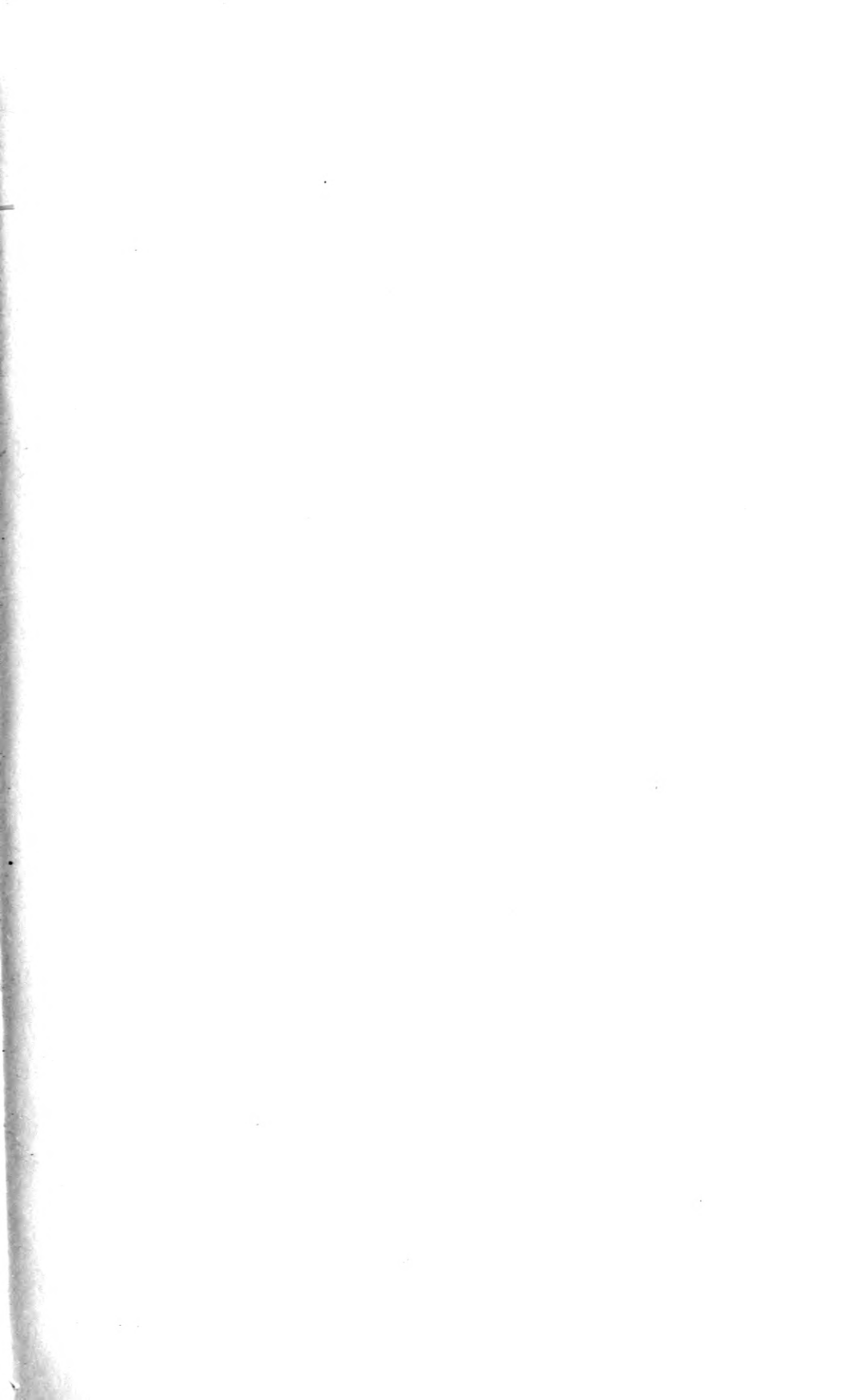


Ontario
Gov't P.











LEGISLATIVE ASSEMBLY
OF ONTARIO

FIRST SESSION OF THE
TWENTY-SIXTH PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE
TOGETHER WITH
REPRINTS AND THIRD READINGS

SESSION

JANUARY 26th to APRIL 12th, 1960



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January 26th to April 12th, 1960

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BILL 85

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Territorial Division Act

MR. WARRENDER

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

EXPLANATORY NOTE

Since the last amendments to this Act in 1954, certain changes in status of municipalities have taken place. This Bill will bring the references to municipalities up to date in *The Territorial Division Act*.

BILL 85

1960

An Act to amend The Territorial Division Act

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

1.—(1) Clause *b* of paragraph 8 of section 1 of *The Territorial Division Act* is amended by striking out “La Salle” in the second line. R.S.O. 1950,
c. 388, s. 1,
par. 8, cl. *b*,
amended

(2) Clauses *a* and *b* of paragraph 13 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 1,
par. 13,
cls. *a*, *b*,
re-enacted

(a) the towns of Caledonia, Dunnville;

(b) the villages of Cayuga, Hagersville, Jarvis.

(3) Clause *aa* of paragraph 14 of the said section 1, as enacted by subsection 2 of section 1 of *The Territorial Division Amendment Act, 1952*, is repealed. R.S.O. 1950,
c. 388, s. 1,
par. 14,
cl. *aa*
(1952, c. 106,
s. 1, subs. 2),
repealed

(4) Clause *b* of paragraph 14 of the said section 1 is amended by striking out “Nelson” in the second column. R.S.O. 1950,
c. 388, s. 1,
par. 14, cl. *b*,
amended

(5) Clause *e* of paragraph 15 of the said section 1 is amended by inserting after “Faraday” in the first column “Herschel”. R.S.O. 1950,
c. 388, s. 1,
par. 15, cl. *e*,
amended

(6) Clause *b* of paragraph 16 of the said section 1, as amended by subsection 3 of section 1 of *The Territorial Division Amendment Act, 1952*, is further amended by adding at the end thereof “Zurich”, so that the clause shall read as follows: R.S.O. 1950,
c. 388, s. 1,
par. 16, cl. *b*,
amended

(b) the villages of Blyth, Brussels, Hensall, Zurich.

(7) Clause *a* of paragraph 24 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Territorial Division* R.S.O. 1950,
c. 388, s. 1,
par. 24, cl. *a*
(1954, c. 95,
s. 1, subs. 2),
re-enacted

Amendment Act, 1954, is repealed and the following substituted therefor:

(a) the towns of Delhi, Port Dover, Simcoe, Waterford.

R.S.O. 1950, c. 388, s. 1, par. 24, cl. b, re-enacted (8) Clause *b* of paragraph 24 of the said section 1, as amended by subsection 3 of section 1 of *The Territorial Division Amendment Act, 1954*, is repealed and the following substituted therefor:

(b) the Village of Port Rowan.

R.S.O. 1950, c. 388, s. 1, par. 26, cl. b, re-enacted (9) Clause *b* of paragraph 26 of the said section 1 is repealed and the following substituted therefor:

(b) the towns of Ajax, Uxbridge, Whitby.

R.S.O. 1950, c. 388, s. 1, par. 26, cl. cc, (1952, c. 106, s. 1, subs. 5), repealed (10) Clause *cc* of paragraph 26 of the said section 1, as enacted by subsection 5 of section 1 of *The Territorial Division Amendment Act, 1952*, is repealed.

R.S.O. 1950, c. 388, s. 1, par. 28, cl. b, amended (11) Clause *b* of paragraph 28 of the said section 1 is amended by inserting after "Bolton" in the first line "Caledon East", so that the clause shall read as follows:

(b) the villages of Bolton, Caledon East, Port Credit, Streetsville.

R.S.O. 1950, c. 388, s. 1, par. 33, cls. a, b, re-enacted (12) Clause *a* and clause *b*, as amended by subsection 5 of section 1 of *The Territorial Division Amendment Act, 1954*, of paragraph 33 of the said section 1 are repealed and the following substituted therefor:

(a) the towns of Arnprior, Deep River, Pembroke, Renfrew;

(b) the villages of Barry's Bay, Beachburg, Braeside, Chalk River, Cobden, Eganville, Killaloe Station.

R.S.O. 1950, c. 388, s. 1, par. 35, cls. a, b, re-enacted (13) Clauses *a* and *b* of paragraph 35 of the said section 1 are repealed and the following substituted therefor:

(a) the City of Barrie;

(aa) the towns of Alliston, Bradford, Collingwood, Midland, Orillia, Penetanguishene, Stayner;

(b) the villages of Beeton, Coldwater, Creemore, Elm-vale, Port McNicoll, Tottenham, Victoria Harbour, Wasaga Beach.

(14) Clause *c* of paragraph 38 of the said section 1 is amended by inserting after "Ayr" in the first line "Bridgeport", so that the clause shall read as follows: R.S.O. 1950,
c. 388, s. 1,
par. 38, cl. *c*,
amended

(c) the villages of Ayr, Bridgeport, New Hamburg.

(15) Clauses *b* and *c* of paragraph 41 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 1,
par. 41,
cls. *b*, *c*,
re-enacted

(b) the towns of Dundas, Stoney Creek;

(c) the Village of Waterdown.

(16) Clause *d* of paragraph 41 of the said section 1 is amended by striking out "Barton" in the first column. R.S.O. 1950,
c. 388, s. 1,
par. 41, cl. *d*,
amended

(17) Paragraph 41 of the said section 1 is amended by striking out the Note thereto. R.S.O. 1950,
c. 388, s. 1,
par. 41,
amended

(18) Clauses *b* and *d* of paragraph 42 of the said section 1, as re-enacted by subsection 7 of section 1 of *The Territorial Division Amendment Act, 1954*, are repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 1,
par. 42, cls.
b, *d* (1954,
c. 95, s. 1,
subs. 7),
re-enacted

(b) the towns of Aurora, Newmarket, Richmond Hill;

.

(d) the villages of Markham, Stouffville, Sutton, Wood-
bridge.

(19) Paragraph 43 of the said section 1 is amended by striking out "shall consist of the townships of" in the second line and inserting in lieu thereof the following: R.S.O. 1950,
c. 388, s. 1,
par. 43,
amended

shall consist of,

(a) the Improvement District of Bicroft;

(b) the townships of,

.

(20) Clause *c* of paragraph 44 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 1,
par. 44, cl. *c*,
re-enacted

(c) the villages of Hilton Beach, Iron Bridge.

(21) Clause *b* of paragraph 52 of the said section 1, as amended by subsection 8 of section 1 of *The Territorial Division Amendment Act, 1954*, is further amended by striking R.S.O. 1950,
c. 388, s. 1,
par. 52, cl. *b*,
amended

out "Frood Mine" in the second line and inserting in lieu thereof "Espanola", so that the clause shall read as follows:

- (b) the towns of Capreol, Chelmsford, Coniston, Copper Cliff, Espanola, Levack, Lively, Massey, Webbwood.

R.S.O. 1950,
c. 388, s. 2,
par. 1,
amended

2.—(1) Paragraph 1 of section 2 of *The Territorial Division Act*, as amended by subsection 1 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by striking out "includes the townships of" in the second line and inserting in lieu thereof the following:

includes,

- (a) the improvement districts of Elliot Lake, White River;

- (b) the townships of,

.

R.S.O. 1950,
c. 388, s. 2,
par. 2, cl. a
(1952, c. 106,
s. 2, subs. 2),
re-enacted

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

- (a) the improvement districts of Kingham (part), Val Albert.

R.S.O. 1950,
c. 388, s. 2,
par. 2, cl. b,
amended

(3) Clause *b* of paragraph 2 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by inserting after "Glackmeyer" in the first column "Kendrey".

R.S.O. 1950,
c. 388, s. 2,
par. 3, cl. b,
amended

(4) Clause *b* of paragraph 3 of the said section 2 is amended by striking out "Van Horne" in the second column and inserting in lieu thereof "Red Lake".

R.S.O. 1950,
c. 388, s. 2,
par. 9, cl. a,
re-enacted

(5) Clause *a* of paragraph 9 of the said section 2 is repealed and the following substituted therefor:

- (a) the improvement districts of Onaping, Renabie.

R.S.O. 1950,
c. 388, s. 2,
par. 9, cl. b,
amended

(6) Clause *b* of paragraph 9 of the said section 2, as amended by subsection 5 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by inserting after "Bleazard" in the first column "Capreol", by inserting after "Drury, Denison and Graham" in the second column "Falconbridge" and by striking out "McKim" in the second column.

(7) Clause *a* of paragraph 10 of the said section 2, as amended by subsection 6 of section 2 of *The Territorial Division Amendment Act, 1952*, is repealed and the following substituted therefor:

- (a) the improvement districts of Beardmore, Dorion, Longlac, Manitouwadge, Marathon, Nakina, Red Rock.

(8) Clause *b* of paragraph 10 of the said section 2 is amended by adding at the end thereof "Terrace Bay".

R.S.O. 1950,
c. 388, s. 2, |
par. 10, c. a, |
re-enacted

3. This Act may be cited as *The Territorial Division Amendment Act, 1960*.

Short title

An Act to amend
The Territorial Division Act

1st Reading

March 1st, 1960

2nd Reading

3rd Reading

MR. WARRENDER

•

BILL 85

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Territorial Division Act

MR. WARRENDER

(Reprinted for consideration by the Committee of the Whole House)

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

EXPLANATORY NOTE

Since the last amendments to this Act in 1954, certain changes in status of municipalities have taken place. This Bill will bring the references to municipalities up to date in *The Territorial Division Act*.

BILL 85

1960

An Act to amend The Territorial Division Act

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

1.—(1) Clause *b* of paragraph 8 of section 1 of *The Territorial Division Act* is amended by striking out “La Salle” in the second line. R.S.O. 1950,
c. 388, s. 1,
par. 8, cl. *b*,
amended

(2) Clauses *a* and *b* of paragraph 13 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 1,
par. 13,
cls. *a*, *b*,
re-enacted

(a) the towns of Caledonia, Dunnville;

(b) the villages of Cayuga, Hagersville, Jarvis.

(3) Clause *aa* of paragraph 14 of the said section 1, as enacted by subsection 2 of section 1 of *The Territorial Division Amendment Act, 1952*, is repealed. R.S.O. 1950,
c. 388, s. 1,
par. 14,
cl. *aa*
(1952, c. 106,
s. 1, subs. 2),
repealed

(4) Clause *b* of paragraph 14 of the said section 1 is amended by striking out “Nelson” in the second column. R.S.O. 1950,
c. 388, s. 1,
par. 14, cl. *b*,
amended

(5) Clause *e* of paragraph 15 of the said section 1 is amended by inserting after “Faraday” in the first column “Herschel” and by striking out “Monteagle and Herschel” in the second column and inserting in lieu thereof “Monteagle”. R.S.O. 1950,
c. 388, s. 1,
par. 15, cl. *e*,
amended

(6) Clause *b* of paragraph 16 of the said section 1, as amended by subsection 3 of section 1 of *The Territorial Division Amendment Act, 1952*, is further amended by adding at the end thereof “Zurich”, so that the clause shall read as follows: R.S.O. 1950,
c. 388, s. 1,
par. 16, cl. *b*,
amended

(b) the villages of Blyth, Brussels, Hensall, Zurich.

(7) Clause *a* of paragraph 24 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Territorial Division* R.S.O. 1950,
c. 388, s. 1,
par. 24, cl. *a*
(1954, c. 95,
s. 1, subs. 2),
re-enacted

Amendment Act, 1954, is repealed and the following substituted therefor:

(a) the towns of Delhi, Port Dover, Simcoe, Waterford.

R.S.O. 1950, c. 388, s. 1, par. 24, cl. b, re-enacted (8) Clause *b* of paragraph 24 of the said section 1, as amended by subsection 3 of section 1 of *The Territorial Division Amendment Act, 1954*, is repealed and the following substituted therefor:

(b) the Village of Port Rowan.

R.S.O. 1950, c. 388, s. 1, par. 26, cl. b, re-enacted (9) Clause *b* of paragraph 26 of the said section 1 is repealed and the following substituted therefor:

(b) the towns of Ajax, Uxbridge, Whitby.

R.S.O. 1950, c. 388, s. 1, par. 26, cl. cc, (1952, c. 106, s. 1, subs. 5), repealed (10) Clause *cc* of paragraph 26 of the said section 1, as enacted by subsection 5 of section 1 of *The Territorial Division Amendment Act, 1952*, is repealed.

R.S.O. 1950, c. 388, s. 1, par. 28, cl. b, amended (11) Clause *b* of paragraph 28 of the said section 1 is amended by inserting after "Bolton" in the first line "Caledon East", so that the clause shall read as follows:

(b) the villages of Bolton, Caledon East, Port Credit, Streetsville.

R.S.O. 1950, c. 388, s. 1, par. 33, cls. a, b, re-enacted (12) Clause *a* and clause *b*, as amended by subsection 5 of section 1 of *The Territorial Division Amendment Act, 1954*, of paragraph 33 of the said section 1 are repealed and the following substituted therefor:

(a) the towns of Arnprior, Deep River, Pembroke, Renfrew;

(b) the villages of Barry's Bay, Beachburg, Braeside, Chalk River, Cobden, Eganville, Killaloe Station.

R.S.O. 1950, c. 388, s. 1, par. 35, cls. a, b, re-enacted (13) Clauses *a* and *b* of paragraph 35 of the said section 1 are repealed and the following substituted therefor:

(a) the City of Barrie;

(aa) the towns of Alliston, Bradford, Collingwood, Midland, Orillia, Penetanguishene, Stayner;

(b) the villages of Beeton, Coldwater, Creemore, Elm-vale, Port McNicoll, Tottenham, Victoria Harbour, Wasaga Beach.

(14) Clause *c* of paragraph 38 of the said section 1 is amended by inserting after "Ayr" in the first line "Bridgeport", so that the clause shall read as follows: R.S.O. 1950, c. 388, s. 1, par. 38, cl. *c*, amended

(c) the villages of Ayr, Bridgeport, New Hamburg.

(15) Clauses *b* and *c* of paragraph 41 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1950, c. 388, s. 1, par. 41, cls. *b*, *c*, re-enacted

(b) the towns of Dundas, Stoney Creek;

(c) the Village of Waterdown.

(16) Clause *d* of paragraph 41 of the said section 1 is amended by striking out "Barton" in the first column. R.S.O. 1950, c. 388, s. 1, par. 41, cl. *d*, amended

(17) Paragraph 41 of the said section 1 is amended by striking out the Note thereto. R.S.O. 1950, c. 388, s. 1, par. 41, amended

(18) Clauses *b* and *d* of paragraph 42 of the said section 1, as re-enacted by subsection 7 of section 1 of *The Territorial Division Amendment Act, 1954*, are repealed and the following substituted therefor: R.S.O. 1950, c. 388, s. 1, par. 42, cls. *b*, *d* (1954, c. 95, s. 1, subs. 7), re-enacted

(b) the towns of Aurora, Newmarket, Richmond Hill;

.

(d) the villages of Markham, Stouffville, Sutton, Woodbridge.

(19) Paragraph 43 of the said section 1 is amended by striking out "shall consist of the townships of" in the second line and inserting in lieu thereof the following: R.S.O. 1950, c. 388, s. 1, par. 43, amended

shall consist of,

(a) the Improvement District of Bicroft;

(b) the townships of,

.

(20) Clause *c* of paragraph 44 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950, c. 388, s. 1, par. 44, cl. *c*, re-enacted

(c) the villages of Hilton Beach, Iron Bridge.

(21) Clause *b* of paragraph 52 of the said section 1, as amended by subsection 8 of section 1 of *The Territorial Division Amendment Act, 1954*, is further amended by striking R.S.O. 1950, c. 388, s. 1, par. 52, cl. *b*, amended

out "Frood Mine" in the second line and inserting in lieu thereof "Espanola", so that the clause shall read as follows:

- (b) the towns of Capreol, Chelmsford, Coniston, Copper Cliff, Espanola, Levack, Lively, Massey, Webbwood.

R.S.O. 1950,
c. 388, s. 1,
par. 53, cl. c,
amended

(22) Clause *c* of paragraph 53 of the said section 1 is amended by inserting after,

- (a) "Byron" in the first column "Cecil" and "Cecile";
 (b) "Danford" in the first column "Davies";
 (c) "Flood" in the second column "Foote";
 (d) "Furlonge" in the second column "Gemmell" and "Gertrude";
 (e) "Graydon" in the second column "Grenville";
 (f) "Hele" in the second column "Herbert";
 (g) "Manion" in the third column "Mapledoram";
 (h) "Neebing" in the third column "Nickle";
 (i) "Robbins" in the first column "Roberta"; and
 (j) "Soper" in the second column "Spooner".

R.S.O. 1950,
c. 388, s. 2,
par. 1,
amended

2.—(1) Paragraph 1 of section 2 of *The Territorial Division Act*, as amended by subsection 1 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by striking out "includes the townships of" in the second line and inserting in lieu thereof the following:

includes,

- (a) the improvement districts of Elliot Lake, White River;
 (b) the townships of,

and by striking out "Thessalon and Lefroy" in the third column and inserting in lieu thereof "Thessalon".

R.S.O. 1950,
c. 388, s. 2,
par. 2, cl. a
(1952, c. 106,
s. 2, subs. 2),
re-enacted

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

- (a) the improvement districts of Kingham (part), Val Albert.

(3) Clause *b* of paragraph 2 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by inserting after "Glackmeyer" in the first column "Kendrey". R.S.O. 1950, c. 388, s. 2, par. 2, cl. b, amended

(4) Clause *b* of paragraph 3 of the said section 2 is amended by striking out "Van Horne" in the second column and inserting in lieu thereof "Red Lake". R.S.O. 1950, c. 388, s. 2, par. 3, cl. b, amended

(5) Clause *a* of paragraph 9 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1950, c. 388, s. 2, par. 9, cl. a, re-enacted

(a) the improvement districts of Onaping, Renabie.

(6) Clause *b* of paragraph 9 of the said section 2, as amended by subsection 5 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by inserting after "Bleazard" in the first column "Capreol", by inserting after "Drury, Denison and Graham" in the second column "Falconbridge" and by striking out "McKim" in the second column. R.S.O. 1950, c. 388, s. 2, par. 9, cl. b, amended

(7) Clause *a* of paragraph 10 of the said section 2, as amended by subsection 6 of section 2 of *The Territorial Division Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 388, s. 2, par. 10, c. a, re-enacted

(a) the improvement districts of Beardmore, Dorion, Longlac, Manitouwadge, Marathon, Nakina, Red Rock.

