.

special

(2) In addition to its powers under subsection 1, the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued until the date of the application to the committee, may permit,

(i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, 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;

- (b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan; or
- (c) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose which, in the opinion of the committee, conforms with the uses permitted in the by-law. 1952, c. 75, s. 7, *part*; 1954, c. 71, s. 81, *amended*.

(3) The hearing on any application shall be held within ^{Time for hearing} thirty days after the application is received by the secretary-treasurer.

(4) The committee, before hearing an application, shall ^{Notice of hearing} give notice thereof in such manner and to such persons as the committee deems proper.

(5) The committee may require that a fee of not more than ^{Fees} \$25 be paid on every application.

(6) The hearing of every application shall be held in public ^{Hearing} and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

(7) The chairman, or in his absence the acting chairman, ^{Oaths} may administer oaths.

(8) No decision of the committee on an application shall be ^{Decision} valid unless it is concurred in by the majority of all the members of the committee, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for its decision, and shall be signed by the members who concur in the decision.

(9) Any authority or permission granted by the committee ^{Conditions in decision} may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision. 1952, c. 75, s. 7, *part*.

Notice of
decision

- (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,

together with a notice of the last day for appealing to the Municipal Board. 1954, c. 71, s. 8 (2), *part.*

Additional
material

(11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, two copies of the following documents:

1. The application to the committee of adjustment, certified by the secretary-treasurer.
2. The notice of the hearing by the committee of adjustment and a list of the persons to whom the notice was sent, both certified by the secretary-treasurer.
3. The minutes of the hearing by the committee of adjustment, certified by the secretary-treasurer.
4. List of persons to whom copies of the decision were sent under clause *b* of subsection 10, showing the date of sending, certified by the secretary-treasurer.
5. All other relevant documents, including any maps or sketches showing the land, building or structure concerned. *New.*

Appeal

(12) The applicant, the Minister, or any other person who has an interest in the matter may appeal to the Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the 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

(13) 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.

(14) On an appeal to the Municipal Board, the Municipal 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 Municipal Board may determine. 1954, c. 71, s. 8 (2), *part*. Hearing

(15) The Municipal Board may dismiss the appeal, and may make any decision that the committee could have made on the original application. 1954, c. 71, s. 8 (2), *part, amended*. Powers of
Municipal
Board

(16) The costs on the appeal are in the discretion of the Municipal Board. Costs

(17) When the Municipal Board makes an order on an appeal, the secretary of the Municipal Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee. Notice of
decision

(18) The secretary-treasurer shall send to the applicant a copy of the order of the Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality. 1954, c. 71, s. 8 (2), *part*. Idem

19.—(1) For the purpose of developing any feature of the official plan, a municipality, with the approval of the Minister, may at any time and from time to time, Acquisition
of lands for
official plan
purposes

(a) acquire land within the municipality;

(b) hold land heretofore or hereafter acquired within the municipality; or

(c) sell, lease or otherwise dispose of land so acquired or held when no longer required. R.S.O. 1950, c. 277, s. 16 (1).

(2) For the purpose of developing any feature of the official plan, the designated municipality in the case of a joint planning area, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area. R.S.O. 1950, c. 277, s. 16 (2), *amended*. Powers of
designated
municipality

(3) For the purpose of developing any feature of any official plan, a county, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of the land within the county. Powers of
county

(4) Any county or municipality may contribute towards the cost of acquiring land under this section. R.S.O. 1950, c. 277, s. 16 (3, 4). Contributions to cost

Interpre-
tation

20.—(1) In this section,

- (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;
- (b) “redevelopment area” means an area within a municipality, the redevelopment of which in the opinion of the council is desirable because of age, dilapidation, over-crowding, faulty arrangement, unsuitability of buildings or for any other reason;
- (c) “redevelopment plan” means a general scheme, including supporting maps and texts, approved by the Municipal Board for the redevelopment of a redevelopment area. 1952, c. 75, s. 8, *part*; 1954, c. 71, s. 9.

Designation
of redevelop-
ment area

(2) The council of a municipality which has an official plan may, with the approval of the Minister, by by-law designate an area within the municipality as a redevelopment area and the redevelopment area shall not be altered or dissolved without the approval of the Minister. 1952, c. 75, s. 8, *part*, *amended*.

Acquisition
and
clearance
of land

(3) When a by-law has been passed and approved under subsection 2, the municipality, with the approval of the Minister, may,

- (a) acquire land within the redevelopment area;
- (b) hold land acquired before or after the passing of the by-law within the redevelopment area; and
- (c) clear, grade or otherwise prepare the land for redevelopment. 1952, c. 75, s. 8, *part*.

Withdrawal
of
Minister's
approvals

(4) If, at any time before a redevelopment plan for the redevelopment area has been approved by the Municipal Board, the Minister is not satisfied with the progress made by the municipality in acquiring land within the redevelopment area or in preparing a redevelopment plan, he may withdraw his approvals under subsections 2 and 3 and thereupon the by-law designating the redevelopment area shall cease to have effect and the redevelopment area shall cease to exist. 1953, c. 80, s. 5.

(5) When a by-law has been passed and approved under subsection 2, the council, with the approval of the Municipal Board, may by by-law adopt a redevelopment plan for the redevelopment area. Adoption of re-development plan

(6) No redevelopment plan shall be approved by the Municipal Board unless it conforms with the official plan. Conformity to official plan

(7) A redevelopment plan adopted and approved under subsection 5 may be amended by by-law with the approval of the Municipal Board. Amendment

(8) For the purpose of carrying out the redevelopment plan, the municipality, with the approval of the Minister, may, Powers of council re land

(a) construct buildings on land acquired or held by it in the redevelopment area in conformity with the redevelopment plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;

(b) sell, lease or otherwise dispose of any land acquired or held by it in the redevelopment area to any person or governmental authority for use in conformity with the redevelopment plan.

(9) Until a by-law or amending by-law passed under section 390 of *The Municipal Act* after the adoption of the redevelopment plan is in force in the redevelopment area, no land acquired, and no building constructed, by the municipality in the redevelopment area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of agrees with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the redevelopment plan until such a by-law or amending by-law is in force; but the municipality may, with the approval of the Minister, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the redevelopment plan, for a term of not more than three years at any one time. Conditions of sale, etc.

(10) Notwithstanding subsection 2 of section 298 of *The Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides. 1952, c. 75, s. 8, *part.* Debentures

21. The provisions of *The Municipal Act* shall apply to the acquisition of land under this Act. R.S.O. 1950, c. 277, s. 18. Rev. Stat., c. 243 to apply

Power to clear, grade, etc., lands acquired

22. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held. R.S.O. 1950, c. 277, s. 19.

Exchange of lands

23. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality. R.S.O. 1950, c. 277, s. 20.

PART II

SUBDIVISIONS

Areas of subdivision control

24.—(1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control, and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or enter into an agreement of sale and purchase of land in the area, or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more, unless the land is described in accordance with and is within a registered plan of subdivision, and the council may, in the by-law, designate a registered plan of subdivision or part thereof which shall be deemed not to be a registered plan of subdivision for the purposes of this subsection. R.S.O. 1950, c. 277, s. 24 (1), *part, amended*.

Part lots

(2) The by-law may provide that where land is,

(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 a deed or transfer on any sale, or enter into an agreement of sale and purchase of a part of any lot or block of the land, or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more; and when the by-law contains any such provision, no person shall contravene the provision. 1954, c. 71, s. 10 (1), *part, amended*.

Exceptions

(3) Nothing in subsection 1 or 2 prohibits any conveyance or agreement respecting land,

(a) if the land is ten acres or more in area and the remnant, if any, remaining in the grantor is also ten acres or more; or

- (b) if the land is the whole part remaining to the grantor of one parcel described in a registered conveyance to him; or
- (c) if the consent,
- (i) of the planning board of the planning area in which the land lies, or
 - (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
 - (iii) where there is no planning board, of the Minister,

is given to the conveyance or agreement. R.S.O. 1950, c. 277, s. 24 (1), cls. (b), (c); 1953, c. 80, s. 6; 1954, c. 71, s. 10 (1), *part, amended*.

(4) Two certified copies of the by-law shall be lodged in the office of the Minister where they shall be available for public inspection during office hours, and the by-law shall be registered in the proper registry office where it shall be made available to the public as a production. R.S.O. 1950, c. 277, s. 24 (2), *amended*. Lodging
of copies
of by-law

(5) Where a registered plan of subdivision or a part thereof is deemed under the by-law not to be a registered plan of subdivision, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within the plan of subdivision or part. 1952, c. 75, s. 9, *amended*. Notice

(6) Where the by-law contains provisions authorized by subsection 2, 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 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. 1954, c. 71, s. 10 (2), *amended*. Idem

(7) When an area is designated as an area of subdivision control, it shall not be altered or dissolved without the approval of the Minister. Alteration
and dis-
solution

(8) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 24 (3, 4). Penalty

Power of
Minister
re zoning
and sub-
division
control

Rev. Stat.,
c. 243

25.—(1) The Minister may by order,

- (a) with respect to any land in Ontario that is not within the scope of a by-law passed under section 390 of *The Municipal Act*, exercise any of the powers conferred upon councils by the said section 390 without the approval of the Municipal Board; and
- (b) with respect to any land in Ontario that is not within an area of subdivision control, exercise the powers conferred upon councils by section 24. 1951, c. 65, s. 4, *part, amended*.

Limitation
of zoning
powers

(2) Where an official plan is in effect, the Minister shall not, with respect to land covered by the official plan, make an order under clause *a* of subsection 1 that does not conform with the official plan. 1951, c. 65, s. 4, *part*.

Notice

(3) The Minister may give notice of any such order in such manner as he deems expedient. R.S.O. 1950, c. 277, s. 25 (2).

Revocation
or amend-
ment

(4) The Minister may, by order, revoke or amend any order made under subsection 1. 1952, c. 75, s. 10.

Penalty

(5) Every person who contravenes an order of the Minister made under this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 25 (3).

Application
for approval
of sub-
division
plans

26.—(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. R.S.O. 1950, c. 277, s. 26 (1); 1954, c. 71, s. 11.

What draft
plan to
indicate

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,

- (a) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (b) on a small key plan, on a scale of not less than one inch to 1,000 feet, all of the land adjacent to the proposed subdivision which is owned by the applicant or in which the applicant has an interest, and the information specified under clause *c*;

- (c) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (d) the purpose for which the lots are to be used;
- (e) the nature of the existing uses of adjoining land;
- (f) the approximate dimensions and layouts of the proposed lots;
- (g) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided;
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided. R.S.O. 1950, c. 277, s. 26 (2); 1953, c. 80, s. 7; *amended*.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements. R.S.O. 1950, c. 277, s. 26 (3). Minister to confer

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following: What matters to be regarded

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

- (b) whether the proposed subdivision is premature or necessary in the public interest;
- (c) the suitability of the land for the purposes for which it is to be subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services;
- (i) adequacy of school sites;
- (j) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes. R.S.O. 1950, c. 277, s. 26 (4), *amended*.

Dedication
of land
for public
and highway
purposes

(5) The Minister may impose as a condition to the approval of a plan of subdivision,

- (a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for public purposes other than highways or, if the land is not in a municipality, shall be dedicated for public purposes other than highways;
- (b) that such highways shall be dedicated as the Minister deems necessary; and
- (c) when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister deems necessary. R.S.O. 1950, c. 277, s. 26 (5); 1952, c. 75, s. 11 (1), *amended*.

(6) Where the land is in a municipality and an official plan, indicating the amount and location of the land to be ultimately provided for public purposes, is in effect in the municipality, the Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of 5 per cent of the land included in the subdivision. 1952, c. 75, s. 11 (2), *part, amended*. Cash payment in lieu of conveyance

(7) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister. 1952, c. 75, s. 11 (2), *part*. Use and sale of land

(8) All moneys received by the municipality under subsection 6, and all moneys received on the sale of land under subsection 7, shall be paid into a special account and the moneys in such special account shall be expended only for the purchase, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account. 1952, c. 75, s. 11 (2), *part, amended*. Special account
Rev. Stat., c. 400

(9) Upon settlement of the draft plan, the Minister may give his approval thereto, and may in his discretion withdraw his approval or change the conditions of approval at any time prior to his approval of a final plan for registration. R.S.O. 1950, c. 277, s. 26 (6), *amended*. Approval of draft plan by Minister

(10) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor. R.S.O. 1950, c. 277, s. 26 (7). When draft plan approved
Rev. Stat., cc. 381, 336, 197

(11) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration. R.S.O. 1950, c. 277, s. 26 (8), *amended*. Approval of plan by Minister

(12) When a final plan for registration is approved by the Minister under subsection 11 and is not registered within one month of the date of approval, the Minister may withdraw his approval and may require that a new application be submitted. Withdrawal of approval of plan for registration

Duplicates
to be
deposited
and sent to
Minister
Rev. Stat.,
cc. 336, 197

(13) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Saving

(14) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act. R.S.O. 1950, c. 277, s. 26 (9-11).

Penalty
for certain
land sales

27. Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 27.

PART III

GENERAL

Right to
restrain

28. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 15 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 25 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality. R.S.O. 1950, c. 277, s. 28.

Reference
to Municipal
Board

29.—(1) When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Municipal Board in which case the approval or consent, as the case may be, of the Municipal Board shall have the same force and effect as if it were the approval or consent of the Minister. R.S.O. 1950, c. 277, s. 29 (1), *amended*.

Effect of
approval

(2) When under this Act the approval or consent of the Minister is given, the signature of the Minister or the seal of the Municipal Board, as the case may be, by which the

approval or consent is evidenced shall be conclusive evidence that the provisions of this Act leading to such approval or consent have been complied with. R.S.O. 1950, c. 277, s. 29 (2), *amended*.

30. In the event of conflict between the provisions of this Conflict and any other general or special Act, the provisions of this Act shall prevail. R.S.O. 1950, c. 277, s. 30.

31. *The Planning Act, The Planning Amendment Act, 1951, The Planning Amendment Act, 1952, The Planning Amendment Act, 1953 and The Planning Amendment Act, 1954* are repealed. Rev. Stat., c. 277; 1951, c. 65; 1952, c. 75; 1953, c. 80; 1954, c. 71, repealed

32. This Act comes into force on the 1st day of July, 1955. Commence-ment

33. This Act may be cited as *The Planning Act, 1955*. Short title



BILL

The Planning Act, 1955

1st Reading

March 17th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

MR. WARRENDER

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

No. 107

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
The Planning Act, 1955

MR. WARRENDER

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

BILL

The Planning Act, 1955

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) "council" means council of a municipality or board of trustees of an improvement district;
- (b) "designated municipality" means the municipality named by the Minister under subsection 5 of section 2 in the case of a joint planning area or the municipality in the case of a planning area consisting of one municipality or of one municipality and territory without municipal organization; R.S.O. 1950, c. 277, s. 1, cls. *a*, *b*, *amended*.
- (c) "joint planning area" means a planning area consisting of more than one municipality or part or parts thereof; *New*.
- (d) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (e) "Minister" means Minister of Planning and Development; R.S.O. 1950, c. 277, s. 1, cls. *d*, *e*.
- (f) "Municipal Board" means Ontario Municipal Board; *New*.
- (g) "municipality" means city, town, village, township or improvement district; R.S.O. 1950, c. 277, s. 1, cl. *f*.

- (h) "official plan" means a programme and policy, or any part thereof, covering a planning area or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and consisting of the texts and maps, describing such programme and policy, approved by the Minister from time to time as provided in this Act; R.S.O. 1950, c. 277, s. 1, cl. g, *amended*.
- (i) "planning area" means a planning area defined by the Minister under this Act, and includes a joint planning area and a subsidiary planning area; 1954, c. 71, s. 1, *amended*.
- (j) "public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of a council or of a local board. 1953, c. 80, s. 1, *amended*.

PART I

OFFICIAL PLANS

Establishment of planning areas

2.—(1) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a planning area.

Constitution of area

(2) The planning area shall consist of part or all of one municipality or of such municipalities or parts of municipalities as in the opinion of the Minister constitute a complete planning unit having regard to the purposes for which the planning area is defined, and the Minister may include in the planning area any territory without municipal organization that adjoins a municipality or part of a municipality included in the planning area. 1952, c. 75, s. 2, *part*.

Planning area in unorganized territory

(3) The Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the planning area. 1952, c. 75, s. 4, *part*.

Subsidiary planning areas

(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 scope and general purpose of the official plan of the subsidiary planning area and the functions of the planning board thereof. 1954, c. 71, s. 2, *amended*.

(5) In the case of a joint planning area, the Minister shall name the municipality that shall be the designated municipality for the purposes of this Part, and may define the scope and general purpose of the official plan of the planning area and the functions of the planning board thereof. 1952, c. 75, s. 2, *part, amended*.

(6) In defining the scope and general purpose of an official plan, the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services. R.S.O. 1950, c. 277, s. 2 (5).

(7) The Minister may dissolve or alter the boundaries of a planning area, but where an official plan is in effect in the planning area it shall remain in effect, notwithstanding the dissolution or alteration, until altered in accordance with this Part. 1952, c. 75, s. 4, *part*.

3.—(1) The council of the designated municipality shall appoint the planning board of a planning area, and every appointment to the planning board of a joint planning area is subject to the approval of the Minister. R.S.O. 1950, c. 277, s. 3, *amended*.

(2) Where a planning area consists of part or all of one municipality and territory without municipal organization, every appointment to the planning board of the planning area is subject to the approval of the Minister. 1952, c. 75, s. 3, *amended*.

4.—(1) A planning board shall be a body corporate by the name of “.....Board” (*inserting the name designated by the Minister*) and shall consist of,

(a) where the planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the head of the council of the municipality as a member *ex officio*; or

(b) in the case of a joint planning area, the head of the council of the designated municipality as a member *ex officio*,

and four, six or eight members who are not employees of a municipality or of a local board. R.S.O. 1950, c. 277, s. 4 (1), *amended*.

- Idem** (2) The members of a planning board who are members of a municipal council shall not constitute a majority of the members of the planning board. R.S.O. 1950, c. 277, s. 4 (2).
- Substitute for head of council** (3) The head of a council who is *ex officio* a member of the planning board, with the approval of the council, may appoint a substitute, who shall be a member of the council, to act for him from time to time. R.S.O. 1950, c. 277, s. 4 (3), *amended*.
- Term of office** (4) The members of the planning board who are not members of a municipal council shall hold office for three years, provided that on the first appointment the council of the designated municipality, from among such members, shall designate members who shall hold office,
- (a) until the 1st day of January of the year following the date of appointment;
 - (b) until the 1st day of January of the second year following the date of appointment; and
 - (c) until the 1st day of January of the third year following the date of appointment,
- respectively, so that as nearly as possible one-third of such members shall retire each year; and the members of the planning board who are members of a council shall be appointed annually. 1951, c. 65, s. 1.
- Reap-
pointment** (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 are eligible for reappointment. R.S.O. 1950, c. 277, s. 4 (5); 1954, c. 71, s. 3.
- Vacancies** (6) Where a member ceases to be a member of the planning board before the expiration of his term, the council of the designated municipality shall appoint another eligible person for the unexpired portion of the term.
- Quorum** (7) A majority of the members of a planning board shall constitute a quorum.
- Officers** (8) The planning board shall elect a chairman and a vice-chairman who shall preside in the absence of the chairman.
- Secretary-treasurer, employees, consultants** (9) The planning board shall appoint a secretary-treasurer, who may be a member of the planning board, and may engage such employees and consultants as is deemed expedient. R.S.O. 1950, c. 277, s. 4 (6-9).

5. Notwithstanding anything in this Act, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the planning board, the procedures by which it is appointed, the term of office of its members, and the manner in which it is to function, and designate the functions of the planning board within the scope of section 10, and may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area. 1952, c. 75, s. 5, *amended*.

6. The execution of documents by the planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the planning board. R.S.O. 1950, c. 277, s. 6.

7.—(1) Where a planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the planning board shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

(2) In the case of a joint planning area, the planning board shall submit its estimates to the council of each municipality included in the planning area, and shall submit with the estimates a statement as to the proportion thereof to be chargeable to each of the municipalities.

(3) If the estimates are approved, or are amended and approved, by the councils of municipalities in the planning area representing more than one-half of the population of the planning area, the estimates shall be binding on all the municipalities in the planning area. 1952, c. 75, s. 6, *part*.

(4) After the estimates have been approved as provided in subsection 3, the planning board shall so notify each municipality in the planning 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. 1952, c. 75, s. 6, *part*; 1954, c. 71, s. 4.

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection 4, notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Municipal Board.

Power of
Municipal
Board

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision shall be final.

Payments

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection 4 or by the Municipal Board under subsection 6, as the case may be.

County
acting on
behalf of
its municip-
alities

(8) Where a planning area includes all or a majority of the municipalities forming part of a county for municipal purposes and one or more municipalities that do not form part of the county for municipal purposes, whether situated in or out of the county, the Minister may, for the purposes of this section, authorize the council of the county to act on behalf of the municipalities included in the planning area and forming part of the county for municipal purposes, and in that case the estimates and the statement of the apportionment shall be submitted only to the councils of the county and of each municipality in the planning area that does not form part of the county for municipal purposes, and the apportionment shall be made between the county and such municipalities, and subsections 1 to 7 apply *mutatis mutandis* except that the estimates must be approved by the councils of the county and of each such municipality that does not form part of the county for municipal purposes.

Recovery
by county

(9) Where a county is chargeable under subsection 8, it shall recover its payments as part of the county rates from the municipalities on behalf of which it acts in the manner provided in section 91 of *The Assessment Act*. 1952, c. 75, s. 6, *part*.

Rev. Stat.,
c. 24

Grants,
municipal

8.—(1) Any municipality within or partly within a planning area may make grants of money to the planning board.

county

(2) The county in which a planning area or part thereof is situate may make grants of money to the planning board. 1952, c. 75, s. 6, *part*.

Audit of
planning
board's
accounts
Rev. Stat.,
c. 243

9. Notwithstanding subsection 2 of section 245 of *The Municipal Act*, in the case of a joint planning area the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality. 1954, c. 71, s. 5, *amended*.

Duties of
planning
boards

10.—(1) Every planning board shall investigate and survey the physical, social and economic conditions in relation to the development of the planning area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the planning area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and cooperation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan for the planning area suitable for adoption as the official plan thereof and forward it to the councils of the municipalities affected thereby, and recommend such plan to the council of the designated municipality for adoption;
- (e) recommend from time to time to the councils of the municipalities in the planning area the implementation of any of the features of the official plan of the planning area;
- (f) review the official plan from time to time and recommend amendments thereto to the council of the designated municipality for adoption. R.S.O. 1950, c. 277, s. 8, *amended*.

(2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board. 1951, c. 65, s. 2. Recommendation of plan

11.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council of the designated municipality. Plan to be submitted to council

(2) The council of the designated municipality may adopt the plan by a vote of the majority of all the members. R.S.O. 1950, c. 277, s. 9, *amended*. Adoption of plan

(3) In the case of a joint planning area, the council of any other municipality within or partly within the planning area may adopt the plan by a vote of the majority of all its members, Adoption by other municipality

- (a) after the expiration of ninety days from the day that the plan was recommended to the council of the designated municipality by the planning board, if the council of the designated municipality has not in the meantime adopted the plan; or

(b) within such period of ninety days if the council of the designated municipality by resolution consents thereto. *New.*

Plan to be submitted to Minister

12.—(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable, the Minister shall settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly. R.S.O. 1950, c. 277, s. 10 (1), *amended.*

Approval by Minister

(2) The Minister may then approve the plan, whereupon it shall be the official plan of the planning area. R.S.O. 1950, c. 277, s. 10 (2).

Lodging of official plan

13.—(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 specified 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. 1954, c. 71, s. 6.

Amendments

14.—(1) The provisions of this Act with respect to an official plan apply *mutatis mutandis* to amendments thereto, provided that the Minister may, subject to subsection 2, approve any amendment that may be proposed by the council of any municipality. R.S.O. 1950, c. 277, s. 12 (1), *amended.*

Conditions for Minister's approval

(2) Before approving an amendment initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the proposal and if the planning board does not concur in the proposal the Minister shall not approve the amendment unless it has been adopted by a vote of two-thirds of all the members of the council. 1951, c. 65, s. 3, *amended.*

Application for amendment

(3) Where any person requests the council to initiate an amendment to the official plan and the council,

(a) refuses to propose the amendment; or

(b) fails to propose the amendment within thirty days from the receipt of the request,

such person may request the Minister to refer the proposal to the Municipal Board.

(4) Upon receipt of the request, the Minister may require a report on the proposal from the planning board and may refer the proposal to any public authority that may be concerned therewith and he may refuse the request or refer the proposal to the Municipal Board. Reference to Municipal Board

(5) When a proposal is referred to the Municipal Board under subsection 4, the Municipal Board may reject the proposal or direct that the council cause the amendment to be made in the manner provided in the order. 1953, c. 80, s. 2, *amended*. Disposal of reference

15.—(1) Notwithstanding any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections 2 and 3, no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1950, c. 277, s. 13 (1); 1953, c. 80, s. 3 (1). Public works and by-laws to conform with plan

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and such by-law shall be deemed to be valid and to have come into force on the day it was passed if the Minister approves the amendment to the official plan and if the Municipal Board subsequently approves the by-law, where such approval of the by-law is required. 1953, c. 80, s. 3 (2), *amended*. Validity of by-laws conforming to amendments to official plans

(3) The Municipal Board, upon the application of the council of a municipality for which an official plan is in effect, may by its order declare that a by-law of such municipality shall be deemed to conform with the official plan, if the Municipal Board is of opinion that the by-law conforms with the general intent and purpose of the official plan. Municipal Board may approve by-law

(4) The procedure upon an application to the Municipal Board under subsection 3 shall be the same as nearly as may be as in the case of an application to the Municipal Board under section 390 of *The Municipal Act*. R.S.O. 1950, c. 277, s. 13 (2, 3). Procedure Rev. Stat., c. 243

16. A by-law that conforms with an official plan shall be deemed to implement the official plan whether the by-law is passed before or after the official plan is approved. R.S.O. 1950, c. 277, s. 14. By-laws implementing plans

Establish-
ment of
committees
of adjust-
ment

17.—(1) Where,

- (a) a planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization; and
- (b) an official plan is in effect in the municipality and is implemented by one or more by-laws of the municipality,

the council of the municipality may constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council deems advisable, and if the council has not constituted such a committee, the planning board of the planning area may constitute its members or not less than three of its members as a committee of adjustment for the municipality or part, to act as such until the council of the municipality constitutes such a committee. 1952, c. 75, s. 7, *part*; 1954, c. 71, s. 7 (1), *amended*.