(8) Clause *b* of paragraph 10 of the said section 2 is amended by adding at the end thereof "Terrace Bay". R.S.O. 1950, c. 388, s. 2, par. 10, cl. b, amended

3. This Act may be cited as *The Territorial Division Amendment Act, 1960*. Short title

An Act to amend
The Territorial Division Act

1st Reading

March 1st, 1960

2nd Reading

March 15th, 1960

3rd Reading

MR. WARRENDER

*(Reprinted for consideration by the
Committee of the Whole House)*

BILL 85

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Territorial Division Act

MR. WARRENDER

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



An Act to amend The Territorial Division Act

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

1.—(1) Clause *b* of paragraph 8 of section 1 of *The Territorial Division Act* is amended by striking out “La Salle” in the second line. R.S.O. 1950, c. 388, s. 1, par. 8, cl. *b*, amended

(2) Clauses *a* and *b* of paragraph 13 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1950, c. 388, s. 1, par. 13, cls. *a*, *b*, re-enacted

(a) the towns of Caledonia, Dunnville;

(b) the villages of Cayuga, Hagersville, Jarvis.

(3) Clause *aa* of paragraph 14 of the said section 1, as enacted by subsection 2 of section 1 of *The Territorial Division Amendment Act, 1952*, is repealed. R.S.O. 1950, c. 388, s. 1, par. 14, cl. *aa* (1952, c. 106, s. 1, subs. 2), repealed

(4) Clause *b* of paragraph 14 of the said section 1 is amended by striking out “Nelson” in the second column. R.S.O. 1950, c. 388, s. 1, par. 14, cl. *b*, amended

(5) Clause *e* of paragraph 15 of the said section 1 is amended by inserting after “Faraday” in the first column “Herschel” and by striking out “Monteagle and Herschel” in the second column and inserting in lieu thereof “Monteagle”. R.S.O. 1950, c. 388, s. 1, par. 15, cl. *e*, amended

(6) Clause *b* of paragraph 16 of the said section 1, as amended by subsection 3 of section 1 of *The Territorial Division Amendment Act, 1952*, is further amended by adding at the end thereof “Zurich”, so that the clause shall read as follows: R.S.O. 1950, c. 388, s. 1, par. 16, cl. *b*, amended

(b) the villages of Blyth, Brussels, Hensall, Zurich.

(7) Clause *a* of paragraph 24 of the said section 1, as enacted by subsection 2 of section 1 of *The Territorial Division* R.S.O. 1950, c. 388, s. 1, par. 24, cl. *a* (1954, c. 95, s. 1, subs. 2), re-enacted

Amendment Act, 1954, is repealed and the following substituted therefor:

(a) the towns of Delhi, Port Dover, Simcoe, Waterford.

R.S.O. 1950,
c. 388, s. 1,
par. 24, cl. b,
re-enacted (8) Clause *b* of paragraph 24 of the said section 1, as amended by subsection 3 of section 1 of *The Territorial Division Amendment Act, 1954*, is repealed and the following substituted therefor:

(b) the Village of Port Rowan.

R.S.O. 1950,
c. 388, s. 1,
par. 26, cl. b,
re-enacted (9) Clause *b* of paragraph 26 of the said section 1 is repealed and the following substituted therefor:

(b) the towns of Ajax, Uxbridge, Whitby.

R.S.O. 1950,
c. 388, s. 1,
par. 26, cl. cc
(1952, c. 106,
s. 1, subs. 5),
repealed (10) Clause *cc* of paragraph 26 of the said section 1, as enacted by subsection 5 of section 1 of *The Territorial Division Amendment Act, 1952*, is repealed.

R.S.O. 1950,
c. 388, s. 1,
par. 28, cl. b,
amended (11) Clause *b* of paragraph 28 of the said section 1 is amended by inserting after "Bolton" in the first line "Caledon East", so that the clause shall read as follows:

(b) the villages of Bolton, Caledon East, Port Credit, Streetsville.

R.S.O. 1950,
c. 388, s. 1,
par. 33,
cls. a, b,
re-enacted (12) Clause *a* and clause *b*, as amended by subsection 5 of section 1 of *The Territorial Division Amendment Act, 1954*, of paragraph 33 of the said section 1 are repealed and the following substituted therefor:

(a) the towns of Arnprior, Deep River, Pembroke, Renfrew;

(b) the villages of Barry's Bay, Beachburg, Braeside, Chalk River, Cobden, Eganville, Killaloe Station.

R.S.O. 1950,
c. 388, s. 1,
par. 35,
cls. a, b,
re-enacted (13) Clauses *a* and *b* of paragraph 35 of the said section 1 are repealed and the following substituted therefor:

(a) the City of Barrie;

(aa) the towns of Alliston, Bradford, Collingwood, Midland, Orillia, Penetanguishene, Stayner;

(b) the villages of Beeton, Coldwater, Creemore, Elmvale, Port McNicoll, Tottenham, Victoria Harbour, Wasaga Beach.

(14) Clause *c* of paragraph 38 of the said section 1 is amended by inserting after "Ayr" in the first line "Bridgeport", so that the clause shall read as follows: R.S.O. 1950,
c. 388, s. 1,
par. 38, cl. *c*,
amended

(c) the villages of Ayr, Bridgeport, New Hamburg.

(15) Clauses *b* and *c* of paragraph 41 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 1,
par. 41,
cls. *b*, *c*,
re-enacted

(b) the towns of Dundas, Stoney Creek;

(c) the Village of Waterdown.

(16) Clause *d* of paragraph 41 of the said section 1 is amended by striking out "Barton" in the first column. R.S.O. 1950,
c. 388, s. 1,
par. 41, cl. *d*,
amended

(17) Paragraph 41 of the said section 1 is amended by striking out the Note thereto. R.S.O. 1950,
c. 388, s. 1,
par. 41,
amended

(18) Clauses *b* and *d* of paragraph 42 of the said section 1, as re-enacted by subsection 7 of section 1 of *The Territorial Division Amendment Act, 1954*, are repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 1,
par. 42, cls.
b, *d* (1954,
c. 95, s. 1,
subs. 7),
re-enacted

(b) the towns of Aurora, Newmarket, Richmond Hill;

.

(d) the villages of Markham, Stouffville, Sutton, Woodbridge.

(19) Paragraph 43 of the said section 1 is amended by striking out "shall consist of the townships of" in the second line and inserting in lieu thereof the following: R.S.O. 1950,
c. 388, s. 1,
par. 43,
amended

shall consist of,

(a) the Improvement District of Bicroft;

(b) the townships of,

.

(20) Clause *c* of paragraph 44 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 1,
par. 44, cl. *c*,
re-enacted

(c) the villages of Hilton Beach, Iron Bridge.

(21) Clause *b* of paragraph 52 of the said section 1, as amended by subsection 8 of section 1 of *The Territorial Division Amendment Act, 1954*, is further amended by striking R.S.O. 1950,
c. 388, s. 1,
par. 52, cl. *b*,
amended

out "Frood Mine" in the second line and inserting in lieu thereof "Espanola", so that the clause shall read as follows:

- (b) the towns of Capreol, Chelmsford, Coniston, Copper Cliff, Espanola, Levack, Lively, Massey, Webbwood.

R.S.O. 1950, c. 388, s. 1, par. 53, cl. c, amended (22) Clause *c* of paragraph 53 of the said section 1 is amended by inserting after,

- (a) "Byron" in the first column "Cecil" and "Cecile";
- (b) "Danford" in the first column "Davies";
- (c) "Flood" in the second column "Foote";
- (d) "Furlonge" in the second column "Gemmell" and "Gertrude";
- (e) "Graydon" in the second column "Grenville";
- (f) "Hele" in the second column "Herbert";
- (g) "Manion" in the third column "Mapledoram";
- (h) "Neebing" in the third column "Nickle";
- (i) "Robbins" in the first column "Roberta"; and
- (j) "Soper" in the second column "Spooner".

R.S.O. 1950, c. 388, s. 2, par. 1, amended 2.—(1) Paragraph 1 of section 2 of *The Territorial Division Act*, as amended by subsection 1 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by striking out "includes the townships of" in the second line and inserting in lieu thereof the following:

includes,

- (a) the improvement districts of Elliot Lake, White River;
- (b) the townships of,

and by striking out "Thessalon and Lefroy" in the third column and inserting in lieu thereof "Thessalon".

R.S.O. 1950, c. 388, s. 2, par. 2, cl. c (1952, c. 106, s. 2, subs. 2), re-enacted (2) Clause *a* of paragraph 2 of the said section 2, as re-enacted by subsection 2 of section 2 of *The Territorial Division Amendment Act, 1952*, is repealed and the following substituted therefor:

- (a) the improvement districts of Kingham (part), Val Albert.

(3) Clause *b* of paragraph 2 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by inserting after "Glackmeyer" in the first column "Kendrey". R.S.O. 1950,
c. 388, s. 2,
par. 2, cl. *b*,
amended

(4) Clause *b* of paragraph 3 of the said section 2 is amended by striking out "Van Horne" in the second column and inserting in lieu thereof "Red Lake". R.S.O. 1950,
c. 388, s. 2,
par. 3, cl. *b*,
amended

(5) Clause *a* of paragraph 9 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 2,
par. 9, cl. *a*,
re-enacted

(a) the improvement districts of Onaping, Renabie.

(6) Clause *b* of paragraph 9 of the said section 2, as amended by subsection 5 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by inserting after "Bleazard" in the first column "Capreol", by inserting after "Drury, Denison and Graham" in the second column "Falconbridge" and by striking out "McKim" in the second column. R.S.O. 1950,
c. 388, s. 2,
par. 9, cl. *b*,
amended

(7) Clause *a* of paragraph 10 of the said section 2, as amended by subsection 6 of section 2 of *The Territorial Division Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 388, s. 2,
par. 10, c. *a*,
re-enacted

(a) the improvement districts of Beardmore, Dorion, Longlac, Manitouwadge, Marathon, Nakina, Red Rock.

(8) Clause *b* of paragraph 10 of the said section 2 is amended by adding at the end thereof "Terrace Bay". R.S.O. 1950,
c. 388, s. 2,
par. 10, cl. *b*,
amended

3. This Act may be cited as *The Territorial Division Amendment Act, 1960*. Short title

An Act to amend
The Territorial Division Act

1st Reading

March 1st, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 24th, 1960

MR. WARRENDER

BILL 86

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Farm Products Marketing Act**

MR. GOODFELLOW

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

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to authorize regulations for intervening to carry out the powers and take over the assets of a marketing agency.

SECTION 2—Subsections 1 and 3. The provision in clause 26a is renumbered 6a so that it may be delegated to a local board under subsection 5 of section 6 of the Act. The amendment also requires the approval of the Farm Products Marketing Board to any grants made by local boards or marketing agencies.

BILL 86

1960

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. Subsection 1 of section 4a of *The Farm Products Marketing Act*, as enacted by section 3 of *The Farm Products Marketing Amendment Act, 1958* and amended by sub-sections 1, 2 and 3 of section 2 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following clause:

(dd) notwithstanding any other Act providing for,

- (i) the carrying out by the Board, or the local board or a trustee, of any or all of the powers of a marketing agency,
- (ii) the vesting of the assets of a marketing agency in the Board, or the local board or a trustee,
- (iii) the disposing of any or all of the assets of a marketing agency in such manner as may be prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing agency, the regulation prevails.

2.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957* and amended by section 4 of *The Farm Products Marketing Amendment Act*,

1958 and subsections 1 and 2 of section 3 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following clauses:

6a. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the local board or marketing agency, as the case may be, and to forward such licence fees to the local board or marketing agency;

.

12a. notwithstanding any other Act, providing that no local board or marketing agency shall make grants or other like payments of money to any person or association or body of persons without the approval of the Board.

R.S.O. 1950, c. 131, s. 6, (1957, c. 34, s. 4), subs. 1, cl. 25, re-enacted (2) Clause 25 of subsection 1 of the said section 6 is repealed and the following substituted therefor:

25. providing for the revocation of the appointment of a marketing agency designated under clause 24.

R.S.O. 1950, c. 131, s. 6, subs. 1, cl. 26a (1959, c. 35, s. 3, subs. 2), repealed (3) Clause 26a of subsection 1 of the said section 6, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1959*, is repealed.

R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, cl. a, subcl. vi, repealed 3.—(1) Subclause vi of clause a of subsection 1 of section 7 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is repealed.

R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, cl. b, amended (2) Clause b of subsection 1 of the said section 7 is amended by adding at the commencement thereof "subject to subsection 4", so that the clause shall read as follows:

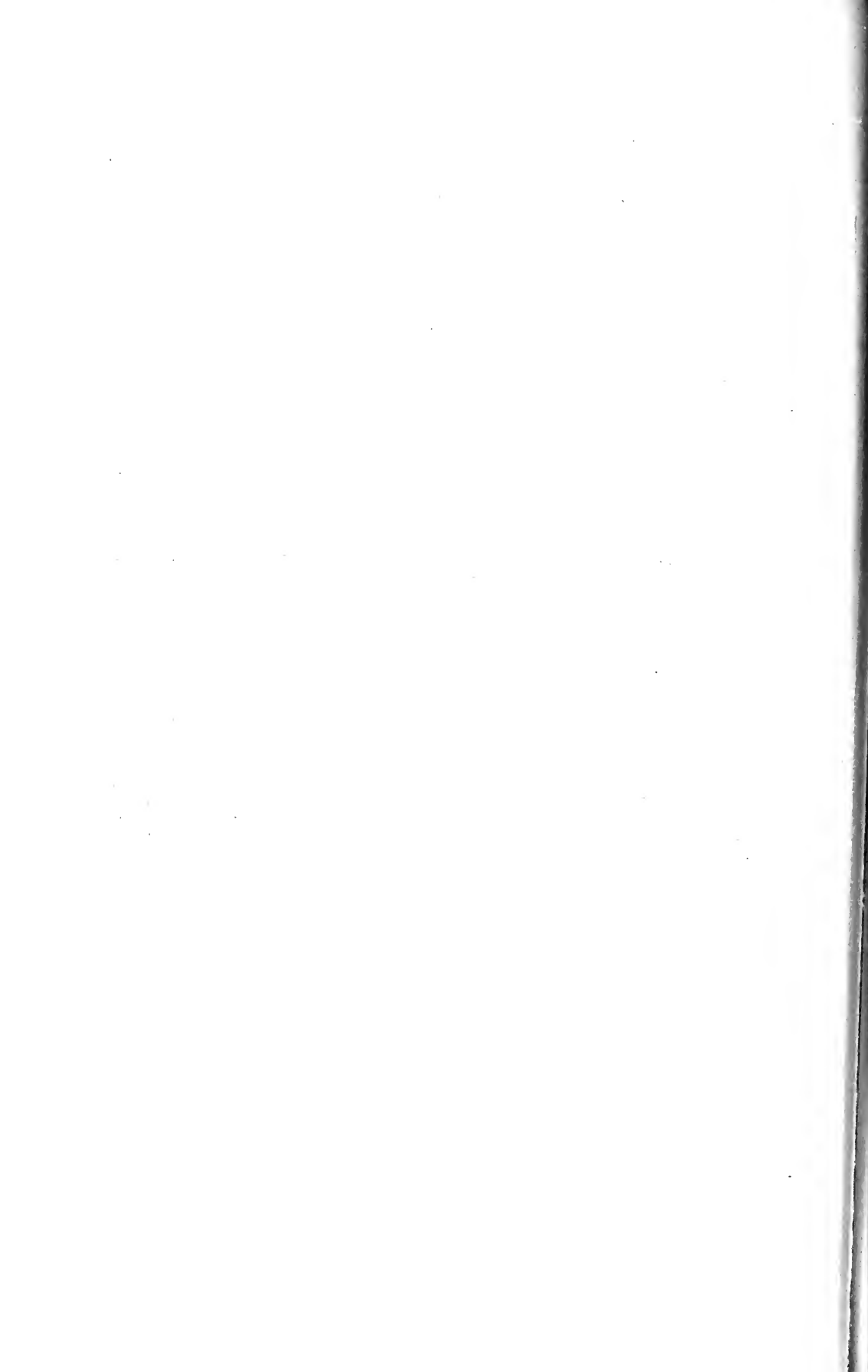
(b) subject to subsection 4, vesting in any local board power to fix from time to time the service charges to be imposed by its marketing agency for the marketing of the regulated product.

R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, amended (3) Subsection 1 of the said section 7, as amended by subsection 1 of section 4 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following clause:

(bb) vesting in any marketing agency power to pay to the local board from service charges imposed under subclause v of clause a its expenses in carrying out the purposes of the plan.

Subsection 2. The purpose of the amendment is to delete the present requirement that local boards approve the appointment or revocation of appointment of marketing agencies.

SECTION 3. The amendment gives the Farm Products Marketing Board power to obtain detailed information concerning the finances and assets of local boards and to exercise supervisory powers over the purposes for which plans are being operated. The amendment also makes it possible for local boards to act in place of marketing agencies where no marketing agency is appointed.



(4) Clause *c* of subsection 1 of the said section 7 is amended by striking out "and less moneys to be paid to the local board for its expenses under subclause vi of clause *a*" in the fourth, fifth and sixth lines, so that the clause shall read as follows: R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, cl. c, amended

- (c) vesting in any marketing agency power to pay to the producers the price or prices for the regulated product less service charges imposed under subclause v of clause *a* and to fix the times at which or within which such payments shall be made.

(5) The said section 7, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following subsections: R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), amended

- (3) The Board may from time to time with respect to any regulated product require the local board to furnish any information that the Board deems necessary to determine the operations of the local board or its marketing agency and, without limiting the generality of the foregoing, may require the local board to furnish particulars of, Board may require information

- (a) service charges fixed under clause *b* of subsection 1;
- (b) purposes for which the service charges are used and the amounts expended for each purpose;
- (c) any proposed changes in the amounts of the service charges;
- (d) operating deficits or profits and reserves of the local board or the marketing agency;
- (e) property leased, owned or otherwise acquired or used by the local board or the marketing agency; and
- (f) the purposes of the plan in effect for the marketing of the regulated product.

- (4) The Board may by order in respect of any regulated product require the local board to fix the service charges under clause *b* of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board may deem proper. Maximum service charges

Board may
require
information

- (5) The Board may require any local board,
- (a) to furnish to the Board particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;
 - (b) to carry out any purpose of the plan that the Board deems necessary or advisable;
 - (c) to vary any purpose of the plan as the Board deems advisable; and
 - (d) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Board deems unnecessary or inadvisable.

Regulations
to give local
board power
of market-
ing agency

- (6) Except where a marketing agency is designated under clause 24 of subsection 1 of section 6, the Board may make regulations with respect to any regulated product vesting in the local board any or all of the powers mentioned in clauses *a*, *c* and *d* of subsection 1.

Marketing
of regulated
product by
local board

- (7) Where the Board makes regulations under subsection 6, it may provide that the regulated product shall be marketed by or through the local board.

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 Farm Products Marketing Amendment Act, 1960*.





An Act to amend
The Farm Products Marketing Act

1st Reading

March 1st, 1960

2nd Reading

3rd Reading

MR. GOODFELLOW

BILL 86

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Farm Products Marketing Act**

MR. GOODFELLOW

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



BILL 86

1960

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. Subsection 1 of section 4a of *The Farm Products Marketing Act*, as enacted by section 3 of *The Farm Products Marketing Amendment Act, 1958* and amended by sub-sections 1, 2 and 3 of section 2 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following clause:

R.S.O. 1950,
c. 131, s. 4a
(1958, c. 27,
s. 3), subs. 1,
amended

(dd) notwithstanding any other Act providing for,

- (i) the carrying out by the Board, or the local board or a trustee, of any or all of the powers of a marketing agency,
- (ii) the vesting of the assets of a marketing agency in the Board, or the local board or a trustee,
- (iii) the disposing of any or all of the assets of a marketing agency in such manner as may be prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing agency, the regulation prevails.

2.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957* and amended by section 4 of *The Farm Products Marketing Amendment Act*,

R.S.O. 1950,
c. 131, s. 6
(1957, c. 34,
s. 4), subs. 1,
amended

1958 and subsections 1 and 2 of section 3 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following clauses:

6a. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the local board or marketing agency, as the case may be, and to forward such licence fees to the local board or marketing agency;

12a. notwithstanding any other Act, providing that no local board or marketing agency shall make grants or other like payments of money to any person or association or body of persons without the approval of the Board.

R.S.O. 1950, c. 131, s. 6, (1957, c. 34, s. 4), subs. 1, cl. 25, re-enacted (2) Clause 25 of subsection 1 of the said section 6 is repealed and the following substituted therefor:

25. providing for the revocation of the appointment of a marketing agency designated under clause 24.

R.S.O. 1950, c. 131, s. 6, subs. 1, cl. 26^a (1959, c. 35, s. 3, subs. 2), repealed (3) Clause 26a of subsection 1 of the said section 6, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1959*, is repealed.

R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, cl. a, subcl. vi, repealed 3.—(1) Subclause vi of clause a of subsection 1 of section 7 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is repealed.

R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, cl. b, amended (2) Clause b of subsection 1 of the said section 7 is amended by adding at the commencement thereof "subject to subsection 4", so that the clause shall read as follows:

(b) subject to subsection 4, vesting in any local board power to fix from time to time the service charges to be imposed by its marketing agency for the marketing of the regulated product.

R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, amended (3) Subsection 1 of the said section 7, as amended by subsection 1 of section 4 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following clause:

(bb) vesting in any marketing agency power to pay to the local board from service charges imposed under subclause v of clause a its expenses in carrying out the purposes of the plan.

(4) Clause *c* of subsection 1 of the said section 7 is amended by striking out "and less moneys to be paid to the local board for its expenses under subclause *vi* of clause *a*" in the fourth, fifth and sixth lines, so that the clause shall read as follows: R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, cl. *c*, amended

(*c*) vesting in any marketing agency power to pay to the producers the price or prices for the regulated product less service charges imposed under subclause *v* of clause *a* and to fix the times at which or within which such payments shall be made.

(5) The said section 7, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following subsections: R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), amended

(3) The Board may from time to time with respect to any regulated product require the local board to furnish any information that the Board deems necessary to determine the operations of the local board or its marketing agency and, without limiting the generality of the foregoing, may require the local board to furnish particulars of, Board may require information

(*a*) service charges fixed under clause *b* of subsection 1;

(*b*) purposes for which the service charges are used and the amounts expended for each purpose;

(*c*) any proposed changes in the amounts of the service charges;

(*d*) operating deficits or profits and reserves of the local board or the marketing agency;

(*e*) property leased, owned or otherwise acquired or used by the local board or the marketing agency; and

(*f*) the purposes of the plan in effect for the marketing of the regulated product.

(4) The Board may by order in respect of any regulated product require the local board to fix the service charges under clause *b* of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board may deem proper. Maximum service charges

Board may
require
information

- (5) The Board may require any local board,
- (a) to furnish to the Board particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;
 - (b) to carry out any purpose of the plan that the Board deems necessary or advisable;
 - (c) to vary any purpose of the plan as the Board deems advisable; and
 - (d) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Board deems unnecessary or inadvisable.

Regulations
to give local
board power
of market-
ing agency

- (6) Except where a marketing agency is designated under clause 24 of subsection 1 of section 6, the Board may make regulations with respect to any regulated product vesting in the local board any or all of the powers mentioned in clauses *a*, *c* and *d* of subsection 1.

Marketing
of regulated
product by
local board

- (7) Where the Board makes regulations under subsection 6, it may provide that the regulated product shall be marketed by or through the local board.

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 Farm Products Marketing Amendment Act, 1960*.



An Act to amend
The Farm Products Marketing Act

1st Reading

March 1st, 1960

2nd Reading

March 30th, 1960

3rd Reading

April 11th, 1960

MR. GODFELLOW

1960

BILL 87

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Tourist Establishments Act

MR. CATHCART

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “tourist establishment” is re-enacted in order (1) to include the establishments heretofore known as “tourist outfitters’ camps”, (2) to include *bona fide* clubs.

Subsection 2. This amendment repeals the definition of “tourist outfitter’s camp” which is no longer required.

SECTION 2—Subsection 1. The purpose of the amendment is to authorize the present permit system and the clause is not otherwise changed in substance.

BILL 87

1960

An Act to amend The Tourist Establishments Act

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

1.—(1) Clause *d* of section 1 of *The Tourist Establishments Act*, as re-enacted by section 1 of *The Tourist Establishments Amendment Act, 1958*, is repealed and the following sub-stituted therefor:

- (*d*) “tourist establishment” means any premises operated for the accommodation of the travelling or vacationing public or at or from which equipment, supplies or services are furnished to the public in connection with angling, hunting or camping, but does not include,
- (i) a camp operated by a charitable organization within the meaning of *The Charitable Institutions Act, 1956*, or
 - (ii) a summer camp within the meaning of the regulations made under *The Public Health Act*, or
 - (iii) a club owned by its members and operated without profit or gain.

(2) Clause *e* of the said section 1, as enacted by section 1 of *The Tourist Establishments Amendment Act, 1958*, is repealed.

2.—(1) Clause *b* of subsection 1 of section 2 of *The Tourist Establishments Act*, as re-enacted by section 2 of *The Tourist Establishments Amendment Act, 1952* and amended by sub-

section 2 of section 2 of *The Tourist Establishments Amendment Act, 1958*, is repealed and the following substituted therefor:

- (b) providing for permits to establish and for licences to operate tourist establishments and respecting the form, issue, renewal, transfer, refusal, suspension and cancellation of such permits and licences and prescribing the fees payable for such permits and licences and renewals thereof.

R.S.O. 1950,
c. 393, s. 2,
amended

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

Adoption
of National
Building
Code

- (3) Any regulation made under clause *d, e, f* or *g* of subsection 1 may adopt by reference, in whole or in part or with such changes as the Lieutenant Governor in Council considers necessary, the National Building Code of Canada issued by the National Research Council and may require compliance with any code that is so adopted.

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 Tourist Establishments Amendment Act, 1960*.

Subsection 2. This new provision authorizes the adoption by reference of all or any part of the National Building Code in regulations respecting the construction, etc., of tourist establishments.



Richard of the ...
of ...

An Act to amend
The Tourist Establishments Act

1st Reading

March 1st, 1960

2nd Reading

3rd Reading

MR. CATHCART

BILL 87

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Tourist Establishments Act

MR. CATHCART

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of "tourist establishment" is re-enacted in order (1) to include the establishments heretofore known as "tourist outfitters' camps", (2) to include *bona fide* clubs.

Subsection 2. This amendment repeals the definition of "tourist outfitter's camp" which is no longer required.

SECTION 2. The purpose of the amendment is to authorize the present permit system and the clause is not otherwise changed in substance.

BILL 87

1960

An Act to amend The Tourist Establishments Act

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

1.—(1) Clause *d* of section 1 of *The Tourist Establishments Act*, as re-enacted by section 1 of *The Tourist Establishments Amendment Act, 1958*, is repealed and the following substituted therefor:

(*d*) “tourist establishment” means any premises operated for the accommodation of the travelling or vacationing public or at or from which equipment, supplies or services are furnished to the public in connection with angling, hunting or camping, but does not include,

(i) a camp operated by a charitable organization within the meaning of *The Charitable Institutions Act, 1956*, or

(ii) a summer camp within the meaning of the regulations made under *The Public Health Act*, or

(iii) a club owned by its members and operated without profit or gain.

(2) Clause *e* of the said section 1, as enacted by section 1 of *The Tourist Establishments Amendment Act, 1958*, is repealed.

2. Clause *b* of subsection 1 of section 2 of *The Tourist Establishments Act*, as re-enacted by section 2 of *The Tourist Establishments Amendment Act, 1952* and amended by sub-

section 2 of section 2 of *The Tourist Establishments Amendment Act, 1958*, is repealed and the following substituted therefor:

- (b) providing for permits to establish and for licences to operate tourist establishments and respecting the form, issue, renewal, transfer, refusal, suspension and cancellation of such permits and licences and prescribing the fees payable for such permits and licences and renewals thereof.

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 Tourist Establishments Amendment Act, 1960*.







An Act to amend
The Tourist Establishments Act

1st Reading

March 1st, 1960

2nd Reading

March 15th, 1960

3rd Reading

MR. CATHCART

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

BILL 87

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Tourist Establishments Act

MR. CATHCART

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



BILL 87

1960

**An Act to amend
The Tourist Establishments Act**

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

1.—(1) Clause *d* of section 1 of *The Tourist Establishments Act*, as re-enacted by section 1 of *The Tourist Establishments Amendment Act, 1958*, is repealed and the following substituted therefor:

(*d*) “tourist establishment” means any premises operated for the accommodation of the travelling or vacationing public or at or from which equipment, supplies or services are furnished to the public in connection with angling, hunting or camping, but does not include,

- (i) a camp operated by a charitable organization within the meaning of *The Charitable Institutions Act, 1956*, or
- (ii) a summer camp within the meaning of the regulations made under *The Public Health Act*, or
- (iii) a club owned by its members and operated without profit or gain.

(2) Clause *e* of the said section 1, as enacted by section 1 of *The Tourist Establishments Amendment Act, 1958*, is repealed.

2. Clause *b* of subsection 1 of section 2 of *The Tourist Establishments Act*, as re-enacted by section 2 of *The Tourist Establishments Amendment Act, 1952* and amended by sub-

section 2 of section 2 of *The Tourist Establishments Amendment Act, 1958*, is repealed and the following substituted therefor:

- (b) providing for permits to establish and for licences to operate tourist establishments and respecting the form, issue, renewal, transfer, refusal, suspension and cancellation of such permits and licences and prescribing the fees payable for such permits and licences and renewals thereof.

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 Tourist Establishments Amendment Act, 1960*.







An Act to amend
The Tourist Establishments Act

1st Reading

March 1st, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 22nd, 1960

MR. CATHCART

BILL 88

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

An Act to amend The Parole Act

MR. WARDROPE

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

EXPLANATORY NOTE

The amendments reduce the membership of the Board of Parole from nine members of whom all but the chairman are part-time members to five of whom three must be full-time members. The designation of parole and rehabilitation officers is deleted to bring the Act into line with modern administrative practice.

BILL 88

1960

An Act to amend The Parole 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*, as amended by section 1 of *The Parole Amendment Act, 1952*, and clause *e* of section 1 of *The Parole Act* are repealed. R.S.O. 1950, c. 268, s. 1, cls. *b*, *e*, repealed
2. Section 2 of *The Parole Act*, as amended by section 2 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 268, s. 2, re-enacted
 2. The Board of Parole shall be composed of not more than five persons appointed by the Lieutenant Governor in Council, of whom three shall be full-time members. Composition of Board
3. Section 4 of *The Parole Act*, as amended by section 3 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 268, s. 4, re-enacted
 4. The Lieutenant Governor in Council may appoint a secretary of the Board and such other officers and employees as he deems necessary. Appointment of secretary, officers and employees
4. Section 5 of *The Parole Act*, as amended by section 4 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 268, s. 5, re-enacted
 - 5.—(1) The full-time members of the Board, the secretary and the officers and employees of the Board shall be paid such salary and expenses as may be determined by the Lieutenant Governor in Council. Salaries of full-time members, secretary, officers and employees
 - (2) The members of the Board who are not full-time members shall serve without salary but may be paid such expenses and allowances for attendance at Expenses and allowances for part-time members

meetings of the Board or for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council.

R.S.O. 1950,
c. 268, s. 7,
amended

5. Section 7 of *The Parole Act*, as amended by section 5 of *The Parole Amendment Act, 1952*, is amended by striking out "by a parole and rehabilitation officer or" in the fourth line and in the amendment of 1952, so that the section shall read as follows:

Re-taking
prisoners
on breach
of
conditions
of parole

7. In the case of prisoners referred to in subclause i of clause c of section 1, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled.

R.S.O. 1950,
c. 268, s. 12,
subs. 1, cl. a,
re-enacted

6. Clause a of subsection 1 of section 12 of *The Parole Act*, as amended by section 6 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor:

(a) defining the duties and powers of the Board.

Commence-
ment

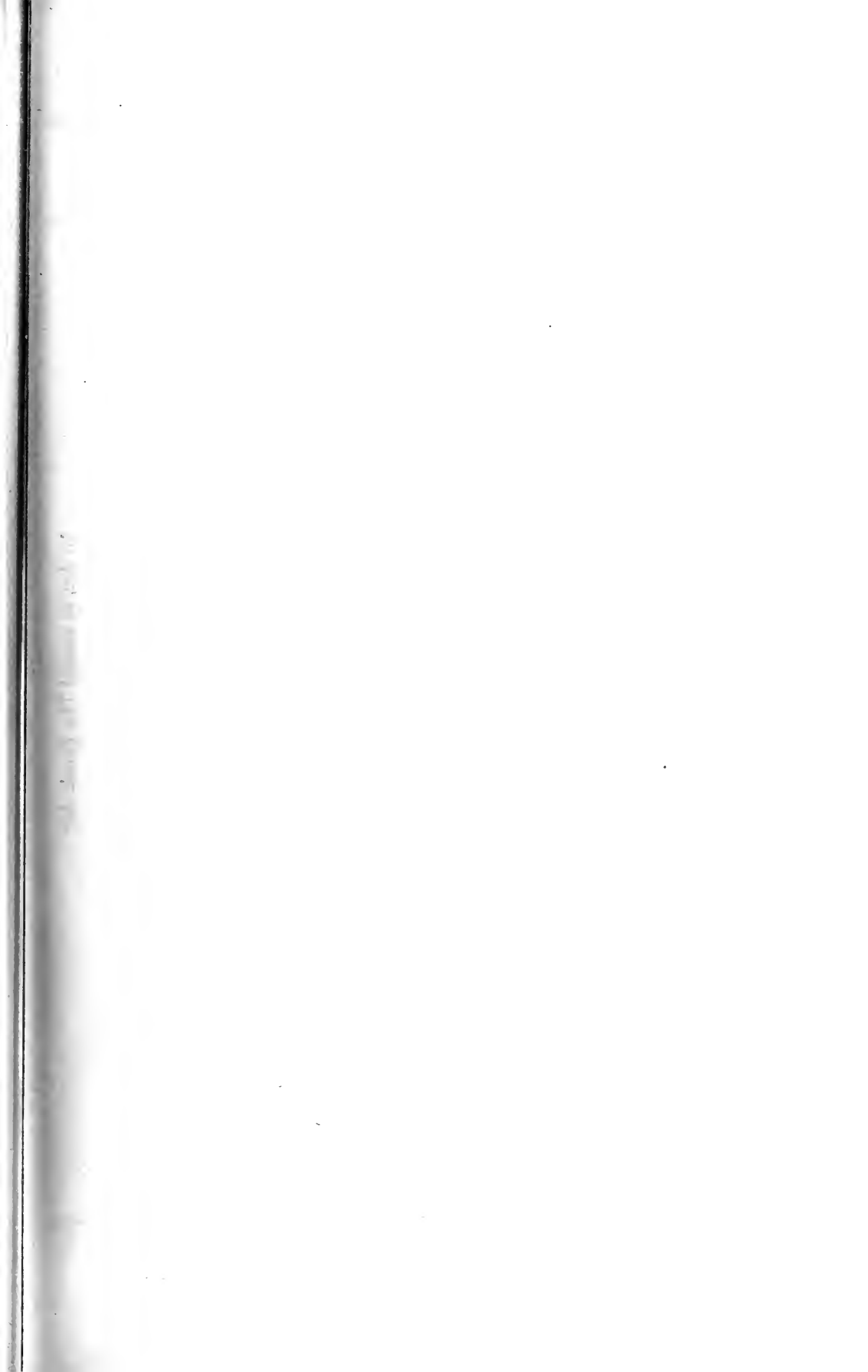
7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Parole Amendment Act, 1960*.







An Act to amend The Parole Act

1st Reading

March 1st, 1960

2nd Reading

3rd Reading

MR. WARDROPE

BILL 88

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Parole Act

MR. WARDROPE

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



BILL 88

1960

An Act to amend The Parole 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*, as amended by section 1 of *The Parole Amendment Act, 1952*, and clause *e* of section 1 of *The Parole Act* are repealed. R.S.O. 1950, c. 268, s. 1, cls. *b*, *e*, repealed

2. Section 2 of *The Parole Act*, as amended by section 2 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 268, s. 2, re-enacted

2. The Board of Parole shall be composed of not more than five persons appointed by the Lieutenant Governor in Council, of whom three shall be full-time members. Composition of Board

3. Section 4 of *The Parole Act*, as amended by section 3 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 268, s. 4, re-enacted

4. The Lieutenant Governor in Council may appoint a secretary of the Board and such other officers and employees as he deems necessary. Appointment of secretary, officers and employees

4. Section 5 of *The Parole Act*, as amended by section 4 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 268, s. 5, re-enacted

5.—(1) The full-time members of the Board, the secretary and the officers and employees of the Board shall be paid such salary and expenses as may be determined by the Lieutenant Governor in Council. Salaries of full-time members, secretary, officers and employees

(2) The members of the Board who are not full-time members shall serve without salary but may be paid such expenses and allowances for attendance at Expenses and allowances for part-time members

meetings of the Board or for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council.

R.S.O. 1950,
c. 268, s. 7,
amended

5. Section 7 of *The Parole Act*, as amended by section 5 of *The Parole Amendment Act, 1952*, is amended by striking out "by a parole and rehabilitation officer or" in the fourth line and in the amendment of 1952, so that the section shall read as follows:

Re-taking
prisoners
on breach
of
conditions
of parole

7. In the case of prisoners referred to in subclause i of clause c of section 1, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled.

R.S.O. 1950,
c. 268, s. 12,
subs. 1, cl. a,
re-enacted

6. Clause a of subsection 1 of section 12 of *The Parole Act*, as amended by section 6 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor:

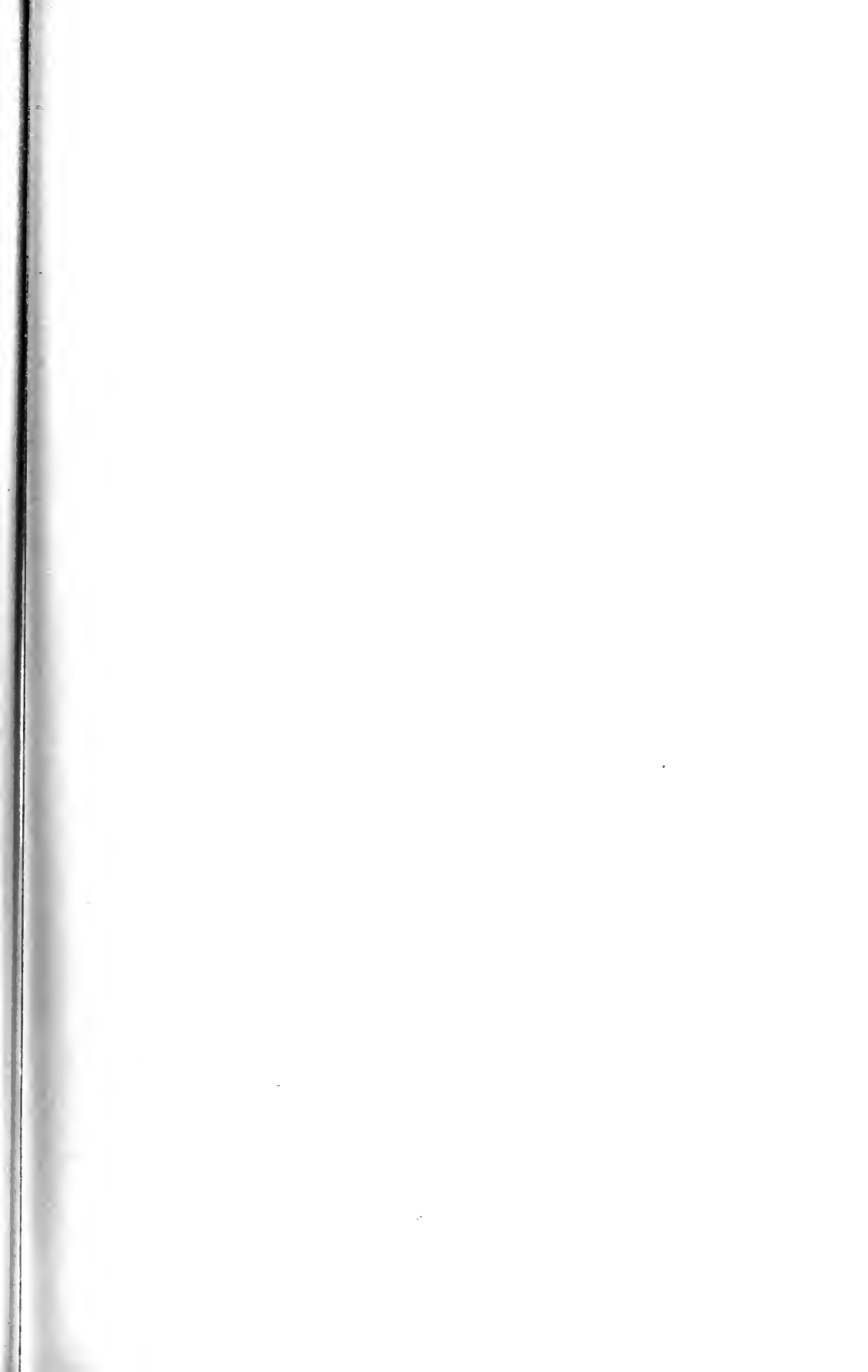
(a) defining the duties and powers of the Board.

Commence-
ment

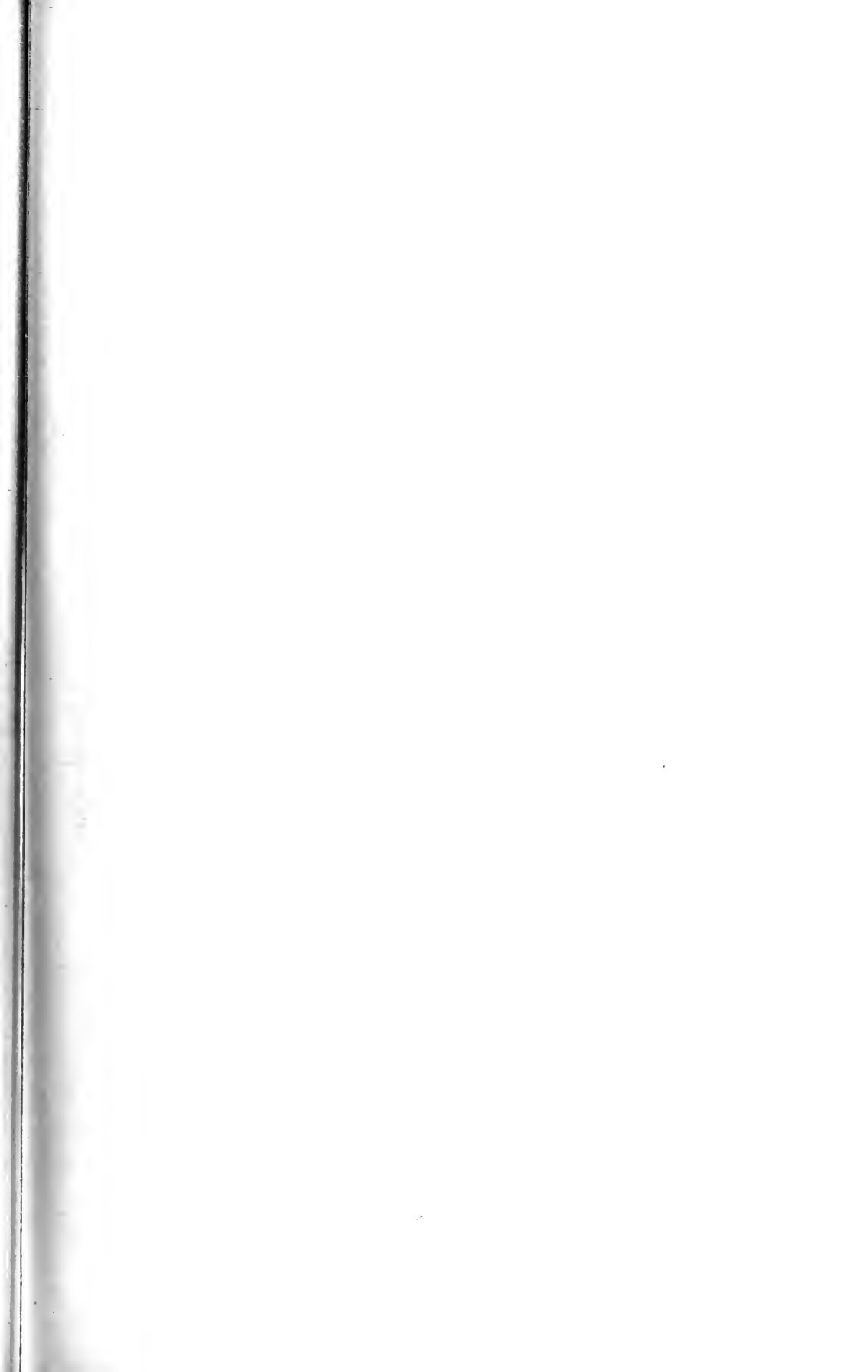
7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Parole Amendment Act, 1960*.







An Act to amend The Parole Act

1st Reading

March 1st, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 22nd, 1960

MR. WARDROPE

BILL 89

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to provide for Financial Assistance to Municipalities
in the Establishment of Parks**

MR. NICKLE

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

EXPLANATORY NOTE

This Bill provides for financial assistance to municipalities in establishing parks to be maintained and operated for the use and enjoyment of the public in such manner as will be complementary to the use and enjoyment of provincial parks.

BILL 89

1960

**An Act to provide for
Financial Assistance to Municipalities
in the Establishment of Parks**

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 the Ontario Parks Integration Board;
- (b) "Minister" means the Minister of Planning and Development;
- (c) "regulations" means the regulations made under this Act;
- (d) "approved park" means a park approved for assistance under this Act.

2. The parks established under this Act shall be maintained and operated for the use and enjoyment of the public in such a manner as will be complementary to the use and enjoyment of provincial parks.