Idem

(2) Where,

- (a) an official plan is in effect in a municipality which, or part of which, is within a joint planning area; and
- (b) the official plan is implemented by one or more by-laws of the municipality,

the council of the municipality may constitute and appoint a committee of adjustment for the municipality or the part, composed of such persons, not less than three, as the council deems advisable, and if the council has not constituted such a committee, the planning board of the joint planning area may constitute its members or not less than three of its members as a committee of adjustment for the municipality or part, to act as such until the council of the municipality constitutes such a committee. 1953, c. 80, s. 4; 1954, c. 71, s. 7 (2), *amended*.

Idem

(3) Where two planning boards would have authority to constitute a committee of adjustment under subsection 1 or 2 for a municipality or part, the Minister shall determine which of them may do so. *New*.

Appoint-
ments
subject to
approval

(4) Every appointment to a committee of adjustment by the council of a municipality is subject to the approval of the Minister. 1952, c. 75, s. 7, *part*, *amended*.

Notice to
Minister

(5) Where a planning board constitutes its members or some of them as a committee of adjustment, the secretary-treasurer of the planning board shall forthwith give notice thereof to the Minister. *New*.

(6) Except where the committee of adjustment is composed of all the members of the planning board, no member of the council of the municipality and no employee of the municipality or of a local board thereof is eligible to be a member of the committee of adjustment, whether it is constituted by the planning board or the council. 1952, c. 75, s. 7, *part, amended*. ^{Disqualification}

(7) Where the committee is constituted by the planning board, the members shall remain in office during the pleasure of the planning board. ^{Term of office}

(8) Where the committee is constituted by the council, the members shall hold office for three years, provided that on the first appointment the council shall designate members who shall hold office, ^{Idem}

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year. 1952, c. 75, s. 7, *part*.

(9) Where the committee is constituted by the council, the members shall hold office until their successors are appointed and approved, and are eligible for reappointment, and where a member ceases to be a member before the expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term. 1952, c. 75, s. 7, *part, amended*. ^{Reappointment and vacancies}

(10) A majority of the members of the committee shall constitute a quorum. ^{Quorum}

(11) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent, through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*. ^{Chairman}

(12) The committee shall appoint a secretary-treasurer who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose. ^{Employees}

- Remuneration (13) The members of the committee shall be paid such compensation as the council may provide.
- Filing of documents, etc. (14) The secretary-treasurer shall keep on file in his office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 234 of *The Municipal Act* applies *mutatis mutandis* to such documents. 1952, c. 75, s. 7, *part*.
- Rev. Stat., c. 243
- Rules (15) The committee shall adopt such general rules and rules of procedure as are approved by the Minister. 1952, c. 75, s. 7, *part, amended*.
- Powers of committee, general **18.**—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that implements an official plan, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan is maintained. 1952, c. 75, s. 7, *part*.
- special (2) In addition to its powers under subsection 1, the committee, upon any such application,
- (a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued until the date of the application to the committee, may permit,
- (i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
- (ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, 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;

(b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan; or

(c) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose which, in the opinion of the committee, conforms with the uses permitted in the by-law. 1952, c. 75, s. 7, *part*; 1954, c. 71, s. 81, *amended*.

(3) The hearing on any application shall be held within ^{Time for hearing} thirty days after the application is received by the secretary-treasurer.

(4) The committee, before hearing an application, shall ^{Notice of hearing} give notice thereof in such manner and to such persons as the committee deems proper.

(5) The committee may require that a fee of not more than ^{Fees} \$25 be paid on every application.

(6) The hearing of every application shall be held in public ^{Hearing} and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

(7) The chairman, or in his absence the acting chairman, ^{Oaths} may administer oaths.

(8) No decision of the committee on an application shall be ^{Decision} valid unless it is concurred in by the majority of all the members of the committee, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for its decision, and shall be signed by the members who concur in the decision.

(9) Any authority or permission granted by the committee ^{Conditions in decision} may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision. 1952, c. 75, s. 7, *part*.

Notice of
decision

- (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,

together with a notice of the last day for appealing to the Municipal Board. 1954, c. 71, s. 8 (2), *part.*

Additional
material

(11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, two copies of the following documents:

1. The application to the committee of adjustment, certified by the secretary-treasurer.
2. The notice of the hearing by the committee of adjustment and a list of the persons to whom the notice was sent, both certified by the secretary-treasurer.
3. The minutes of the hearing by the committee of adjustment, certified by the secretary-treasurer.
4. List of persons to whom copies of the decision were sent under clause *b* of subsection 10, showing the date of sending, certified by the secretary-treasurer.
5. All other relevant documents, including any maps or sketches showing the land, building or structure concerned. *New.*

Appeal

(12) The applicant, the Minister, or any other person who has an interest in the matter may appeal to the Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the 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

(13) 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.

(14) On an appeal to the Municipal Board, the Municipal 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 Municipal Board may determine. 1954, c. 71, s. 8 (2), *part.*

(15) The Municipal Board may dismiss the appeal, and may make any decision that the committee could have made on the original application. 1954, c. 71, s. 8 (2), *part, amended.*

(16) The costs on the appeal are in the discretion of the Municipal Board.

(17) When the Municipal Board makes an order on an appeal, the secretary of the Municipal Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.

(18) The secretary-treasurer shall send to the applicant a copy of the order of the Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality. 1954, c. 71, s. 8 (2), *part.*

19.—(1) For the purpose of developing any feature of the official plan, a municipality, with the approval of the Minister, may at any time and from time to time,

- (a) acquire land within the municipality;
- (b) hold land heretofore or hereafter acquired within the municipality; or
- (c) sell, lease or otherwise dispose of land so acquired or held when no longer required. R.S.O. 1950, c. 277, s. 16 (1).

(2) For the purpose of developing any feature of the official plan, the designated municipality in the case of a joint planning area, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area. R.S.O. 1950, c. 277, s. 16 (2), *amended.*

(3) For the purpose of developing any feature of any official plan, a county, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of the land within the county.

(4) Any county or municipality may contribute towards the cost of acquiring land under this section. R.S.O. 1950, c. 277, s. 16 (3, 4).

Interpre-
tation**20.**—(1) In this section,

- (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;
- (b) “redevelopment area” means an area within a municipality, the redevelopment of which in the opinion of the council is desirable because of age, dilapidation, over-crowding, faulty arrangement, unsuitability of buildings or for any other reason;
- (c) “redevelopment plan” means a general scheme, including supporting maps and texts, approved by the Municipal Board for the redevelopment of a redevelopment area. 1952, c. 75, s. 8, *part*; 1954, c. 71, s. 9.

Designation
of develop-
ment area

(2) The council of a municipality which has an official plan may, with the approval of the Minister, by by-law designate an area within the municipality as a redevelopment area and the redevelopment area shall not be altered or dissolved without the approval of the Minister. 1952, c. 75, s. 8, *part*, *amended*.

Acquisition
and
clearance
of land

(3) When a by-law has been passed and approved under subsection 2, the municipality, with the approval of the Minister, may,

- (a) acquire land within the redevelopment area;
- (b) hold land acquired before or after the passing of the by-law within the redevelopment area; and
- (c) clear, grade or otherwise prepare the land for re-development. 1952, c. 75, s. 8, *part*.

Withdrawal
of
Minister's
approvals

(4) If, at any time before a redevelopment plan for the redevelopment area has been approved by the Municipal Board, the Minister is not satisfied with the progress made by the municipality in acquiring land within the redevelopment area or in preparing a redevelopment plan, he may withdraw his approvals under subsections 2 and 3 and thereupon the by-law designating the redevelopment area shall cease to have effect and the redevelopment area shall cease to exist. 1953, c. 80, s. 5.

(5) When a by-law has been passed and approved under subsection 2, the council, with the approval of the Municipal Board, may by by-law adopt a redevelopment plan for the redevelopment area. Adoption of re-development plan

(6) No redevelopment plan shall be approved by the Municipal Board unless it conforms with the official plan. Conformity to official plan

(7) A redevelopment plan adopted and approved under subsection 5 may be amended by by-law with the approval of the Municipal Board. Amendment

(8) For the purpose of carrying out the redevelopment plan, the municipality, with the approval of the Minister, may, Powers of council re land

(a) construct buildings on land acquired or held by it in the redevelopment area in conformity with the redevelopment plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;

(b) sell, lease or otherwise dispose of any land acquired or held by it in the redevelopment area to any person or governmental authority for use in conformity with the redevelopment plan.

(9) Until a by-law or amending by-law passed under section 390 of *The Municipal Act* after the adoption of the redevelopment plan is in force in the redevelopment area, no land acquired, and no building constructed, by the municipality in the redevelopment area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of agrees with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the redevelopment plan until such a by-law or amending by-law is in force; but the municipality may, with the approval of the Minister, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the redevelopment plan, for a term of not more than three years at any one time. Conditions of sale, etc.

(10) Notwithstanding subsection 2 of section 298 of *The Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides. 1952, c. 75, s. 8, *part.* Debentures

21. The provisions of *The Municipal Act* shall apply to the acquisition of land under this Act. R.S.O. 1950, c. 277, s. 18. Rev. Stat., c. 243 to apply

Power to
clear, grade,
etc., lands
acquired

22. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held. R.S.O. 1950, c. 277, s. 19.

Exchange
of lands

23. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality. R.S.O. 1950, c. 277, s. 20.

PART II

SUBDIVISIONS

Areas of
subdivision
control

24.—(1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control, and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or enter into an agreement of sale and purchase of land in the area, or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more, unless the land is described in accordance with and is within a registered plan of subdivision, and the council may, in the by-law, designate a registered plan of subdivision or part thereof which shall be deemed not to be a registered plan of subdivision for the purposes of this subsection. R.S.O. 1950, c. 277, s. 24 (1), *part, amended*.

Part lots

- (2) The by-law may provide that where land is,
- (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 a deed or transfer on any sale, or enter into an agreement of sale and purchase of a part of any lot or block of the land, or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more; and when the by-law contains any such provision, no person shall contravene the provision. 1954, c. 71, s. 10 (1), *part, amended*.

Exceptions

- (3) Nothing in subsection 1 or 2 prohibits any conveyance or agreement respecting land,
- (a) if the land is ten acres or more in area and the remnant, if any, remaining in the grantor is also ten acres or more; or

- (b) if the land is the whole part remaining to the grantor of one parcel described in a registered conveyance to him; or
- (c) if the consent,
- (i) of the planning board of the planning area in which the land lies, or
 - (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
 - (iii) where there is no planning board, of the Minister,

is given to the conveyance or agreement. R.S.O. 1950, c. 277, s. 24 (1), cls. (b), (c); 1953, c. 80, s. 6; 1954, c. 71, s. 10 (1), *part, amended*.

(4) Two certified copies of the by-law shall be lodged in the office of the Minister where they shall be available for public inspection during office hours, and the by-law shall be registered in the proper registry office where it shall be made available to the public as a production. R.S.O. 1950, c. 277, s. 24 (2), *amended*. Lodging
of copies
of by-law

(5) Where a registered plan of subdivision or a part thereof is deemed under the by-law not to be a registered plan of subdivision, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within the plan of subdivision or part. 1952, c. 75, s. 9, *amended*. Notice

(6) Where the by-law contains provisions authorized by subsection 2, 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 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. 1954, c. 71, s. 10 (2), *amended*. Idem

(7) When an area is designated as an area of subdivision control, it shall not be altered or dissolved without the approval of the Minister. Alteration
and dis-
solution

(8) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 24 (3, 4). Penalty

Power of Minister re zoning and subdivision control

Rev. Stat., c. 243

25.—(1) The Minister may by order,

- (a) with respect to any land in Ontario that is not within the scope of a by-law passed under section 390 of *The Municipal Act*, exercise any of the powers conferred upon councils by the said section 390 without the approval of the Municipal Board; and
- (b) with respect to any land in Ontario that is not within an area of subdivision control, exercise the powers conferred upon councils by section 24. 1951, c. 65, s. 4, *part, amended*.

Limitation of zoning powers

(2) Where an official plan is in effect, the Minister shall not, with respect to land covered by the official plan, make an order under clause *a* of subsection 1 that does not conform with the official plan. 1951, c. 65, s. 4, *part*.

Notice

(3) The Minister may give notice of any such order in such manner as he deems expedient. R.S.O. 1950, c. 277, s. 25 (2).

Revocation or amendment

(4) The Minister may, by order, revoke or amend any order made under subsection 1. 1952, c. 75, s. 10.

Penalty

(5) Every person who contravenes an order of the Minister made under this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 25 (3).

Application for approval of subdivision plans

26.—(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. R.S.O. 1950, c. 277, s. 26 (1); 1954, c. 71, s. 11.

What draft plan to indicate

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,

- (a) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (b) on a small key plan, on a scale of not less than one inch to 1,000 feet, all of the land adjacent to the proposed subdivision which is owned by the applicant or in which the applicant has an interest, and the information specified under clause *c*;

- (c) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (d) the purpose for which the lots are to be used;
- (e) the nature of the existing uses of adjoining land;
- (f) the approximate dimensions and layouts of the proposed lots;
- (g) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided;
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided. R.S.O. 1950, c. 277, s. 26 (2); 1953, c. 80, s. 7; *amended*.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements. R.S.O. 1950, c. 277, s. 26 (3). Minister to confer

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following: What matters to be regarded

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

- (b) whether the proposed subdivision is premature or necessary in the public interest;
- (c) the suitability of the land for the purposes for which it is to be subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services;
- (i) adequacy of school sites;
- (j) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes. R.S.O. 1950, c. 277, s. 26 (4), *amended*.

Dedication
of land
for public
and highway
purposes

(5) The Minister may impose as a condition to the approval of a plan of subdivision,

- (a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for public purposes other than highways or, if the land is not in a municipality, shall be dedicated for public purposes other than highways;
- (b) that such highways shall be dedicated as the Minister deems necessary; and
- (c) when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister deems necessary. R.S.O. 1950, c. 277, s. 26 (5); 1952, c. 75, s. 11 (1), *amended*.

(6) Where the land is in a municipality and an official plan, indicating the amount and location of the land to be ultimately provided for public purposes, is in effect in the municipality, the Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of 5 per cent of the land included in the subdivision. 1952, c. 75, s. 11 (2), *part, amended*. ^{Cash payment in lieu of conveyance}

(7) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister. 1952, c. 75, s. 11 (2), *part*. ^{Use and sale of land}

(8) All moneys received by the municipality under subsection 6, and all moneys received on the sale of land under subsection 7, shall be paid into a special account and the moneys in such special account shall be expended only for the purchase, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account. 1952, c. 75, s. 11 (2), *part, amended*. ^{Special account} ^{Rev. Stat., c. 400}

(9) Upon settlement of the draft plan, the Minister may give his approval thereto, and may in his discretion withdraw his approval or change the conditions of approval at any time prior to his approval of a final plan for registration. R.S.O. 1950, c. 277, s. 26 (6), *amended*. ^{Approval of draft plan by Minister}

(10) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor. R.S.O. 1950, c. 277, s. 26 (7). ^{When draft plan approved} ^{Rev. Stat., cc. 381, 336, 197}

(11) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration. R.S.O. 1950, c. 277, s. 26 (8), *amended*. ^{Approval of plan by Minister}

(12) When a final plan for registration is approved by the Minister under subsection 11 and is not registered within one month of the date of approval, the Minister may withdraw his approval and may require that a new application be submitted. ^{Withdrawal of approval of plan for registration}

Duplicates
to be
deposited
and sent to
Minister
Rev. Stat.,
cc. 336, 197

(13) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Saving

(14) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act. R.S.O. 1950, c. 277, s. 26 (9-11).

Penalty
for certain
land sales

27. Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 27.

PART III

GENERAL

Right to
restrain

28. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 15 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 25 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality. R.S.O. 1950, c. 277, s. 28.

Reference
to Municipal
Board

29.—(1) When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Municipal Board in which case the approval or consent, as the case may be, of the Municipal Board shall have the same force and effect as if it were the approval or consent of the Minister. R.S.O. 1950, c. 277, s. 29 (1), *amended*.

Effect of
approval

(2) When under this Act the approval or consent of the Minister is given, the signature of the Minister or the seal of the Municipal Board, as the case may be, by which the

approval or consent is evidenced shall be conclusive evidence that the provisions of this Act leading to such approval or consent have been complied with. R.S.O. 1950, c. 277, s. 29 (2), *amended*.

30. In the event of conflict between the provisions of this Conflict and any other general or special Act, the provisions of this Act shall prevail. R.S.O. 1950, c. 277, s. 30.

31. *The Planning Act, The Planning Amendment Act, 1951, The Planning Amendment Act, 1952, The Planning Amendment Act, 1953 and The Planning Amendment Act, 1954* are repealed. Rev. Stat., c. 277; 1951, c. 65; 1952, c. 75; 1953, c. 80; 1954, c. 71, repealed ■■

32. This Act comes into force on the 1st day of July, 1955. Commence-
ment

33. This Act may be cited as *The Planning Act, 1955*. Short title







BILL

The Planning Act, 1955

1st Reading

March 17th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. WARRENDER

No. 108

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Housing Development Act

MR. WARRENDER

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

EXPLANATORY NOTE

This Bill incorporates into *The Housing Development Act*, without change in principle, the provisions respecting housing formerly contained in *The Planning Act* and which are omitted from that Act in *The Planning Act, 1955* (Bill No. 107).

BILL

An Act to amend The Housing Development Act

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

1. *The Housing Development Act* is amended by adding thereto the following sections: Rev. Stat., c. 174, amended
12. In sections 13 and 14, "housing project" means a project designed to provide housing accommodation, or to facilitate in any way the provision of housing accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto. Interpretation
- 13.—(1) For the purpose of a housing project, a municipality, with the approval of the Minister of Planning and Development, may, Acquisition of lands for housing projects
- (a) acquire land within the municipality;
- (b) hold land heretofore or hereafter acquired within the municipality;
- (c) sell, lease or otherwise dispose of land so acquired or held for a nominal or other consideration to any person or governmental authority having power to undertake housing projects.
- (2) For the purpose of a housing project, a municipality, with the approval of the Minister of Planning and Development and of the council of the municipality in which the land is situate, may exercise any of the powers mentioned in subsection 1 in respect of land in an adjacent municipality. Adjacent municipality
- (3) The provisions of *The Municipal Act* apply to the acquisition of land under this section. Application of Rev. Stat., c. 243

Exchange
of lands

- (4) When a municipality acquires land under this section, the whole or part of the consideration therefor may be land then owned by the municipality.

Power to
clear,
grade, etc.

- (5) When a municipality has acquired or holds lands under this section, the municipality may clear, grade or otherwise prepare the land for the purpose of the housing project.

Agreements
re housing
projects

14. A municipality, with the approval of the Minister of Planning and Development,

(a) may enter into an agreement with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of a housing project;

(b) may enter into an agreement with any person or governmental authority undertaking a housing project, to provide that certain specified uses of land in a specified area surrounding or adjacent to the project will be maintained for the period specified in the agreement.

Temporary
housing
projects

15. To relieve any emergency in housing conditions, a municipality, with the approval of the Minister of Planning and Development, may erect, maintain, manage and wind up projects for temporary housing accommodation either within or outside the municipality.

Commence-
ment

2. This Act comes into force on the 1st day of July, 1955.

Short title

3. This Act may be cited as *The Housing Development Amendment Act, 1955*.







BILL

An Act to amend
The Housing Development Act

1st Reading

March 17th, 1955

2nd Reading

3rd Reading

MR. WARRENDER

1955

No. 108

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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tation

13.—(1) For the purpose of a housing project, a municipality, with the approval of the Minister of Planning and Development, may, Acquisition
of lands for
housing
projects

(a) acquire land within the municipality;

(b) hold land heretofore or hereafter acquired within the municipality;

(c) sell, lease or otherwise dispose of land so acquired or held for a nominal or other consideration to any person or governmental authority having power to undertake housing projects.

(2) For the purpose of a housing project, a municipality, with the approval of the Minister of Planning and Development and of the council of the municipality in which the land is situate, may exercise any of the powers mentioned in subsection 1 in respect of land in an adjacent municipality. Adjacent
municipality

(3) The provisions of *The Municipal Act* apply to the acquisition of land under this section. Application
of Rev. Stat.,
c. 243

Exchange
of lands

(4) When a municipality acquires land under this section, the whole or part of the consideration therefor may be land then owned by the municipality.

Power to
clear,
grade, etc.

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Agreements
re housing
projects

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(a) may enter into an agreement with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of a housing project;

(b) may enter into an agreement with any person or governmental authority undertaking a housing project, to provide that certain specified uses of land in a specified area surrounding or adjacent to the project will be maintained for the period specified in the agreement.

Temporary
housing
projects

15. To relieve any emergency in housing conditions, a municipality, with the approval of the Minister of Planning and Development, may erect, maintain, manage and wind up projects for temporary housing accommodation either within or outside the municipality.

Commence-
ment

2. This Act comes into force on the 1st day of July, 1955.

Short title

3. This Act may be cited as *The Housing Development Amendment Act, 1955*.







BILL

An Act to amend
The Housing Development Act

1st Reading

March 17th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. WARRENDER

No. 109

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend

The Ontario Municipal Improvement Corporation Act

MR. HAMILTON

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

EXPLANATORY NOTES

SECTION 1 and SECTION 2—Subsection 1. The amendments provide that the Corporation may buy debentures issued for school undertakings.

SECTION 2—Subsection 2. At present the Corporation is composed of three members. The amendment provides that the Corporation shall be composed of not less than three and not more than five members, and that *The Corporations Act, 1953* does not apply to the Corporation.

SECTION 2—Subsection 3. The amendment enables the Lieutenant-Governor in Council to provide for the remuneration of the members of the Corporation who are not civil servants of Ontario.

BILL

An Act to amend The Ontario Municipal Improvement Corporation Act

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

1. *The Ontario Municipal Improvement Corporation Act* Rev. Stat., c. 263, is amended by renumbering section 1 as section 1a and by amended adding thereto the following section:

1. In this Act, "municipality" means a county, city, Interpreta- town, village, township, improvement district or tion school board, and "municipal" has a corresponding meaning.

2.—(1) Subsection 1 of section 1a of *The Ontario Municipal Improvement Corporation Act*, as renumbered by section 1 of Rev. Stat., c. 263, s. 1a, this Act, is amended by adding thereto the following clause:

(e) school board undertakings.

(2) Subsection 2 of the said section 1a is repealed and Rev. Stat., c. 263, s. 1a, the following substituted therefor: subs. 2, re-enacted

(2) The Ontario Municipal Improvement Corporation, Membership hereinafter called the Corporation, shall be composed of not less than three and not more than five members appointed by the Lieutenant-Governor in Council.

(2a) *The Corporations Act, 1953* does not apply to the Application of 1953, c. 19 Corporation.

(3) Subsection 3 of the said section 1a is amended by Rev. Stat., c. 263, s. 1a, striking out the word "three" in the first line, so that the sub- subs. 3, amended section shall read as follows:

(3) The members for the time being of the Corporation Board of Directors shall form and be its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board.

Rev. Stat.,
c. 263, s. 1a,
amended (4) The said section 1a is amended by adding thereto the following subsection:

Remunera-
tion (6) The Corporation may pay such of its members as are not officers in the public service of Ontario such remuneration and expense allowance as are from time to time fixed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 263, s. 3,
amended **3.** Section 3 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the section shall read as follows:

Debentures
to be
redeemable
before
maturity 3. Every debenture issued by the Corporation may be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

Commence-
ment **4.** This Act comes into force on the day it receives Royal Assent.

Short title **5.** This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1955.*

SECTION 3. To conform to amendments to *The Financial Administration Act, 1954*.





BILL

An Act to amend The Ontario Municipal
Improvement Corporation Act

1st Reading

March 17th, 1955

2nd Reading

3rd Reading

MR. HAMILTON

No. 109

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend
The Ontario Municipal Improvement Corporation Act

MR. HAMILTON

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



BILL

An Act to amend The Ontario Municipal Improvement Corporation Act

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

1. *The Ontario Municipal Improvement Corporation Act* Rev. Stat., c. 263, amended is amended by renumbering section 1 as section 1a and by adding thereto the following section:

1. In this Act, "municipality" means a county, city, town, village, township, improvement district or school board, and "municipal" has a corresponding meaning. Interpretation

2.—(1) Subsection 1 of section 1a of *The Ontario Municipal Improvement Corporation Act*, as renumbered by section 1 of this Act, is amended by adding thereto the following clause: Rev. Stat., c. 263, s. 1a, amended

(e) school board undertakings.

(2) Subsection 2 of the said section 1a is repealed and the following substituted therefor: Rev. Stat., c. 263, s. 1a, subs. 2, re-enacted

(2) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, shall be composed of not less than three and not more than five members appointed by the Lieutenant-Governor in Council. Membership!