Parks com-
plementary
to provincial
parks

3.—(1) The Minister, upon the recommendation of the Board and with the approval of the Lieutenant Governor in Council, may make grants out of moneys appropriated therefor by the Legislature to any municipality to assist in,

Grants
authorized

- (a) the acquisition of land for an approved park;
- (b) the development of an approved park; and
- (c) the conversion of a provincial or public park into an approved park.

(2) The assistance granted under subsection 1 in respect of any one park shall not exceed \$50,000 or 50 per cent of the

Limitation

total cost of acquiring the land and developing the park or the cost of converting a provincial or public park into an approved park, whichever is the lesser.

Establishment of parks by municipality

4.—(1) The council of any municipality may by by-law provide for the establishment of an approved park in the municipality or in territory without municipal organization in accordance with this Act, and may acquire by purchase or otherwise real and personal property for that purpose.

Joint undertaking

(2) The council of any municipality may enter into agreement with the council of any other municipality,

- (a) for establishing an approved park in any municipality that is a party to an agreement or in territory without municipal organization;
- (b) for the acquisition of real and personal property for that purpose; and
- (c) for the development and operation of such park upon such terms as to contribution to the cost of the establishment, maintenance and operation thereof as may be agreed upon,

and the municipalities may acquire by purchase or otherwise real and personal property for such purposes.

Application for assistance

5. Applicants for assistance under this Act shall file with the Board plans and specifications of the proposed park in accordance with the requirements of the regulations and such other information as the Board may require.

Duties of Board

6.—(1) The Board in dealing with an application for assistance under this Act shall determine the need for the proposed park, having regard to its location in relation to other parks in Ontario and the camping, picnicking and other facilities to be provided therein for the accommodation and enjoyment of the public.

Approval of plans

(2) Where an application for assistance is granted under this Act, the Board shall approve the plans and specifications for the proposed approved park as submitted by the applicant or with such alterations as it deems desirable.

Operation of park

7. The approved park shall not be maintained or operated otherwise than in accordance with the approved plans and specifications without the approval of the Board.

8. Where aid has been granted under this Act to assist ^{Disposal} in the establishment and development of a park, the park ^{of park} or any part thereof shall not be sold or disposed of without the approval of the Board.

9. Unless otherwise provided in an agreement, where a ^{Management} municipality has a board of park management under ^{of park} *The Public Parks Act* or *The Municipal Act*, it may appoint such ^{R.S.O. 1950,} board to manage and control any approved park established ^{cc. 314, 243} in the municipality.

10. Subject to this Act and the regulations and subject ^{By-laws} to the approval of the Board, the council of any municipality that alone or in agreement with another municipality has established an approved park may pass by-laws,

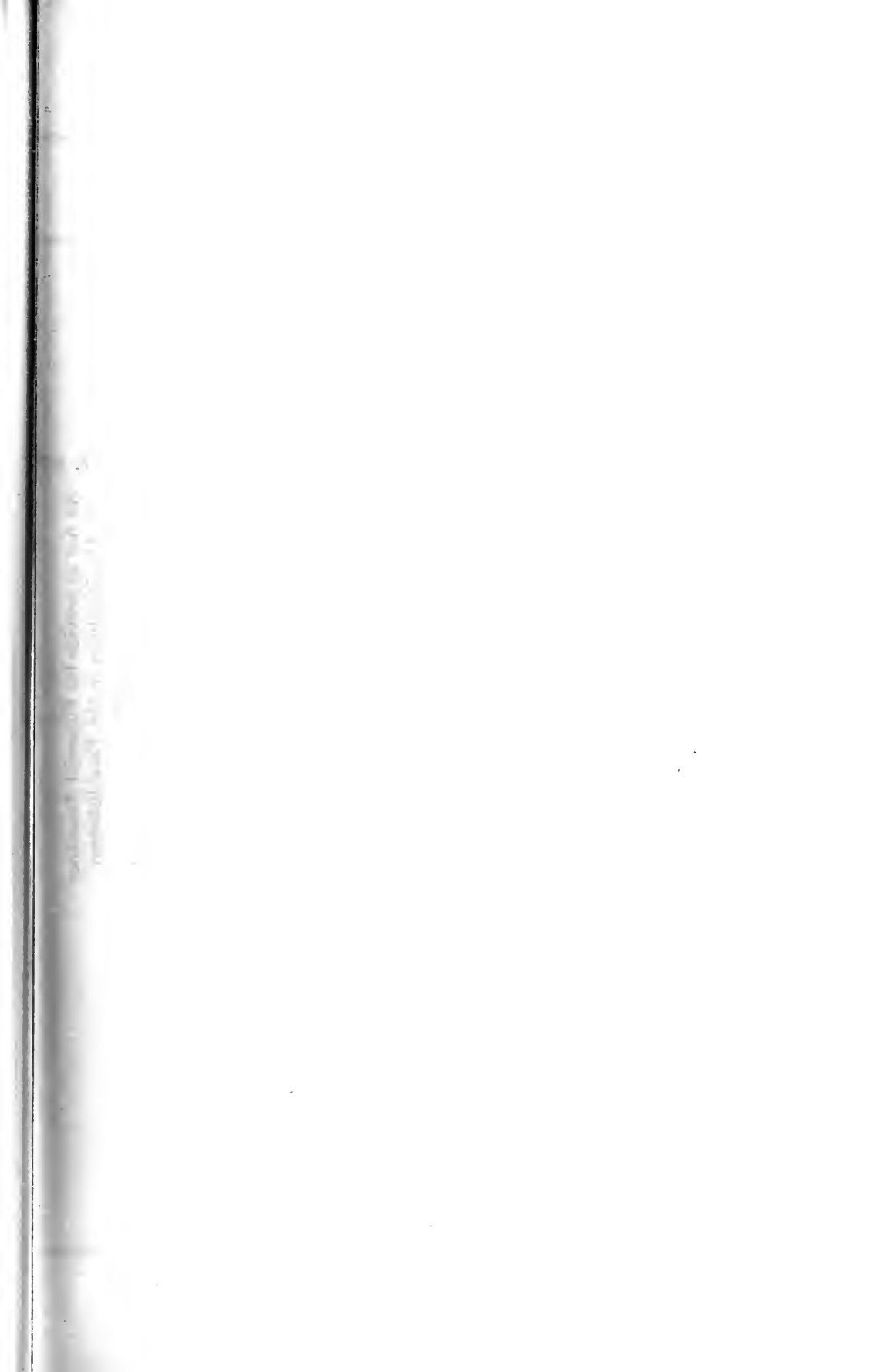
- (a) for the care, preservation, improvement, control and management of the park;
- (b) regulating and controlling the use of lands in the park;
- (c) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in the park;
- (d) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in the park;
- (e) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in the park;
- (f) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in the park;
- (g) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in the park;
- (h) prescribing fees to be payable for the use of any facilities provided in the park;
- (i) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in the park;
- (j) prescribing fees to be payable for entrance into the park of persons, vehicles, boats and aircraft;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application of R.S.O. 1950, c. 243, Pt. XXI (2) Part XXI of *The Municipal Act* applies *mutatis mutandis* to any by-law passed under this section.

Regulations **11.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the terms and conditions upon which and the manner in which grants may be made under this Act;
- (b) respecting plans and specifications to be submitted with applications for assistance;
- (c) prescribing the uses to which an approved park may or may not be put, and the facilities and accommodations that may be provided therein;
- (d) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

Short title **12.** This Act may be cited as *The Parks Assistance Act, 1960*.



An Act to provide for Financial Assistance
to Municipalities in the Establishment
of Parks

1st Reading

March 1st, 1960

2nd Reading

3rd Reading

MR. NICKLE

BILL 89

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to provide for Financial Assistance to Municipalities
in the Establishment of Parks**

MR. NICKLE

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



**An Act to provide for
Financial Assistance to Municipalities
in the Establishment of Parks**

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 the Ontario Parks Integration Board;
- (b) "Minister" means the Minister of Planning and Development;
- (c) "regulations" means the regulations made under this Act;
- (d) "approved park" means a park approved for assistance under this Act.

2. The parks established under this Act shall be maintained and operated for the use and enjoyment of the public in such a manner as will be complementary to the use and enjoyment of provincial parks.

Parks com-
plementary
to provincial
parks

3.—(1) The Minister, upon the recommendation of the Board and with the approval of the Lieutenant Governor in Council, may make grants out of moneys appropriated therefor by the Legislature to any municipality to assist in,

Grants
authorized

- (a) the acquisition of land for an approved park;
- (b) the development of an approved park; and
- (c) the conversion of a provincial or public park into an approved park.

(2) The assistance granted under subsection 1 in respect of any one park shall not exceed \$50,000 or 50 per cent of the

Limitation

total cost of acquiring the land and developing the park or the cost of converting a provincial or public park into an approved park, whichever is the lesser.

Establishment of parks by municipality

4.—(1) The council of any municipality may by by-law provide for the establishment of an approved park in the municipality or in territory without municipal organization in accordance with this Act, and may acquire by purchase or otherwise real and personal property for that purpose.

Joint undertaking

(2) The council of any municipality may enter into agreement with the council of any other municipality,

(a) for establishing an approved park in any municipality that is a party to an agreement or in territory without municipal organization;

(b) for the acquisition of real and personal property for that purpose; and

(c) for the development and operation of such park upon such terms as to contribution to the cost of the establishment, maintenance and operation thereof as may be agreed upon,

and the municipalities may acquire by purchase or otherwise real and personal property for such purposes.

Application for assistance

5. Applicants for assistance under this Act shall file with the Board plans and specifications of the proposed park in accordance with the requirements of the regulations and such other information as the Board may require.

Duties of Board

6.—(1) The Board in dealing with an application for assistance under this Act shall determine the need for the proposed park, having regard to its location in relation to other parks in Ontario and the camping, picnicking and other facilities to be provided therein for the accommodation and enjoyment of the public.

Approval of plans

(2) Where an application for assistance is granted under this Act, the Board shall approve the plans and specifications for the proposed approved park as submitted by the applicant or with such alterations as it deems desirable.

Operation of park

7. The approved park shall not be maintained or operated otherwise than in accordance with the approved plans and specifications without the approval of the Board.

8. Where aid has been granted under this Act to assist ^{Disposal} in the establishment and development of a park, the park ^{of park} or any part thereof shall not be sold or disposed of without the approval of the Board.

9. Unless otherwise provided in an agreement, where a municipality has a board of park management under *The Public Parks Act* or *The Municipal Act*, it may appoint such ^{Management} board to manage and control any approved park established ^{of park} in the municipality. ^{R.S.O. 1950,} ^{cc. 314, 243}

10. Subject to this Act and the regulations and subject ^{By-laws} to the approval of the Board, the council of any municipality that alone or in agreement with another municipality has established an approved park may pass by-laws,

- (a) for the care, preservation, improvement, control and management of the park;
- (b) regulating and controlling the use of lands in the park;
- (c) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in the park;
- (d) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in the park;
- (e) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in the park;
- (f) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in the park;
- (g) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in the park;
- (h) prescribing fees to be payable for the use of any facilities provided in the park;
- (i) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in the park;
- (j) prescribing fees to be payable for entrance into the park of persons, vehicles, boats and aircraft;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application of R.S.O. 1950, c. 243, Pt. XXI (2) Part XXI of *The Municipal Act* applies *mutatis mutandis* to any by-law passed under this section.

Regulations **11.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the terms and conditions upon which and the manner in which grants may be made under this Act;
- (b) respecting plans and specifications to be submitted with applications for assistance;
- (c) prescribing the uses to which an approved park may or may not be put, and the facilities and accommodations that may be provided therein;
- (d) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

Short title **12.** This Act may be cited as *The Parks Assistance Act, 1960*.

1870
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year 1870 is the first year of the
year 1870 is the first year of the

An Act to provide for Financial Assistance
to Municipalities in the Establishment
of Parks

1st Reading

March 1st, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 29th, 1960

MR. NICKLE

BILL 90

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Conservation Authorities Act**

MR. NICKLE

EXPLANATORY NOTES

SECTION 1. This amendment will enable the Province to appoint not more than three members instead of one as at present to an authority that has received a grant.

SECTION 2. This amendment is complementary to section 1 of this Bill.

SECTION 3. This amendment is made to make it clear that conservation authorities can use lands for park purposes.

BILL 90

1960

**An Act to amend
The Conservation Authorities Act**

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

1. Subsection 2 of section 8 of *The Conservation Authorities Act* R.S.O. 1950, c. 62, s. 8, subs. 2, amended is amended by striking out "a member" in the second line and inserting in lieu thereof "not more than three members", so that the subsection shall read as follows:

(2) Where the Lieutenant Governor in Council makes a grant to an authority, he may appoint not more than three members of the authority. Idem

2. Subsection 3 of section 12 of *The Conservation Authorities Act* R.S.O. 1950, c. 62, s. 12, subs. 3, re-enacted is repealed and the following substituted therefor:

(3) Where the Lieutenant Governor in Council makes a grant to an authority, he may appoint not more than three members to the executive committee and may also appoint the chairman, in which case he may appoint only two other members. Appointment of chairman

3. Clause *gg* of section 15 of *The Conservation Authorities Act* R.S.O. 1950, c. 62, s. 15, cl. *gg*, (1954, c. 10, s. 6), amended as enacted by section 6 of *The Conservation Authorities Amendment Act, 1954*, is amended by inserting after "for" in the third line "park or other", so that the clause shall read as follows:

(*gg*) to acquire lands, with the approval of the Minister, and to use lands acquired in connection with a scheme, for park or other recreation purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof.

R.S.O. 1950,
c. 62,
amended

4. *The Conservation Authorities Act* is amended by adding thereto the following section:

Access
roads to
parks, etc.,
of
conservation
authority

15a.—(1) A conservation authority and any municipality may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the conservation authority used or to be used for park or recreation purposes.

Jurisdiction
over roads

(2) A road constructed, reconstructed or maintained under an agreement made under subsection 1 remains under the jurisdiction of the municipality.

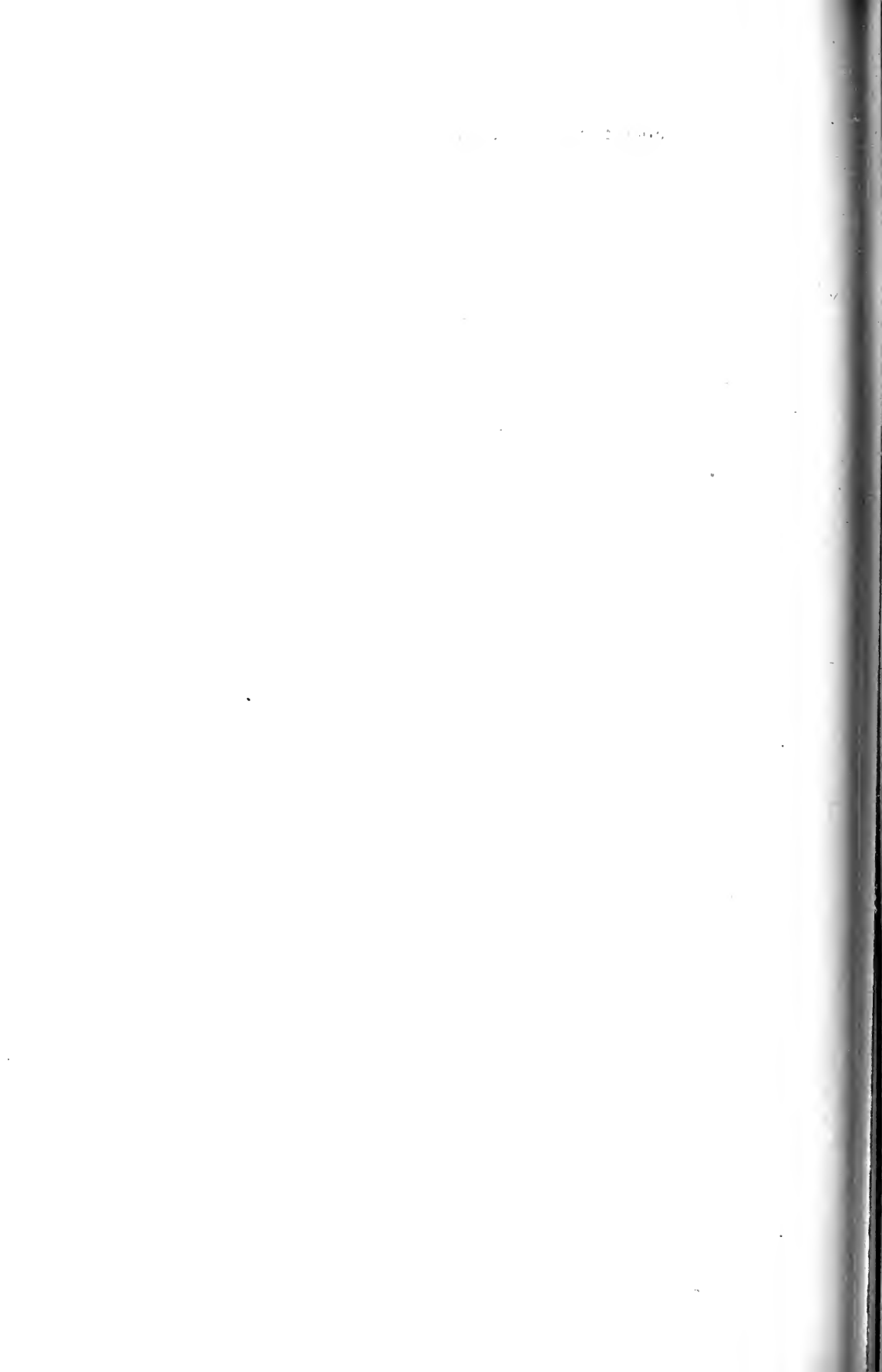
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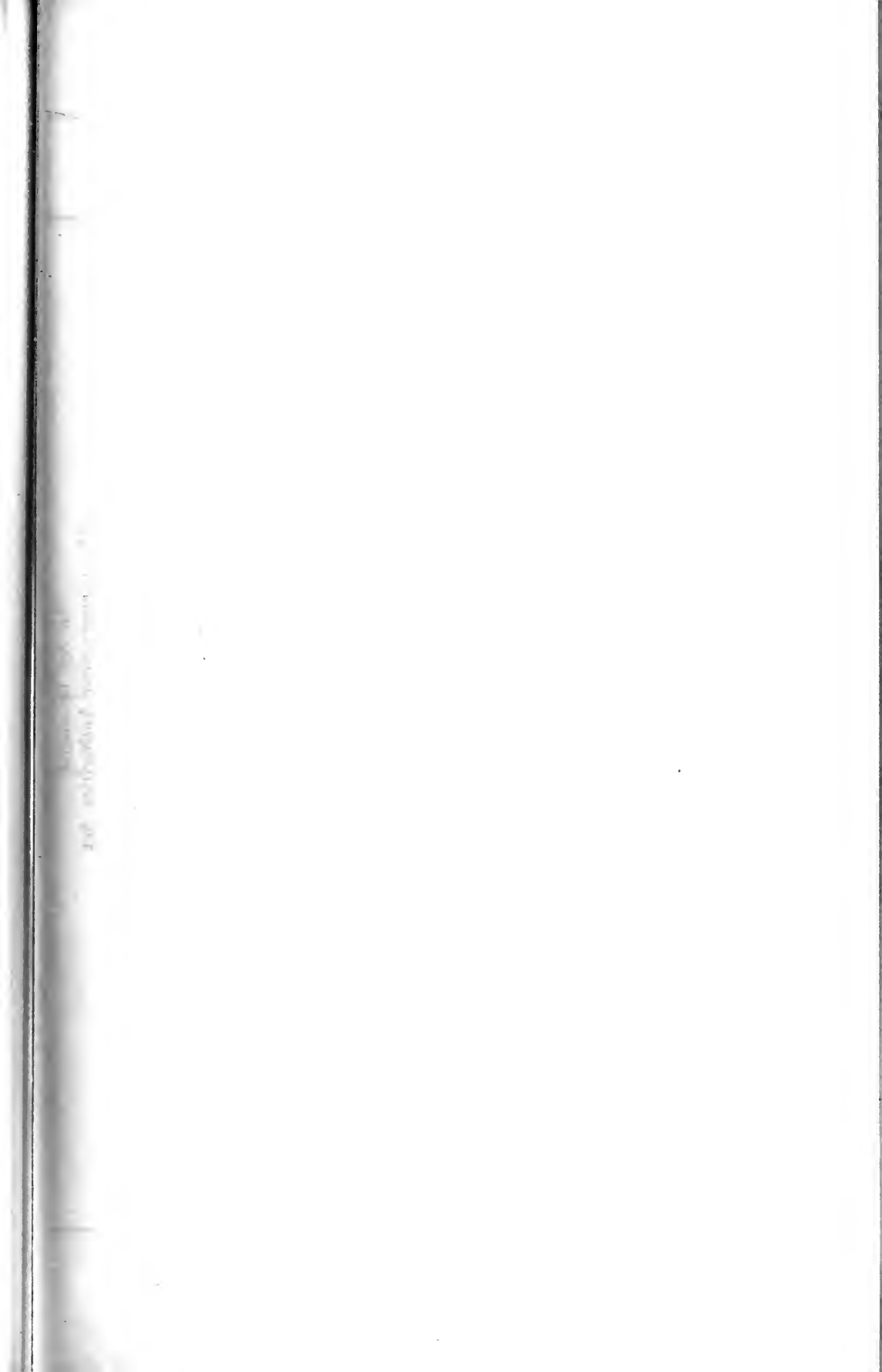
5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Conservation Authorities Amendment Act, 1960*.

SECTION 4. Self-explanatory.





An Act to amend
The Conservation Authorities Act

1st Reading

March 1st, 1960

2nd Reading

3rd Reading

MR. NICKLE

BILL 90

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Conservation Authorities Act**

MR. NICKLE

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



BILL 90

1960

**An Act to amend
The Conservation Authorities Act**

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

1. Subsection 2 of section 8 of *The Conservation Authorities Act* R.S.O. 1950, c. 62, s. 8, subs. 2, amended is amended by striking out "a member" in the second line and inserting in lieu thereof "not more than three members", so that the subsection shall read as follows:

(2) Where the Lieutenant Governor in Council makes a grant to an authority, he may appoint not more than three members of the authority.

2. Subsection 3 of section 12 of *The Conservation Authorities Act* R.S.O. 1950, c. 62, s. 12, subs. 3, re-enacted is repealed and the following substituted therefor:

(3) Where the Lieutenant Governor in Council makes a grant to an authority, he may appoint not more than three members to the executive committee and may also appoint the chairman, in which case he may appoint only two other members.

3. Clause *gg* of section 15 of *The Conservation Authorities Act*, as enacted by section 6 of *The Conservation Authorities Amendment Act, 1954*, is amended by inserting after "for" in the third line "park or other", so that the clause shall read as follows:

(*gg*) to acquire lands, with the approval of the Minister, and to use lands acquired in connection with a scheme, for park or other recreation purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof.

R.S.O. 1950,
c. 62,
amended

4. *The Conservation Authorities Act* is amended by adding thereto the following section:

Access
roads to
parks, etc.,
of
conservation
authority

15a.—(1) A conservation authority and any municipality may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the conservation authority used or to be used for park or recreation purposes.

Jurisdiction
over roads

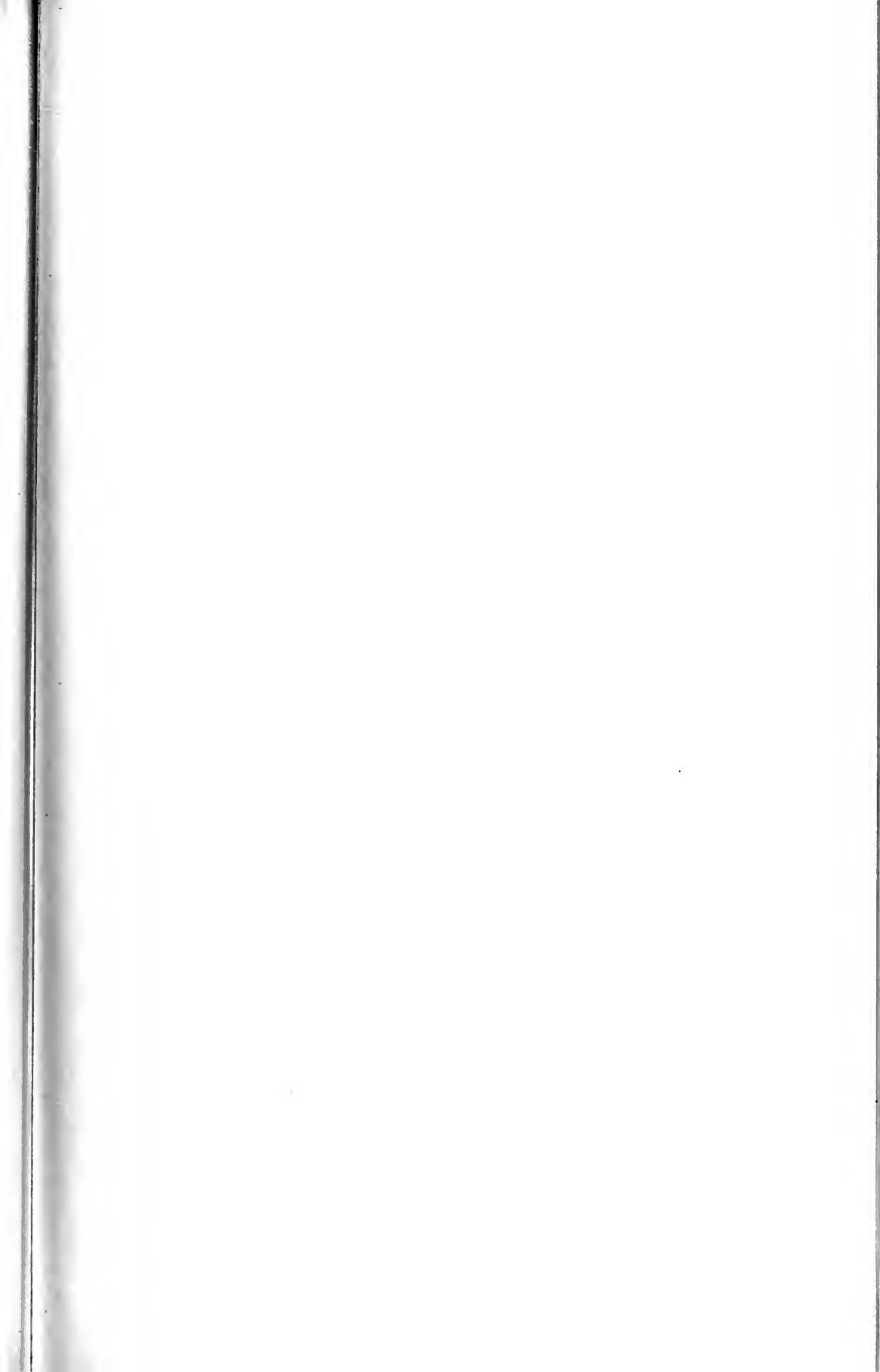
(2) A road constructed, reconstructed or maintained under an agreement made under subsection 1 remains under the jurisdiction of the municipality.

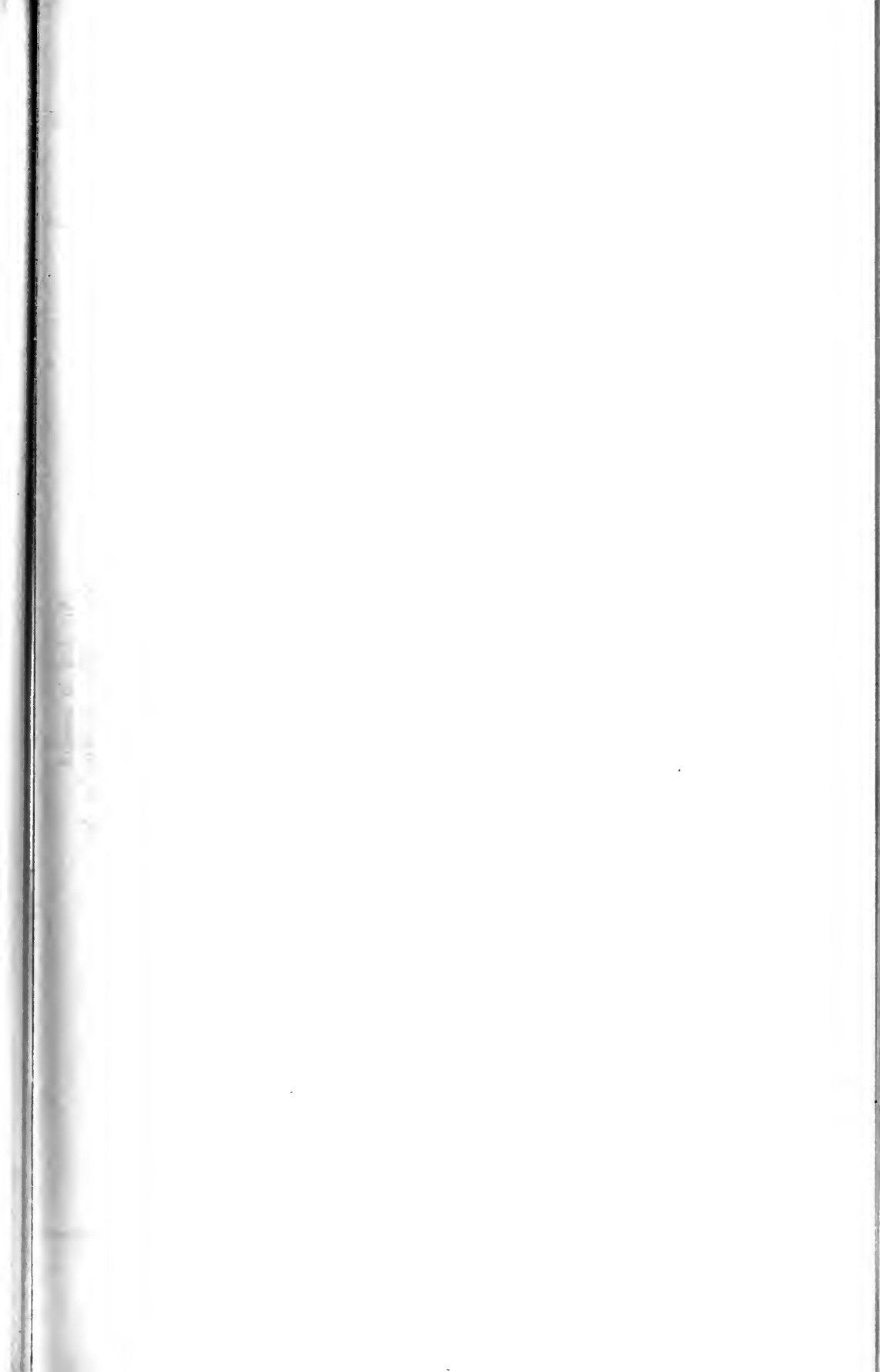
Commence-
ment

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

Short title

6. This Act may be cited as *The Conservation Authorities Amendment Act, 1960*.





An Act to amend
The Conservation Authorities Act

1st Reading

March 1st, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 22nd, 1960

MR. NICKLE

BILL 91

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Mental Hospitals Act

MR. DYMOND

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

EXPLANATORY NOTES

SECTION 1. This section will authorize the Lieutenant Governor in Council to make regulations which will have for their purpose the amelioration of the somewhat strict legal requirements that presently obtain with respect to admission, probation and discharge of mental hospital patients.

The authority will make it possible to bring the admission, discharge and treatment of mental hospital patients into line with general hospital practice and procedure.

SECTION 2. This new provision brings the Act into line with existing practices, which, of course, are unavoidable in large institutions.

SECTION 3. This new section will permit disturbed persons to be more readily admitted to mental hospitals.

**An Act to amend
The Mental Hospitals Act**

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

1.—(1) Subsection 2 of section 5 of *The Mental Hospitals Act*, as amended by section 1 of *The Mental Hospitals Amendment Act, 1951*, is further amended by adding thereto the following clauses:

R.S.O. 1950,
c. 229, s. 5,
subs. 2,
amended

(*ee*) classifying institutions and prescribing their grades and standards;

.

(*gg*) classifying patients and persons and exempting any class of patients or persons from any provision of this Act.

(2) Clause *m* of subsection 2 of the said section 5 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 229, s. 5,
subs. 2,
cl. *m*,
re-enacted

(*m*) declaring that any institution or part thereof shall be exempt from any provision of this Act or of the regulations.

2. Section 7 of *The Mental Hospitals Act* is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 229, s. 7,
amended

(2) Where this Act or the regulations require or authorize the superintendent of an institution to do any act, such act may be done by any person whom the superintendent appoints to do such act.

Delegation
of superin-
tendent's
powers and
duties

3. *The Mental Hospitals Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 229,
amended

19a.—(1) Any person who is or is believed to be in need of the observation, care and treatment provided in an institution may be admitted thereto for a period

Admission
to
institution
for 30-day
period

not exceeding thirty days with the permission of the Deputy Minister or the superintendent of the institution, on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form.

Effect of certificate

- (2) Such certificate is sufficient authority to any person to convey the person named therein to an institution and to the authorities of the institution for his detention therein for a period not exceeding thirty days.

Discharge or certification

- (3) Where a person has been admitted to an institution under this section, he shall be discharged, or certificated under section 24, as the needs of his case require, within the period mentioned in subsection 2.

Effect of certification

- (4) Where a person has been admitted to an institution under this section and has been certificated, he thereafter is subject to this Act and the regulations respecting certificated patients.

R.S.O. 1950, c. 229, s. 20, subs. 1, re-enacted

4. Subsection 1 of section 20 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Certificated patients

- (1) Certificated patients shall be admitted to an institution upon the prescribed certificates of two medical practitioners, and in every case the history record in the prescribed form shall accompany such certificates.

R.S.O. 1950, c. 229, s. 24, subs. 1, re-enacted

5.—(1) Subsection 1 of section 24 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Certification of patient in an institution

- (1) Notwithstanding anything in subsection 2 of section 19, any mentally ill person who has been admitted as a voluntary patient or a habituate patient, or any person admitted under section 19a or 35, or any person detained under section 54, may be continued as a certificated patient upon the certificates of two medical practitioners with the accompanying history record in the prescribed form.

R.S.O. 1950, c. 229, s. 24, subs. 2, re-enacted

(2) Subsection 2 of the said section 24 is repealed and the following substituted therefor:

Requirements as to certificates

- (2) At least one of the certificates required by subsection 1 shall be issued by a medical practitioner who is not an officer of the Department, and a certi-

SECTION 4. The subsection is re-enacted in a form that will permit a person to be admitted to a mental hospital without his financial statement being completed beforehand.

SECTION 5—Subsection 1. See note to section 4 above. Reference to the new section 19a is also made.

Subsection 2. The subsection is re-enacted in order to permit a staff doctor to issue one of the two certificates necessary to continue the treatment of a mentally ill patient as a certified patient.

ificate upon which any patient was admitted to an examination unit shall not be a certificate for the purpose of this section.

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent.
_{ment}

7. This Act may be cited as *The Mental Hospitals Amend-* Short title
ment Act, 1960.

An Act to amend
The Mental Hospitals Act

1st Reading

March 3rd, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 91

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Mental Hospitals Act

MR. DYMOND

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

EXPLANATORY NOTES

SECTION 1. This section will authorize the Lieutenant Governor in Council to make regulations which will have for their purpose the amelioration of the somewhat strict legal requirements that presently obtain with respect to admission, probation and discharge of mental hospital patients.

The authority will make it possible to bring the admission, discharge and treatment of mental hospital patients into line with general hospital practice and procedure.

SECTION 2. This new provision brings the Act into line with existing practices, which, of course, are unavoidable in large institutions.

SECTION 3. The provision is necessary in order that the Public Trustee may function efficiently in administering the estates of certificated patients.

BILL 91

1960

An Act to amend The Mental Hospitals Act

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

1.—(1) Subsection 2 of section 5 of *The Mental Hospitals Act*, as amended by section 1 of *The Mental Hospitals Amendment Act, 1951*, is further amended by adding thereto the following clauses:

R.S.O. 1950,
c. 229, s. 5,
subs. 2,
amended

(*ee*) classifying institutions and prescribing their grades and standards;

(*gg*) classifying patients and persons and exempting any class of patients or persons from any provision of this Act.

(2) Clause *m* of subsection 2 of the said section 5 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 229, s. 5,
subs. 2,
cl. *m*,
re-enacted

(*m*) declaring that any institution or part thereof shall be exempt from any provision of this Act or of the regulations.

2. Section 7 of *The Mental Hospitals Act* is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 229, s. 7,
amended

(2) Where this Act or the regulations require or authorize the superintendent of an institution to do any act, such act may be done by any person whom the superintendent appoints to do such act.

Delegation
of superin-
tendent's
powers and
duties

3. *The Mental Hospitals Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 229,
amended

18a. Upon the Public Trustee becoming committee of a patient in an institution, the superintendent shall immediately obtain the patient's financial statement and forward a copy thereof to the Public Trustee.

Financial
statement

R.S.O. 1950,
c. 229,
amended

4. *The Mental Hospitals Act* is amended by adding thereto the following section:

Admission
to
institution
for 30-day
period

19a.—(1) Any person who is or is believed to be in need of the observation, care and treatment provided in an institution may be admitted thereto for a period not exceeding thirty days with the permission of the Deputy Minister or the superintendent of the institution, on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form.

Effect of
certificate

(2) Such certificate is sufficient authority to any person to convey the person named therein to an institution and to the authorities of the institution for his detention therein for a period not exceeding thirty days.

Discharge or
certification

(3) Where a person has been admitted to an institution under this section, he shall be discharged, or certificated under section 24, as the needs of his case require, within the period mentioned in subsection 2.

Effect of
certification

(4) Where a person has been admitted to an institution under this section and has been certificated, he thereafter is subject to this Act and the regulations respecting certificated patients.

R.S.O. 1950,
c. 229, s. 20,
subs. 1,
re-enacted

5. Subsection 1 of section 20 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Certificated
patients

(1) Certificated patients shall be admitted to an institution upon the prescribed certificates of two medical practitioners, and in every case the history record in the prescribed form shall accompany such certificates.

R.S.O. 1950,
c. 229, s. 24,
subs. 1,
re-enacted

6.—(1) Subsection 1 of section 24 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Certification
of patient
in an
institution

(1) Notwithstanding anything in subsection 2 of section 19, any mentally ill person who has been admitted as a voluntary patient or a habituate patient, or any person admitted under section 19a or 35, or any person detained under section 54, may be continued as a certificated patient upon the certificates of two medical practitioners with the accompanying history record in the prescribed form.

SECTION 4. This new section will permit disturbed persons to be more readily admitted to mental hospitals.

SECTION 5. The subsection is re-enacted in a form that will permit a person to be admitted to a mental hospital without his financial statement being completed beforehand.

SECTION 6—Subsection 1. See note to section 5 above. Reference to the new section 19a is also made.

Subsection 2. The subsection is re-enacted in order to permit a staff doctor to issue one of the two certificates necessary to continue the treatment of a mentally ill patient as a certified patient.

(2) Subsection 2 of the said section 24 is repealed and the following substituted therefor: R.S.O. 1950, c. 229, s. 24, subs. 2, re-enacted

(2) At least one of the certificates required by subsection 1 shall be issued by a medical practitioner who is not an officer of the Department, and a certificate upon which any patient was admitted to an examination unit shall not be a certificate for the purpose of this section. Requirements as to certificates

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

8. This Act may be cited as *The Mental Hospitals Amendment Act, 1960*. Short title

An Act to amend
The Mental Hospitals Act

1st Reading

March 3rd, 1960

2nd Reading

March 15th, 1960

3rd Reading

MR. DYMOND

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

BILL 91

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Mental Hospitals Act

MR. DYMOND

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



BILL 91

1960

An Act to amend The Mental Hospitals Act

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

1.—(1) Subsection 2 of section 5 of *The Mental Hospitals Act*, as amended by section 1 of *The Mental Hospitals Amendment Act, 1951*, is further amended by adding thereto the following clauses:

R.S.O. 1950,
c. 229, s. 5,
subs. 2,
amended

(*ee*) classifying institutions and prescribing their grades and standards;

.

(*gg*) classifying patients and persons and exempting any class of patients or persons from any provision of this Act.

(2) Clause *m* of subsection 2 of the said section 5 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 229, s. 5,
subs. 2,
cl. *m*,
re-enacted

(*m*) declaring that any institution or part thereof shall be exempt from any provision of this Act or of the regulations.

2. Section 7 of *The Mental Hospitals Act* is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 229, s. 7,
amended

(2) Where this Act or the regulations require or authorize the superintendent of an institution to do any act, such act may be done by any person whom the superintendent appoints to do such act.

Delegation
of superin-
tendent's
powers and
duties

3. *The Mental Hospitals Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 229,
amended

18a. Upon the Public Trustee becoming committee of a patient in an institution, the superintendent shall immediately obtain the patient's financial statement and forward a copy thereof to the Public Trustee.

Financial
statement

R.S.O. 1950, c. 229, amended **4.** *The Mental Hospitals Act* is amended by adding thereto the following section:

Admission to institution for 30-day period

19a.—(1) Any person who is or is believed to be in need of the observation, care and treatment provided in an institution may be admitted thereto for a period not exceeding thirty days with the permission of the Deputy Minister or the superintendent of the institution, on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form.

Effect of certificate

(2) Such certificate is sufficient authority to any person to convey the person named therein to an institution and to the authorities of the institution for his detention therein for a period not exceeding thirty days.

Discharge or certification

(3) Where a person has been admitted to an institution under this section, he shall be discharged, or certificated under section 24, as the needs of his case require, within the period mentioned in subsection 2.

Effect of certification

(4) Where a person has been admitted to an institution under this section and has been certificated, he thereafter is subject to this Act and the regulations respecting certificated patients.

R.S.O. 1950, c. 229, s. 20, subs. 1, re-enacted

5. Subsection 1 of section 20 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Certificated patients

(1) Certificated patients shall be admitted to an institution upon the prescribed certificates of two medical practitioners, and in every case the history record in the prescribed form shall accompany such certificates.

R.S.O. 1950, c. 229, s. 24, subs. 1, re-enacted

6.—(1) Subsection 1 of section 24 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Certification of patient in an institution

(1) Notwithstanding anything in subsection 2 of section 19, any mentally ill person who has been admitted as a voluntary patient or a habituate patient, or any person admitted under section 19a or 35, or any person detained under section 54, may be continued as a certificated patient upon the certificates of two medical practitioners with the accompanying history record in the prescribed form.

(2) Subsection 2 of the said section 24 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 229, s. 24,
subs. 2,
re-enacted

(2) At least one of the certificates required by subsection 1 shall be issued by a medical practitioner who is not an officer of the Department, and a certificate upon which any patient was admitted to an examination unit shall not be a certificate for the purpose of this section.

Require-
ments as to
certificates

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

Commence-
ment

8. This Act may be cited as *The Mental Hospitals Amendment Act, 1960*.

Short title



The General Assembly
has yet to convene

An Act to amend
The Mental Hospitals Act

1st Reading

March 3rd, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 25th, 1960

MR. DYMOND

BILL 92

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to provide Hospitals for the Care and Treatment
of Children suffering from Emotional
or Psychiatric Disorders**

MR. DYMOND

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 for the establishment and operation of new hospitals and the operation of existing hospitals for the care and treatment of children suffering from emotional or psychiatric disorders.

BILL 92

1960

An Act to provide Hospitals for the Care and Treatment of Children suffering from Emotional or Psychiatric Disorders

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 a board of governors appointed under this Act;
- (b) "children" means persons sixteen years of age or under;
- (c) "hospital under this Act" means a hospital for the care and treatment of children suffering from emotional or psychiatric disorders that has been established or designated as a hospital under this Act;
- (d) "Minister" means the Minister of Health;
- (e) "patient" means a person received and lodged in a hospital under this Act for the purpose of treatment;
- (f) "regulations" means the regulations made under this Act; and
- (g) "treatment" means the maintenance, observation, nursing, medical and other care of a patient.

2.—(1) The Lieutenant Governor in Council may establish ^{New} hospitals one or more hospitals under this Act.

(2) The Lieutenant Governor in Council may designate any ^{Existing} hospital in operation when this Act comes into force as a ^{hospitals} hospital under this Act.

- Name (3) The Lieutenant Governor in Council may designate the name by which any hospital under this Act is to be known.
- Adminis-
tration **3.** The Minister shall administer this Act and, except where a board has been appointed under section 4, he shall, through the Deputy Minister of Health and the superintendent of the hospital, administer every hospital under this Act.
- Board of
governors **4.—(1)** The Lieutenant Governor in Council may appoint a board of governors composed of not fewer than eight members, including members *ex officio*, to establish, maintain and operate or to maintain and operate, as the case may be, any hospital under this Act.
- Corporate
status (2) Every board is a body corporate.
- Vacancies (3) Vacancies in a board may be filled from time to time by the Lieutenant Governor in Council.
- Director
and staff (4) A board may employ a director and such other officers and staff as are from time to time required for its purposes, and may pay the director, other officers and staff such remuneration as it deems proper out of its funds.
- By-laws (5) Subject to the approval of the Lieutenant Governor in Council, a board may make such by-laws, rules and regulations as it deems expedient for the administration of its affairs.
- Agreements (6) Subject to the approval of the Lieutenant Governor in Council, a board may make agreements with universities, medical associations, hospitals and persons for the purpose of carrying out its objects.
- Funds of
board (7) The funds of a board consist of moneys received by it from any source and the board may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper.
- Audit of
accounts
of board (8) The accounts of a board shall be audited annually by the provincial Auditor or by such other auditor as the Lieutenant Governor in Council designates, in which event the costs of the audit shall be paid out of the funds of the board.
- Annual
report
of board (9) A board shall after the close of each fiscal year make a report upon its affairs during the preceding year to the Minister and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the board during the preceding year.