(2a) *The Corporations Act, 1953* does not apply to the Corporation. Application of 1953, c. 19

(3) Subsection 3 of the said section 1a is amended by striking out the word "three" in the first line, so that the subsection shall read as follows: Rev. Stat., c. 263, s. 1a, subs. 3, amended

(3) The members for the time being of the Corporation shall form and be its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board. Board of Directors

Rev. Stat.,
c. 263, s. 1a,
amended (4) The said section 1a is amended by adding thereto the following subsection:

Remunera-
tion

(6) The Corporation may pay such of its members as are not officers in the public service of Ontario such remuneration and expense allowance as are from time to time fixed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 263, s. 3,
amended

3. Section 3 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the section shall read as follows:

Debentures
to be
redeemable
before
maturity

3. Every debenture issued by the Corporation may be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

Commence-
ment

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

Short title

5. This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1955*.







BILL

An Act to amend The Ontario Municipal
Improvement Corporation Act

1st Reading

March 17th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. HAMILTON

No. 110

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Hospitals Tax Act

MR. HAMILTON

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

EXPLANATORY NOTES ·

GENERAL. The main purpose of this bill is:

1. To reduce the tax on admission to places of amusement and entertainment from $12\frac{1}{2}$ per cent to 10 per cent of the price of admission.
2. To raise the price of admission on which no tax shall be charged from 15 cents to 25 cents.

Other amendments are made to conform with administrative changes in the Treasury Department and to strengthen the collection provisions of the Act.

SECTION 1. The office of the Controller of Revenue has been changed to Comptroller of Revenue.

SECTION 2—Subsection 1. See note to section 1 of the bill.

Subsection 2. The Comptroller is substituted for the Treasurer as the person empowered to grant hospitals tax licences

Subsection 3. The Comptroller takes the place of the Treasurer as the person empowered to refuse to grant a licence or to suspend or cancel a licence in certain circumstances. The provision for a licensee or a prospective licensee to be heard by the Comptroller before a refusal, suspension or cancellation is made, is new.

BILL

An Act to amend The Hospitals 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 *b* of section 1 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 1,
cl. *b*, re-
enacted

(*b*) "Comptroller" means Comptroller of Revenue.

2.—(1) Subsection 3 of section 2 of *The Hospitals Tax Act* is amended by striking out the word "Controller" in the second line and inserting in lieu thereof the word "Comptroller".

Rev. Stat.,
c. 170, s. 2,
subs. 3,
amended

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

Rev. Stat.,
c. 170, s. 2,
subs. 4, re-
enacted

(4) Subject to clause *a* of subsection 6, the licence shall be granted by the Comptroller upon payment of \$1 by the owner to the Treasurer for the use of Her Majesty in right of Ontario.

Granting
of licences

(3) Subsection 6 of the said section 2 is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 2,
subs. 6,
re-enacted

(6) The Comptroller may,

Refusal or
cancellation
of
licences

(*a*) refuse to issue a licence to any owner; or

(*b*) suspend or cancel the licence of any owner if such owner or any of his employees contravenes any of the provisions of this Act,

but before a refusal, suspension or cancellation is made the owner shall be afforded an opportunity to appear before the Comptroller to show cause why the issuance of a licence should not be refused or why the licence should not be suspended or cancelled, as the case may be.

Rev. Stat.,
c. 170, s. 3
(1951,
c. 36, s. 2),
re-enacted

3. Section 3 of *The Hospitals Tax Act*, as re-enacted by section 2 of *The Hospitals Tax Amendment Act, 1951*, is repealed and the following substituted therefor:

Tax on
admission
to places of
amusement

3.—(1) Every purchaser of admission to a place of amusement shall pay to the Treasurer for the use of Her Majesty in right of Ontario a tax on the price of admission as follows:

Price of Admission	Tax
More than 25 cents and not more than 34 cents	— 3 cents
" " 34 " " " " " "	46 " — 4 "
" " 46 " " " " " "	53 " — 5 "
" " 53 " " " " " "	62 " — 6 "
" " 62 " " " " " "	74 " — 7 "
" " 74 " " " " " "	84 " — 8 "
" " 84 " " " " " "	94 " — 9 "

and where the price of admission is more than 94 cents, a tax at the rate of 10 per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Tax on
admission
to places of
entertain-
ment

(2) Every purchaser of admission to a place of entertainment shall pay to the Treasurer for the use of Her Majesty in right of Ontario,

(a) a tax at the rate of 10 per cent calculated upon the price of admission where such price is less than \$10; and

(b) a tax of \$1 where such price is \$10 or more,

and in the calculation under clause a, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Rev. Stat.,
c. 170, s. 4,
amended

4. Section 4 of *The Hospitals Tax Act* is amended by adding thereto the following subsections:

Trust
moneys

(3) Every owner shall be deemed to hold all amounts collected under this Act in trust for Her Majesty.

Idem

(4) All amounts collected by an owner under this Act shall be kept separate and apart from his own moneys.

Surety
bond

(5) The Treasurer may require any owner to furnish a surety bond on such terms and conditions and in such amount as the Treasurer deems appropriate.

SECTION 3. The exemption from tax of a price of admission is raised from 15 cents to 25 cents and the rate of tax on prices over 25 cents is reduced to the number of cents nearest to 10 per cent of the price of admission.

SECTION 4. These provisions are new. They are self-explanatory.

SECTION 5—Subsection 1. See note to section 1 of the bill.

Subsection 2. This exemption is new.

SECTION 6. This section permits the Comptroller to require the filing of a return in certain cases before the tenth day of the month following that during which the tax to be reported in the return was collected.

SECTION 7—Subsection 1. See notes to sections 1 and 6 of the bill.

5.—(1) Subsection 2 of section 8 of *The Hospitals Tax Act* Rev. Stat., c. 170, s. 8, subs. 2, amended is amended by striking out the word “Controller” in the seventh line and inserting in lieu thereof the word “Comptroller”.

(2) The said section 8 is amended by adding thereto the following subsection: Rev. Stat., c. 170, s. 8, amended

- (3) Where application of the owner is made to the Treasurer at least ten days before the tax would otherwise be payable and the Treasurer is satisfied that the performers in a theatrical or musical performance in a place of amusement are residents of Canada performing under the management of a person resident in Canada and that the performance will not be presented with the showing of a motion picture or with a carnival, circus, side-show, menagerie, rodeo, exhibition, horse race, athletic contest or other performance, the Treasurer may, in his absolute discretion, exempt the purchaser from the payment and the owner from the collection of the tax imposed under this Act. Canadian performances

6. Subsection 1 of section 9 of *The Hospitals Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 170, s. 9, subs. 1, re-enacted

- (1) Every owner shall, as agent of the Treasurer, Returns
- (a) on or before the tenth day of each month, without notice or demand; or
- (b) on or before the day designated in the demand of the Comptroller served on the owner by hand or by registered post,

deliver to the Comptroller such return as is required for the purpose of carrying out this Act.

7.—(1) Subsection 5 of section 10 of *The Hospitals Tax Act* Rev. Stat., c. 170, s. 10, subs. 5, amended is amended by striking out the word “monthly” in the second line and by striking out the word “Controller” in the second line and inserting in lieu thereof the word “Comptroller”, so that the subsection shall read as follows:

- (5) When any owner fails to complete the information required in the return to be delivered to the Comptroller under subsection 1 of section 9, such owner shall be liable to a penalty of 1 per cent of the tax collectable by him; provided that in no case shall such penalty be less than \$1 or more than \$20. Penalty for failure to complete return

Rev. Stat.,
c. 170, s. 10,
amended (2) The said section 10 is amended by adding thereto the following subsection:

Penalty for
failure to
keep moneys
apart

(6a) Every owner who fails to comply with subsection 4 of section 4 is guilty of an offence and is liable, in addition to the remittance of the tax collectable, to a penalty equal to double the amount of the moneys collected and not kept separate and apart from his own moneys and in default of payment, to imprisonment for a term of three months.

Rev. Stat.,
c. 170, s. 12,
subs. 1,
amended

8. Subsection 1 of section 12 of *The Hospitals Tax Act* is amended by striking out the word "monthly" in the first line, so that the subsection shall read as follows:

Remittance
of tax

(1) Every owner shall remit with the return required by subsection 1 of section 9, the amount of the tax collectable by him as shown therein.

Rev. Stat.,
c. 170, s. 13,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 13 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

Demand for
additional
informa-
tion

(1) If the Comptroller, in order for him to make an accounting of the tax collectable by the owner under this Act or for any other purpose, desires any information or additional information, or a return from an owner who has not made a return or a complete or sufficient return, he may, by registered letter, demand from the owner or from the president, manager, secretary, or any director, agent or representative thereof, such information, additional information or return, and the owner, president, manager, secretary, or any director, agent or representative upon whom the demand is made shall deliver to the Comptroller the information, additional information or return within the time specified in the registered letter.

Rev. Stat.,
c. 170, s. 13,
subs. 2, 3,
5, 7, 8,
amended

(2) The said section 13 is amended by striking out the word "Controller" where it occurs in the first line of subsection 2, the third line of subsection 3, the third line of subsection 5, the second and third lines and the fourth line of subsection 7 and the first and second lines of subsection 8, respectively, and inserting in lieu thereof, in each instance, the word "Comptroller".

Commence-
ment

10. This Act comes into force on the 1st day of April, 1955.

Short title

11. This Act may be cited as *The Hospitals Tax Amendment Act, 1955*.

Subsection 2. Provides for a penalty when an amusement operator fails to keep separate and apart from his own moneys the tax moneys he collects under the Act.

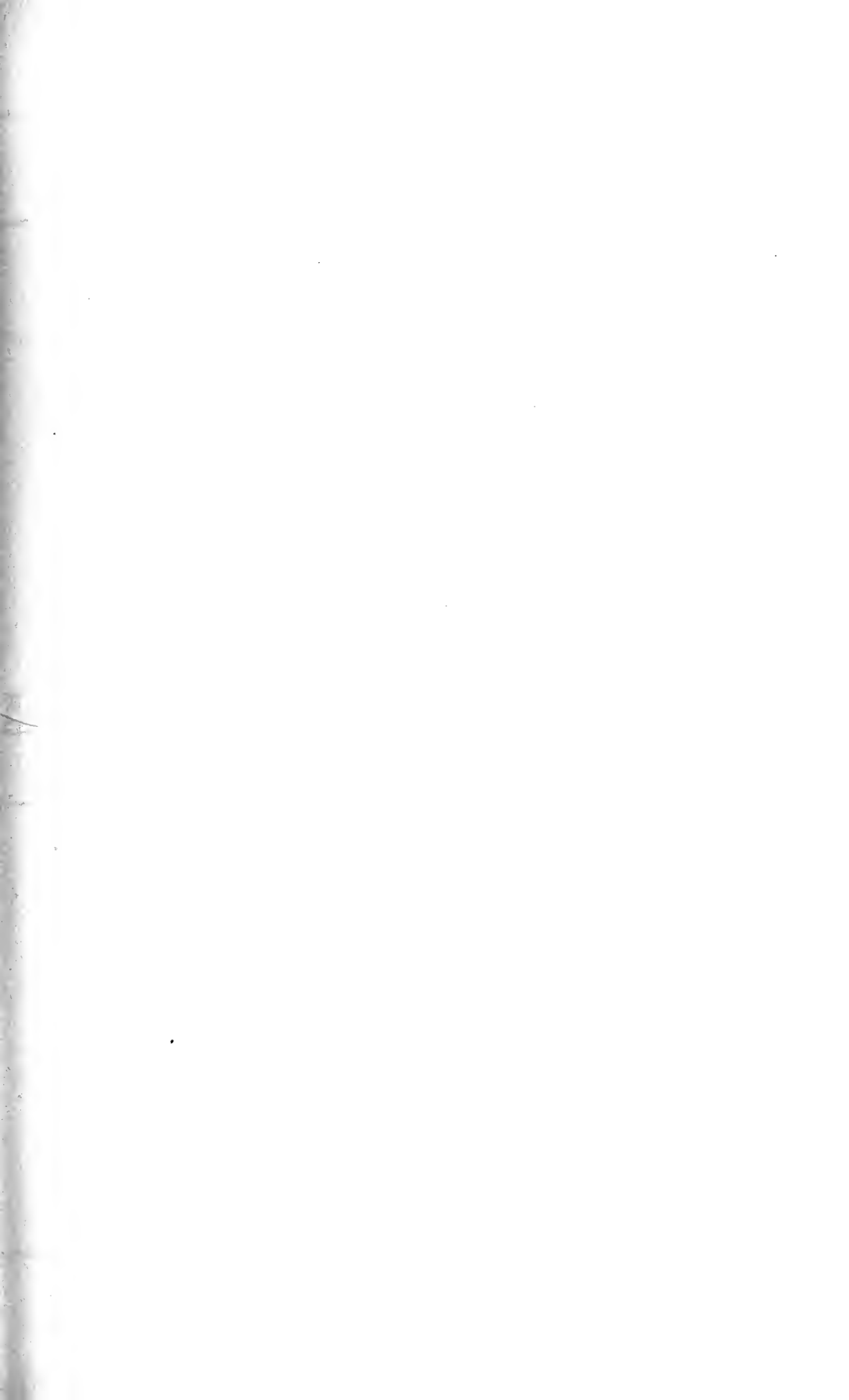
SECTION 8. See note to section 6 of the bill.

SECTION 9—Subsection 1. This permits the Comptroller to require the filing of a special return of information within a shorter period than the 30 days now provided.

Subsection 2. See note to section 1 of the bill.

SECTION 10. The changes effected by the bill are brought into force at the commencement of the fiscal year.





BILL

An Act to amend
The Hospitals Tax Act

1st Reading

March 17th, 1955

2nd Reading

3rd Reading

MR. HAMILTON

No. 110

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Hospitals Tax Act

MR. HAMILTON

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



BILL

An Act to amend The Hospitals 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 *b* of section 1 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 1,
cl. *b*, re-
enacted

(*b*) "Comptroller" means Comptroller of Revenue.

2.—(1) Subsection 3 of section 2 of *The Hospitals Tax Act* is amended by striking out the word "Controller" in the second line and inserting in lieu thereof the word "Comptroller".

Rev. Stat.,
c. 170, s. 2,
subs. 3,
amended

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

Rev. Stat.,
c. 170, s. 2,
subs. 4, re-
enacted

(4) Subject to clause *a* of subsection 6, the licence shall be granted by the Comptroller upon payment of \$1 by the owner to the Treasurer for the use of Her Majesty in right of Ontario.

Granting
of licences

(3) Subsection 6 of the said section 2 is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 2,
subs. 6,
re-enacted

(6) The Comptroller may,

Refusal or
cancellation
of
licences

(*a*) refuse to issue a licence to any owner; or

(*b*) suspend or cancel the licence of any owner if such owner or any of his employees contravenes any of the provisions of this Act,

but before a refusal, suspension or cancellation is made the owner shall be afforded an opportunity to appear before the Comptroller to show cause why the issuance of a licence should not be refused or why the licence should not be suspended or cancelled, as the case may be.

Rev. Stat.,
c. 170, s. 3
(1951,
c. 36, s. 2),
re-enacted

3. Section 3 of *The Hospitals Tax Act*, as re-enacted by section 2 of *The Hospitals Tax Amendment Act, 1951*, is repealed and the following substituted therefor:

Tax on
admission
to places of
amusement

3.—(1) Every purchaser of admission to a place of amusement shall pay to the Treasurer for the use of Her Majesty in right of Ontario a tax on the price of admission as follows:

Price of Admission		Tax
More than 25 cents and not more than 34 cents	—	3 cents
" " 34 " " " " " "	46	" — 4 "
" " 46 " " " " " "	53	" — 5 "
" " 53 " " " " " "	62	" — 6 "
" " 62 " " " " " "	74	" — 7 "
" " 74 " " " " " "	84	" — 8 "
" " 84 " " " " " "	94	" — 9 "

and where the price of admission is more than 94 cents, a tax at the rate of 10 per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Tax on
admission
to places of
entertain-
ment

(2) Every purchaser of admission to a place of entertainment shall pay to the Treasurer for the use of Her Majesty in right of Ontario,

(a) a tax at the rate of 10 per cent calculated upon the price of admission where such price is less than \$10; and

(b) a tax of \$1 where such price is \$10 or more,

and in the calculation under clause *a*, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Rev. Stat.,
c. 170, s. 4,
amended

4. Section 4 of *The Hospitals Tax Act* is amended by adding thereto the following subsections:

Trust
moneys

(3) Every owner shall be deemed to hold all amounts collected under this Act in trust for Her Majesty.

Idem

(4) All amounts collected by an owner under this Act shall be kept separate and apart from his own moneys.

Surety
bond

(5) The Treasurer may require any owner to furnish a surety bond on such terms and conditions and in such amount as the Treasurer deems appropriate.

5.—(1) Subsection 2 of section 8 of *The Hospitals Tax Act* is amended by striking out the word "Controller" in the seventh line and inserting in lieu thereof the word "Comptroller". Rev. Stat., c. 170, s. 8, subs. 2, amended

(2) The said section 8 is amended by adding thereto the following subsection: Rev. Stat., c. 170, s. 8, amended

(3) Where application of the owner is made to the Treasurer at least ten days before the tax would otherwise be payable and the Treasurer is satisfied that the performers in a theatrical or musical performance in a place of amusement are residents of Canada performing under the management of a person resident in Canada and that the performance will not be presented with the showing of a motion picture or with a carnival, circus, side-show, menagerie, rodeo, exhibition, horse race, athletic contest or other performance, the Treasurer may, in his absolute discretion, exempt the purchaser from the payment and the owner from the collection of the tax imposed under this Act. Canadian performances

6. Subsection 1 of section 9 of *The Hospitals Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 170, s. 9, subs. 1, re-enacted

- (1) Every owner shall, as agent of the Treasurer, Returns
- (a) on or before the tenth day of each month, without notice or demand; or
 - (b) on or before the day designated in the demand of the Comptroller served on the owner by hand or by registered mail,

deliver to the Comptroller such return as is required for the purpose of carrying out this Act.

7.—(1) Subsection 5 of section 10 of *The Hospitals Tax Act* is amended by striking out the word "monthly" in the second line and by striking out the word "Controller" in the second line and inserting in lieu thereof the word "Comptroller", so that the subsection shall read as follows: Rev. Stat., c. 170, s. 10, subs. 5, amended

- (5) When any owner fails to complete the information required in the return to be delivered to the Comptroller under subsection 1 of section 9, such owner shall be liable to a penalty of 1 per cent of the tax collectable by him; provided that in no case shall such penalty be less than \$1 or more than \$20. Penalty for failure to complete return

Rev. Stat.,
c. 170, s. 10,
amended (2) The said section 10 is amended by adding thereto the following subsection:

Penalty for
failure to
keep moneys
apart

(6a) Every owner who fails to comply with subsection 4 of section 4 is guilty of an offence and is liable, in addition to the remittance of the tax collectable, to a penalty equal to double the amount of the moneys collected and not kept separate and apart from his own moneys and in default of payment, to imprisonment for a term of three months.

Rev. Stat.,
c. 170, s. 12,
subs. 1,
amended

8. Subsection 1 of section 12 of *The Hospitals Tax Act* is amended by striking out the word "monthly" in the first line, so that the subsection shall read as follows:

Remittance
of tax

(1) Every owner shall remit with the return required by subsection 1 of section 9, the amount of the tax collectable by him as shown therein.

Rev. Stat.,
c. 170, s. 13,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 13 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

Demand for
additional
informa-
tion

(1) If the Comptroller, in order for him to make an accounting of the tax collectable by the owner under this Act or for any other purpose, desires any information or additional information, or a return from an owner who has not made a return or a complete or sufficient return, he may, by registered letter, demand from the owner or from the president, manager, secretary, or any director, agent or representative thereof, such information, additional information or return, and the owner, president, manager, secretary, or any director, agent or representative upon whom the demand is made shall deliver to the Comptroller the information, additional information or return within the time specified in the registered letter.

Rev. Stat.,
c. 170, s. 13,
subss. 2, 3,
5, 7, 8,
amended

(2) The said section 13 is amended by striking out the word "Controller" where it occurs in the first line of subsection 2, the third line of subsection 3, the third line of subsection 5, the second and third lines and the fourth line of subsection 7 and the first and second lines of subsection 8, respectively, and inserting in lieu thereof, in each instance, the word "Comptroller".

Commence-
ment

10. This Act comes into force on the 1st day of April, 1955.

Short title

11. This Act may be cited as *The Hospitals Tax Amendment Act, 1955*.



BILL

An Act to amend
The Hospitals Tax Act

1st Reading

March 17th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

Mr. HAMILTON

No. 111

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Fire Departments Act

MR. PORTER

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

EXPLANATORY NOTE

This new provision provides for the appointment of a single arbitrator to settle disputes in the circumstances stated.

BILL

An Act to amend The Fire Departments 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 Fire Departments Act* is amended by adding thereto the following subsection: Rev. Stat., c. 138, s. 6, amended

- (4) Where a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 4 or of a decision or award of a board of arbitration made under section 5, or where an allegation is made that the agreement or award has been violated, either of the parties may, after exhausting any grievance procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration, and if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney-General upon the request of either party, and the arbitrator shall hear and determine the difference or allegation and shall issue a decision and such decision is final and binding upon the parties. Single arbitrator

2. This Act may be cited as *The Fire Departments Amendment Act, 1955*. Short title

BILL

An Act to amend
The Fire Departments Act

1st Reading

March 18th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 111

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Fire Departments Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

An Act to amend The Fire Departments 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 Fire Departments Act* is amended by adding thereto the following subsection: Rev. Stat., c. 138, s. 6, amended

- (4) Where a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 4 or of a decision or award of a board of arbitration made under section 5, or where an allegation is made that the agreement or award has been violated, either of the parties may, after exhausting any grievance procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration, and if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney-General upon the request of either party, and the arbitrator shall hear and determine the difference or allegation and shall issue a decision and such decision is final and binding upon the parties. Single arbitrator

2. This Act may be cited as *The Fire Departments Amendment Act, 1955*. Short title

BILL

An Act to amend
The Fire Departments Act

1st Reading

March 18th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 112

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Conditional Sales Act

MR. PORTER

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

EXPLANATORY NOTE

The amendments are designed to clarify the Act with respect to contracts for the sale of rolling stock.

BILL

An Act to amend The Conditional Sales Act

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

1. Subsection 7 of section 2 of *The Conditional Sales Act* is repealed. Rev. Stat.,
c. 61, s. 2,
subs. 7,
repealed

2. *The Conditional Sales Act* is amended by adding thereto the following section: Rev. Stat.,
c. 61,
amended

2a.—(1) This Act does not apply to a contract for the sale of rolling stock by an incorporated company to a railway company if the contract or a copy of it is filed in the office of the Provincial Secretary within ten days from its execution. Rolling
stock

(2) A contract under subsection 1 may be discharged by filing in the office of the Provincial Secretary a certificate signed by the seller to the effect that all moneys due thereunder have been satisfied. Discharge

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

4. This Act may be cited as *The Conditional Sales Amendment Act, 1955*. Short title

BILL

An Act to amend
The Conditional Sales Act

1st Reading

March 18th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 112

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Conditional Sales Act

MR. PORTER

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

AN ACT TO
THE CONDITIONAL SALE ACT

BILL

An Act to amend The Conditional Sales Act

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

1. Subsection 7 of section 2 of *The Conditional Sales Act* Rev. Stat., c. 61, s. 2, subs. 7, repealed is repealed.

2. *The Conditional Sales Act* is amended by adding thereto the following section: Rev. Stat., c. 61, amended

2a.—(1) This Act does not apply to a contract for the sale of rolling stock by an incorporated company to a railway company if the contract or a copy of it is filed in the office of the Provincial Secretary within ten days from its execution. Rolling stock

(2) A contract under subsection 1 may be discharged by filing in the office of the Provincial Secretary a certificate signed by the seller to the effect that all moneys due thereunder have been satisfied. Discharge

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

4. This Act may be cited as *The Conditional Sales Amendment Act, 1955*. Short title

BILL

of
An Act to amend
The Conditional Sales Act

1st Reading

March 18th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

1955

No. 113

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting
Judges' Remuneration for Extra-judicial Services

MR. PORTER

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

EXPLANATORY NOTE

This Act is designed to complement the *Judges Act* (Canada).

BILL

An Act respecting Judges' Remuneration for Extra-judicial Services

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, "judge" means a judge within the meaning of the *Judges Act* (Canada). Interpretation
R.S.C. 1952,
c. 159
2. A judge may act as conciliator, arbitrator, referee or on a commission of inquiry pursuant to any Act of the Legislature or an agreement made thereunder Extra-judicial
services
authorized
3. Notwithstanding any statutory provision, regulation, rule, order or agreement, where a judge acts as a conciliator, arbitrator or referee he shall not receive any remuneration for his services other than such transportation and living allowance as the Lieutenant-Governor in Council may fix by general or special order. Remuneration
4. This Act shall be deemed to have come into force on the 1st day of January, 1955. Commencement
5. This Act may be cited as *The Extra-judicial Services Remuneration Act, 1955*. Short title

BILL

An Act respecting Judges' Remuneration
for Extra-judicial Services

1st Reading

March 18th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 113

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting
Judges' Remuneration for Extra-judicial Services

MR. PORTER

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



No. 113

1955

BILL

An Act respecting Judges' Remuneration for Extra-judicial Services

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, "judge" means a judge within the meaning of the *Judges Act* (Canada). Interpre-
tation
R.S.C. 1952,
c. 159
- 2.** A judge may act as conciliator, arbitrator, referee or on a commission of inquiry pursuant to any Act of the Legislature or an agreement made thereunder Extra-
judicial
services
authorized
- 3.** Notwithstanding any statutory provision, regulation, rule, order or agreement, where a judge acts as a conciliator, arbitrator or referee he shall not receive any remuneration for his services other than such transportation and living allowance as the Lieutenant-Governor in Council may fix by general or special order. Remunera-
tion
- 4.** This Act shall be deemed to have come into force on the 1st day of January, 1955. Commence-
ment
- 5.** This Act may be cited as *The Extra-judicial Services Remuneration Act, 1955*. Short title

BILL

An Act respecting Judges' Remuneration
for Extra-judicial Services

1st Reading

March 18th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

Mr. PORTER

No. 114

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Administration of Justice Expenses Act

MR. PORTER

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

EXPLANATORY NOTE

The mileage allowance of members of city and county boards of audit is increased from 5 cents to 10 cents a mile.

BILL

An Act to amend The Administration of Justice Expenses Act

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

1. Subsection 4 of section 23 of *The Administration of Justice Expenses Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the figures "10", so that the subsection shall read as follows:

- (4) The county and city councils may pay each member of the board such sum as they may respectively by by-law determine for his attendance at the audit and 10 cents for each mile necessarily travelled in going to and returning therefrom.

2. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1955*.

BILL

An Act to amend The Administration
of Justice Expenses Act

1st Reading

March 18th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 114

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Administration of Justice Expenses Act

MR. PORTER

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

101 PA

No. 114

1955

BILL

An Act to amend The Administration of Justice Expenses Act

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

1. Subsection 4 of section 23 of *The Administration of Justice Expenses Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the figures "10", so that the subsection shall read as follows:

(4) The county and city councils may pay each member of the board such sum as they may respectively by by-law determine for his attendance at the audit and 10 cents for each mile necessarily travelled in going to and returning therefrom.

2. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1955*.

BILL

An Act to amend The Administration
of Justice Expenses Act

1st Reading

March 18th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 115

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Probation Act

MR. PORTER

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

EXPLANATORY NOTE

The purpose of this bill is to clarify the responsibility for providing office accommodation for probation officers who serve not only a county but also a city or separated town in the county.

Heretofore section 371 of *The Municipal Act* has been relied upon but in order to remove doubts the matter is now covered expressly by the amendments contained in this bill.

BILL

An Act to amend The Probation 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 4 of *The Probation Act* is amended by adding at the end thereof the words “and every city and separated town shall, as part of the county for judicial purposes, bear and pay their just share or proportion of the cost of providing such accommodation”, so that the subsection shall read as follows:

(1) It shall be the duty of the council of any county for which a probation officer is appointed, to provide such office accommodation for the probation officer and his assistants as the regulations may require and every city and separated town shall, as part of the county for judicial purposes, bear and pay their just share or proportion of the cost of providing such accommodation.

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

(1a) If the council of a county and the council of a city or separated town are unable to agree as to the amount to be paid by the city or separated town under subsection 1, the amount shall be determined by arbitration under Part XVI of *The Municipal Act*.

2. This Act shall be deemed to have come into force on the 1st day of January, 1955.

3. This Act may be cited as *The Probation Amendment Act, 1955*.

BILL

An Act to amend The Probation Act

1st Reading

March 18th, 1955

2nd Reading

3rd Reading

MR. PORTER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Probation Act

MR. PORTER



BILL

An Act to amend The Probation 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 4 of *The Probation Act* Rev. Stat., c. 291, s. 4, subs. 1, amended is amended by adding at the end thereof the words “and every city and separated town shall, as part of the county for judicial purposes, bear and pay their just share or proportion of the cost of providing such accommodation”, so that the subsection shall read as follows:

(1) It shall be the duty of the council of any county for which a probation officer is appointed, to provide Office accommodation such office accommodation for the probation officer and his assistants as the regulations may require and every city and separated town shall, as part of the county for judicial purposes, bear and pay their just share or proportion of the cost of providing such accommodation.

(2) The said section 4 is amended by adding thereto the following subsection: Rev. Stat., c. 291, s. 4, amended

(1a) If the council of a county and the council of a city or separated town are unable to agree as to the amount to be paid by the city or separated town under subsection 1, the amount shall be determined by arbitration under Part XVI of *The Municipal Act*. Arbitration in case of disagreement Rev. Stat., c. 243

2. This Act shall be deemed to have come into force on the 1st day of January, 1955. Commencement

3. This Act may be cited as *The Probation Amendment Act, 1955*. Short title

BILL

An Act to amend The Probation Act

1st Reading

March 18th, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Highway Traffic Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

SECTION 1: Subsections 1, 3 and 6. At present driving lights and clearance lights on vehicles are only required to be visible for 200 feet. The amendment increases the distance to 500 feet. The new subsections 22a to 22c are self-explanatory.

Subsection 2. At present the front lamps on a motor vehicle are required to produce a driving light sufficient to render objects clearly discernible to the driver at a distance of 200 feet. The amendment increases the distance to 300 feet.

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) Subsection 1 of section 10 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1951*, is further amended by striking out the figures “200” in the tenth line and inserting in lieu thereof the figures “500”, so that the subsection shall read as follows:

Rev. Stat.,
c. 167, s. 10,
subs. 1,
amended

- (1) Whenever on a highway after dusk and before dawn, ^{Lamps} every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front which shall cast a white, green or amber coloured light only, and one on the back of the vehicle which shall cast from its face a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be.

(2) Subsection 2 of the said section 10 is amended by striking out the figures and word “200 hundred” in the seventh line and inserting in lieu thereof the figures “300”, so that the subsection shall read as follows:

Rev. Stat.,
c. 167, s. 10,
subs. 2,
amended

- (2) Lamps on the front of a motor vehicle shall be so ^{Driving lights} constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 300 feet ahead of the motor vehicle.

Rev. Stat.,
c. 167, s. 10,
subs. 5,
amended

(3) Subsection 5 of the said section 10 is amended by striking out the figures "200" in the eleventh line and inserting in lieu thereof the figures "500", so that the subsection shall read as follows:

Clearance
lamps
required
on wide
vehicles

(5) Whenever on a highway after dusk and before dawn, every motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 500 feet from the front or rear as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle.

Rev. Stat.,
c. 167, s. 10,
subs. 10,
re-enacted

(4) Subsection 10 of the said section 10 is repealed and the following substituted therefor:

Bicycles
and
tricycles,
lights on,
etc.

(10) Whenever on a highway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp and on the back thereof a red lighted lamp or reflector approved by the Department and in addition there shall be placed on the front forks thereof white reflective material and on the back thereof red reflective material covering a surface of not less than ten inches in length and one inch in width.

Rev. Stat.,
c. 167, s. 10,
amended

(5) The said section 10 is amended by adding thereto the following subsection:

Lights on
vehicles,
objects and
contrivances
over 96
inches in
width

(20a) Whenever on a highway after dusk and before dawn, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 96 inches, shall carry at the rear two lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle and such lamps or reflectors shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle.

Rev. Stat.,
c. 167, s. 10,
subs. 22,
re-enacted

(6) Subsection 22 of the said section 10 is repealed and the following substituted therefor:

Subsection 4. At present in addition to the lights required on a bicycle or tricycle a white surface not less than ten inches in length and two inches in width is required on the back. The amendment will require reflective material on the front and back.

Subsection 5. This provision is new and is self-explanatory.

SECTION 2. These provisions are new and are self-explanatory.

- (22) Subject to subsection 23, every vehicle other than a motor vehicle or a bicycle or a tricycle, when on a highway after dusk and before dawn, shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear or a lighted lamp showing white to the front and a lighted lamp showing red to the rear, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front and from the rear of the vehicle. Lights on all vehicles
- (22a) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system when on a highway after dusk and before dawn shall carry the lighted lamps required for motor vehicles under subsection 1. Lights on farm tractors
- (22b) On and after the 1st day of January, 1956, no person shall sell a new motor vehicle other than a motorcycle unless it is equipped with mechanical or electrical signalling devices that comply with clauses *g* and *h* of subsection 1 of section 41. Signalling devices required on new motor vehicles
- (22c) On and after the 1st day of July, 1956, every motor vehicle or combination of motor vehicle and trailer having a width at any part in excess of 80 inches or having a length in excess of 20 feet shall be equipped with mechanical or electrical signalling devices that comply with clauses *g* and *h* of subsection 1 of section 41. Signalling devices required on trucks, buses, etc.
- 2. The Highway Traffic Act** is amended by adding thereto the following sections: Rev. Stat., c. 167, amended
- 16a.—(1) No person shall drive a motor vehicle upon a highway with any sign, poster, or other non-transparent material or object placed on the windshield or on any window of such motor vehicle in such manner as will obstruct the driver's view of the highway or any intersecting highway. Signs, etc., on windows obstructing view prohibited
- (2) This section does not prevent the use of signs or markers required under this Act or any regulations made under this Act. Signs, etc., required by Act or regulations
-
- 20b. When a used motor vehicle is sold by a dealer in used motor vehicles, the dealer shall deliver to the purchaser a certificate of mechanical fitness. Dealer's certificate of mechanical fitness

chaser at the time of the sale a certificate of mechanical fitness signed by the dealer indicating whether or not the motor vehicle is in a safe condition to be operated upon a highway.

Rev. Stat.,
c. 167, s. 28,
subs. 2
(1954, c. 35,
s. 5, subs. 2),
amended

3.—(1) Subsection 2 of section 28 of *The Highway Traffic Act*, as re-enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954*, is amended by striking out the words “or village” in the first line and inserting in lieu thereof the words “village or township”, so that the subsection shall read as follows:

in public
parks

(2) The council of a city, town, village or township 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.

Rev. Stat.,
c. 167, s. 28,
amended

(2) The said section 28 is amended by adding thereto the following subsection:

in provincial
parks

(3a) The Lieutenant-Governor in Council may prescribe a lower rate of speed for motor vehicles driven in any provincial park.

Rev. Stat.,
c. 167, s. 29,
re-enacted

4. Section 29 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Careless
driving

29.—(1) Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and shall be liable to a penalty of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than three months, and in addition his licence or permit may be suspended for a period of not more than one year.

Crowding
driver's
seat

(2) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver shall be deemed to be driving carelessly within the meaning of this section.

Rev. Stat.,
c. 167, s. 34,
subs. 2, 3,
re-enacted

5. Subsections 2 and 3 of section 34 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Restriction
on weight
of vehicle
and load on
Class A
Highway

(2) Unless a special permit has been issued pursuant to section 35, no vehicle having a gross weight in excess

SECTION 3: Subsection 1. At present the council of a city, town or village and trustees of a police village may prescribe lower speed limits in public parks. This authority is extended to townships.

Subsection 2. Authority is given to the Lieutenant-Governor in Council to prescribe lower speed limits in provincial parks.

SECTION 4. The amendment increases the penalty for careless driving. At present the penalty is not less than \$5 and not more than \$100 or imprisonment for one month and suspension of licence for up to six months.

The section has been interpreted as creating two offences. The amendment makes it clear that the section only creates the one offence of careless driving.

SECTION 5. The amendments increase the permissible weights of certain vehicles on Class A Highways and Class B Highways.

SECTION 6: Subsections 1 and 2. At present the driver of a vehicle which has come to a full stop before entering a through highway has the right-of-way over drivers of vehicles on the through highway. The amendment will require him to yield the right-of-way to drivers of vehicles on the through highway who have entered the intersection or are approaching so close as to create an immediate hazard before he proceeds.

of the following shall be moved upon wheels, rollers or otherwise over or upon a Class A Highway:

- (a) The gross weight of a vehicle other than those mentioned in clauses *b*, *c* and *d* shall not exceed 28,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds. As to weight of other vehicles
- (b) The gross weight of a vehicle of three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant shall not exceed 38,000 pounds and the weight on one axle shall not exceed 16,000 pounds. As to weight upon three axles
- (c) When a conversion-unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in clause *b* is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 38,000 pounds. As to weight of conversion-unit and two-axle vehicle
- (d) The gross weight of a vehicle equipped wholly or in part with non-pneumatic tires shall not exceed 16,000 pounds and the weight upon one axle shall not exceed 12,000 pounds. As to weight on non-pneumatic tires
- (e) The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 28,000 pounds. As to weight of two-axled semi-trailers
- (3) Unless a special permit has been issued pursuant to section 35, no vehicle having a gross weight in excess of the following shall be moved upon wheels, rollers or otherwise over or upon a Class B Highway: Restrictions as to Class B Highway
- (a) The gross weight of a vehicle shall not exceed 22,000 pounds and the weight upon one axle shall not exceed 16,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 10,000 pounds. As to weight of vehicle and load

6.—(1) Subsection 1 of section 41 of *The Highway Traffic Act*, as amended by subsection 1 of section 6 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding at the commencement thereof the words "Subject to clause *a* of subsection 3", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 167, s. 41, subs. 1, amended

Right-of-way

- (1) Subject to clause *a* of subsection 3, 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.

Rev. Stat.,
c. 167, s. 41,
subs. 3, cl. *a*,
re-enacted

- (2) Clause *a* of subsection 3 of the said section 41 is repealed and the following substituted therefor:

- (a) The driver or operator of a vehicle who has come to a full stop, as required by this subsection, upon entering the through highway shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard and after having so yielded the right-of-way may proceed and the drivers or operators of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

Rev. Stat.,
c. 167, s. 41,
amended

- (3) The said section 41 is amended by adding thereto the following subsections:

Right-of-way on entering highway from private road

- (4a) The driver or operator of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

Driving to left of centre of highway under certain conditions prohibited

- (15a) No vehicle shall be driven or operated to the left of the centre of a highway designed for one or more lines of traffic in each direction,

(a) when approaching the crest of a grade or upon a curve in the highway or within 100 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; or

(b) when approaching within 100 feet of or traversing any intersection or level railway crossing, except where a left turn is to be made at an intersection;

provided this subsection shall not apply to a highway designated for the use of one-way traffic or to a

Subsection 3. These provisions are new and are self-explanatory.

Subsection 4. At present the driver or operator of a vehicle cannot pass another vehicle unless the highway is safely free from approaching traffic in front of and to the left of the vehicle to be passed. The amendment also requires that the highway be safely clear to the left of the passing vehicle of overtaking traffic.

Subsection 5. Self-explanatory.

SECTION 7. This provision is new and is self-explanatory.

highway divided into clearly marked lanes as provided in subsection 5.

(4) Subsection 16 of the said section 41 is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 41, subs. 16, re-enacted

(16) No person in charge of a vehicle shall pass or attempt to pass another vehicle going in the same direction on a highway unless the travelled portion of the highway, Passing vehicle going in same direction

(a) in front of and to the left of the vehicle to be passed is safely free from approaching traffic; and

(b) to the left of the vehicle passing or attempting to pass is safely free from overtaking traffic.

(5) The said section 41 is further amended by adding thereto the following subsection: Rev. Stat., c. 167, s. 41, amended

(19a) Where sidewalks are not provided on a highway, a pedestrian walking along or upon the highway, when practicable, shall walk on the left side of the highway facing traffic which may approach from the opposite direction. Pedestrians to walk on left side of highway

7. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 167, amended

41b.—(1) In this section, “school bus” means a motor vehicle used exclusively for the transportation of children to and from school and of such a type and design and colour and displaying such markings and having such equipment, lights and signalling devices as may be prescribed by the regulations made by the Lieutenant-Governor in Council. School bus, interpretation

(2) The Lieutenant-Governor in Council may make regulations prescribing the type, design and colour of the markings to be displayed on and the equipment, lights and signalling devices to be attached to or carried by a school bus. Regulations

(3) The driver or operator of a vehicle upon a highway outside a city, town, village, police village or built-up area upon overtaking a school bus which is stopped on the highway for the purpose of receiving or discharging school children shall stop the vehicle before reaching such school bus when there is in operation on the school bus a visual signal as required Duty of driver of vehicle

by the regulations and the driver or operator shall not proceed until the school bus resumes motion or is signalled by the driver of the school bus to proceed or the visual signals are no longer actuated.

Markings to be covered when children not being transported

- (4) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.

Rev. Stat., c. 167, s. 51, subs. 2, amended

8. Subsection 2 of section 51 of *The Highway Traffic Act* is amended by inserting after the word "vehicles" in the second line the words "or between motor vehicles and cars of electric or steam railways or other motor vehicles running only upon stationary rails", so that the subsection shall read as follows:

Application of section

- (2) This section shall not apply in case of a collision between motor vehicles or between motor vehicles and cars of electric or steam railways or other motor vehicles running only upon stationary rails on the highway nor to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger.

Rev. Stat., c. 167, s. 54, re-enacted

9. Section 54 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Intoxicated persons not to drive

54. The licence or permit, or in case the licensee is also the owner of the motor vehicle, then both the licence and permit, of a person who is convicted of an offence under section 222 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

1953-54, c. 51 (Can.)

- (a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;
- (b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence or permit or both shall remain suspended during such longer period.

SECTION 8. The onus of disproving negligence when loss or damage is sustained by reason of a motor vehicle is upon the owner or driver except in the case of a collision between motor vehicles. The amendment provides that the exception shall also apply in the case of a collision between motor vehicles and the cars of an electric or steam railway or other motor vehicle running only upon rails.

SECTION 9. The amendment changes the reference to sections of the Criminal Code to the corresponding sections in the new code, and increases the period of suspension of licence on a first offence from three months to six months and in the case of injury to a person or damage to property from six months to one year.

SECTION 10. The amendment provides for the suspension of the licence or permit of a person convicted of driving while his ability to drive was impaired.

SECTION 11. The amendment changes the reference to sections of the *Criminal Code* to the corresponding sections in the new Code.

SECTION 12. This amendment is complementary to the new section 101a in section 13 of the bill.

Section 13. At present when money is paid out of the Unsatisfied Judgment Fund the licence or permit of the judgment debtor is suspended and cannot be restored until the money is fully repaid. The amendment is to provide for payments of instalments and the restoration of the licence or permit when the judgment debtor is not in default.

10. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat.,
c. 167,
amended

54a. The licence or permit, or in case the licensee is also the owner of the motor vehicle, then both the licence and permit, of a person who is convicted of an offence under section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of three months, but where injury to or death of any person or damage to property occurred in connection with the offence, six months; provided that if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence or permit or both shall remain suspended during such longer period. Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

11. Clause *a* of subsection 1 of section 59 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 167, s. 59,
subs. 1, cl. 1a,
re-enacted

(a) a conviction under section 25 or 68 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or 1953-54,
c. 51 (Can.)

12. Section 101 of *The Highway Traffic Act* is amended by adding at the commencement thereof the words "Subject to section 101a", so that the section shall read as follows: Rev. Stat.,
c. 167, s. 101,
amended

101. Subject to section 101a, where the chauffeur's licence or operator's licence of any person, or the owner's permit of a motor vehicle registered in his name, has been suspended or cancelled under this Act, and the Minister has paid out of the Fund any amount in or towards satisfaction of a judgment or costs, or both, obtained against that person, the cancellation or suspension shall not be removed, nor the licence or permit restored, nor shall any new licence or permit be issued to such person until he has, Cancellation
or
suspension
of licence

(a) repaid in full to the Fund the amount paid out together with interest thereon at 4 per cent per annum from the date of such payment; and

(b) filed proof of his financial responsibility as required by Part XIII.

13. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat.,
c. 167,
amended

Restoration
of licence on
instalment
payments

101a.—(1) The Lieutenant-Governor in Council may make regulations providing for the restoration of the drivers' licences and owners' permits of persons indebted to the Fund who are making repayment to the Fund in instalments.

Instalment
payments
and con-
ditions to
restoration
of licence

(2) The regulations shall prescribe the classes of cases to which they shall apply, and shall provide for the manner of determining the amount of the instalment payments, the time and place of payment, and the terms and conditions, including proof of financial responsibility, of the restoration of the licences and permits.

Further
suspension

(3) Upon default of ten days duration occurring in the making of any such payment, all drivers' licences and owners' permits held by the person in default shall be deemed to be suspended.

Short title

14. This Act may be cited as *The Highway Traffic Amendment Act, 1955*.







BILL

An Act to amend
The Highway Traffic Act

1st Reading

March 18th, 1955

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

No. 116

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Highway Traffic Act

MR. ALLAN (Haldimand-Norfolk)

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) Subsection 1 of section 10 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1951*, is further amended by striking out the figures "200" in the tenth line and inserting in lieu thereof the figures "500", so that the subsection shall read as follows:

Rev. Stat.,
c. 167, s. 10,
subs. 1,
amended

- (1) Whenever on a highway after dusk and before dawn, ^{Lamps} every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front which shall cast a white, green or amber coloured light only, and one on the back of the vehicle which shall cast from its face a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be.

(2) Subsection 2 of the said section 10 is amended by striking out the figures and word "200 hundred" in the seventh line and inserting in lieu thereof the figures "300", so that the subsection shall read as follows:

Rev. Stat.,
c. 167, s. 10,
subs. 2,
amended

- (2) Lamps on the front of a motor vehicle shall be so ^{Driving} constructed, located, arranged and adjusted that ^{lights} when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 300 feet ahead of the motor vehicle.

Rev. Stat.,
c. 167, s. 10,
subs. 5,
amended

(3) Subsection 5 of the said section 10 is amended by striking out the figures "200" in the eleventh line and inserting in lieu thereof the figures "500", so that the subsection shall read as follows:

Clearance
lamps
required
on wide
vehicles

(5) Whenever on a highway after dusk and before dawn, every motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 500 feet from the front or rear as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle.

Rev. Stat.,
c. 167, s. 10,
subs. 10,
re-enacted

(4) Subsection 10 of the said section 10 is repealed and the following substituted therefor:

Bicycles
and
tricycles,
lights on,
etc.

(10) Whenever on a highway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp and on the back thereof a red lighted lamp or reflector approved by the Department and in addition there shall be placed on the front forks thereof white reflective material and on the back thereof red reflective material covering a surface of not less than ten inches in length and one inch in width.

Rev. Stat.,
c. 167, s. 10,
amended

(5) The said section 10 is amended by adding thereto the following subsection:

Lights on
vehicles,
objects and
contrivances
over 96
inches in
width

(20a) Whenever on a highway after dusk and before dawn, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 96 inches, shall carry at the rear two lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle and such lamps or reflectors shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle.

Rev. Stat.,
c. 167, s. 10,
subs. 22,
re-enacted

(6) Subsection 22 of the said section 10 is repealed and the following substituted therefor:

- (22) Subject to subsection 23, every vehicle other than a ^{Lights on} motor vehicle or a bicycle or a tricycle, when on a ^{all vehicles} highway after dusk and before dawn, shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear or a lighted lamp showing white to the front and a lighted lamp showing red to the rear, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front and from the rear of the vehicle.
- (22a) Every farm tractor and every self-propelled unit of ^{Lights on} farm equipment or implement of husbandry equipped ^{farm} with an electric lighting system when on a highway after dusk and before dawn shall carry the lighted lamps required for motor vehicles under subsection 1. ^{tractors}
- (22b) On and after the 1st day of January, 1956, no person shall sell a new motor vehicle other than a motor-cycle unless it is equipped with mechanical or electrical signalling devices that comply with clauses *g* and *h* of subsection 1 of section 41. ^{Signalling devices required on new motor vehicles}
- (22c) On and after the 1st day of July, 1956, every motor vehicle or combination of motor vehicle and trailer having a width at any part in excess of 80 inches or having a length in excess of 20 feet shall be equipped with mechanical or electrical signalling devices that comply with clauses *g* and *h* of subsection 1 of section 41. ^{Signalling devices required on trucks, buses, etc.}
- 2.** *The Highway Traffic Act* is amended by adding thereto ^{Rev. Stat., c. 167, amended} the following sections:
- 16a.—(1) No person shall drive a motor vehicle upon a ^{Signs, etc., on windows obstructing view prohibited} highway with any sign, poster, or other non-transparent material or object placed on the windshield or on any window of such motor vehicle in such manner as will obstruct the driver's view of the highway or any intersecting highway.
- (2) This section does not prevent the use of signs or markers required under this Act or any regulations made under this Act. ^{Signs, etc., required by Act or regulations}
-
- 20b. When a used motor vehicle is sold by a dealer in used motor vehicles, the dealer shall deliver to the pur- ^{Dealer's certificate of mechanical fitness}

chaser at the time of the sale a certificate of mechanical fitness signed by the dealer indicating whether or not the motor vehicle is in a safe condition to be operated upon a highway.

Rev. Stat.,
c. 167, s. 28,
subs. 2
(1954, c. 35,
s. 5, subs. 2),
amended

3.—(1) Subsection 2 of section 28 of *The Highway Traffic Act*, as re-enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954*, is amended by striking out the words “or village” in the first line and inserting in lieu thereof the words “village or township”, so that the subsection shall read as follows:

in public
parks

(2) The council of a city, town, village or township 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.

Rev. Stat.,
c. 167, s. 28,
amended

(2) The said section 28 is amended by adding thereto the following subsection:

in provincial
parks

(3a) The Lieutenant-Governor in Council may prescribe a lower rate of speed for motor vehicles driven in any provincial park.

Rev. Stat.,
c. 167, s. 29,
re-enacted

4. Section 29 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Careless
driving

29.—(1) Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and shall be liable to a penalty of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than three months, and in addition his licence or permit may be suspended for a period of not more than one year.

Crowding
driver's
seat

(2) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver shall be deemed to be driving carelessly within the meaning of this section.

Rev. Stat.,
c. 167, s. 34,
subs. 2, 3,
re-enacted

5. Subsections 2 and 3 of section 34 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Restriction
on weight
of vehicle
and load on
Class A
Highway

(2) Unless a special permit has been issued pursuant to section 35, no vehicle having a gross weight in excess

of the following shall be moved upon wheels, rollers or otherwise over or upon a Class A Highway:

- (a) The gross weight of a vehicle other than those mentioned in clauses *b*, *c* and *d* shall not exceed 28,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds. As to weight of other vehicles
- (b) The gross weight of a vehicle of three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant shall not exceed 38,000 pounds and the weight on one axle shall not exceed 16,000 pounds. As to weight upon three axles
- (c) When a conversion-unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in clause *b* is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 38,000 pounds. As to weight of conversion-unit and two-axle vehicle
- (d) The gross weight of a vehicle equipped wholly or in part with non-pneumatic tires shall not exceed 16,000 pounds and the weight upon one axle shall not exceed 12,000 pounds. As to weight on non-pneumatic tires
- (e) The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 28,000 pounds. As to weight of two-axled semi-trailers
- (3) Unless a special permit has been issued pursuant to section 35, no vehicle having a gross weight in excess of the following shall be moved upon wheels, rollers or otherwise over or upon a Class B Highway: Restrictions as to Class B Highway

- (a) The gross weight of a vehicle shall not exceed 22,000 pounds and the weight upon one axle shall not exceed 16,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 10,000 pounds. As to weight of vehicle and load

6.—(1) Subsection 1 of section 41 of *The Highway Traffic Act*, as amended by subsection 1 of section 6 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding at the commencement thereof the words "Subject to clause *a* of subsection 3", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 167, s. 41, subs. 1, amended

Right-of-way

- (1) Subject to clause *a* of subsection 3, 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.