5. Subject to the direction of the Minister or, where there is a board, the board, the superintendent of a hospital under this Act shall be in charge of and have control over it and he shall superintend the conduct and management of its affairs and shall control its other officers and staff and the patients therein. ^{Superintendent}

6. The Lieutenant Governor in Council may designate any hospital under this Act that has a board as a hospital within the meaning of *The Public Hospitals Act, 1957* for the purpose of entitling it to receive grants under that Act and its regulations in the same amount and manner as other public hospitals under that Act. ^{Designation of public hospital 1957, c. 98}

7. The Lieutenant Governor in Council may designate any provision of *The Public Hospitals Act, 1957* or of the regulations thereunder or any provision of Part II or III of *The Mental Hospitals Act* or of the regulations thereunder as being applicable to any hospital under this Act. ^{Application of 1957, c. 96, and Parts II and III of R.S.O. 1950, c. 229}

8. The real and personal property, business and income of a hospital operated by a board under this Act is not subject to assessment or taxation for municipal or provincial purposes. ^{Taxation}

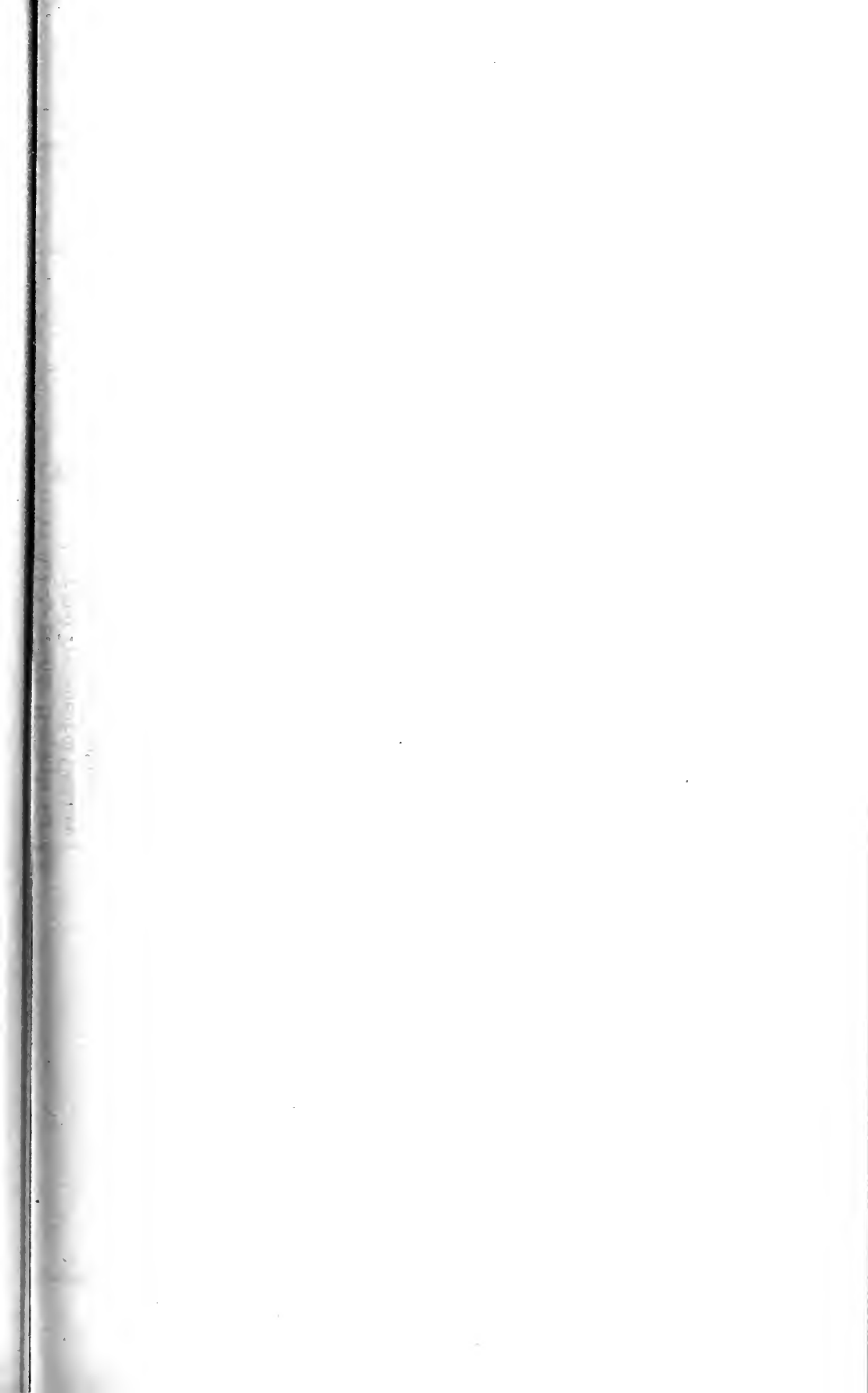
9. The Lieutenant Governor in Council may make regulations with respect to hospitals under this Act for, ^{Regulations}

- (a) their creation, establishment, construction, alteration, equipment, safety, maintenance and repair;
- (b) their inspection, control, government, management, conduct, operation and use;
- (c) their superintendents, other officers and staffs and the powers and duties thereof;
- (d) their classifications, grades and standards, and the classification of patients, and the length of stay of and rates and charges for patients;
- (e) the admission, treatment, care, conduct, control, custody and discharge of patients or any class of patients;
- (f) any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

11. This Act may be cited as *The Children's Mental Hospitals Act, 1960*. ^{Short title}





An Act to provide Hospitals for the
Care and Treatment of Children
suffering from Emotional
or Psychiatric Disorders

1st Reading

March 3rd, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 92

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to provide Hospitals for the Care and Treatment
of Children suffering from Emotional
or Psychiatric Disorders**

MR. DYMOND

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



An Act to provide Hospitals for the Care and Treatment of Children suffering from Emotional or Psychiatric Disorders

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 a board of governors appointed under this Act;
- (b) "children" means persons sixteen years of age or under;
- (c) "hospital under this Act" means a hospital for the care and treatment of children suffering from emotional or psychiatric disorders that has been established or designated as a hospital under this Act;
- (d) "Minister" means the Minister of Health;
- (e) "patient" means a person received and lodged in a hospital under this Act for the purpose of treatment;
- (f) "regulations" means the regulations made under this Act; and
- (g) "treatment" means the maintenance, observation, nursing, medical and other care of a patient.

2.—(1) The Lieutenant Governor in Council may establish ^{New} hospitals one or more hospitals under this Act.

(2) The Lieutenant Governor in Council may designate any ^{Existing} hospital in operation when this Act comes into force as a ^{hospitals} hospital under this Act.

- Name** (3) The Lieutenant Governor in Council may designate the name by which any hospital under this Act is to be known.
- Administration** 3. The Minister shall administer this Act and, except where a board has been appointed under section 4, he shall, through the Deputy Minister of Health and the superintendent of the hospital, administer every hospital under this Act.
- Board of governors** 4.—(1) The Lieutenant Governor in Council may appoint a board of governors composed of not fewer than eight members, including members *ex officio*, to establish, maintain and operate or to maintain and operate, as the case may be, any hospital under this Act.
- Corporate status** (2) Every board is a body corporate.
- Vacancies** (3) Vacancies in a board may be filled from time to time by the Lieutenant Governor in Council.
- Director and staff** (4) A board may employ a director and such other officers and staff as are from time to time required for its purposes, and may pay the director, other officers and staff such remuneration as it deems proper out of its funds.
- By-laws** (5) Subject to the approval of the Lieutenant Governor in Council, a board may make such by-laws, rules and regulations as it deems expedient for the administration of its affairs.
- Agreements** (6) Subject to the approval of the Lieutenant Governor in Council, a board may make agreements with universities, medical associations, hospitals and persons for the purpose of carrying out its objects.
- Funds of board** (7) The funds of a board consist of moneys received by it from any source and the board may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper.
- Audit of accounts of board** (8) The accounts of a board shall be audited annually by the provincial Auditor or by such other auditor as the Lieutenant Governor in Council designates, in which event the costs of the audit shall be paid out of the funds of the board.
- Annual report of board** (9) A board shall after the close of each fiscal year make a report upon its affairs during the preceding year to the Minister and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the board during the preceding year.

5. Subject to the direction of the Minister or, where there is a board, the board, the superintendent of a hospital under this Act shall be in charge of and have control over it and he shall superintend the conduct and management of its affairs and shall control its other officers and staff and the patients therein. ^{Superintendent}

6. The Lieutenant Governor in Council may designate any hospital under this Act that has a board as a hospital within the meaning of *The Public Hospitals Act, 1957* for the purpose of entitling it to receive grants under that Act and its regulations in the same amount and manner as other public hospitals under that Act. ^{Designation of public hospital 1957, c. 98}

7. The Lieutenant Governor in Council may designate any provision of *The Public Hospitals Act, 1957* or of the regulations thereunder or any provision of Part II or III of *The Mental Hospitals Act* or of the regulations thereunder as being applicable to any hospital under this Act. ^{Application of 1957, c. 98, and Parts II and III of R.S.O. 1950, c. 229}

8. The real and personal property, business and income of a hospital operated by a board under this Act is not subject to assessment or taxation for municipal or provincial purposes. ^{Taxation}

9. The Lieutenant Governor in Council may make regulations with respect to hospitals under this Act for, ^{Regulations}

- (a) their creation, establishment, construction, alteration, equipment, safety, maintenance and repair;
- (b) their inspection, control, government, management, conduct, operation and use;
- (c) their superintendents, other officers and staffs and the powers and duties thereof;
- (d) their classifications, grades and standards, and the classification of patients, and the length of stay of and rates and charges for patients;
- (e) the admission, treatment, care, conduct, control, custody and discharge of patients or any class of patients;
- (f) any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

11. This Act may be cited as *The Children's Mental Hospitals Act, 1960*. ^{Short title}





An Act to provide Hospitals for the
Care and Treatment of Children
suffering from Emotional
or Psychiatric Disorders

1st Reading

March 3rd, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 22nd, 1960

MR. DYMOND

BILL 93

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to repeal The Ginseng Act

MR. GOODFELLOW

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

EXPLANATORY NOTE

This Act is obsolete and is therefore repealed.

BILL 93

1960

An Act to repeal The Ginseng Act

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

1. *The Ginseng Act* is repealed.

R.S.O. 1950,
c. 159,
repealed

2. This Act may be cited as *The Ginseng Repeal Act, 1960*. Short title

An Act to repeal The Ginseng Act

1st Reading

March 3rd, 1960

2nd Reading

3rd Reading

MR. GOODFELLOW

BILL 93

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

An Act to repeal The Ginseng Act

MR. GOODFELLOW

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



BILL 93

1960

An Act to repeal The Ginseng Act

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

1. *The Ginseng Act* is repealed.

R.S.O. 1950.
c. 159,
repealed

2. This Act may be cited as *The Ginseng Repeal Act, 1960*. Short title

An Act to repeal The Ginseng Act

1st Reading

March 3rd, 1960

2nd Reading

March 8th, 1960

3rd Reading

March 17th, 1960

MR. GOODFELLOW

BILL 94

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

An Act to repeal The Clean Grain Act

MR. GOODFELLOW

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

EXPLANATORY NOTE

This Act is obsolete and is therefore repealed.

BILL 94

1960

An Act to repeal The Clean Grain Act

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

1. *The Clean Grain Act* is repealed. R.S.O. 1950
c. 55,
repealed
2. This Act may be cited as *The Clean Grain Repeal Act*, Short title 1960.

An Act to repeal
The Clean Grain Act

1st Reading

March 3rd, 1960

2nd Reading

3rd Reading

MR. GODFREY

BILL 94

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to repeal The Clean Grain Act

MR. GOODFELLOW

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



BILL 94

1960

An Act to repeal The Clean Grain Act

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

1. *The Clean Grain Act* is repealed. R.S.O. 1950
c. 55,
repealed
2. This Act may be cited as *The Clean Grain Repeal Act*, Short title 1960.

An Act to repeal
The Clean Grain Act

1st Reading

March 3rd, 1960

2nd Reading

March 8th, 1960

3rd Reading

March 17th, 1960

MR. GOODFELLOW

BILL 95

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

The Telephone Act, 1960

MR. GOODFELLOW

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

EXPLANATORY NOTES

The Telephone Act, 1954 is rewritten. The name of the governing body is changed from Ontario Telephone Authority to Ontario Telephone Service Commission. The provisions are re-arranged for a more convenient sequence of subject-matter. The interpretation section is enlarged and the expression is clarified. The principal changes in substance are as follows:

1. Subsection 2 of section 47 authorizes the Commission to dispense with the approval of subscribers to the sale of part of a system.
2. In section 60 provision is made to allow a subscriber to be released where there is no outstanding debenture debt or upon payment of his share of the debenture debt if there is one.
3. Subsection 1 of section 61 authorizes the Commission to require that the cost of operation and maintenance and payments on debentures be paid from current tolls instead of by levy of a special rate.
4. At present the quorum for a general meeting of subscribers is one-fourth in person or by proxy or one-tenth in person. Section 79 reduces the quorum to five subscribers in person representing at least one-tenth in person or by proxy. Where a quorum fails to appear no quorum is required for the following meeting.
5. Section 116 is new.

The Telephone Act, 1960

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 the Ontario Municipal Board;
- (b) "Commission" means the Ontario Telephone Service Commission;
- (c) "commissioners" means the persons elected by the subscribers of a municipal telephone system for the control and management of the system;
- (d) "initiating municipality" means a municipality that has established a municipal telephone system under this Act or a predecessor of this Act;
- (e) "municipal telephone system" means a telephone system, other than a public utility, established by by-law of a municipality under a predecessor of this Act;
- (f) "plant" means the buildings, works, apparatus and equipment, including vehicles, used in the operation of a telephone system;
- (g) "rate" means any rental or charge for supplying telephone exchange service and all services associated therewith;
- (h) "regulations" means the regulations made under this Act;
- (i) "subscriber", in respect of a municipal telephone system, means a landowner who has signed a petition to the council of a municipality praying for the establishment or extension of a telephone system that is afterwards established or extended pursuant

to the petition or upon whose property an annual rate is or may be levied and collected for the purpose of paying the cost of establishing and maintaining the system or the extension or any reconstruction, replacement or alteration of the system or any part thereof, and also means a person who, being a subscriber as defined above, has fully paid all annual rates in respect of the establishment of the system or of its extension and the cost of maintenance during the period for which debentures have been issued to pay the cost of the establishment or extension and who continues thereafter to take telephone service from the system on the basis of paying such charges therefor as are approved;

- (j) "toll" means any charge, other than a rate, for the transmission of telephone messages. 1954, c. 94, s. 1, *amended*.

Telephone
Service
Commission

2.—(1) The body corporate known as the "Ontario Telephone Authority" is continued and shall be known as the "Ontario Telephone Service Commission". 1954, c. 94, s. 91 (1), *part, amended*.

Membership

(2) The Commission shall consist of three or more members appointed by the Lieutenant Governor in Council. 1954, c. 94, s. 91 (1, 2), *part, amended*.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may designate one of the members as chairman and one of them as vice-chairman. 1954, c. 94, s. 91 (2), *part, amended*.

Remunera-
tion

(4) The members shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. 1958, c. 110, s. 1.

Quorum

(5) A majority of the members constitutes a quorum. 1954, c. 94, s. 93; 1958, c. 110, s. 2, *amended*.

When vice-
chairman
may act

3.—(1) In the absence of the chairman or in the 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.

Presumption
where vice-
chairman
has acted

(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. 1954, c. 94, s. 94.

Staff

4. The Lieutenant Governor in Council may appoint a secretary and such other officers, clerks and employees as may be necessary for the conduct of the affairs of the Commission. 1958, c. 110, s. 3, *amended*.

5. The moneys required for the purposes of the Commission shall be paid out of the moneys appropriated therefor by the Legislature. 1957, c. 123, s. 4, *amended*. Administration costs

6.—(1) The Commission has jurisdiction and power to hear and determine all applications made, proceedings instituted and matters brought before it under this Act and, for such purposes, to make such orders, rules and regulations, to give such directions, to issue such certificates and otherwise to do and perform all acts, matters, deeds and things as it deems necessary. Jurisdiction of Commission

(2) In the exercise of its powers under subsection 1, the Commission has all the powers that may be conferred upon a Commissioner under *The Public Inquiries Act*. Powers of investigation R.S.O. 1950, c. 308

(3) Every person summoned to attend before the Commission shall, in the discretion of the Commission, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court. 1954, c. 94, s. 97, *amended*. Witness fees

7. The chairman may authorize any one of the members of the Commission to report to the Commission upon any question or matter arising in connection with the business of the Commission and, when so authorized, such member has all the powers of the Commission for the purpose of taking evidence and acquiring information for the purposes of the report and, upon the report being made to the Commission, it may be adopted as the order of the Commission or otherwise dealt with as the Commission deems proper. 1954, c. 94, s. 98, *amended*. Reference to a member

8. All orders and other documents made or issued by the Commission are effective if signed by the chairman or vice-chairman. 1954, c. 94, s. 99, *amended*. Signing of orders, etc.

9.—(1) The Commission 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. Sittings

(2) The sittings of the Commission may be either private or open to the public, but any complaint made to the Commission shall, upon the application of any party thereto, be heard publicly. Idem

(3) Where the sittings of the Commission are appointed to be held in a municipality in which a court house is situate, the Commission and its members have in all respects the same Use of court house

rights as a judge of the Supreme Court in respect of the use of the court house, or any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice.

Use of town hall

(4) Where the sittings of the Commission 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. 1954, c. 94, s. 100, *amended*.

Variation of orders, etc.

10. The Commission may rehear any application and may review, amend or revoke its decisions, orders, directions, consents or approvals and may within its jurisdiction review, amend or revoke the decisions, orders, directions, rules or approvals heretofore made by the Commission or any predecessor of the Commission. 1954, c. 94, 102, *amended*.

Determination of disputes

11. The Commission has exclusive jurisdiction to hear and determine any differences that may arise between two or more telephone systems or municipalities in respect of the establishment, extension, operation or maintenance of a telephone system or in respect of any act, matter or thing required to be done by them or any of them under this Act, and to make such orders in respect thereof as it deems proper. 1954, c. 94, s. 103, *amended*.

Inquiry as to whether rates sufficient

12. The Commission may from time to time inquire whether the rates and tolls charged for the service rendered by a telephone system, other than a municipal telephone system, are sufficient to pay the funded debt and interest accruing thereon and the cost of operation and maintenance and a reasonable return on capital investment, or whether greater rates are charged than are sufficient for such purposes, and the Commission may order such revision or adjustment of the rates or tolls as it deems proper. 1954, c. 94, s. 104, *amended*.

Examination of and report upon telephone system

13.—(1) The Commission, whenever it appears to be expedient or necessary for the purpose of carrying into effect any of the provisions of this Act or upon any application, complaint or dispute before the Commission or in connection with any matter or thing over which the Commission has jurisdiction, may direct any person to examine and report upon the construction, operation or management of a telephone system, and for that purpose such person may at all reasonable hours enter any building, office or other premises belonging to or connected with the system and examine all books,

accounts, tariffs, rates, balance sheets and other papers, records and documents relating to the system and examine the switchboards, instruments, toll stations and all other property that belongs to or forms a part of the system.

(2) The person directed to make such examination and report has and may exercise any of the powers set out in section 55 of *The Ontario Municipal Board Act*. Powers of examiner
R.S.O. 1950,
c. 262

(3) Upon receiving the report of the person directed to make examination and report, the Commission may adopt the report in whole or in part and may thereupon make such order in respect of the subject-matter of the report as it deems proper. 1954, c. 94, s. 105, *amended*. Implement-
ation of
report of
examiner

14. The Commission may inquire into, hear and determine an application by or on behalf of any person, Powers of
Commission
to hear
complaints

(a) complaining that a telephone system has failed to do any act, matter or thing required to be done by it under this Act or the regulations or under a predecessor of this Act or that a system has done or is doing anything contrary to this Act or the regulations;

(b) complaining that a system is charging rates or tolls in excess of those approved by the Commission;

(c) requesting the Commission to make any order or give any direction or approval that by law it is authorized to make or give. 1954, c. 94, s. 106, *amended*.

15. The Commission of its own motion may order any person, system or municipality to do forthwith or within any specified time and in the manner directed by the Commission anything that any person, system or municipality is or may be required to do under this Act or the regulations, and the Commission may, by its order, forbid the doing or continuing of anything that is in contravention of this Act or the regulations. 1954, c. 94, s. 107, *amended*. Powers of
Commission
exerciseable
on its own
motion

16. The Commission may approve of forms of by-laws, notices and other proceedings to be passed, given or taken under and in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form so approved is not open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto. 1954, c. 94, s. 108, *amended*. Commission
may
approve of
forms, etc.

Stated case **17.**—(1) The Commission may, of its own motion or upon the application of any party to proceedings before the Commission 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 Commission, is a question of law.

Idem (2) The Court of Appeal shall hear and determine the stated case and remit it to the Commission with the opinion of the Court thereon. 1954, c. 94, s. 109, *amended*.

Rescission of orders by Lieutenant Governor in Council **18.** The Lieutenant Governor in Council may at any time upon petition of any party, all parties first having been heard, vary or rescind any order or decision of the Commission whether the order or decision was made *inter partes* or otherwise, and any order that the Lieutenant Governor in Council makes with respect thereto is binding upon the Commission and all parties. 1954, c. 94, s. 110, *amended*.

Appeals of question of jurisdiction and law **19.**—(1) An appeal lies from the Commission 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 of the Court of Appeal 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 Commission, and to the Commission 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 Commission and necessary for determining the question of jurisdiction or law, as the case may be, and shall specify its opinion to the Commission and the Commission shall make an order in accordance with such opinion.

Commission may be heard (4) The Commission is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Costs, rules of practice (5) The Court of Appeal 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.