Rev. Stat., c. 167, s. 41, subs. 3, cl. *a*, re-enacted

- (2) Clause *a* of subsection 3 of the said section 41 is repealed and the following substituted therefor:

- (a) The driver or operator of a vehicle who has come to a full stop, as required by this subsection, upon entering the through highway shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard and after having so yielded the right-of-way may proceed and the drivers or operators of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

Rev. Stat., c. 167, s. 41, amended

- (3) The said section 41 is amended by adding thereto the following subsections:

Right-of-way on entering highway from private road

- (4a) The driver or operator of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

.

Driving to left of centre of highway under certain conditions prohibited

- (15a) No vehicle shall be driven or operated to the left of the centre of a highway designed for one or more lines of traffic in each direction,

- (a) when approaching the crest of a grade or upon a curve in the highway or within 100 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; or

- (b) when approaching within 100 feet of or traversing any intersection or level railway crossing, except where a left turn is to be made at an intersection;

provided this subsection shall not apply to a highway designated for the use of one-way traffic or to a

highway divided into clearly marked lanes as provided in subsection 5.

(4) Subsection 16 of the said section 41 is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 41, subs. 16, re-enacted

(16) No person in charge of a vehicle shall pass or attempt to pass another vehicle going in the same direction on a highway unless the travelled portion of the highway, Passing vehicle going in same direction

(a) in front of and to the left of the vehicle to be passed is safely free from approaching traffic; and

(b) to the left of the vehicle passing or attempting to pass is safely free from overtaking traffic.

(5) The said section 41 is further amended by adding thereto the following subsection: Rev. Stat., c. 167, s. 41, amended

(19a) Where sidewalks are not provided on a highway, a pedestrian walking along or upon the highway, when practicable, shall walk on the left side of the highway facing traffic which may approach from the opposite direction. Pedestrians to walk on left side of highway

7. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 167, amended

41b.—(1) In this section, “school bus” means a motor vehicle used exclusively for the transportation of children to and from school and of such a type and design and colour and displaying such markings and having such equipment, lights and signalling devices as may be prescribed by the regulations made by the Lieutenant-Governor in Council. School bus, interpretation

(2) The Lieutenant-Governor in Council may make regulations prescribing the type, design and colour of the markings to be displayed on and the equipment, lights and signalling devices to be attached to or carried by a school bus. Regulations

(3) The driver or operator of a vehicle upon a highway outside a city, town, village, police village or built-up area upon overtaking a school bus which is stopped on the highway for the purpose of receiving or discharging school children shall stop the vehicle before reaching such school bus when there is in operation on the school bus a visual signal as required Duty of driver of vehicle

by the regulations and the driver or operator shall not proceed until the school bus resumes motion or is signalled by the driver of the school bus to proceed or the visual signals are no longer actuated.

Markings to be covered when children not being transported

- (4) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.

Rev. Stat., c. 167, s. 51, subs. 2, amended

8. Subsection 2 of section 51 of *The Highway Traffic Act* is amended by inserting after the word "vehicles" in the second line the words "or between motor vehicles and cars of electric or steam railways or other motor vehicles running only upon stationary rails", so that the subsection shall read as follows:

Application of section

- (2) This section shall not apply in case of a collision between motor vehicles or between motor vehicles and cars of electric or steam railways or other motor vehicles running only upon stationary rails on the highway nor to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger.

Rev. Stat., c. 167, s. 54, re-enacted

9. Section 54 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Intoxicated persons not to drive

54. The licence or permit, or in case the licensee is also the owner of the motor vehicle, then both the licence and permit, of a person who is convicted of an offence under section 222 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

1953-54, c. 51 (Can.)

- (a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;
- (b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence or permit or both shall remain suspended during such longer period.

10. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat.,
c. 167,
amended

54*a*. The licence or permit, or in case the licensee is also the owner of the motor vehicle, then both the licence and permit, of a person who is convicted of an offence under section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of three months, but where injury to or death of any person or damage to property occurred in connection with the offence, six months; provided that if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence or permit or both shall remain suspended during such longer period. Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

11. Clause *a* of subsection 1 of section 59 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 167, s. 59,
subs. 1, cl. *a*,
re-enacted

(*a*) a conviction under section 25 or 68 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or 1953-54,
c. 51 (Can.)

12. Section 101 of *The Highway Traffic Act* is amended by adding at the commencement thereof the words "Subject to section 101*a*", so that the section shall read as follows: Rev. Stat.,
c. 167, s. 101,
amended

101. Subject to section 101*a*, where the chauffeur's licence or operator's licence of any person, or the owner's permit of a motor vehicle registered in his name, has been suspended or cancelled under this Act, and the Minister has paid out of the Fund any amount in or towards satisfaction of a judgment or costs, or both, obtained against that person, the cancellation or suspension shall not be removed, nor the licence or permit restored, nor shall any new licence or permit be issued to such person until he has, Cancellat-
ion or
suspension
of licence

(*a*) repaid in full to the Fund the amount paid out together with interest thereon at 4 per cent per annum from the date of such payment; and

(*b*) filed proof of his financial responsibility as required by Part XIII.

13. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat.,
c. 167,
amended

Restoration
of licence on
instalment
payments

101a.—(1) The Lieutenant-Governor in Council may make regulations providing for the restoration of the drivers' licences and owners' permits of persons indebted to the Fund who are making repayment to the Fund in instalments.

Instalment
payments
and con-
ditions to
restoration
of licence

(2) The regulations shall prescribe the classes of cases to which they shall apply, and shall provide for the manner of determining the amount of the instalment payments, the time and place of payment, and the terms and conditions, including proof of financial responsibility, of the restoration of the licences and permits.

Further
suspension

(3) Upon default of ten days duration occurring in the making of any such payment, all drivers' licences and owners' permits held by the person in default shall be deemed to be suspended.

Short title

14. This Act may be cited as *The Highway Traffic Amendment Act, 1955*.







BILL

An Act to amend
The Highway Traffic Act

1st Reading

March 18th, 1955

2nd Reading

March 23rd, 1955

3rd Reading

March 30th, 1955

Mr. ALAN (Haldimand-Norfolk)

No. 117

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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

SECTION 1. The provision is broadened in order to promote efficiency, especially where the microfilming system is in effect.

SECTION 2. The cost of registration in a registry office of a mortgage or an assignment of a mortgage is increased from \$2.50 to \$3.50.

SECTION 3: Subsection 1. Where land is assured to a corporation, the assurance cannot be registered unless it is accompanied by an affidavit or statutory declaration to the effect that the assurance is not contrary to *The Mortmain and Charitable Uses Act*. At present this affidavit or declaration must be taken or made by an officer of the grantee corporation or by an attorney specially appointed for the purpose of executing assurances under a registered power of attorney. These requirements have caused some inconvenience as it is often necessary for the instrument to be forwarded to the grantee corporation for the required affidavit or declaration before the instrument can be registered. The affidavit required by *The Land Transfer Tax Act* may be taken by the solicitor for the grantee and a corresponding amendment is therefore being made to the provisions in *The Registry Act*.

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. Subsection 11 of section 21 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat., c. 336, s. 21, subs. 11, re-enacted

- (11) Where the Inspector finds it advisable for the proper despatch of business, he may by order in writing permit more than one registry book for a municipality to be in use at the same time or the entries from more than one municipality to be made in one registry book. Efficient use of books

2. Subsection 3 of section 48 of *The Registry Act*, as amended by section 5 of *The Registry Amendment Act, 1952*, is further amended by striking out the symbol and figures "\$2.50" in the amendment of 1952 and inserting in lieu thereof the symbol and figures "\$3.50", so that the subsection shall read as follows: Rev. Stat., c. 336, s. 48, subs. 3, amended

- (3) The fee payable for registration, not including more than four distinct parcels of land having a separate heading in the abstract index, shall be \$3.50, and for each additional parcel requiring entry to be made under a separate heading in the abstract index, five cents. Fee on registration

3.—(1) Subsection 2 of section 52a of *The Registry Act*, as enacted by section 8 of *The Registry Amendment Act, 1954*, is amended by inserting after the word "corporation" in the fifth line the words "or by the solicitor for the corporation", so that the subsection shall read as follows: Rev. Stat., c. 336, s. 52a, (1954, c. 83, s. 8), subs. 2, amended

- (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 solicitor for the Affidavit or declaration as to corporation's authority to acquire land

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*.

Rev. Stat.,
c. 241

Rev. Stat.,
c. 336, s. 52a
(1954, c. 83,
s. 8), subs. 4,
amended

(2) Subsection 4 of the said section 52a is amended by adding thereto the following clauses:

(d) a corporation all the shares of which are held by or in trust for the Crown in right of Canada or any province of Canada; or

(e) a board, commission or other body all the members of which are appointed by the Governor-General in Council or by the Lieutenant-Governor in Council; or

Rev. Stat.,
c. 96

(f) a municipality within the meaning of *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 336, s. 84,
amended

4. Section 84 of *The Registry Act*, as amended by section 12 of *The Registry Amendment Act, 1954*, is further amended by adding thereto the following subsection:

Where land
is Crown
land

(7a) Where the plan is a plan of Crown land, the original plan shall remain in the custody of the Crown and upon registration of such plan there shall be tendered to the registrar two duplicate originals and a true copy made by photographic film or blue print process approved by the Inspector and mounted on stiff pasteboard of good quality.

Rev. Stat.,
c. 336, s. 97,
cl. f,
amended

5.—(1) Clause f of section 97 of *The Registry Act* is amended by striking out the first sixteen lines and inserting in lieu thereof the following:

Abstracts
of title

(f) For an abstract of title to any specific parcel of land containing such particulars as to any number of registered instruments affecting the parcel as the applicant may require, a minimum fee of \$3 including the fee for search and certificate, and in addition, for each instrument that requires inspection, 10 cents.

Rev. Stat.,
c. 336, s. 97,
cl. h, re-
enacted

(2) Clause h of the said section 97 is repealed and the following substituted therefor:

Register-
ing plan

(h) For registration of a plan of subdivision, including all necessary entries connected therewith, \$8, but if the

Subsection 2. Section 52a provides that where land is assured to a corporation, the assurance cannot be registered by the Registrar of Deeds or the Master of Titles unless the assurance is accompanied by an affidavit by an officer of the corporation to the effect that the assurance to the corporation is not contrary to *The Mortmain and Charitable Uses Act*. Certain corporations, such as insurance companies, loan and trust companies, banks and Central Mortgage and Housing Corporation, are exempt from this requirement. This amendment extends the exemption to Crown corporations, Government boards and commissions and municipal corporations and local boards.

SECTION 4. Plans of subdivision are registered by tendering to the Registrar of Deeds the original plan, a duplicate original, and a true copy.

The new subsection, which provides an exception to this rule, will enable original plans of Crown lands to be retained in the custody of the Surveyor-General without interference with the practical requirements of registry offices.

SECTION 5: Subsection 1. The minimum fee for a Registrar's abstract of title is increased from \$2 to \$3 and the fee for inspecting documents made uniform at 10 cents each.

Subsection 2. The fee for registering the plan is increased from \$5 to \$8 and the fee for each lot in excess of twenty lots is increased from 5 cents to 10 cents.

Subsection 3. The fee is increased from \$1.50 to \$2.

Subsection 4. The Registrars of Deeds will be entitled to this fee for the service rendered.

SECTION 6. Self-explanatory.

SECTION 7. Self-explanatory.

plan embraces more than twenty lots, the registrar shall be allowed a fee of 10 cents for each lot in excess of twenty lots.

(3) Clause *s* of the said section 97 is amended by striking out the symbol and figures "\$1.50" and inserting in lieu thereof the symbol and figure "\$2", so that the clause shall read as follows:

(s) For registering letters of administration, \$2. Administra-
tion

(4) The said section 97 is amended by adding thereto the following clause:

(v) For entering notice of liability to taxation and forfeiture under *The Mining Tax Act*, 50 cents a lot. Notice of
liability
under
Rev. Stat.,
c. 237

6.—(1) Subsection 1 of section 107 of *The Registry Act* is amended by striking out the symbol and figures "\$4,000" in the second line and inserting in lieu thereof the symbol and figures "\$4,500", so that the subsection shall read as follows:

(1) Every registrar shall be entitled to retain to his own use in each year his net income up to \$4,500. Registrar's
emoluments

(2) Subsection 2 of the said section 107 is amended by striking out the symbol and figures "\$4,000" where they occur in the third line and in clause *a* respectively and inserting in lieu thereof the symbol and figures "\$4,500", so that the subsection shall read as follows:

(2) Subject to section 111 of this Act and to section 152 of *The Land Titles Act*, every registrar shall, of the net income of each year over \$4,500, pay to the treasurer of the county or city for which or for part of which he is registrar, the following percentages:

(a) On the excess over \$4,500 up to \$6,000, 50 per cent.

(b) On the excess over \$6,000, 90 per cent.

7. Form 8 of *The Registry Act* is amended by adding thereto the following alternative paragraph:

or where the instrument is microfilmed

I certify that the within.....
instrument is duly entered and registered in the Registry Office
for the Registry Division of.....at.....o'clock
of the.....day of....., 19....,
Number.....for the.....
of.....

Commence-
ment

8. Sections 2 and 5 shall come into force on the 1st day of July, 1955.

Short title

9. This Act may be cited as *The Registry Amendment Act, 1955*.







BILL,

An Act to amend The Registry Act

1st Reading

March 21st, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 117

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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

SECTION 1. The provision is broadened in order to promote efficiency, especially where the microfilming system is in effect.

SECTION 2: Subsection 1. Where land is assured to a corporation, the assurance cannot be registered unless it is accompanied by an affidavit or statutory declaration to the effect that the assurance is not contrary to *The Mortmain and Charitable Uses Act*. At present this affidavit or declaration must be taken or made by an officer of the grantee corporation or by an attorney specially appointed for the purpose of executing assurances under a registered power of attorney. These requirements have caused some inconvenience as it is often necessary for the instrument to be forwarded to the grantee corporation for the required affidavit or declaration before the instrument can be registered. The affidavit required by *The Land Transfer Tax Act* may be taken by the solicitor for the grantee and a corresponding amendment is therefore being made to the provisions in *The Registry Act*.

Subsection 2. Section 52a provides that where land is assured to a corporation, the assurance cannot be registered by the Registrar of Deeds or the Master of Titles unless the assurance is accompanied by an affidavit by an officer of the corporation to the effect that the assurance to the corporation is not contrary to *The Mortmain and Charitable Uses Act*. Certain corporations, such as insurance companies, loan and trust companies, banks and Central Mortgage and Housing Corporation, are exempt from this requirement. This amendment extends the exemption to Crown corporations, Government boards and commissions and municipal corporations and local boards.

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. Subsection 11 of section 21 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat., c. 336, s. 21, subs. 11, re-enacted

(11) Where the Inspector finds it advisable for the proper despatch of business, he may by order in writing permit more than one registry book for a municipality to be in use at the same time or the entries from more than one municipality to be made in one registry book. Efficient use of books

2.—(1) Subsection 2 of section 52a of *The Registry Act*, as enacted by section 8 of *The Registry Amendment Act, 1954*, is amended by inserting after the word "corporation" in the fifth line the words "or by the solicitor for the corporation", so that the subsection shall read as follows: Rev. Stat., c. 336, s. 52a, (1954, c. 83, s. 8), subs. 2, amended

(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 solicitor for 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 or declaration as to corporation's authority to acquire land

(2) Subsection 4 of the said section 52a is amended by adding thereto the following clauses: Rev. Stat., c. 336, s. 52a, (1954, c. 83, s. 8), subs. 4, amended

(d) a corporation all the shares of which are held by or in trust for the Crown in right of Canada or any province of Canada; or

(e) a board, commission or other body all the members of which are appointed by the Governor-General in Council or by the Lieutenant-Governor in Council; or

Rev. Stat.,
c. 96

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3. Section 84 of *The Registry Act*, as amended by section 12 of *The Registry Amendment Act, 1954*, is further amended by adding thereto the following subsection:

Where land
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(7a) Where the plan is a plan of Crown land, the original plan shall remain in the custody of the Crown and upon registration of such plan there shall be tendered to the registrar two duplicate originals and a true copy made by photographic film or blue print process approved by the Inspector and mounted on stiff pasteboard of good quality.

Rev. Stat.,
c. 336, s. 97,
cl. f,
amended

4.—(1) Clause *f* of section 97 of *The Registry Act* is amended by striking out the first sixteen lines and inserting in lieu thereof the following:

Abstracts
of title

(f) For an abstract of title to any specific parcel of land containing such particulars as to any number of registered instruments affecting the parcel as the applicant may require, a minimum fee of \$3 including the fee for search and certificate, and in addition, for each instrument that requires inspection, 10 cents.

Rev. Stat.,
c. 336, s. 97,
cl. h, re-
enacted

(2) Clause *h* of the said section 97 is repealed and the following substituted therefor:

Register-
ing plan

(h) For registration of a plan of subdivision, including all necessary entries connected therewith, \$8, but if the plan embraces more than twenty lots, the registrar shall be allowed a fee of 10 cents for each lot in excess of twenty lots.

Rev. Stat.,
c. 336, s. 97,
cl. s,
amended

(3) Clause *s* of the said section 97 is amended by striking out the symbol and figures "\$1.50" and inserting in lieu thereof the symbol and figure "\$2", so that the clause shall read as follows:

Administra-
tion

(s) For registering letters of administration, \$2.

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(4) The said section 97 is amended by adding thereto the following clause:

SECTION 3. Plans of subdivision are registered by tendering to the Registrar of Deeds the original plan, a duplicate original, and a true copy.

The new subsection, which provides an exception to this rule, will enable original plans of Crown lands to be retained in the custody of the Surveyor-General without interference with the practical requirements of registry offices.

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SECTION 5. Self-explanatory.

SECTION 6. Self-explanatory.

(v) For entering notice of liability to taxation and forfeiture under *The Mining Tax Act*, 50 cents a lot. Notice of liability under Rev. Stat., c. 237

5.—(1) Subsection 1 of section 107 of *The Registry Act* is amended by striking out the symbol and figures "\$4,000" in the second line and inserting in lieu thereof the symbol and figures "\$4,500", so that the subsection shall read as follows: Rev. Stat., c. 336, s. 107, subs. 1, amended

(1) Every registrar shall be entitled to retain to his own use in each year his net income up to \$4,500. Registrar's emoluments

(2) Subsection 2 of the said section 107 is amended by striking out the symbol and figures "\$4,000" where they occur in the third line and in clause *a* respectively and inserting in lieu thereof the symbol and figures "\$4,500", so that the subsection shall read as follows: Rev. Stat., c. 336, s. 107, subs. 2, amended

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- (a) On the excess over \$4,500 up to \$6,000, 50 per cent.
- (b) On the excess over \$6,000, 90 per cent.

6. Form 8 of *The Registry Act* is amended by adding thereto the following alternative paragraph: Rev. Stat., c. 336, Form 8, amended

or where the instrument is microfilmed

I certify that the within instrument is duly entered and registered in the Registry Office for the Registry Division of at o'clock of the day of, 19 Number for the of

7. Section 4 comes into force on the 1st day of July, 1955. Commencement

8. This Act may be cited as *The Registry Amendment Act, 1955*. Short title

BILL

An Act to amend The Registry Act

1st Reading

March 21st, 1955

2nd Reading

March 22nd, 1955

3rd Reading

MR. PORTER

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

No. 117

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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

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- (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 solicitor for 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 or declaration as to corporation's authority to acquire land

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c. 336, s. 97,
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Registering
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(h) For registration of a plan of subdivision, including all necessary entries connected therewith, \$8, but if the plan embraces more than twenty lots, the registrar shall be allowed a fee of 10 cents for each lot in excess of twenty lots.

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5.—(1) Subsection 1 of section 107 of *The Registry Act* is amended by striking out the symbol and figures "\$4,000" in the second line and inserting in lieu thereof the symbol and figures "\$4,500", so that the subsection shall read as follows: Rev. Stat., c. 336, s. 107, subs. 1, amended

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or where the instrument is microfilmed

I certify that the within instrument is duly entered and registered in the Registry Office for the Registry Division of at o'clock of the day of, 19 Number for the of

7. Section 4 comes into force on the 1st day of July, 1955. Commencement

8. This Act may be cited as *The Registry Amendment Act, 1955*. Short title



BILL

An Act to amend The Registry Act

1st Reading

March 21st, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 118

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to establish the Ontario Highway Transport Board

MR. PORTER

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

EXPLANATORY NOTE

This is an Act to establish a new board and to transfer to such board the jurisdiction now exercised by the Ontario Municipal Board under *The Public Commercial Vehicles Act* and *The Public Vehicles Act* and the new board is given powers substantially similar to those of the Ontario Municipal Board to deal with matters under such Acts.

BILL

An Act to establish the Ontario Highway Transport 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 Highway Transport Board established under this Act;

(b) "Minister" means such Minister as is designated by the Lieutenant-Governor in Council;

(c) "public commercial vehicle" means a public commercial vehicle as defined in *The Public Commercial Vehicles Act*; Rev. Stat.,
c. 304

(d) "public vehicle" means a public vehicle as defined in *The Public Vehicles Act*. Rev. Stat.,
c. 322

2.—(1) There shall be a board known as the Ontario Highway Transport Board which shall consist of three members or as many more as the Lieutenant-Governor in Council may from time to time determine. Ontario
Highway
Transport
Board
established

(2) The members 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. Quorum

5.—(1) In the absence of the chairman or in case of his inability to act or if there is a vacancy in the office, the vice-chairman may act as, and has all the powers of, the chairman, including the power to complete any unfinished matter. When vice-
chairman
may act

- Idem (2) Where the vice-chairman has acted in place of the chairman, it shall be presumed conclusively that he so acted in the absence or disability or vacancy in the office of the chairman.
- Staff **6.** The staff of the Board shall consist of a secretary and such officers and employees as may be deemed necessary.
- Money **7.** The moneys required for the purposes of the Board shall be paid out of the Consolidated Revenue Fund.
- Power to take evidence on oath, etc. **8.—(1)** The Board 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.
- Action **9.—(1)** 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 or any other Act.
- Protection from liability (2) No member of the Board or of its staff is required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty.
- Protection from being called as witnesses
- Execution of orders **10.** 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.
- Rev. Stat., c. 337 not to apply **11.** *The Regulations Act* does not apply to any order, decision, consent, approval or certificate issued by the Board.
- Sittings **12.—(1)** The Board shall sit at such times and places as the chairman may from time to time designate and shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of its duties.
- Use of court house (2) Where sittings of the Board are appointed to be held in a municipality in which a court house is situate, the Board and its members shall have in all respects the same rights as a judge of the Supreme Court with respect to the use of the court house and any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice.

(3) Where the sittings of the Board are appointed to be held in a municipality in which there is a municipal hall but no court house, the municipality shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for the purpose.

13. The Board may at any time and from time to time rehear any application and may review, amend or revoke its decisions, orders, directions, certificates or approvals and may within its jurisdiction review, amend or revoke any decision, certificate or approval heretofore made by the Ontario Municipal Board under *The Public Commercial Vehicles Act* and *The Public Vehicles Act*.

14. 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.

15.—(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.

(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.

(3) The Board may prescribe a scale under which such costs shall be taxed.

16.—(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.

(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.

17. 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 on questions of jurisdiction and law

18.—(1) An appeal lies from the Board to the Court of Appeal upon any question of jurisdiction or upon any question of law, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order or decision sought to be appealed from or within such further time as the Court under the special circumstances of the case allows after notice to the opposite party, if any, stating the grounds of appeal.

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.

Opinion of Court

(3) On the hearing of an appeal under this section, the Court may draw such inferences as are not inconsistent with the facts expressly found by the Board and necessary for determining the question of jurisdiction or law, as the case may be, and shall specify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may be heard

(4) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

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, and 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.

Board not liable for costs

(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.

Orders of Board final and binding

19. Except as provided in sections 13, 17 and 18, every order and decision of the Board is final and binding.

Board may make rules

20.—(1) The Board may make rules of practice and procedure applicable to proceedings before the Board under this or any other Act.

Fees for copies, certificates, etc.

(2) The Board may charge and collect such fees as to it may seem proper for all copies of documents, maps or plans, and all certificates as to the same.

Certified copies of documents

(3) 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 order, decision, certificate or other document issued by the Board.

21. There shall be paid upon every application to the Board or every order thereof such fee as the Board may direct, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such fee shall be paid in the first instance by the applicant and shall be a debt due by the applicant to Her Majesty and a summary order may be made by the Board for payment thereof, and such summary order may be made an order of the Supreme Court. Fees of Board

22. All fees charged and collected by the Board shall be paid over, accompanied by a detailed statement thereof, to the Treasurer of Ontario at such intervals as he may require. Payment over to Province

23. Every document purporting to be signed by a member or the secretary of the Board is without proof of the signature *prima facie* evidence that the document was duly signed, and a copy of such document in the custody of the secretary or on record with the Board purporting to be certified by the secretary shall be *prima facie* evidence of such document without proof of the signature of the secretary. Evidence of documents

24.—(1) The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board 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

25.—(1) Clause *a* of section 1 of *The Public Commercial Vehicles Act* is amended by striking out the words "Ontario Municipal Board" and inserting in lieu thereof the words "Ontario Highway Transport Board", so that the clause shall read as follows: Rev. Stat., c. 304, s. 1, cl. a, amended

(a) "Board" means Ontario Highway Transport Board.

(2) Clause *a* of section 1 of *The Public Vehicles Act* is amended by striking out the words "Ontario Municipal Board" and inserting in lieu thereof the words "Ontario Highway Transport Board", so that the clause shall read as follows: Rev. Stat., c. 322, s. 1, cl. a, amended

(a) "Board" means Ontario Highway Transport Board.

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

27. This Act may be cited as *The Ontario Highway Transport Board Act, 1955*. Short title

BILL

An Act to establish the Ontario
Highway Transport Board

1st Reading

March 21st, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 118

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to establish the Ontario Highway Transport Board

MR. PORTER

TORONTO
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BILL

An Act to establish the Ontario Highway Transport 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 Highway Transport Board established under this Act;
- (b) "Minister" means such Minister as is designated by the Lieutenant-Governor in Council;
- (c) "public commercial vehicle" means a public commercial vehicle as defined in *The Public Commercial Vehicles Act*; Rev. Stat.,
c. 304
- (d) "public vehicle" means a public vehicle as defined in *The Public Vehicles Act*. Rev. Stat.,
c. 322

2.—(1) There shall be a board known as the Ontario Highway Transport Board which shall consist of three members or as many more as the Lieutenant-Governor in Council may from time to time determine. Ontario
Highway
Transport
Board
established

(2) The members 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. Quorum

5.—(1) In the absence of the chairman or in case of his inability to act or if there is a vacancy in the office, the vice-chairman may act as, and has all the powers of, the chairman, including the power to complete any unfinished matter. When vice-
chairman
may act

- Idem (2) Where the vice-chairman has acted in place of the chairman, it shall be presumed conclusively that he so acted in the absence or disability or vacancy in the office of the chairman.
- Staff **6.** The staff of the Board shall consist of a secretary and such officers and employees as may be deemed necessary.
- Money **7.** The moneys required for the purposes of the Board shall be paid out of the Consolidated Revenue Fund.
- Power to take evidence on oath, etc. **8.—(1)** The Board 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.
- Action **9.—(1)** 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 or any other Act.
- Protection from liability (2) No member of the Board or of its staff is required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty.
- Protection from being called as witnesses
- Execution of orders **10.** 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.
- Rev. Stat., c. 337 not to apply **11.** *The Regulations Act* does not apply to any order, decision, consent, approval or certificate issued by the Board.
- Sittings **12.—(1)** The Board shall sit at such times and places as the chairman may from time to time designate and shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of its duties.
- Use of court house (2) Where sittings of the Board are appointed to be held in a municipality in which a court house is situate, the Board and its members shall have in all respects the same rights as a judge of the Supreme Court with respect to the use of the court house and any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice.

(3) Where the sittings of the Board are appointed to be held in a municipality in which there is a municipal hall but no court house, the municipality shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for the purpose. ^{Use of town hall}

13. The Board may at any time and from time to time rehear any application and may review, amend or revoke its decisions, orders, directions, certificates or approvals and may within its jurisdiction review, amend or revoke any decision, certificate or approval heretofore made by the Ontario Municipal Board under *The Public Commercial Vehicles Act* and *The Public Vehicles Act*. ^{Power to review} ^{Rev. Stat., cc. 304, 322}

14. 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}

15.—(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. ^{Costs}

(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. ^{Idem}

16.—(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. ^{Stated case}

(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. ^{Idem}

17. 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. ^{Lieutenant-Governor may rescind orders of Board}

Appeal on questions of jurisdiction and law

18.—(1) An appeal lies from the Board to the Court of Appeal upon any question of jurisdiction or upon any question of law, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order or decision sought to be appealed from or within such further time as the Court under the special circumstances of the case allows after notice to the opposite party, if any, stating the grounds of appeal.

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.

Opinion of Court

(3) On the hearing of an appeal under this section, the Court may draw such inferences as are not inconsistent with the facts expressly found by the Board and necessary for determining the question of jurisdiction or law, as the case may be, and shall specify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may be heard

(4) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

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, and 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.

Board not liable for costs

(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.

Orders of Board final and binding

19. Except as provided in sections 13, 17 and 18, every order and decision of the Board is final and binding.

Board may make rules

20.—(1) The Board may make rules of practice and procedure applicable to proceedings before the Board under this or any other Act.

Fees for copies, certificates, etc.

(2) The Board may charge and collect such fees as to it may seem proper for all copies of documents, maps or plans, and all certificates as to the same.

Certified copies of documents

(3) 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 order, decision, certificate or other document issued by the Board.

21. There shall be paid upon every application to the Board or every order thereof such fee as the Board may direct, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such fee shall be paid in the first instance by the applicant and shall be a debt due by the applicant to Her Majesty and a summary order may be made by the Board for payment thereof, and such summary order may be made an order of the Supreme Court. Fees of Board

22. All fees charged and collected by the Board shall be paid over, accompanied by a detailed statement thereof, to the Treasurer of Ontario at such intervals as he may require. Payment over to Province

23. Every document purporting to be signed by a member or the secretary of the Board is without proof of the signature *prima facie* evidence that the document was duly signed, and a copy of such document in the custody of the secretary or on record with the Board purporting to be certified by the secretary shall be *prima facie* evidence of such document without proof of the signature of the secretary. Evidence of documents

24.—(1) The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board 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

25.—(1) Clause *a* of section 1 of *The Public Commercial Vehicles Act* is amended by striking out the words "Ontario Municipal Board" and inserting in lieu thereof the words "Ontario Highway Transport Board", so that the clause shall read as follows: Rev. Stat., c. 304, s. 1, cl. a, amended

(a) "Board" means Ontario Highway Transport Board.

(2) Clause *a* of section 1 of *The Public Vehicles Act* is amended by striking out the words "Ontario Municipal Board" and inserting in lieu thereof the words "Ontario Highway Transport Board", so that the clause shall read as follows: Rev. Stat., c. 322, s. 1, cl. a, amended

(a) "Board" means Ontario Highway Transport Board.

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

27. This Act may be cited as *The Ontario Highway Transport Board Act, 1955*. Short title

BILL

An Act to establish the Ontario
Highway Transport Board

1st Reading

March 21st, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

1955

No. 119

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Election Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. This new section takes the place of *The Active Service Election Act, 1951* which is now obsolete. The new section provides appropriate procedure for taking the vote of members of the Canadian Forces in a general election.

SECTION 2. As there is no necessity for a candidate or his agent to attend the nomination meeting, these amendments make it clear that neither need do so.

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. *The Election Act, 1951* is amended by adding thereto ^{1951, c. 21, amended} the following section:

24.—(1) In the case of a general election, the Chief ^{Canadian Forces} Election Officer shall, when so directed by the Lieutenant-Governor in Council, take the vote of members of the Canadian Forces whose declared residence under *The Canadian Forces Voting Regulations* is in Ontario by a method as near as circumstances permit to that provided in such regulations in force on the 1st day of January, 1955.

(2) Where a vote is directed to be taken under sub-^{Idem} section 1, no member of the Canadian Forces shall vote other than by the method provided by this section.

2.—(1) Subsection 6 of section 58 of *The Election Act, 1951*, as re-enacted by subsection 2 of section 13 of *The Election Amendment Act, 1954*, is amended by striking out the words "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" in the ninth, tenth and eleventh lines, so that the subsection shall read as follows: ^{1951, c. 21, c. 58, subs. 6 (1954, c. 25, s. 13, subs. 2), amended}

(6) Where the nomination paper is filed with the return-^{Certificate of R.O. as to regularity of nomination paper} ing 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.

1951.
c. 21, s. 58,
amended

(2) The said section 58 is amended by adding thereto the following subsection:

Candidate
or agent
need not
attend
nomination
meeting

(8) In no case is it necessary for a candidate or his agent to be present at the nomination meeting.

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 Election Amendment Act, 1955*.







BILL

An Act to amend The Election Act, 1951

1st Reading

March 21st, 1955

2nd Reading

3rd Reading

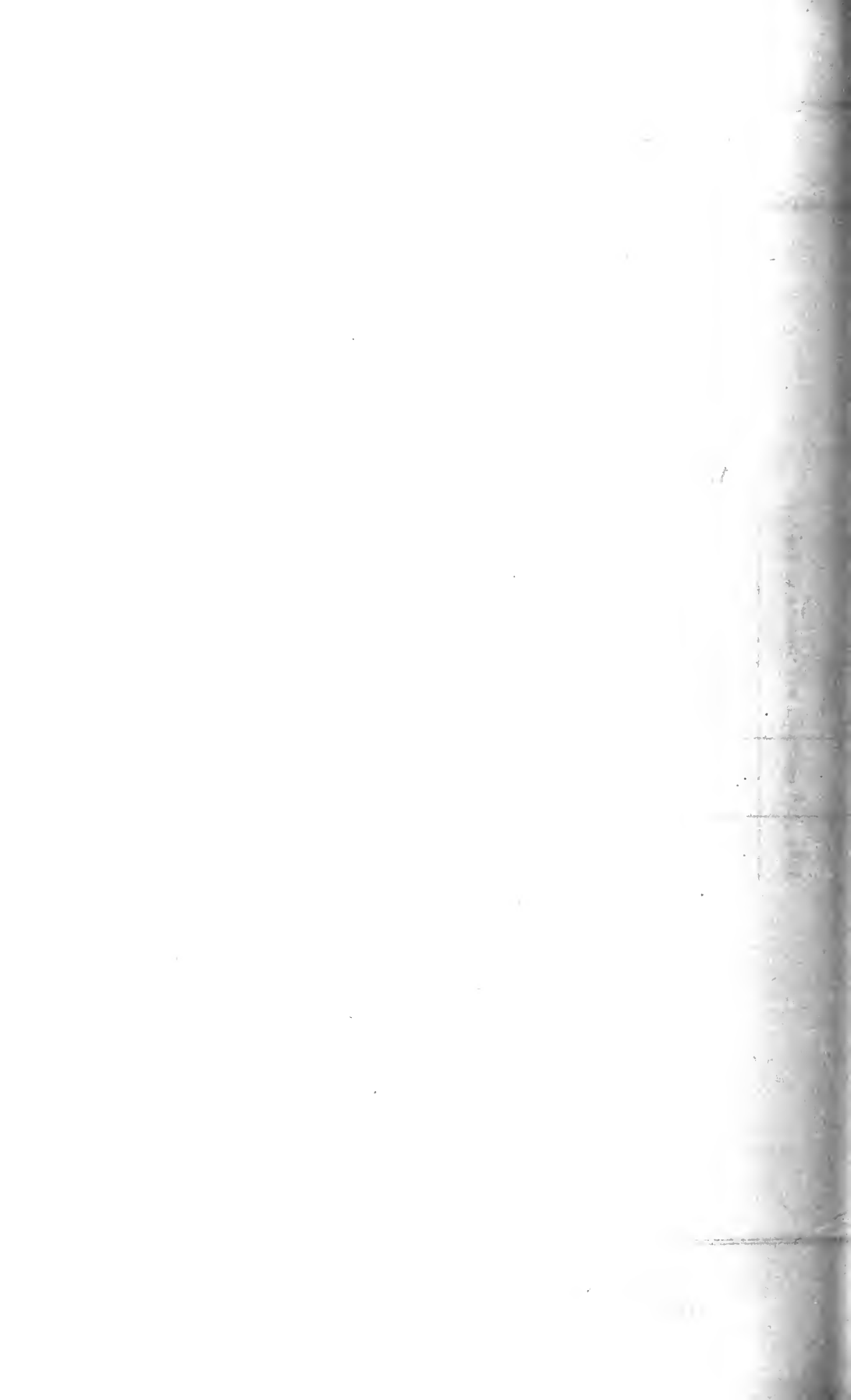
MR. PORTER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

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. *The Election Act, 1951* is amended by adding thereto ^{1951, c. 21,} the following section: _{amended}

24.—(1) In the case of a general election, the Chief Election Officer shall, when so directed by the Lieutenant-Governor in Council, take the vote of members of the Canadian Forces whose declared residence under *The Canadian Forces Voting Regulations* is in Ontario by a method as near as circumstances permit to that provided in such regulations in force on the 1st day of January, 1955.

(2) Where a vote is directed to be taken under sub-section 1, no member of the Canadian Forces shall vote other than by the method provided by this section. _{Idem}

2.—(1) Subsection 6 of section 58 of *The Election Act, 1951*, as re-enacted by subsection 2 of section 13 of *The Election Amendment Act, 1954*, is amended by striking out the words "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" in the ninth, tenth and eleventh lines, so that the subsection shall read as follows: ^{1951, c. 21,} ^{c. 58, subs. 6} ^{(1954, c. 25,} ^{s. 13,} ^{subs. 2),} _{amended}

(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. _{Certificate of R.O. as to regularity of nomination paper}

1951,
c. 21, s. 58,
amended

(2) The said section 58 is amended by adding thereto the following subsection:

Candidate
or agent
need not
attend
nomination
meeting

(8) In no case is it necessary for a candidate or his agent to be present at the nomination meeting.

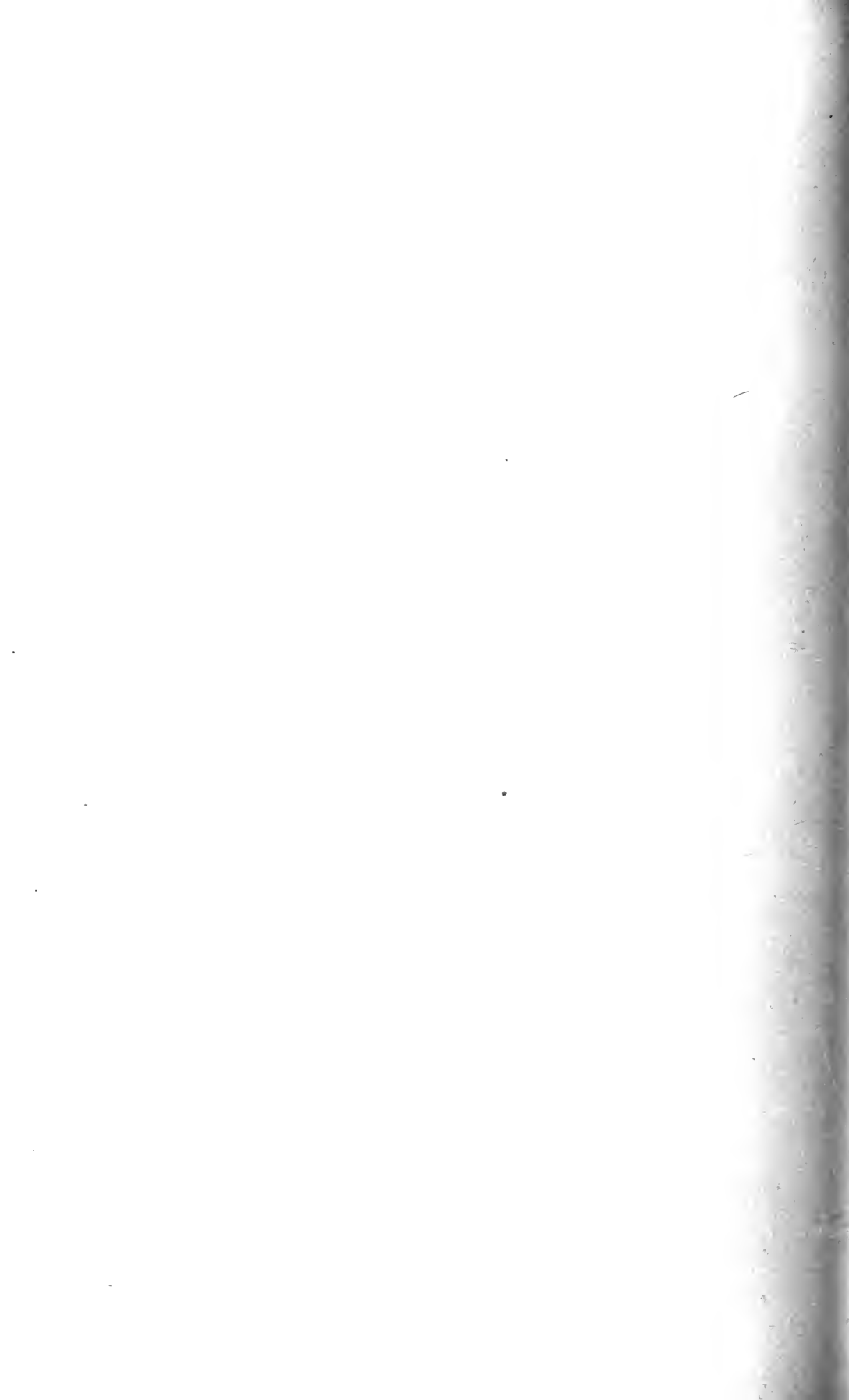
Commence-
ment

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

Short title

4. This Act may be cited as *The Election Amendment Act, 1955.*





An Act to amend The Election Act, 1951

1st Reading

March 21st, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 120

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to repeal The Active Service Election Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

Hereafter the vote of members of the Canadian Forces will be taken under the authority of section 24 of *The Election Act, 1951*. See section 1 of Bill No. 119, *An Act to amend The Election Act, 1951*.

No. 120

1955

BILL

An Act to repeal The Active Service 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. *The Active Service Election Act, 1951* is repealed. 1951, c. 1,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Active Service Election Repeal Act, 1955*. Short title

BILL

An Act to repeal The Active Service
Election Act, 1951

1st Reading

March 21st, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 120

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to repeal The Active Service Election Act, 1951

MR. PORTER

TORONTO
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No. 120

1955

BILL

An Act to repeal The Active Service 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. *The Active Service Election Act, 1951* is repealed. 1951, c. 1,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Active Service Election Repeal Act, 1955*. Short title

BILL

An Act to repeal The Active Service
Election Act, 1951

1st Reading

March 21st, 1955

2nd Reading

March 22nd, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 121

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Game and Fisheries Act

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. The purpose of this new section is to remove doubts as to the power of townships to pass by-laws for issuing licences to hunt, during the open season, pheasants, rabbits and foxes.

SECTION 2. Foxes, raccoon and skunk are added to the animals that may be exempted by the Lieutenant-Governor in Council from the royalty payable on the shipment of animal pelts out of Ontario or to a tanner or taxidermist in Ontario.

SECTION 3. Section 43 of the Act is divided into sections 43 and 43*a*, the former dealing with deer, moose and caribou and the latter with ruffed grouse, spruce partridge, Hungarian partridge, pheasant, sharp-tailed grouse, prairie hen, ptarmigan, quail and wild turkey.

There is no change in the law with respect to deer, moose and caribou.

The change with respect to the game birds mentioned is that a licence will be required only for the purposes of propagation and sale and not for the purpose of home consumption.

BILL

An Act to amend The Game and Fisheries Act

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

1.—(1) *The Game and Fisheries Act* is amended by adding thereto the following section: Rev. Stat.,
c. 153,
amended

24a. Where a township is authorized under clause *g* of section 77 to issue and charge fees for licences to hunt, during the open season, pheasants, rabbits and foxes, and, with the approval of the Minister, to limit the number of such licences, the council of any such township may pass by-laws for issuing licences to hunt during the open season pheasants, rabbits and foxes and to charge fees therefor, and, with the approval of the Minister, to limit the number of such licences. Township
by-law

(2) Any by-law passed by any township authorized under clause *g* of section 77 before the coming into force of this Act is not invalid by reason of it having been so passed. Idem

2. Subsection 3 of section 28 of *The Game and Fisheries Act* is amended by striking out the words "rabbit and squirrel" in the second and third lines and inserting in lieu thereof the words "fox, rabbit, raccoon, skunk and squirrel", so that the subsection shall read as follows: Rev. Stat.,
c. 153, s. 28,
subs. 3,
amended

(3) The Lieutenant-Governor in Council may prescribe the royalty payable under this section, and may exempt fox, rabbit, raccoon, skunk and squirrel from subsections 1 and 2. Amount of
royalty

3. Section 43 of *The Game and Fisheries Act*, as amended by section 11 of *The Game and Fisheries Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 43,
re-enacted

43. No person shall sell or purchase any deer, moose or caribou or expose any of them on any commercial deer, moose or caribou prohibited Purchase or
sale of
deer, moose
or caribou
prohibited

premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them.

Propagation
or sale of
birds

43a. No person shall propagate or sell any bird mentioned in section 37 except under the authority of a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 153, s. 77,
amended

4.—(1) Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

(qq) designating parts of Ontario in which hunting on Crown lands therein may be regulated, and limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of blinds, decoys, punts, skiffs, canoes and other appliances and things supplied by the Department in connection therewith.

Rev. Stat.,
c. 153, s. 77,
cl. s, re-
enacted

(2) Clause *s* of the said section 77 is repealed and the following substituted therefor:

(s) governing or prohibiting the sale of or traffic in any bird mentioned in section 37, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such bird, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed by the regulations.

Short title

5. This Act may be cited as *The Game and Fisheries Amendment Act, 1955*.

SECTION 4: Subsection 1. This new clause will enable the Lieutenant-Governor in Council to make regulations designed to promote good game management on Crown lands.

Subsection 2. This new clause complements the new section 43*a* of the Act. See section 3 of the bill.





BILL

An Act to amend
The Game and Fisheries Act

1st Reading

March 21st, 1955

2nd Reading

3rd Reading

MR. MAPLEDORAM

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Game and Fisheries Act

MR. MAPLEDORAM



BILL

An Act to amend The Game and Fisheries Act

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

1.—(1) *The Game and Fisheries Act* is amended by adding thereto the following section: Rev. Stat., c. 153, amended

24a. Where a township is authorized under clause *g* of section 77 to issue and charge fees for licences to hunt, during the open season, pheasants, rabbits and foxes, and, with the approval of the Minister, to limit the number of such licences, the council of any such township may pass by-laws for issuing licences to hunt during the open season pheasants, rabbits and foxes and to charge fees therefor, and, with the approval of the Minister, to limit the number of such licences. Township by-law

(2) Any by-law passed by any township authorized under clause *g* of section 77 before the coming into force of this Act is not invalid by reason of it having been so passed. Idem

2. Subsection 3 of section 28 of *The Game and Fisheries Act* is amended by striking out the words “rabbit and squirrel” in the second and third lines and inserting in lieu thereof the words “fox, rabbit, raccoon, skunk and squirrel”, so that the subsection shall read as follows: Rev. Stat., c. 153, s. 28, subs. 3, amended

(3) The Lieutenant-Governor in Council may prescribe the royalty payable under this section, and may exempt fox, rabbit, raccoon, skunk and squirrel from subsections 1 and 2. Amount of royalty

3. Section 43 of *The Game and Fisheries Act*, as amended by section 11 of *The Game and Fisheries Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat., c. 153, s. 43, re-enacted

43. No person shall sell or purchase any deer, moose or caribou or expose any of them on any commercial Purchase or sale of deer, moose or caribou prohibited

premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them.

Propagation
or sale of
birds

43a. No person shall propagate or sell any bird mentioned in section 37 except under the authority of a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 153, s. 77,
amended

4.—(1) Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

(qq) designating parts of Ontario in which hunting on Crown lands therein may be regulated, and limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of blinds, decoys, punts, skiffs, canoes and other appliances and things supplied by the Department in connection therewith.

Rev. Stat.,
c. 153, s. 77,
cl. s, re-
enacted

(2) Clause *s* of the said section 77 is repealed and the following substituted therefor:

(s) governing or prohibiting the sale of or traffic in any bird mentioned in section 37, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such bird, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed by the regulations.

Short title

5. This Act may be cited as *The Game and Fisheries Amendment Act, 1955*.





An Act to amend
The Game and Fisheries Act

1st Reading

March 21st, 1955

2nd Reading

March 23rd, 1955

3rd Reading

March 30th, 1955

MR. MAPLEDORAM

No. 122

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to amend
The Alcoholism Research Foundation Act, 1949**

MR. PHILLIPS

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

EXPLANATORY NOTE

The amendment is designed to regularize the work of the Foundation in respect of public education and dissemination of scientific information as to alcoholism.

BILL

An Act to amend The Alcoholism Research Foundation Act, 1949

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

1. Clause *b* of section 7 of *The Alcoholism Research Foundation Act, 1949*, as re-enacted by section 1 of *The Alcoholism Research Foundation Amendment Act, 1951*, is amended by striking out the word "and" at the end of subclause ii, by adding the word "and" at the end of subclause iii and by adding thereto the following subclause:

(iv) dissemination of information respecting the recognition, prevention and treatment of alcoholism.

2. This Act may be cited as *The Alcoholism Research Foundation Amendment Act, 1955*. Short title

BILL

An Act to amend The Alcoholism
Research Foundation Act, 1949

1st Reading

March 22nd, 1955

2nd Reading

3rd Reading

MR. PHILLIPS

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend
The Alcoholism Research Foundation Act, 1949

MR. PHILLIPS



No. 122

1955

BILL

An Act to amend The Alcoholism Research Foundation Act, 1949

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

1. Clause *b* of section 7 of *The Alcoholism Research Foundation Act, 1949*, as re-enacted by section 1 of *The Alcoholism Research Foundation Amendment Act, 1951*, is amended by striking out the word "and" at the end of subclause ii, by adding the word "and" at the end of subclause iii and by adding thereto the following subclause:

(iv) dissemination of information respecting the recognition, prevention and treatment of alcoholism.