(6) The Commission or any member thereof is not liable for costs in connection with any appeal or application for leave to appeal under this section. 1954, c. 94, s. 111, *amended*. Commission not liable for costs

20. Except as provided in sections 18 and 19, every order and decision of the Commission is final and binding. 1954, c. 94, s. 112, *amended*. Orders of Commission final and binding

21. An order of the Commission may be general or particular in its application territorially or as to time or otherwise. 1954, c. 94, s. 113, *amended*. Orders may be general or particular

22. *The Regulations Act* does not apply to any order, regulation or by-law made under the authority of this Act. 1954, c. 94, s. 114, *amended*. R.S.O. 1950, c. 337, not to apply

23. The costs of and incidental to any proceedings before the Commission are in the discretion of the Commission, and the Commission may order by whom and to whom any costs are to be paid. 1954, c. 94, s. 115, *amended*. Costs of proceedings before Commission

24.—(1) The Commission shall, after the close of each calendar year, make an annual report upon the affairs of the Commission to the member of the Executive Council to whom the administration of this Act is assigned, who shall file it with the Provincial Secretary. 1954, c. 94, s. 116 (1); 1955, c. 88, s. 6, *amended*. 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. 1954, c. 94, s. 116 (2). Idem

25. Nothing in this Act confers upon the Commission any jurisdiction as to matters that are under *The Power Commission Act* or that otherwise are within the exclusive jurisdiction of The Hydro-Electric Power Commission of Ontario. 1954, c. 94, s. 117, *amended*. Act not to affect H.E.P.C. R.S.O. 1950, c. 281

26. The Commission, subject to the approval of the Lieutenant Governor in Council, may make regulations, Regulations

(a) to regulate and control the business practices and accounting practices of telephone systems;

- (b) prescribing the forms of accounts, books of accounts and records to be kept by telephone systems;
- (c) to regulate and control the type of construction of plants of telephone systems;
- (d) to regulate and control the maintenance and operating practices of telephone systems;
- (e) prescribing rules of practice and procedure applicable to proceedings before the Commission;
- (f) prescribing fees applicable to proceedings before the Commission and for certified copies of orders and other documents made or issued by the Commission;
- (g) prescribing the form of and the particulars to be contained in tariffs of rates and tolls and the manner and form in which tariffs of rates and tolls shall be published and kept open for public inspection;
- (h) prescribing the form and the particulars to be contained in the annual returns to be made by telephone systems to the Commission;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1954, c. 94, s. 118, *amended*.

Establishment and operation of telephone system as public utility

27. Any municipality may establish and carry on a telephone system as a public utility and for the purposes of such system may construct, maintain and operate in, over, under, upon or across the highways, lanes, parks, squares and other public ways, passages and places in the municipality, or in, over, under, upon or across the land of any person therein, an underground or overhead or partly underground and partly overhead telephone plant and do all things necessary or convenient for the purpose including the issue of debentures to meet the cost of the same. 1954, c. 94, s. 2.

Acquisition of existing systems

28. A municipality may, for the purpose of establishing or carrying on a telephone system as a public utility, acquire by purchase or lease or, subject to sections 35 to 86 in that behalf, may expropriate any system in the municipality. 1954, c. 94, s. 3, *amended*.

Debentures of acquired system to be paid by municipality

29. Where a municipal telephone system is acquired by a municipality under section 28, any debentures theretofore issued in respect of the municipal telephone system and then outstanding and unpaid cease to be a charge upon the lands of the respective subscribers or any of them and the debentures

as they mature and fall due and the interest upon them become a first charge against the revenues of the system, and, if such revenues are insufficient in any one or more years, they shall be met and paid by a special rate to be imposed by the municipality upon all rateable property in the municipality. 1954, c. 94, s. 4, *amended*.

30. No by-law authorizing the issue of debentures and no Debentures, assent of electors by-law authorizing the assumption of any outstanding debentures issued in respect of a municipal telephone system may be passed by the council of a municipality in the exercise of the powers conferred by section 27, 28 or 29 until the approval of the Board has been first obtained and such a by-law is not valid until it has received the assent of the electors qualified to vote on money by-laws under *The R.S.O. 1950, c. 243* *Municipal Act*. 1954, c. 94, s. 5, *amended*.

31. Where parts of a building in a municipality are owned Right of passage or occupied by different persons, the municipality may carry wires to any part of such building, and for that purpose may pass over or through or under the property belonging to any owner or in the possession of any tenant or occupant. 1954, c. 94, s. 6.

32. Parts III and IV of *The Public Utilities Act* apply Parts III and IV of R.S.O. 1950, c. 320, to apply *mutatis mutandis* to a municipality establishing and carrying on a telephone system as a public utility, and the expression "public utility", where it occurs in those Parts, includes a telephone system. 1954, c. 94, s. 7.

33.—(1) Where a municipality has heretofore constructed, Borrowing money for extension or acquisition purchased or acquired or hereafter constructs, purchases or acquires a telephone system under section 27, 28 or 29 or where it has undertaken the construction, purchase or acquisition of such a system and it appears that the cost of the construction, purchase or acquisition has exceeded or will exceed the amount already provided for that purpose or where it is deemed expedient by the council of the municipality to construct an extension or an improvement of the system, the council may, with the approval of the Board, pass a by-law for borrowing such further or other sums as may be necessary to complete, extend or improve the system or for the purchase or acquisition of the system or to meet the cost of any extension or improvement already made to the system.

(2) The by-law does not require the assent of the electors Where assent of electors not required if it is passed by a vote of three-fourths of all the members of the council and is approved by the Board.

Where approval may be given

(3) Such approval may be given if it is shown to the satisfaction of the Board that the expenditure proposed to be made for any such extension or improvement or for the completion of the system or the purchase or acquisition is necessary and that sufficient revenue or sufficient additional revenue will be derived therefrom to meet the annual payments in respect of the debt and the interest thereon or where it is made to appear to the Board that the net revenue to be derived from the system justifies the construction of such extension or improvement. 1954, c. 94, s. 8, *amended*.

Application of other provisions

34. Sections 42 to 44, sections 53 to 56, section 62, sections 80 to 84, section 86, sections 89 to 99 and sections 102 to 115 apply *mutatis mutandis* to a municipality carrying on a telephone system as a public utility. 1954, c. 94, s. 9, *amended*.

Petition for establishment of system

35. A petition signed by not less than ten assessed land owners may be presented to the council of a local municipality praying for the establishment of a municipal telephone system. 1954, c. 94, s. 10, *amended*.

Petition for extension of system

36. A petition signed by one or more assessed landowners may be presented to the council of a local municipality or the commissioners, as the case may be, in which a municipal telephone system has been established praying for an extension of the system so as to serve his or their premises, as the case may be. 1954, c. 94, s. 11, *amended*.

Particulars to be stated in petition and removal of names

37. A petition under section 35 or 36 shall set forth such particulars as the Commission may require, and a signature after being affixed to the petition shall not be removed therefrom except with the approval of the Commission, but no application for such approval shall be considered by the Commission after the lapse of six months from the date of the passing of the by-law for the establishment of the municipal telephone system or, in the case of a petition for an extension to the system, after the lapse of six months from the date upon which the signature was affixed to the petition. 1954, c. 94, s. 12, *amended*.

Adding signatures to petition

38. Where the petition for the establishment or extension of a municipal telephone system prays that debentures of the initiating municipality be issued to pay the cost of the work, any additional landowner may, with the permission of the council or the commissioners, as the case may be, at any time before the passage of the debenture by-law, affix his signature to the petition, and thereupon and thereafter the additional landowner has all the rights and is subject to all the obligations of the original signatories to the petition. 1954, c. 94, s. 13, *amended*.

39. The petition constitutes a valid and binding contract on the part of each person signing it to repay to the initiating municipality his share of the cost of establishing or extending the municipal telephone system, as the case may be, and operating and maintaining the system. 1954, c. 94, s. 14, *amended*.

Petition to
constitute
contract

40. Upon the receipt of a petition praying for the establishment of a municipal telephone system, the council of the initiating municipality may by by-law, at the expense of the subscribers and subject to such conditions as may be set forth in the by-law, provide for the establishment of the system and for the maintenance and operation of the system. 1954, c. 94, s. 15, *amended*.

By-law for
establish-
ment of
system

41. After the establishment of a municipal telephone system, the initiating municipality may from time to time, upon the receipt of a petition praying for an extension of the system, construct any extension that seems expedient and necessary in order to supply telephone service to the petitioners. 1954, c. 94, s. 16, *amended*.

Construc-
tion of
extensions

42. The council of the initiating municipality or the commissioners, as the case may be, may from time to time extend the system into another municipality with the consent of the council of such other municipality or, without such consent, with the approval of the Commission. 1954, c. 94, s. 17, *amended*.

Extension
of system
to another
municipality

43. Subject to section 101, the council of the initiating municipality or the commissioners, as the case may be, may, with the consent of the Commission, extend the system into territory without municipal organization, and the part of such territory into which the system is extended, to be defined by the Commission, shall, for the purposes of this Act, be deemed to be annexed to the initiating municipality, and the council and officers thereof shall levy and collect all rates and tolls under this Act and do all acts and perform all duties and are subject to the same liabilities in respect of such part as, for the purposes of this Act, they may do, perform and are subject to with respect to the initiating municipality. 1954, c. 94, s. 18, *amended*.

Extension
of system
into un-
organized
territory

44.—(1) The initiating municipality, before proceeding to establish a system, shall furnish to the Commission a certified copy of the by-law providing for the establishment of the system, together with such plans, particulars of the cost of the work and such other information as the Commission may require, and no debt shall be incurred for the construction

Approval of
by-laws,
plans and
specifications

of the system or for the purchase of material to be used in the construction of its plant until the Board with the consent of the Commission has approved the by-law.

Extensions

(2) The by-laws may provide in general terms for the making of extensions to the system from time to time thereafter and, upon the receipt of a petition for an extension, the initiating municipality may from time to time construct the extension, and, if any such extension requires the issue of debentures, the by-law authorizing the issue shall recite the making of the extension and shall adopt and confirm the same. 1954, c. 94, s. 19, *amended*.

Location of exchange

45. The council of the initiating municipality or the commissioners, as the case may be, shall, with the approval of the Commission, determine the location of any exchange or switchboard of the system and any relocation of the same. 1954, c. 94, s. 20, *amended*

Ownership of system

46. A municipal telephone system established or extended is vested in the initiating municipality in trust for the benefit of the subscribers, and such municipality is liable for all the obligations of the system and has and may exercise all or any of the powers conferred on a municipality by sections 27, 28 and 31. 1954, c. 94, s. 21, *amended*.

Sale of system or part

47.—(1) Subject to the approval of a majority of the subscribers present in person or represented by proxy at a general meeting of the subscribers called for the purpose and subject to the approval of the Commission, the council of an initiating municipality in which a municipal telephone system is vested may by by-law provide for the sale or other disposition of the whole or any part of the system. 1954, c. 94, s. 22 (1), *amended*.

Approval not required

(2) The Commission may by order dispense with the approval of the subscribers to the sale or other disposition of part of a system that, in the opinion of the Commission, is not a substantial part of the system. *New*.

Use of proceeds to discharge debts

(3) The proceeds of the sale or other disposition shall be applied and used in payment of the outstanding debenture debt and other indebtedness and liabilities incurred in respect of the system.

Where deficiency occurs

(4) Where the assets of the system and the proceeds of the sale or other disposition of the whole or the part of the system are not sufficient to meet any outstanding debenture debt and other indebtedness and liabilities incurred in respect of the system, the deficiency shall be paid out of the general

funds of the initiating municipality and the amount so paid constitutes a debt due in equal shares from the subscribers to the initiating municipality and may be collected in the same manner as any other debt due by the subscribers under this Act. 1954, c. 94, s. 22 (2, 3).

(5) The proceeds of the sale or other disposition not required ^{Disposition of surplus} for the purposes mentioned in subsection 3 shall,

- (a) in the case of a sale or other disposition of part only of the system, belong to the system and be applied and used according to the directions of the council of the municipality or the commissioners, as the case may be; and
- (b) in the case of a sale or other disposition of the whole of the system, belong to the subscribers and be distributed among them in such manner and on such basis, having regard to their separate interests, as the Commission may direct. 1954, c. 94, s. 22 (4), *amended*.

(6) Where from absence or loss of records or other cause ^{Where subscribers are unknown} the council of the initiating municipality is unable to ascertain who the subscribers are and is therefore unable to obtain their approval to a sale or other disposition of the whole or a part of the system, the council, with the approval of the Commission upon proof of the fact and upon proof that the assets of the system and the proceeds of the sale or other disposition of the whole or part of the system will be sufficient to meet any outstanding debenture debt and other indebtedness and liabilities incurred in respect of the system, may authorize the sale or other disposition notwithstanding the absence of such approval, and the proceeds of the sale or other disposition not required for the purposes mentioned in subsection 2 shall,

- (a) in the case of a sale or other disposition of part only of the system, belong to the system and be applied and used according to the directions of the council of the municipality or the commissioners, as the case may be; and
- (b) in the case of a sale or other disposition of the whole of the system, be held, applied, used, distributed and disposed of in accordance with the directions of the council or the commissioners, as the case may be, and the approval of the Commission. 1954, c. 94, s. 22 (5), *amended*.

Issuing
debentures
for cost
of work

48.—(1) Where the subscribers or a majority of them, in a petition for the establishment or extension of the system, pray that the payment of the cost of the work be extended over a period not exceeding twenty years and that debentures of the initiating municipality be issued to pay the cost of the work, the council of the initiating municipality in the by-law providing for the establishment or extension of the system, or in a subsequent by-law, may provide for the issue of debentures payable within a period not exceeding twenty years from the date of the issue thereof and that the proceeds of the debentures shall be applied in payment of the cost of establishing or extending the system, as the case may be, and for levying a special rate upon the property of the subscribers sufficient to discharge the debt so incurred in equal annual instalments of principal and interest.

Assent of
electors not
required

(2) The debentures shall be issued on the credit of the initiating municipality, and it is not necessary that the by-law authorizing their issue be submitted for the assent of the electors, but no such by-law shall be passed for any of the purposes of this section until the approval of the Board has first been obtained. 1954, c. 94, s. 23.

Agreement
for
advances

49. The initiating municipality may, subject to subsection 1 of section 44 and subsection 2 of section 48, agree with any person for temporary advances to meet the cost of the work until the completion thereof and may then pass the necessary by-law authorizing the issue of debentures out of the proceeds of which the temporary advances shall be paid, but the by-law for the issue of debentures shall be passed not later than two years after the passing of the by-law for the establishment or extension of the system, as the case may be, and the debentures shall be issued within twelve months after the passing of the by-law authorizing the issue of the debentures, but the Board may extend beyond two years the period within which the by-law for the issuing of debentures may be passed and may extend beyond twelve months the period within which the debentures may be issued, and such extension of time may be granted although the application therefor is not made until after the expiration of such period of two years or twelve months, and in such case the by-law may be passed or the debentures issued within the extended time. 1954, c. 94, s. 24, *amended*.

Reconstruction,
replacement or
alteration
of system

50.—(1) Where in the opinion of the council of the initiating municipality or the commissioners, as the case may be, it is necessary or expedient to reconstruct, replace or alter the system or any part thereof and to issue debentures of the initiating municipality to meet the cost thereof, the council of the initiating municipality may, with the prior approval

of a majority of the subscribers at a regular meeting called for the purpose and the prior approval of the Board, pass a by-law authorizing the doing of the work and the issuing of debentures for that purpose, and it is not necessary that the by-law be submitted for the assent of the electors. 1954, c. 94, s. 25 (1), *amended*.

(2) The Board shall determine the period within which the debentures to be issued shall be made payable and the landowners who shall defray the cost of such reconstruction, replacement or alteration, and the lands upon and in respect of which the special rate shall be levied to discharge the debenture debt so incurred, with interest. How cost paid

(3) The provisions of this Act as to debentures apply to debentures issued under this section. 1954, c. 94, s. 25 (2, 3). Provisions of Act to apply

51. The initiating municipality may, with the approval of the subscribers and with the prior approval of the Board and without obtaining the assent of the electors, pass by-laws authorizing the issue of debentures to meet the cost of making an extension or extensions to the system for the purpose of furnishing telephone service to persons who are not landowners but, before approving of any such by-law, the Board shall be satisfied that such extension or extensions is or are necessary and that a sufficient additional revenue will be derived therefrom to meet the annual payments of principal and interest in respect of the debt created by the issue of such debentures or that the net revenue derived from the system justifies the construction of such extension or extensions. 1954, c. 94, s. 26, *amended*. Extensions for persons not assessed as land-owners

52. Where an initiating municipality has been ordered by the Board or is ordered by the Commission to construct works under this Act, such works shall be deemed to be an extension of the system of such municipality and the council of the initiating municipality has and may exercise in respect of such works the like powers as are vested in the council by this Act in respect of the construction of an extension of a system and the issue of debentures to meet the cost thereof, and such powers may be exercised without a petition from the subscribers to the system or any of them. 1954, c. 94, s. 27, *amended*. Works ordered to be deemed extension of system

53. An initiating municipality may, with the consent of the Commission and the approval of the Board, by agreement with the owner acquire by purchase all or any part of any existing telephone system in the municipality or any part of such system in another municipality with the consent of Purchase by municipality of existing system

the council of such other municipality and, failing such consent, with the approval of the Commission. 1954, c. 94, s. 28, *amended*.

Acquisition of system by agreement or expropriation

54.—(1) For the establishment or extension of a telephone system or to avoid duplication of systems or any part thereof, an initiating municipality may offer to purchase at a fixed price a telephone system or any part thereof, and, if the owner does not accept the price so offered within one month from the date of the offer, the initiating municipality may, with the consent of the Commission and the approval of the Board, expropriate the system or the part thereof that it offered to purchase and the compensation to be made upon such expropriation shall be determined by the Commission.

Damage resulting from severance

(2) In fixing the price to be offered or the compensation to be made where part only of a system is proposed to be purchased or is expropriated, there shall be included in the price or compensation, as the case may be, a sum sufficient to compensate the owner of the system for any damage directly resulting from the severance. 1954, c. 94, s. 29, *amended*.

Arbitration by Commission where parties fail to agree

55. Where a municipality owning and operating or intending to own and operate a telephone system has taken proceedings under this Act to acquire a part of the system of a municipality operating in the first-named municipality or in an adjoining municipality and the parties are unable to agree upon the price to be paid therefor, the Commission may prohibit further proceedings or may approve the acquisition and settle the terms and conditions thereof including the price to be paid and all other matters proper to be taken into consideration. 1954, c. 94, s. 30, *amended*.

Powers of council to borrow money and to issue debentures

56. Where the council of an initiating municipality acquires by purchase or expropriation an existing telephone system or part thereof, the powers vested by this Act in the council of the initiating municipality as to borrowing by way of temporary advances and in respect of the issue of debentures for the establishment or extension of a system may be exercised by the council of the initiating municipality for the purpose of defraying the cost of such purchase. 1954, c. 94, s. 31.

Liability of subscribers

57. The cost of establishing a municipal telephone system or of an extension thereto shall be defrayed by the subscribers whose signatures are affixed to the petition for such establishment or extension in equal proportions or in such other proportions as may be fixed by the council of the initiating

municipality with the approval of the Commission, and, in case of default in payment by any subscriber of the amount so fixed, the same may be collected as an ordinary debt by action against the person liable therefor or may be added to the collector's roll as taxes due from him and may be collected in the same manner as other taxes. 1954, c. 94, s. 32, *amended*.

58.—(1) Where the subscribers have prayed that de-Special rate
a charge
on land
bentures of the initiating municipality be issued to pay the cost of the work, the special rates assessed against the land of a subscriber are a charge upon the land designated by the subscriber in the petition for the establishment or extension of a system and being land owned by the subscriber when he signed the petition, and shall, notwithstanding a change in the ownership of the land, continue to be a charge thereon until such rates have been fully paid, and such rates may, as they become payable, be collected as an ordinary debt by action against the person liable therefor or may be placed upon the collector's roll against the land as taxes due from the owner of the land and may be collected in the same manner as other taxes, and this section applies to all such rates heretofore and hereafter assessed against any lands under this Act or any predecessor of this Act.

(2) Where land is liable to be specially assessed to meet the cost of the work, any subscriber may commute, for a Commuta-
tion of
special
rates
payment in cash, the special rates assessable against his land forthwith after the actual cost of the work and the proportion of the cost payable by him have been ascertained. 1954, c. 94, s. 33.

59.—(1) The cost of maintenance of a municipal telephone system shall be defrayed by the subscribers in equal proportions or in such other proportions as may be fixed by the council of the initiating municipality and approved by the Commission and is a charge on the lands of the subscribers in the same proportion, and may be collected in the same manner and with the same remedies, as the cost of the establishment or extension of a system or as any special rate assessed against the land of a subscriber in respect of such cost. Cost of
maintenance

(2) Any tolls or moneys paid by the initiating municipality to any other system for telephone service furnished by such system to any subscriber of the initiating municipality are a charge upon the land of the subscriber and may be collected Collections
of tolls
paid to
other
systems for
subscribers
by the initiating municipality in the same manner and by the same remedies as the cost of the maintenance of a system. 1954, c. 94, s. 34, *amended*.

Release of
subscribers
from
liability

60.—(1) Where there are no outstanding debentures of a municipal telephone system, a subscriber may be released and discharged from all liability in respect of the system upon application to the Commission.

Idem

(2) Where debentures of a municipal telephone system are outstanding, a subscriber who has fully paid his share of all instalments of principal and interest due or to become due under the debenture by-law, together with all other charges payable by him in respect of the system, may be released and discharged from all liability in respect of the system upon application to the Commission.

Idem

(3) A release from liability under subsection 1 or 2 does not discharge the subscriber from any liability that may arise under any contract made for telephone service. 1954, c. 94, s. 35, *amended*.

Inquiry as to
sufficiency
of rates

61.—(1) The Commission may from time to time inquire whether the rates and tolls charged for the service rendered by a municipal telephone system are sufficient to pay the cost of operation and maintenance of the system and the instalments of principal and interest on any outstanding debentures, or whether greater rates are charged than are sufficient for such purposes, and the Commission may order such revision or adjustment of the rates or tolls as it deems proper. *New*.

How
deficiency
made up

(2) Where the revenues of a municipal telephone system are insufficient in any year to meet the cost of operation and maintenance of the system and the instalments of principal and interest falling due in such year on account of any outstanding debentures of the initiating municipality issued for the telephone system, the deficiency shall be paid out of the general funds of the initiating municipality and the amount so paid constitutes a debt due from the subscribers to the initiating municipality and may be collected in the same manner as any other debt due by subscribers under this Act. 1954, c. 94, s. 36, *amended*.

Validity
of rate

62. Any question arising as to the validity of any special rate levied under this Act shall be determined by the Commission on an application to it for that purpose. 1954, c. 94, s. 37, *amended*.

Prescribing
terms of
connection

63. The council of the initiating municipality or the commissioners, as the case may be, may prescribe the terms on which a person not being a subscriber may have his premises connected with the system and the rate at which he may receive telephone service, and any such rate that heretofore has been approved by the Board or may hereafter be approved

by the Commission may be collected in the same manner and with the same remedies as a rate due and unpaid by a subscriber, but such rate does not become a charge against the land. 1954, c. 94, s. 38, *amended*.