2. This Act may be cited as *The Alcoholism Research Foundation Amendment Act, 1955*. Short title

An Act to amend The Alcoholism
Research Foundation Act, 1949

1st Reading

March 22nd, 1955

2nd Reading

March 23rd, 1955

3rd Reading

March 30th, 1955

MR. PHILLIPS

No. 123

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to provide Rehabilitation Services
for Handicapped Persons**

MR. GOODFELLOW

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

EXPLANATORY NOTE

The purpose of this new Act is to provide rehabilitation services for handicapped persons (other than war veterans and persons receiving workmen's compensation benefits) to enable such persons to develop skills sufficient to engage in remunerative employment.

BILL

An Act to provide Rehabilitation Services for Handicapped Persons

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

1. In this Act,

Interpreta-
tion

- (a) "approved organization" means any organization designated as such by the Lieutenant-Governor in Council under this Act;
- (b) "Director" means Director of the Disabled Persons' Allowances Branch and Rehabilitation Services of the Department of Public Welfare;
- (c) "field worker" means a person employed as such by the Department of Public Welfare;
- (d) "handicapped person" means a person with a physical or mental impairment that substantially prevents him from engaging in remunerative employment;
- (e) "local authority" means the public welfare administrator or public welfare commissioner or such other person or persons as the public welfare administrator or public welfare commissioner designates under this Act with the approval of the Minister, or if there is no public welfare administrator and no public welfare commissioner, means the clerk of the municipality or such other person as the council appoints under this Act with the approval of the Minister, and includes a field worker of the Department of Public Welfare;
- (f) "Minister" means Minister of Public Welfare;
- (g) "rehabilitation services" means any measures that may enable a handicapped person to engage in remunerative employment;

(h) "regulations" means regulations made under this Act.

Designation
of approved
organiza-
tions

2. The Lieutenant-Governor in Council may designate any organization as an approved organization to provide rehabilitation services to handicapped persons under this Act.

Implement-
ing agree-
ments
authorized

3. The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada or with any approved organization for the purpose of providing rehabilitation services to handicapped persons.

Application
for rehabili-
tation
services

4.—(1) Any handicapped person,

(a) who has resided in Ontario for one year immediately preceding the date of the application;

(b) who is not in receipt of a pension, allowance, or other benefit from the Government of Canada in respect of war services, other than a dependant who is receiving, or is included in, a pension, allowance or other benefit under the *Pension Act* (Canada); and

R.S.C. 1952,
c. 207

Rev. Stat.,
c. 430

(c) who is not in receipt of compensation under *The Workmen's Compensation Act*, other than a person who,

(i) is a handicapped person for reasons not attributable to, or incurred as a result of, the accident or industrial disease for which he is receiving compensation, or

(ii) is a dependant of the person receiving compensation,

may apply for rehabilitation services to a local authority or to a representative of an approved organization.

Interpre-
tation

(2) In clause *b* of subsection 1, "dependant" means,

(a) child; or

(b) parent, or person in place of a parent, or brother or sister, who is in a dependent condition,

within the meaning of the *Pension Act* (Canada).

Idem

(3) In clause *c* of subsection 1, "accident", "dependant" and "industrial disease" have the same meaning as in *The Workmen's Compensation Act*.

5. It is the duty of the Director,

Duties of
Director

- (a) to receive applications for rehabilitation services;
- (b) to determine the eligibility of each applicant for rehabilitation services,

and where the applicant is eligible,

- (c) to review the recommendations of the local authority or the representative of the approved organization with respect to the provision of rehabilitation services;
- (d) to take such measures as may be necessary to ensure that the rehabilitation services recommended are provided in accordance with this Act or any agreement made under this Act, if in his opinion the applicant may benefit from such services;
- (e) to authorize the provision of the rehabilitation services; and
- (f) to determine the amounts to be paid to the applicant or on his behalf and to direct payment accordingly.

6. Where the Director is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as the Minister designates.

Acting
Director

7.—(1) Where rehabilitation services are authorized, there may be paid to the handicapped person, or on his behalf, such amounts in such manner and at such times as are prescribed by the regulations.

Payments

(2) The amounts to be paid to or on behalf of handicapped persons and the expenses of the administration of this Act and the regulations are, until the 31st day of March, 1956, payable out of the Consolidated Revenue Fund and thereafter are payable out of the moneys appropriated therefor by the Legislature.

Expenses
of Act

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

Regu-
lations

- (a) governing the manner of making application for rehabilitation services;
- (b) adding further qualifications to those specified in this Act for applicants for rehabilitation services;
- (c) establishing an advisory committee of three or more persons to advise the Minister respecting the development and provision of rehabilitation services;

- (d) establishing an advisory board of one or more persons to assist the Director;
- (e) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before rehabilitation services are authorized;
- (f) prescribing the kinds of rehabilitation services that may be authorized;
- (g) prescribing the powers and duties of local authorities, field workers and representatives of approved organizations;
- (h) providing for the suspension and cancellation of rehabilitation services;
- (i) providing for the making of investigations respecting handicapped persons who have been recommended for rehabilitation services or for whom rehabilitation services have been authorized;
- (j) prescribing the amounts to be paid to or on behalf of handicapped persons for whom rehabilitation services are authorized and the manner and times of payment;
- (k) prescribing additional duties of the Director;
- (l) prescribing the records that shall be kept under this Act;
- (m) prescribing forms for use under this Act;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

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

Short title

10. This Act may be cited as *The Rehabilitation Services Act, 1955*.



BILL

**An Act to provide Rehabilitation
Services for Handicapped Persons**

1st Reading

March 22nd, 1955

2nd Reading

3rd Reading

MR. GOODFELLOW

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to provide Rehabilitation Services
for Handicapped Persons**

MR. GOODFELLOW

2A

BILL

An Act to provide Rehabilitation Services for Handicapped Persons

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- (d) "handicapped person" means a person with a physical or mental impairment that substantially prevents him from engaging in remunerative employment;
- (e) "local authority" means the public welfare administrator or public welfare commissioner or such other person or persons as the public welfare administrator or public welfare commissioner designates under this Act with the approval of the Minister, or if there is no public welfare administrator and no public welfare commissioner, means the clerk of the municipality or such other person as the council appoints under this Act with the approval of the Minister, and includes a field worker of the Department of Public Welfare;
- (f) "Minister" means Minister of Public Welfare;
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2. The Lieutenant-Governor in Council may designate any organization as an approved organization to provide rehabilitation services to handicapped persons under this Act.

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3. The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada or with any approved organization for the purpose of providing rehabilitation services to handicapped persons.

Application
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4.—(1) Any handicapped person,

(a) who has resided in Ontario for one year immediately preceding the date of the application;

(b) who is not in receipt of a pension, allowance, or other benefit from the Government of Canada in respect of war services, other than a dependant who is receiving, or is included in, a pension, allowance or other benefit under the *Pension Act* (Canada); and

R.S.C. 1952,
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(c) who is not in receipt of compensation under *The Workmen's Compensation Act*, other than a person who,

Rev. Stat.,
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- (b) to determine the eligibility of each applicant for rehabilitation services,

and where the applicant is eligible,

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- (d) to take such measures as may be necessary to ensure that the rehabilitation services recommended are provided in accordance with this Act or any agreement made under this Act, if in his opinion the applicant may benefit from such services;
- (e) to authorize the provision of the rehabilitation services; and
- (f) to determine the amounts to be paid to the applicant or on his behalf and to direct payment accordingly.

6. Where the Director is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as the Minister designates.

Acting
Director

7.—(1) Where rehabilitation services are authorized, there may be paid to the handicapped person, or on his behalf, such amounts in such manner and at such times as are prescribed by the regulations.

Payments

(2) The amounts to be paid to or on behalf of handicapped persons and the expenses of the administration of this Act and the regulations are, until the 31st day of March, 1956, payable out of the Consolidated Revenue Fund and thereafter are payable out of the moneys appropriated therefor by the Legislature.

Expenses
of Act

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

Regula-
tions

- (a) governing the manner of making application for rehabilitation services;
- (b) adding further qualifications to those specified in this Act for applicants for rehabilitation services;
- (c) establishing an advisory committee of three or more persons to advise the Minister respecting the development and provision of rehabilitation services;

- (d) establishing an advisory board of one or more persons to assist the Director;
- (e) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before rehabilitation services are authorized;
- (f) prescribing the kinds of rehabilitation services that may be authorized;
- (g) prescribing the powers and duties of local authorities, field workers and representatives of approved organizations;
- (h) providing for the suspension and cancellation of rehabilitation services;
- (i) providing for the making of investigations respecting handicapped persons who have been recommended for rehabilitation services or for whom rehabilitation services have been authorized;
- (j) prescribing the amounts to be paid to or on behalf of handicapped persons for whom rehabilitation services are authorized and the manner and times of payment;
- (k) prescribing additional duties of the Director;
- (l) prescribing the records that shall be kept under this Act;
- (m) prescribing forms for use under this Act;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

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

Short title

10. This Act may be cited as *The Rehabilitation Services Act, 1955*.

THE UNIVERSITY OF CHICAGO

PHYSICS

BILL

An Act to provide Rehabilitation
Services for Handicapped Persons

1st Reading

March, 22nd, 1955

2nd Reading

March 23rd, 1955

3rd Reading

March 30th, 1955

MR. GOODFELLOW

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Warble Fly Control Act, 1952

MR. THOMAS (Elgin)

EXPLANATORY NOTES

SECTION 1. The subsection repealed provided that after a warble fly control by-law was in force in a municipality for two years the by-law could be amended to exempt certain classes of cattle.

The subsection is no longer required as the matter of exemptions is dealt with in the regulations. See section 5 of this bill.

SECTION 2. Self-explanatory.

SECTION 3. The section repealed is unnecessary in view of the amendments made in section 7 of the Act.

SECTION 4. Section 7 of the Act is strengthened.

BILL

An Act to amend The Warble Fly Control Act, 1952

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

1. Subsection 3 of section 2 of *The Warble Fly Control Act, 1952* is repealed. 1952, c. 113, s. 2, subs. 3, repealed

2. Subsection 2 of section 4 of *The Warble Fly Control Act, 1952* is amended by inserting after the word "may" in the fifth line the words "treat the cattle or", so that the subsection shall read as follows: 1952, c. 113, s. 4, subs. 2, amended

(2) Where an inspector on or after the 18th day of April in any year finds upon inspection that a cattle owner has not treated his cattle for warble fly, or that treatment for warble fly by a cattle owner has not been effective in destroying warble fly grubs, the inspector may treat the cattle or cause the cattle to be treated for warble fly. Power of inspectors to treat for warble fly

3. Section 6 of *The Warble Fly Control Act, 1952* is repealed. 1952, c. 113, s. 6, repealed

4. Section 7 of *The Warble Fly Control Act, 1952* is repealed and the following substituted therefor: 1952, c. 113, s. 7, re-enacted

7. Every cattle owner who fails to comply with this Act or the regulations or any by-law passed under this Act, and every person who hinders or obstructs an inspector in the course of his duties or refuses to permit an inspector to carry out his duties under this Act or the regulations or any by-law passed under this Act, is guilty of an offence and on summary conviction is liable to a penalty of not less than \$25 and not more than \$50 for a first offence, and to a penalty of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days for any subsequent offence. Offences and penalties

1952, c. 113,
s. 8, cl. c,
re-enacted

5. Clause *c* of section 8 of *The Warble Fly Control Act, 1952* is repealed and the following substituted therefor:

(*c*) designating classes of cattle and exempting such classes from the provisions of the by-laws passed under this Act or a predecessor of this Act;

(*cc*) prescribing the methods by which cattle shall be made available for inspection and treatment for warble fly.

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 Warble Fly Control Amendment Act, 1955*.

SECTION 5. Clause *c* is strengthened. Clause *cc* is designed to supplement subsection 1 of section 4 of the Act.



BILL

An Act to amend
The Warble Fly Control Act, 1952

1st Reading

March 22nd, 1955

2nd Reading

3rd Reading

MR. THOMAS (Elgin)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Warble Fly Control Act, 1952

MR. THOMAS (Elgin)



BILL

An Act to amend The Warble Fly Control Act, 1952

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

1. Subsection 3^d of section 2 of *The Warble Fly Control Act, 1952* is repealed. 1952, c. 113, s. 2, subs. 3, repealed

2. Subsection 2 of section 4 of *The Warble Fly Control Act, 1952* is amended by inserting after the word "may" in the fifth line the words "treat the cattle or", so that the subsection shall read as follows: 1952, c. 113, s. 4, subs. 2, amended

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BILL

An Act to amend
The Warble Fly Control Act, 1952

1st Reading

March 22nd, 1955

2nd Reading

March 23rd, 1955

3rd Reading

March 30th, 1955

MR. THOMAS (Elgin)

No. 125

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting Certificates of Title of Ownership
for Motor Vehicles

MR. MACAULAY

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

BILL

An Act respecting Certificates of Title of Ownership of Motor Vehicles

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-
tion

- (a) "county" includes district;
- (b) "dealer" means a person engaged in the business of buying, selling or exchanging motor vehicles who has an established place of business in Ontario;
- (c) "encumbrance" means an interest in a motor vehicle which secures payment or performance of an obligation and includes the reservation of the legal title to a motor vehicle by a seller;
- (d) "encumbrancer" means a person who has an encumbrance;
- (e) "farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing implements of husbandry;
- (f) "local issuer" means a person authorized under *The Highway Traffic Act* to issue permits for motor vehicles; Rev. Stat., c. 167
- (g) "manufacturer" means a person engaged in the business of manufacturing, producing or assembling motor vehicles;
- (h) "Minister" means Minister of Highways;
- (i) "motor vehicle" means a vehicle that is self-propelled but does not include,

- (i) a vehicle used exclusively upon stationary rails or tracks,
 - (ii) a farm tractor,
 - (iii) a vehicle designed and used for fire-fighting purposes,
 - (iv) special mobile equipment, or
 - (v) a self-propelled wheel chair, motor scooter or bicycle with motor attached;
- (j) “new motor vehicle” means a motor vehicle that never has been titled or registered in Ontario or any other jurisdiction;
- (k) “owner” means a person other than an encumbrancer who holds the legal title to a motor vehicle or who is entitled to the use and possession of a motor vehicle subject to an encumbrance;
- (l) “pole trailer” means a vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly-shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections, or used as dollies in the support and moving of buildings;
- (m) “Registrar” means Registrar of Motor Vehicles of the Department of Highways;
- (n) “regulations” means regulations made under this Act;
- (o) “special mobile equipment” means a vehicle not designed for the transportation of persons or property upon a highway and only incidentally operated or moved over a highway, including but not limited to ditch digging apparatus, well-boring apparatus, cranes, shovels, truck-mounted transit mixers and road construction or maintenance machinery but does not include dump trucks;
- (p) “trailer” means a vehicle without motive power whose weight exceeds 4,000 pounds and is designed to carry property or passengers or for living quarters

and drawn or intended to be drawn by a motor vehicle whether or not the weight of the property or passengers carried in such vehicle is wholly on its own structure or part of the weight rests upon or is carried by a motor vehicle, but does not include a pole trailer;

- (q) "transfer" means a transfer of the equity in a motor vehicle from one person to another other than by the creation of an encumbrance and includes a sale of a motor vehicle where the legal title to the motor vehicle is reserved to any person;
- (r) "used motor vehicle" means a motor vehicle that has been titled or registered in Ontario or any other jurisdiction;
- (s) "vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

2.—(1) No owner of a motor vehicle in Ontario except a non-resident exempt by this Act from obtaining a certificate of title, a person who has acquired the motor vehicle as junk or a dealer who holds a certificate of origin or certificate of title assigned to him, shall have such motor vehicle in his possession or under his control or keep it stored in Ontario unless he has a certificate of title issued in his name or has made application for a certificate of title to such motor vehicle as required by this Act. Certificate of title required

(2) Except as otherwise provided in this Act, no person shall dispose of or acquire a used motor vehicle in Ontario unless a certificate of title is assigned and executed in accordance with this Act. Certificate must be assigned on transfer of vehicle

3. An owner not resident in Ontario need not obtain a certificate of title for his motor vehicle unless he intends to transfer the motor vehicle in Ontario, in which case he shall obtain a certificate of title for the motor vehicle and comply with the provisions of this Act with respect to the transfer of a motor vehicle. Non-resident owners

4. The transfer of a motor vehicle in accordance with this Act does not transfer any better or greater title to the transferee than could otherwise be transferred by the transferor. Effect of transfer in accordance with Act

5. No new motor vehicle shall be sold in Ontario unless it is accompanied by a certificate of origin in the prescribed form completed by the manufacturer thereof. Certificate of origin

Transfer of
new motor
vehicle

6.—(1) Where a dealer transfers a new motor vehicle, other than to another dealer for resale, the dealer shall at the time of delivery of the vehicle execute the assignment and warranty of title on the reverse side of the certificate of origin to the transferee.

Application
for
certificate
of title

(2) The transferee shall execute the application for a certificate of title on the reverse side of the certificate of origin.

Dealer to
obtain
certificate
of title

(3) Subject to subsection 4, the dealer shall within five days of the transfer,

(a) forward the certificate of origin by registered mail to the Registrar; or

(b) file it with a local issuer.

Recording of
instrument
creating an
encumbrance
on transfer
of new motor
vehicle

(4) Where a new motor vehicle is transferred under an instrument that creates an encumbrance, the encumbrancer, if he requires his encumbrance entered on the certificate of title, shall file the instrument in triplicate, together with the certificate of origin, in the county court office in the county in which the transferor resides at the time of the transfer.

Application
for first
certificate
of title

7.—(1) Every application for the first certificate of title for a used motor vehicle shall be made by the owner to the Registrar upon the prescribed form and accompanied by the prescribed fee.

Further
information

(2) The application shall be accompanied by such information and documents as the Registrar may require to establish the ownership of the motor vehicle and the existence or non-existence of any encumbrance against it.

Application
for first
certificate

8. Every application for the first certificate of title shall show under oath whether or not any person other than the owner has an encumbrance against the motor vehicle or any equipment or accessories attached thereto and if there are encumbrances they shall be listed in the order of priority and shall be accompanied by instruments or any other papers necessary to entitle encumbrances to be entered on the certificate.

Grounds for
refusing
certificate
of title

9. The Registrar shall refuse to issue a certificate of title if he has reasonable grounds to believe,

(a) that the applicant is not the owner of the motor vehicle;

(b) that the application contains any false information or the applicant has failed to furnish the required information;

- (c) that the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
- (d) that the vehicle is stolen or embezzled;
- (e) that the certificate of title would constitute a fraud against an encumbrancer;
- (f) that any required fee has not been paid.

10. Where a certificate of title or other document issued by another jurisdiction shows any encumbrance against the motor vehicle therein described, the Registrar, upon issuing a certificate of title, shall include therein the name and address of the encumbrancer and the date of the encumbrance unless the applicant can establish to the satisfaction of the Registrar that the encumbrance has been satisfied.

11.—(1) The Registrar, when satisfied that the applicant is entitled to a certificate of title, shall issue a certificate of title for the vehicle described in the application.

(2) A certificate of title shall contain on the face thereof the date issued, the name and address of the owner, the names and addresses of any encumbrancers and the date of their encumbrances, the title number assigned to the vehicle, the make, the manufacturer's designated year model, model, type of body, number of cylinders, the vehicle identification number or, if none, the engine number and serial number, and such other data as the regulations may require.

12. The Registrar shall,

- (a) forward the certificate of title to the owner where there is no encumbrance entered on the certificate; or
- (b) where one or more encumbrances are entered on the certificate of title, it shall be forwarded to the encumbrancer holding the first encumbrance shown on the certificate to be retained by such encumbrancer until his encumbrance is satisfied or he is otherwise required to give it up under this Act.

13.—(1) Where the Registrar is not satisfied as to the ownership of a motor vehicle, he may issue a certificate of title on the condition that the applicant file with the Registrar a guarantee bond of a company registered under *The Guarantee Companies Securities Act* in an amount equal to one and one-half times the value of the motor vehicle as determined by the Registrar.

Contents
of bond

(2) The bond shall be conditioned to indemnify any prior owner and encumbrancer and any subsequent purchaser of the vehicle or person acquiring any encumbrance against it, or the successor in interest of any such person, against any expense, loss or damage, by reason of the issuance of the certificate of title to the motor vehicle or on account of any defect in or undisclosed encumbrance upon the right, title and interest of the applicant in and to the vehicle.

Right of
action on
bond

(3) Any such interested person shall have a right of action to recover on such bond for any breach of its conditions by action against the surety, but the aggregate liability of the surety to all such persons shall in no event exceed the amount of the bond.

Return of
bond

(4) Such bond shall be returned at the end of three years or prior thereto in the event the motor vehicle is no longer registered in Ontario and the currently valid certificate of title is surrendered to the Registrar, unless the Registrar has been notified of the pendency of an action to recover thereon.

Revocation
of certificate
of title

14. The Registrar may revoke a certificate of title that is issued erroneously or as the result of misrepresentation or fraud, and no person shall use the certificate for any purpose after the Registrar has requested that it be returned to the Department.

Power of
Registrar
to request
return of
certificate
for any
purpose

15.—(1) The Registrar may request any person to surrender any certificate of title in his possession to the Registrar for any reason the Registrar may deem necessary.

Surrender
by encum-
brancer

(2) The surrender of a certificate of title by an encumbrancer pursuant to a request by the Registrar does not affect any right of the encumbrancer under his encumbrance.

Transfer
by owner

16. When the owner named in a certificate of title transfers the motor vehicle, he shall, at the time of delivery of the motor vehicle,

- (a) execute the assignment and warranty of title to the transferee in the space provided therefor on the certificate, or, if the certificate is in the possession of an encumbrancer named therein, he shall execute a separate bill of sale in triplicate, in the prescribed form, which shall show the name and address of the encumbrancer in whose possession the certificate of title is being held, and shall contain a form for application for a new certificate of title by the transferee; and

- (b) deliver to the transferee the assigned certificate of title, or, if the certificate of title is in the possession of an encumbrancer named therein, two original duplicates of the separate bill of sale.

17. The transferee of such motor vehicle, other than a dealer, shall, within five days after delivery to him of the motor vehicle, Duties of transferee other than dealer

- (a) execute the application for a new certificate of title in the space provided therefor on the reverse side of the certificate of title, or, if the certificate of title is in the possession of an encumbrancer named therein, on the separate bill of sale; and
- (b) forward to the Registrar by registered mail or file with a local issuer either the certificate of title or an original duplicate of the separate form of bill of sale with the prescribed fee.

18.—(1) Upon receipt of a properly executed bill of sale to a vehicle, the certificate of title to which is in the possession of an encumbrancer, accompanied by the prescribed fee, the Registrar shall request such encumbrancer to surrender the certificate for the purpose of transferring the ownership, and, upon issuance of the new certificate of title, shall mail it to such encumbrancer. Duty of Registrar

(2) The encumbrancer in possession of a certificate of title shall surrender it to the Registrar for the purpose of transferring ownership upon request of the Registrar. Duty of encumbrancer

19. When the transferee is a dealer who holds the vehicle for resale, he shall not be required to forward the certificate of title to the Registrar, but such transferee, upon transferring the vehicle to a person other than another dealer for resale, shall forthwith execute the assignment and warranty of title by a dealer in the space provided upon the reverse side of the certificate of title and shall, Transfer to dealer

- (a) forward the certificate of title by registered mail to the Registrar; or
- (b) file it with a local issuer.

20. Where a dealer transfers a motor vehicle to another dealer for resale, he shall execute the re-assignment by a dealer in the space provided on the reverse side of the certificate of title and deliver the certificate to the transferee. Re-assignment to dealer

21. No person other than a dealer shall re-assign a certificate of origin or a certificate of title. Only dealers to re-assign certificates

Duty of dealer on transfer of motor vehicle

22. Notwithstanding section 16, where the transferor is a dealer it is the duty of the dealer within five days of the transfer of a motor vehicle to forward to the Registrar or file with a local issuer, the certificate of title or separate bill of sale, properly completed.

Certificate of title when ownership changed by due process of law

23.—(1) In the event of the transfer of a motor vehicle by due process of law, as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, execution sale, or sale to satisfy storage or repair liens, or repossession upon default in the performance of the terms of an instrument creating an encumbrance, the Registrar, upon the surrender of the certificate of title or certificate of origin or, where that is not possible, upon presentation of evidence satisfactory to the Registrar of the ownership and right to possession of the motor vehicle and upon payment of the prescribed fee, may issue to the applicant a certificate of title to the motor vehicle.

When encumbrancer not required to secure new certificate of title

(2) When the transferee is the only encumbrancer whose encumbrance was noted on the certificate of title and holds the vehicle only for the purposes of delivery or resale to another person, the encumbrancer shall not be required to secure a new certificate of title, but, upon transferring the motor vehicle to another person, shall execute the assignment and warranty of title to the transferee in the space provided therefor on the certificate of title and deliver it to the transferee.

Certificate to be forwarded to Registrar on request

(3) The owner named in a certificate of title whose interest in the vehicle is transferred other than by voluntary transfer shall forward the certificate to the Registrar upon request of the Registrar.

Destruction of vehicle by owner

24. Every owner who scraps, dismantles or destroys a motor vehicle shall immediately forward to the Registrar the certificate of title thereto for cancellation.

Purchase of vehicle for scrap

25.—(1) Every person who purchases a vehicle as scrap or to be dismantled or destroyed shall deliver the certificate of title thereto to the Registrar with an application for a permit to scrap, dismantle or destroy such vehicle.

Cancellation of certificate

(2) The Department shall thereupon cancel the certificate of title and issue to the purchaser a permit to scrap, dismantle or destroy the same which shall authorize such person to possess or transport the vehicle or to transfer ownership thereto by endorsement upon such permit.

No further certificate to be issued

(3) A certificate of title shall not again be issued for such motor vehicle.

26. In the event a certificate of title is lost, mutilated or becomes illegible, a duplicate certificate may be issued by the Registrar upon application therefor and on payment of the prescribed fee if he is satisfied that a duplicate should be issued, and such duplicate shall be forwarded to the person entitled to possession under section 12. Duplicate certificates

27.—(1) Where the owner of a motor vehicle for which a certificate of title is outstanding is a female and changes her name by marriage, she shall, within thirty days after her marriage, forward the certificate of title, together with a statement in the prescribed form, to the Registrar, and the Registrar, when satisfied that the owner is entitled to have the change of name recorded on the certificate, shall issue a new certificate accordingly. Change of name of owner

(2) Where the owner of a motor vehicle for which a certificate of title is outstanding changes his name by any legal means, he shall within ten days of changing his name forward the certificate, together with a statement in the prescribed form, to the Registrar, and the Registrar, when satisfied that the owner is entitled to have the change of name recorded on the certificate, shall issue a new certificate accordingly. Idem

28.—(1) Where a motor vehicle that has been forfeited to the Crown is sold by the Crown, the purchaser thereof shall make application for a certificate of title in the prescribed form to the Registrar within five days of the sale. Sale of motor vehicle forfeited to Crown

(2) The Registrar, when satisfied that the applicant is entitled to a certificate of title, shall issue a certificate of title for the vehicle described in the application and shall not enter on the certificate any encumbrance created before the motor vehicle was forfeited to the Crown. Issue of certificate of title

29. No encumbrance against a motor vehicle for which a certificate of title has been issued or any equipment or accessories attached thereto shall be valid, except as between the parties to the instrument creating the encumbrance and as to other persons having actual notice thereof, unless entered on the certificate of title for such motor vehicle in accordance with this Act. Validity of encumbrance

30. An encumbrance against any equipment or accessories designed to be attached to or form part of a motor vehicle that is entered on a certificate of title is deemed to be an encumbrance against the motor vehicle described on the certificate. Encumbrance in equipment and accessories

32. When it is desired to have an encumbrance entered on a certificate of title, the instrument creating the encumbrance Filing of instrument creating encumbrance

brance shall be filed in triplicate in the county court office in the county in which the encumbrancer resides at the time the encumbrance was created, and upon payment of the prescribed fee the clerk shall accept the instrument for recording together with a certificate of origin or certificate of title, if presented therewith.

Duties of
county
court clerk

32. Every county court clerk upon accepting any instrument creating an encumbrance for recording shall,

- (a) stamp the date and time of receipt by him on each copy;
- (b) file one copy in the county court office;
- (c) return one copy to the encumbrancer;
- (d) forward one copy, together with the certificate of origin or certificate of title, if any, to the Registrar.

Priority
of entry
of encum-
brances

33. Encumbrances shall be entered on the certificate by the Registrar in the following order of priority:

- (a) if the motor vehicle has been previously titled or registered in this or some other jurisdiction, unsatisfied encumbrances shown by the previous certificate, title, registry, or proof of ownership, shall be entered in the order in which they appear on such previous title, registration or proof of ownership;
- (b) encumbrances for which instruments are presented with the application for a certificate of title;
- (c) encumbrances, where the instruments are presented for recording, together with the certificate of title;
- (d) as between two or more instruments presented for recording without the certificate of title, the one first recorded shall have priority.

When en-
cumbrance
to be
entered on
certificate
of title

34. An encumbrance shall not be entered upon a certificate unless,

- (a) the instrument creating the encumbrance is presented for recording in accordance with this Act;
- (b) the encumbrance is shown on the application for a certificate of title for a motor vehicle and was created before this Act applies to such motor vehicle or was created while the motor vehicle was titled or registered in some other jurisdiction; or

- (c) the motor vehicle has been previously titled or registered in this or some other jurisdiction and the encumbrance is shown upon such previous title, registration or proof of ownership.

35.—(1) The rights of the holder of an unsatisfied encumbrance shown on a certificate may be assigned by an assign- Assignment of encumbrance ment in the prescribed form which shall show the name and address of the assignee, a description of the motor vehicle and a description of the encumbrance.

(2) The assignment in triplicate shall be filed in the county Filing of assignment court office in the county in which the instrument creating the encumbrance is filed accompanied by the certificate of title if available and, upon payment of the prescribed fee, the clerk shall deal with the assignment in the same manner as an instrument creating an encumbrance.

36. When it is desired to enter an encumbrance upon a Procedure of entering encumbrance or assignment when certificate in possession of encumbrancer certificate of title or assign an encumbrance, and such certificate is in the possession of an encumbrancer, upon receipt of the instrument or assignment the Registrar shall request the encumbrancer to surrender the certificate of title for the purpose of entering thereon the encumbrance or assignment, and upon surrender of the certificate the Registrar shall perform the same acts as in the cases where the certificate was presented with the instrument.

37.—(1) The holder of the first encumbrance upon satisfaction of his encumbrance shall within five days, in the space Release of encumbrance provided on the certificate of title, place the word "satisfied" and his signature sworn to before a commissioner for taking affidavits and file the certificate in the county court office in the county in which the instrument creating the encumbrance is filed.

(2) Upon satisfaction of an encumbrance other than the Idem first unsatisfied encumbrance shown on the certificate, the holder of the encumbrance satisfied shall make a similar entry upon the certificate and it is the duty of the encumbrancer in possession of the certificate, upon demand, to permit such holder to make such entries and file the certificate as required in subsection 1.

(3) The Registrar, upon receipt of the certificate whereon an Idem encumbrance is marked "satisfied", shall enter on the face of the certificate the word "released" and a facsimile of his signature and the date.

38. Nothing in this Act affects a lien authorized by law Application of Act to possessory liens and dependent upon possession.

Fees retained by clerk and local issuer

39. Every county court clerk and local issuer of licences may retain such portion of fees as the regulations may prescribe and shall forward the remainder to the Registrar.

Forwarding of documents to Registrar by clerk and local issuer

40. The documents and fees required to be forwarded to the Registrar by county court clerks and local issuers shall be forwarded after his office is closed each day or as otherwise directed by the Registrar.

Records to be kept by clerk and local issuer

41. Every local issuer and county court clerk shall keep such books and records with respect to instruments recorded under this Act as the Registrar directs.

Penalties, general

42. Every person who contravenes or fails to comply with this Act is guilty of an offence and, except where otherwise provided for in this Act, on summary conviction is liable to a penalty of not less than \$25 and not more than \$500 or to imprisonment for a term not exceeding thirty days, or both.

Penalty for false information

43. Every person who knowingly makes a false statement in any application or other document under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$2,000 or to imprisonment for a term not exceeding six months, or both, and to the suspension of his driver's licence and owner's permit issued under *The Highway Traffic Act* for a period of not less than three months and not more than six months.

Rev. Stat., c. 167

Penalty for failure to surrender certificate of title on request of Registrar

44. Every person who fails to surrender a certificate of title in his possession within fifteen days of the request therefor by the Registrar is guilty of an offence and on summary conviction is liable to a penalty of not less than \$50 and not more than \$500 or to imprisonment for a term not exceeding thirty days, or both, and to the suspension of his driver's licence and owner's permit issued under *The Highway Traffic Act*, and the Registrar may issue a new certificate of title without entering the encumbrance, if any, of the person in default on the new certificate of title.

Penalty for failure of dealer to execute warranty

45. Every dealer who fails to execute the warranty required to be executed under this Act when transferring a motor vehicle is guilty of an offence and on summary conviction is liable to a penalty of not less than \$50 and not more than \$500 or to imprisonment for a term not exceeding thirty days, or both, and to the suspension of his driver's licence and owner's permit issued under *The Highway Traffic Act*, and the Minister may revoke the dealer's licence issued under section 26 of *The Highway Traffic Act*.

46. The Minister may make regulations,

Regulations

- (a) providing for the payment of fees and fixing the amounts thereof;
- (b) prescribing the portion of any fee that may be retained by county court clerks and local issuers;
- (c) prescribing records that shall be kept under this Act and the manner of keeping such records;
- (d) providing for and authorizing the destruction of any documents or records required to be kept by the Registrar, county court clerks or local issuers;
- (e) prescribing the information that shall be required in any form used under this Act and requiring that any information in a form shall be given under oath;
- (f) prescribing forms for use under this Act;
- (g) exempting any person or class of persons from the payment of any fees;
- (h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

47. This Act applies,Application
of Act

- (a) to new motor vehicles purchased from a dealer on and after the 1st day of September, 1956;
- (b) to motor vehicles transferred or encumbered on and after the 1st day of January, 1957;
- (c) to motor vehicles for which a certificate of title is issued on and after the 1st day of January, 1957;
- (d) to all motor vehicles, except where otherwise exempt under this Act, on and after the 1st day of January, 1958.

48. Any owner of a motor vehicle in Ontario may make application for a certificate of title in the manner prescribed by this Act on and after the 1st day of January, 1957.

Application
for certi-
ficate may
be made
by owner
on and after
Jan. 1, 1957

49. Every application for the first certificate of title for a motor vehicle registered in Ontario before the 1st day of January, 1957, and purchased from a dealer on or after such date shall be accompanied by a bill of sale, in the prescribed form, from a dealer showing, in the order of their priority, all encumbrances against the motor vehicle, including any

Bill of
sale to
accompany
application
re motor
vehicle
purchased
from dealer

created at the time of the sale of the motor vehicle and containing the dealer's warranties that the title conveyed is good and its transfer rightful and that the vehicle is delivered free and clear of any encumbrance other than those specified in the bill of sale and such other information as the regulations may require.

Registration of encumbrance created on or after Sept. 1, 1956

50.—(1) Where an encumbrance against a motor vehicle for which a certificate of title has not been issued or is not required to be applied for is created on or after the 1st day of September, 1956, and the encumbrancer desires to have the encumbrance entered on the certificate of title for the motor vehicle when issued, the encumbrancer shall register the instrument creating the encumbrance in triplicate in the office of the clerk of the county in which the encumbrancer resides at the time of the execution of the instrument.

Clerk's duties

(2) Upon receipt of the instrument and the prescribed fee, the clerk shall deal with the instrument in the same manner as provided in section 32.

Record

(3) Upon receipt of a copy of the instrument from the clerk, the Registrar shall make and keep a record of it alphabetically under the name of the owner, numerically under the motor vehicle identification number or under any other identifying number of the motor vehicle, and in such other manner as the Registrar may determine.

Notice of encumbrance created before Sept. 1, 1956

51. Where an encumbrancer who has an encumbrance created before the 1st day of September, 1956, desires to have such encumbrance entered on the certificate of title for the motor vehicle when issued, he shall execute and forward to the Registrar with the prescribed fee, on or after the 1st day of September, 1956, and before the 1st day of January, 1957, a notice of encumbrance in the prescribed form stating the description of the motor vehicle, the name and address of the owner and of the encumbrancer and the date the encumbrance was created.

Filing and recording of notice

52.—(1) Upon receipt of a proper notice of encumbrance and the prescribed fee, the Registrar shall file the notice and keep a record of it alphabetically, under the name of the owner, numerically under the motor vehicle identification number or under any other identifying number of the motor vehicle, and in such other manner as the Registrar may determine.

Effect of filing

(2) The filing of a proper notice constitutes constructive notice of the encumbrance to creditors of the owner and subsequent purchasers and encumbrancers of the motor vehicle.

53.—(1) Except as provided in section 54, an encumbrancer may assign his encumbrance in a motor vehicle for which a certificate of title has not been issued to a person other than the owner without affecting the interest of the owner by filing an assignment in accordance with section 35. Assignment by encumbrancer

(2) Upon receipt of a copy of the assignment, the Registrar shall make a record of the assignment and note it upon the record of encumbrances. Record

54.—(1) An encumbrancer may assign his encumbrance in respect of which a notice of encumbrance has been filed to a person other than the owner without affecting the interest of the owner, unless a certificate of title for the motor vehicle containing the encumbrance has been issued, by giving written notice of the assignment to the owner and by forwarding to the Registrar a notice of assignment in the prescribed form executed by the assignor and the assignee containing the description of the motor vehicle, the name and address of the owner, the names and addresses of the assignor and assignee, the date of the encumbrance assigned, the date of the assignment and such other information as the regulations may require. Assignment of encumbrance in respect of which a notice of encumbrance filed

(2) Upon receipt of the notice of assignment and the prescribed fee, the Registrar shall file the notice and note it upon the record of encumbrances, and the filing of a proper notice under this section has the same effect as the filing of a proper notice of encumbrance. Filing of notice and effect

55.—(1) Except as provided in section 56, an encumbrancer, upon the satisfaction of his encumbrance against a motor vehicle for which a certificate of title has not been issued, shall execute a release of the encumbrance in the prescribed form and register it in triplicate in the office of the clerk of the county in which the instrument creating the encumbrance was filed. Release of encumbrance

(2) Upon receipt of the release and the prescribed fee, the clerk shall deal with it in the same manner as provided in section 32. Clerk's duties

(3) Upon receipt of a copy of the release from the clerk, the Registrar shall note the release in the record of encumbrances. Registrar to note release

56.—(1) An encumbrancer, upon the satisfaction of his encumbrance in respect of which a notice of encumbrance has been filed, shall, unless a certificate of title has been issued for the motor vehicle containing the encumbrance, execute a release of his encumbrance in the prescribed form containing Encumbrance in respect of which notice of encumbrance filed

the description of the motor vehicle, the name and address of the owner and of the encumbrancer and such other information as the regulations may require and shall forward the release with the prescribed fee to the Registrar.

Filing of
release

(2) Upon receipt of a proper release and the prescribed fee, the Registrar shall file the release and note it upon the record of encumbrances.

Registrar
to check
record of en-
cumbrances

57. The Registrar, upon receiving an application for a certificate of title, shall check the description of the motor vehicle in respect of which the application is made against the record of encumbrances.

Instruments
creating en-
cumbrances
not to be
registered
under
Rev. Stat.,
cc. 61 or
36 after
Sept. 1, 1956

58.—(1) On and after the 1st day of September, 1956, instruments that create an encumbrance against a motor vehicle or any equipment or accessories designed to be attached thereto shall not be registered under *The Conditional Sales Act* or *The Bills of Sale and Chattel Mortgages Act*, and such Acts do not apply to such instruments to the extent they create such an encumbrance.

Instruments
creating en-
cumbrances
registered
before
Sept. 1, 1956

(2) On and after the 1st day of September, 1956, *The Conditional Sales Act* and *The Bills of Sale and Chattel Mortgages Act* do not apply to any instrument registered under either of such Acts before the 1st day of September, 1956, to the extent that it creates an encumbrance against a motor vehicle or any equipment or accessories designed to be attached thereto.

Short title

59. This Act may be cited as *The Motor Vehicle Certificate of Title Act, 1955*.

FORM
PROVINCE OF ONTARIO
DEPARTMENT OF HIGHWAYS



Title No.....

MOTOR VEHICLE CERTIFICATE OF TITLE

I,, the Registrar of Motor Vehicles for the Province of Ontario, do hereby certify that.....
(Name of owner)
is the owner of the motor vehicle hereinafter described and that the encumbrances hereinafter described are the only encumbrances recorded against such motor vehicle in the Department of Highways.

(Under section 29 of the Act no encumbrance against such motor vehicle or equipment or accessories attached thereto is valid, except as between the parties to the instrument creating the encumbrance and as to others having actual notice thereof, unless entered on this certificate.)

Address of Owner.....
.....

Description of Motor Vehicle

Make	Style	Year	Identification Number	Date
------	-------	------	-----------------------	------

Encumbrance

Amount	Kind	Date	Encumbrancer
--------	------	------	--------------

Date issued..... Registrar of Motor Vehicles

NOTE: To transfer ownership the assignment of title on the back hereof must be properly completed under oath before a Notary Public, Commissioner for taking Affidavits or Justice of the Peace.

Notice of satisfaction of encumbrance on the back hereof must be completed under oath before a Notary Public, Commissioner for taking Affidavits or Justice of the Peace.

BILL

An Act respecting Certificates of Title
of Ownership for Motor Vehicles

1st Reading

March 23rd, 1955

2nd Reading

3rd Reading

MR. MACAULAY

No. 126

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Ontario Food Terminal Act

MR. THOMAS (Elgin)

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

EXPLANATORY NOTES

SECTION 1. The reference is brought up to date.

SECTION 2. Section 8 of the Act is new. Section 8a is brought into line with the standard procedures with respect to annual reports of government boards.

SECTION 3. The section repealed is no longer necessary as the matter of taxation of the Board's property is dealt with in *The Municipal Tax Assistance Act, 1952*.

SECTION 4: Subsection 1. Self-explanatory.

BILL

An Act to amend The Ontario Food Terminal Act

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

1. Subsection 3 of section 4 of *The Ontario Food Terminal Act* is repealed and the following substituted therefor: Rev. Stat., c. 261, s. 4, subs. 3, re-enacted

(3) The Board shall, in carrying out its objects, have the powers set out in sections 22 and 287 of *The Corporations Act, 1953*. Additional powers 1953, c. 19

2. Section 8 of *The Ontario Food Terminal Act* is repealed and the following substituted therefor: Rev. Stat., c. 261, s. 8, re-enacted

8. The fiscal year of the Board commences on the 1st day of April in each year and ends on the 31st day of March in the following year. Fiscal year

8a.—(1) The Board shall make a report annually to the Minister, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Board as the Minister may require. Annual report

(2) A copy of the report shall be filed with the Provincial Secretary, who 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. Idem

3. Section 11 of *The Ontario Food Terminal Act*, as amended by subsection 2 of section 9 of *The Municipal Tax Assistance Act, 1952*, is repealed. Rev. Stat., c. 261, s. 11, repealed

4.—(1) Section 12 of *The Ontario Food Terminal Act* is amended by striking out "May, 1946" in the sixth line and inserting in lieu thereof "April, 1955", so that subsection 1 of the section shall read as follows: Rev. Stat., c. 261, s. 12, amended

Markets in
Toronto,
York and
Peel

- (1) No person shall establish or operate within the City of Toronto or the Counties of York or Peel any market for the sale by wholesale of fruit and vegetables except with the approval of the Board, but this section shall not apply to any such market which was being regularly and continuously operated as of the 1st day of April, 1955, so long as it is not extended or enlarged.

Rev. Stat.,
c. 261, s. 12,
amended

- (2) The said section 12 is further amended by adding thereto the following subsection:

Interpre-
tation

- (2) In subsection 1, the expression "any market for the sale by wholesale of fruit and vegetables" includes any premises at which fruit or vegetables are purchased for resale.

Rev. Stat.,
c. 261, s. 13,
re-enacted

5. Section 13 of *The Ontario Food Terminal Act* is repealed and the following substituted therefor:

Regulations

13. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,
- (a) prescribing the officers of the Board;
 - (b) prescribing the powers and duties of the manager of the Terminal and of the officers of the Board;
 - (c) prescribing the form of the seal of the Board;
 - (d) respecting the operation, management and maintenance of the Terminal;
 - (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Rules

14. Subject to the regulations, the Board may make rules with respect to,
- (a) the conduct of the Board's employees;
 - (b) the conduct of the Board's tenants and their employees;
 - (c) the conduct of any person on the Board's premises for any purpose;
 - (d) the use by any person of the Board's facilities and equipment.

Subsection 2. The purpose of the new subsection is to clarify the meaning of "market" as used in subsection 1, thus strengthening the intended prohibition.

SECTION 5: Section 13. The power to make regulations subject to the approval of the Lieutenant-Governor in Council, formerly exercised by the Minister of Agriculture, is transferred to the Board.

Section 14. This section is new. It is self-explanatory.

Section 15. This section is new. It is self-explanatory.

15. Every person who violates any of the provisions of ^{Penalties} this Act or the regulations or any rule made under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for a first offence and to a penalty of not less than \$25 and not more than \$200 or to imprisonment for a term of not more than thirty days, or both, for any subsequent offence.

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

7. This Act may be cited as *The Ontario Food Terminal* ^{Short title} *Amendment Act, 1955.*

BILL

An Act to amend
The Ontario Food Terminal Act

1st Reading

March 24th, 1955

2nd Reading

3rd Reading

MR. THOMAS (Elgin)

No. 126

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Ontario Food Terminal Act

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An Act to amend The Ontario Food Terminal Act

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

1. Subsection 3 of section 4 of *The Ontario Food Terminal Act* is repealed and the following substituted therefor:

<ol style="list-style-type: none"> (3) The Board shall, in carrying out its objects, have the powers set out in sections 22 and 287 of <i>The Corporations Act, 1953</i>. 	<small>Rev. Stat., c. 261, s. 4, subs. 3, re-enacted</small>
--	--

2. Section 8 of *The Ontario Food Terminal Act* is repealed and the following substituted therefor:

<ol style="list-style-type: none"> 8. The fiscal year of the Board commences on the 1st day of April in each year and ends on the 31st day of March in the following year. 	<small>Additional powers 1953, c. 19</small>
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- 8a.—(1) The Board shall make a report annually to the Minister, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Board as the Minister may require.

<ol style="list-style-type: none"> (2) A copy of the report shall be filed with the Provincial Secretary, who 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. 	<small>Annual report</small>
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3. Section 11 of *The Ontario Food Terminal Act*, as amended by subsection 2 of section 9 of *The Municipal Tax Assistance Act, 1952*, is repealed.

<ol style="list-style-type: none"> 4.—(1) Section 12 of <i>The Ontario Food Terminal Act</i> is amended by striking out "May, 1946" in the sixth line and inserting in lieu thereof "April, 1955", so that subsection 1 of the section shall read as follows: 	<small>Rev. Stat., c. 261, s. 8, re-enacted</small>
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- 4.—(1) Section 12 of *The Ontario Food Terminal Act* is amended by striking out "May, 1946" in the sixth line and inserting in lieu thereof "April, 1955", so that subsection 1 of the section shall read as follows:

<ol style="list-style-type: none"> 4.—(1) Section 12 of <i>The Ontario Food Terminal Act</i> is amended by striking out "May, 1946" in the sixth line and inserting in lieu thereof "April, 1955", so that subsection 1 of the section shall read as follows: 	<small>Rev. Stat., c. 261, s. 11, repealed</small>
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Markets in
Toronto,
York and
Peel

- (1) No person shall establish or operate within the City of Toronto or the Counties of York or Peel any market for the sale by wholesale of fruit and vegetables except with the approval of the Board, but this section shall not apply to any such market which was being regularly and continuously operated as of the 1st day of April, 1955, so long as it is not extended or enlarged.

Rev. Stat.,
c. 261, s. 12,
amended

- (2) The said section 12 is further amended by adding thereto the following subsection:

Interpre-
tation

- (2) In subsection 1, the expression "any market for the sale by wholesale of fruit and vegetables" includes any premises at which fruit or vegetables are purchased for resale.

Rev. Stat.,
c. 261, s. 13,
re-enacted

5. Section 13 of *The Ontario Food Terminal Act* is repealed and the following substituted therefor:

Regulations

13. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,
- (a) prescribing the officers of the Board;
 - (b) prescribing the powers and duties of the manager of the Terminal and of the officers of the Board;
 - (c) prescribing the form of the seal of the Board;
 - (d) respecting the operation, management and maintenance of the Terminal;
 - (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Rules

14. Subject to the regulations, the Board may make rules with respect to,
- (a) the conduct of the Board's employees;
 - (b) the conduct of the Board's tenants and their employees;
 - (c) the conduct of any person on the Board's premises for any purpose;
 - (d) the use by any person of the Board's facilities and equipment.

15. Every person who violates any of the provisions of ^{Penalties} this Act or the regulations or any rule made under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for a first offence and to a penalty of not less than \$25 and not more than \$200 or to imprisonment for a term of not more than thirty days, or both, for any subsequent offence.

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

7. This Act may be cited as *The Ontario Food Terminal* ^{Short title} *Amendment Act, 1955.*



BILL

An Act to amend
The Ontario Food Terminal Act

1st Reading

March 24th, 1955

2nd Reading

March 25th, 1955

3rd Reading

March 30th, 1955

MR. THOMAS (Elgin)

No. 127

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1955, and the 31st day of March, 1956

MR. FROST (Victoria)



BILL

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1955, and the 31st day of March, 1956

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable 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, 1955, and for the fiscal year ending the 31st day of March, 1956, 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: Preamble

1. In addition to the sum of \$370,892,100 granted by *The Supply Act, 1954*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$39,318,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1954, to the 31st day of March, 1955, as set forth in Schedules A and B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates and further supplementary estimates upon which such Schedules are based. \$39,318,000
granted for
fiscal year
1954-55

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$429,389,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1955, to the 31st day of March, 1956, as set forth in Schedule C 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. \$429,389,000
granted for
fiscal year
1955-56

Accounting
for expendi-
ture

3. The due application of all moneys expended under this Act 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, 1955*.

SCHEDULE A

Education Department.....	\$ 6,700,000
Health Department.....	8,868,000
Highways Department.....	15,500,000
Treasury Department.....	1,000,000
	<u> </u>
	<u>\$32,068,000</u>

SCHEDULE B

Education Department.....	\$ 3,500,000
Municipal Affairs Department.....	3,750,000
	<u> </u>
	<u>\$ 7,250,000</u>

SCHEDULE C

Agriculture Department.....	\$ 9,970,000
Attorney-General's Department.....	12,991,000
Education Department.....	86,695,000
Health Department.....	52,492,000
Highways Department.....	141,333,000
Insurance Department.....	239,000
Labour Department.....	12,671,000
Lands and Forests Department.....	14,023,000
Lieutenant-Governor's Office.....	20,000
Mines Department.....	2,204,000
Municipal Affairs Department.....	3,305,000
Planning and Development Department.....	4,175,000
Prime Minister's Office.....	103,000
Provincial Auditor's Office.....	336,000
Provincial Secretary's Department.....	1,588,000
Public Welfare Department.....	29,169,000
Public Works Department.....	42,545,000
Reform Institutions Department.....	9,327,000
Travel and Publicity Department.....	905,000
Treasury Department.....	5,298,000
	<u> </u>
	<u>\$429,389,000</u>



An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1955, and the 31st day of March, 1956

1st Reading

March 31st, 1955

2nd Reading

March 31st, 1955

3rd Reading

March 31st, 1955

Mr. FROST (Victoria)