64. Until the control and management of a municipal telephone system is placed under commissioners, the system is under the control and management of the council of the initiating municipality. 1954, c. 94, s. 39, *amended*. ^{Council to manage system}

65.—(1) Upon the petition of a majority of the subscribers, the council of the initiating municipality shall place the telephone system under the control and management of commissioners to be designated "The Commissioners for the Telephone System of the Municipality of", a majority of whom may exercise all the powers of the commissioners. 1954, c. 94, s. 40 (1). ^{Petition for management by commissioners}

(2) Where the system is in the initiating municipality only, there shall be three or five commissioners and, where the system extends into one or more other municipalities, there shall be an odd number of commissioners, not less than three. ^{Number of commissioners}

(3) Subject to subsection 2, the number of commissioners first elected shall be as specified in the petition. ^{Idem}

(4) Subject to subsection 2, the commissioners may by by-law increase or decrease the number of commissioners, but no such by-law shall come into force until confirmed at a general meeting of the subscribers called for the purpose or at the next annual meeting of the subscribers, and if so confirmed such by-law shall not be amended or repealed until two annual elections have been held under it. 1957, c. 123, s. 1. ^{Increase or decrease in number of commissioners}

66. Except as authorized under clause *d* of subsection 1 of section 71, the commissioners shall be elected each year at the annual general meeting of the subscribers or at a general meeting called for the purpose, and the commissioners shall hold office until their successors are elected. 1954, c. 94, s. 41, *amended*. ^{Election of commissioners}

67.—(1) No person is eligible for election as a commissioner unless he is a subscriber to the municipal telephone system. ^{Eligibility}

(2) No assessor, collector, treasurer, clerk, auditor or member, other than the head, of the council of a municipality is eligible to be elected a commissioner. 1954, c. 94, s. 42. ^{Disqualification}

Vacancies

68. Where a commissioner resigns, dies or becomes incapacitated, the council of the initiating municipality shall immediately appoint a successor who shall hold office for the remainder of the term for which his predecessor was elected or appointed. 1954, c. 94, s. 43, *amended*.

Powers of commissioners

69.—(1) Upon the election of the commissioners, the control and management of the municipal telephone system are vested in the commissioners and all the provisions of this Act relating to the initiating municipality and the council thereof in respect of the system, except in so far as they or any of them are by this Act expressly excepted, are applicable to the commissioners. 1954, c. 94, s. 44 (1), *amended*.

Ownership of system and duties of initiating municipality

(2) The election of the commissioners does not affect the ownership of the system nor the authority and duty of the initiating municipality to provide from time to time all moneys required for the establishment and maintenance of the system and any extension thereof, nor the right of the initiating municipality to levy and collect all moneys and special rates that may be due and owing from time to time by the subscribers. 1954, c. 94, s. 44 (2).

Security to be given by secretary, etc.

70. The commissioners may require the secretary or any other officer of the municipal telephone system to give such security as they may require for the faithful performance of his duties and for the accounting for and paying over of all moneys that come into his possession or control. 1954, c. 94, s. 45, *amended*.

By-laws

71.—(1) The commissioners may pass by-laws to provide for and regulate,

- (a) the time and place at which meetings of subscribers shall be held and the manner of calling and the procedure at meetings;
- (b) the manner of election, duties and remuneration of the commissioners;
- (c) the control and management of the system;
- (d) the term of office of the commissioners by extending the term to three years so that at the first election of commissioners for a term of three years one or more of them shall hold office for a term of one year only, one or more of them for a term of two years and the remaining one or more for a term of three years;

but such by-laws shall not come into force until approved by the Commission and confirmed at a general meeting of the

subscribers called for the purpose or at the next annual meeting of the subscribers. 1954, c. 94, s. 46 (1), *amended*.

(2) A by-law under clause *b* of subsection 1 providing for and regulating the remuneration of the commissioners does not require the approval of the Department of Municipal Affairs under section 419 of *The Municipal Act*. 1955, c. 88, s. 1. Remuneration of commissioners R.S.O. 1950, c. 243

72. Upon the petition of a majority of the subscribers of a municipal telephone system praying that the council of the initiating municipality take over the control and management of the system, the council shall pass a by-law for that purpose, and thereupon the commissioners shall hand over to the council, or some official designated by it, all the property of the system, including all moneys, vouchers, books, papers, documents and memoranda relating to the system, and thereafter the control and management of the system is vested in the initiating municipality and the council thereof. 1954, c. 94, s. 47, *amended*. Assumption of control of system operated by commissioners by council

73. Every municipal telephone system shall hold a general meeting of its subscribers in each year not later than the 1st day of April or at such time later in each year as may be approved by the Commission. 1954, c. 94, s. 48, *amended*. Annual meeting

74.—(1) Not less than ten days before the day fixed for holding the annual general meeting, a financial statement shall be sent by first-class prepaid mail or delivered to each subscriber, to each member of the council of the initiating municipality and to the Commission containing, Financial statement to be sent to subscribers

- (a) a balance sheet showing in sufficient detail the assets and liabilities of the system as of the 31st day of December last past;
- (b) a statement of the income and expenditure of the system for the financial year ending on the 31st day of December last past;
- (c) a copy of the report of the auditor or auditors for the year ending on the 31st day of December last past;
- (d) such other information respecting the system as the by-law may require or the Commission may prescribe.

(2) The financial statement mentioned in subsection 1 shall be submitted to the subscribers at the annual general meeting. 1954, c. 94, s. 49, *amended*. Statement to be submitted to meeting

Notice

75.—(1) In default of other express provision in the by-laws of the system, notice of the time and place of holding any general meeting of the subscribers shall be given at least ten days before the meeting by first-class prepaid mail or by delivery to each subscriber and to each member of the council of the initiating municipality.

Sending notices

(2) Notices calling a general meeting of the subscribers and the financial statement shall be sent by the commissioners or by their secretary or other officer and, where the system is under the control and management of the council, by the clerk of the initiating municipality.

Business to be stated

(3) The notice calling a general meeting of the subscribers shall state the business that is to be transacted at it. 1954, c. 94, s. 50.

General meeting called on requisition

76.—(1) Upon receipt of a requisition in writing, signed by not less than one-tenth of the subscribers, setting forth the objects of the proposed meeting, the commissioners, by their secretary or other officer or, where the system is under the control and management of the council, the clerk of the initiating municipality shall forthwith call a general meeting of the subscribers for the transaction of the business mentioned in the requisition.

General meeting called by subscribers

(2) If the meeting is not called and held within twenty-one days from the date upon which the requisition was sent or delivered to the chairman or secretary of the commissioners or to the clerk of the initiating municipality, as the case may be, one-tenth of the subscribers, whether they signed the requisition or not, may themselves, by notice as provided in section 75, call a general meeting of the subscribers for the transaction of the business. 1954, c. 94, s. 51.

General meeting called by council, etc.

77. The council of the initiating municipality or the commissioners, as the case may be, may of their own motion call a general meeting of the subscribers for the transaction of any business. 1954, c. 94, s. 52.

Who may vote at general meeting

78. No person is entitled to vote at a general meeting of a municipal telephone system unless he is a subscriber to the system, but any member of the council of the initiating municipality may attend any general meeting and take part in the deliberations thereat, but shall not vote unless he is a subscriber. 1954, c. 94, s. 53; 1955, c. 88, s. 2, *amended*.

Quorum

79.—(1) The presence in person of not less than five subscribers representing in person and by proxy at least one-tenth of all the subscribers is necessary to constitute a quorum

at a general meeting of the subscribers of a municipal telephone system, and the instrument appointing a proxy shall be in writing under the hand of the appointer or, if such appointer is a corporation, under its seal, and shall be attested by at least one witness, and no person shall be appointed a proxy who is not a subscriber. 1954, c. 94, s. 54, *amended*.

(2) Where a quorum is not present one hour after the time a general meeting has been called, the meeting shall be adjourned for one week at the same time and place and those subscribers present at the second meeting shall constitute a quorum. *New*.

80. Where a municipal telephone system is under the control and management of the initiating municipality, the several officials of the municipality in their respective offices shall do and perform all acts, matters and things herein on their part respectively directed to be done and performed in respect of the system, and, where the system is under the control and management of commissioners, the several officials respectively shall do and perform the acts, matters and things in like manner unless relieved therefrom by the commissioners. 1954, c. 94, s. 55, *amended*.

81.—(1) Where a municipal telephone system extends into a municipality other than the initiating municipality, the clerk of the initiating municipality shall,

- (a) forthwith after its passing, transmit to the clerk of the other municipality a certified copy of every debenture by-law charging with a rate the premises of any subscriber situated in the other municipality; and
- (b) when so required by the initiating municipality or the commissioners, as the case may be, transmit to the clerk of the other municipality, on or before such date as the council of the other municipality may by by-law prescribe, the amount in respect of the debentures and the cost of maintenance payable by each such subscriber.

(2) The amount payable by each subscriber shall be placed on the collector's roll and shall be collected in the same manner as municipal taxes and paid over to the treasurer of the initiating municipality at the end of each month. 1954, c. 94, s. 56; 1957, c. 123, s. 2, *amended*.

82. The initiating municipality or the commissioners, as the case may be, shall pay to the clerk, treasurer and collector of the initiating municipality and to the clerk, treasurer and

collector of any other municipality into which its system extends a reasonable remuneration for the services performed by them or any of them under this Act, and such remuneration shall be fixed by agreement between the official performing the service and the council of the municipality or the commissioners, as the case may be, and, failing agreement, by the Commission on an application to it for that purpose. 1954, c. 94, s. 57, *amended*.

Penalties
for breach
of duties by
municipal
officials

83. The clerk, treasurer or collector of any municipality failing or neglecting to do and perform any act, matter or thing required of him by this Act or by order of the Commission directed to be done and performed by them respectively is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. 1954, c. 94, s. 58, *amended*.

Books to
be kept

84.—(1) The council of the initiating municipality or the commissioners, as the case may be, shall cause proper books of accounts to be kept containing full and true statements of,

- (a) the financial transactions of the system;
- (b) the assets of the system;
- (c) the sums of money received and expended in respect of the system and the matters in respect of which such receipt and expenditure took place;
- (d) the credits and liabilities of the system;
- (e) the name of every subscriber and the location of his subscribed property,

and a book or books containing minutes of all the proceedings and votes at meetings of the council or commissioners and of subscribers verified by the signature of the head of the council, the chairman of the commissioners or other presiding officer, as the case may be. 1954, c. 94, s. 59 (1), *amended*.

Deposit and
withdrawal
of moneys

(2) All moneys received in respect of the system shall be deposited forthwith in a chartered bank in an account in the name of the system and all expenditures in respect of the system shall be paid by cheque drawn upon such account signed by the head of the council and treasurer of the initiating municipality or such other two signing officers as the council may appoint or, where the system is under the control and management of commissioners, by the chairman and treasurer or such other two signing officers as the commissioners may appoint. 1954, c. 94, s. 59 (2).

85. The accounts and transactions of the municipal telephone system shall be audited at least once in every year by the municipal auditor or auditors appointed and compensated as provided in section 245 of *The Municipal Act*. 1954, c. 94, s. 60, *amended*. Audit of accounts
R.S.O. 1950,
c. 243

86. No action shall be brought against a municipal corporation or any of its officers, agents or servants for anything done or omitted in the construction, operation or maintenance of a municipal telephone system or in the exercise of any of the powers conferred by this Act after the lapse of six months from the time when the cause of action arose. 1954, c. 94, s. 61, *amended*. Limitation of actions

87. Every unincorporated association or partnership of persons, comprising five or more members or partners, owning or proposing to own a telephone system and using or proposing to use a public highway or highways for the purpose of furnishing telephone service to the members or partners of such unincorporated association or partnership, or any of them, or to other persons, shall secure letters patent creating them a corporation with share capital for the purpose of carrying on the business of a telephone company. 1954, c. 94, s. 64. Partnerships and unincorporated associations to be incorporated

88. No by-law, and no special resolution as defined in *The Corporations Act, 1953*, of an incorporated telephone company hereafter passed has any force or effect until approved by the Commission and every such company shall cause such by-laws and special resolutions to be kept available for inspection at the head office of the company. 1955, c. 88, s. 3, *amended*. By-laws to be approved by Commission
1953, c. 19

89.—(1) Every telephone system shall furnish continuous telephone service that adequately and efficiently meets the needs of the public in the territory in which it operates. Proper service to be given

(2) Any person who is not satisfied with the service rendered may lodge a complaint with the Commission with respect thereto and the Commission may order the system complained against to take such action as the Commission considers necessary. 1954, c. 94, s. 66, *amended*. Complaints

90. The Commission may make such orders for the construction and maintenance of a plant as it may from time to time determine to be necessary in order to ensure adequate and efficient telephone service to the public and for the protection of life and property. 1954, c. 94, s. 67, *amended*. Orders to ensure proper service

Equipment
ownership

91. Every telephone system shall own and maintain all equipment, except run-off poles on private property, operated in connection with the system, unless otherwise consented to by the Commission. 1954, c. 94, s. 68, *amended*.

Duplication
of pole
leads on
highways

92. No telephone system shall erect poles upon or along or adjacent to and parallel with any portion of a highway upon or along which the pole leads of another system are already erected, or otherwise by means of its plant or any part thereof duplicate the plant of or compete with any other system that furnishes telephone service in the same locality in which the first-mentioned system proposes to furnish such service, unless by consent of the Commission. 1954, c. 94, s. 69, *amended*.

Use of pole
leads by
two or
more
systems

93. Where in the opinion of the Commission the convenience of persons desiring telephone service requires the extension of a telephone system upon or along a highway, upon or along which there is already a telephone pole lead, the Commission may make such order as it may deem expedient for authorizing the extension and consolidating the pole leads upon or along the highway. 1954, c. 94, s. 70, *amended*.

Telephone
service to
be furnished
on request

94. Notwithstanding anything in any Act, where a person makes application to a telephone system for telephone service, the system shall furnish such service upon terms to be agreed upon and, failing agreement, upon such terms and conditions as may be ordered by the Commission. 1954, c. 94, s. 71, *amended*.

Erection of
poles on
highways

95. Where it is necessary for the purpose of carrying into effect any order of the Commission that a telephone system should erect poles, cables, ducts or wires upon or along any road or highway under the jurisdiction of a town, village, county or township, the system may, notwithstanding any limitations in any letters patent or otherwise, erect the poles, cables, ducts and wires upon or along the road or highway upon such terms and conditions as may be agreed upon between the council of the municipality and the system, and, if the council and the system are unable to agree, then upon such terms and conditions as the Commission may prescribe. 1954, c. 94, s. 72, *amended*.

Agreements
for
connection,
joint
operation,
etc.

96. A telephone system may enter into an agreement with any other system, whether the latter system is under the jurisdiction of the Legislature or not, providing for the connection, intercommunication, joint operation or reciprocal use of the respective lines and other plant controlled, owned or operated by the systems and for the transmission of

business between the systems, and for the interchange of messages passing to, from or over their lines and other plant, and for the apportionment of tolls, commissions and expenditures and the division of receipts and profits and generally for the regulation, management and operation of their lines and other plant, but no such agreement has any validity or effect until approved by the Commission. 1954, c. 94, s. 73, *amended*.

97. Where the lines or other parts of the plant of two or more telephone systems are situated in such proximity to each other as to make it expedient in the public interest that they be connected in order that there be intercommunication between them or joint operation or reciprocal use of them or that the lines or other plant be used jointly by the systems for the transmission of messages and either or any of the systems fail or refuse to enter into an agreement with the other or others, the Commission shall order, Commission may order connection, joint operations, etc.

- (a) that such connection be made;
- (b) by whom and in what manner any line or works necessary for the purpose of making the connection shall be constructed and maintained;
- (c) how the cost incurred in constructing and maintaining it or them shall be borne; and
- (d) upon such terms and conditions as the commission may prescribe, that there shall be such intercommunication between or joint operation or reciprocal use of, and such transmission of messages by or over, the lines or other plant, including any connecting lines or works, as the Commission may prescribe. 1954, c. 94, s. 74, *amended*.

98.—(1) Where the lines of one or more telephone systems terminate on the switchboard of another system, the other system shall furnish all reasonable and proper facilities for the interchange of conversations between the systems. Intercommunication by systems

(2) The facilities to be so afforded shall include the providing of suitable switching facilities to connect the lines of the systems and the permitting of conversations to be transmitted without unreasonable delay over the lines so connected. What facilities to be used

(3) The terms upon which the facilities for the interchange of conversation between two or more systems to be afforded under this section shall be fixed by agreements between the Terms

systems concerned, subject to the approval of the Commission, and, failing such agreement, they shall be fixed by the Commission. 1954, c. 94, s. 75, *amended*.

Intercommunication between federal and provincial systems

99. Where the lines or other parts of the plant of a telephone system under the jurisdiction of the Legislature and the lines or other parts of the plant of a system under the jurisdiction of the Parliament of Canada are situate in such proximity to each other as to make it practicable for the lines or other parts of the plant to be so connected as to provide direct communication whenever required between any telephone on the one system and any telephone on the other system, either of the systems or any municipal corporation or other public body or any person interested may file with the Commission and with the Board of Transport Commissioners for Canada an application for an order that such connection be made together with evidence of service of the application upon the systems interested or affected and clauses *b, c, d* and *e* of subsection 1 of section 131 of *The Railways Act* apply *mutatis mutandis* to every such application. 1954, c. 94, s. 76, *amended*.

R.S.O. 1950, c. 331

Use of highways

100.—(1) No telephone system shall place in, upon, over or under any highway, lane or square under the jurisdiction of the council of a municipality any poles, cables, ducts, wires or other structures or equipment without having acquired the right so to do. 1954, c. 94, s. 62 (1).

Grants of right to use highways

(2) Notwithstanding the provisions of any other Act and with the approval of the Commission, the council of any municipality may pass a by-law or by-laws for granting to a system, upon such terms and conditions as may be deemed expedient, the right to use any highway, square or lane under its jurisdiction for placing in, upon, over or under the same poles, cables, ducts, wires or other structures or equipment, but no such by-law comes into force until approved by the Commission. 1954, c. 94, s. 62 (2), *amended*.

Commission to determine differences as to use of highways

(3) Where the council and the system are unable to agree as to the terms and conditions upon which such right is to be granted, the council or the system may refer the matters in dispute to the Commission in which case the Commission, after hearing the evidence of all persons interested, may prescribe the terms and conditions, and thereupon the terms and conditions are binding upon the municipality and the system. 1954, c. 94, s. 62 (3), *amended*.

Termination of right

(4) Where a system fails to comply with any provision of this Act or the regulations or any order of the Commission, the Commission may terminate any right conferred upon the

system under this section, in which case the by-law granting the right shall be deemed to be repealed. 1954, c. 94, s. 62 (4), *amended*.

(5) Upon the termination of any right conferred upon a system under this section in accordance with the terms and conditions of the by-law granting the right or in accordance with an order of the Commission, the council may, with the approval of the Commission, order the system to remove its poles, cables, ducts, wires and other structures and equipment from the highways, squares and lanes under the jurisdiction of the council and, upon failing to comply with the order within ninety days, the council may remove the poles, cables, ducts, wires and other structures and equipment and charge the cost thereof to the system. 1954, c. 94, s. 62 (5), *amended*.

101. The right to use, for the purposes of section 100, any highway or road allowance situated in territory without municipal organization may be granted by the Minister of Lands and Forests upon such terms and conditions and subject to such rentals or charges as he may fix. 1954, c. 94, s. 63.

102.—(1) A telephone system shall not enter into an agreement with any other system that may have the effect of increasing the cost of telephone service to the public until the proposed agreement has been submitted to and approved by the Commission. 1954, c. 94, s. 77, *amended*.

(2) This section does not apply to an agreement in relation to a matter to which section 103 applies. 1957, c. 123, s. 3.

103. No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement that in effect transfers its ownership or control to another system, whether the other system is under the jurisdiction of the Legislature or not, until the Commission has approved the sale or other disposition, amalgamation or agreement. 1954, c. 94, s. 78; 1955, c. 88, s. 4, *amended*.

104. The Commission may by its order terminate any of the rights, powers and privileges possessed by or conferred upon any telephone system under this Act, if the system contravenes section 102 or 103, and may by its order prohibit the system from carrying on business under this Act. 1954, c. 94, s. 79, *amended*.

Tariffs and
tolls to be
filed and
approved

105. Every telephone system shall file with the Commission its tariff of rates and tolls in such form and containing such particulars as the Commission may require, and no system or municipality shall charge or levy any rate or toll that has not been filed with and approved by the Commission. 1954, c. 94, s. 80, *amended*.

Prohibition
against dis-
crimination
as to tolls,
free service

106. There shall be no discrimination by any telephone system in favour of or against any person furnished with telephone service by the system by way of reduction or increase in any rate or toll, and no system shall without the approval of the Commission furnish free telephone service to any person. 1954, c. 94, s. 81, *amended*.

Offence
and
penalty

107. Every officer of a telephone system who wilfully authorizes or permits any contravention of section 105 or 106 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 82.

Depreciation
fund

108.—(1) Every telephone system shall provide and maintain a proper and adequate depreciation fund and for that purpose shall set aside each year a proportion of its earnings and the fund so provided shall, unless otherwise authorized by the Commission, be applied exclusively to meet the cost of the renewal and replacement of such portion of the plant of the system as may be rendered necessary by age, wear and tear, obsolescence, damage by storm or other contingency and the Commission may require the system to make such changes in the rate of depreciation from time to time as the Commission considers expedient.

Deposit,
investment
and
application
of fund

(2) The moneys carried to the credit of the depreciation fund shall, unless the Commission otherwise directs, be deposited in a chartered bank at interest and,

(a) may be invested in such securities as trustees may invest in under *The Trustee Act*; or

(b) may, with the approval of the Commission, be expended in new construction or extensions or additions to the system.

R.S.O. 1950,
c. 400

Interest

(3) All earnings accruing from any portion of the depreciation fund deposited or invested as provided in subsection 2 shall from time to time be carried to the credit of the depreciation fund. 1955, c. 88, s. 5, *amended*.

Approval of
issue of
stock, bonds,
notes, etc.

109.—(1) A telephone system shall not issue stock, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof

until it has obtained from the Commission an order authorizing the issue and the amount thereof and stating the purposes to which the issue or proceeds thereof are to be applied and that in the opinion of the Commission the money, property or labour to be procured or paid for by the issue of the stock, bonds, notes or other evidence of indebtedness is or has been reasonably required for the purposes specified in the order.

(2) Every officer of a system who wilfully authorizes or permits any contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 84, *amended*.

110.—(1) Every person who uses or interferes with or permits to be used or interfered with any telephone instrument, wiring or other equipment so as to injure or damage it or prevent the proper use of the circuit to which the telephone instrument, wiring or other equipment is connected is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 85 (1), *amended*.

(2) Every officer of a telephone system who wilfully authorizes or permits any contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 85 (2).

111. Every operator or other person in the employ of a telephone system who divulges the purport or substance of any telephone conversation or message passing over the lines of the system, except when lawfully authorized or directed so to do, is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 86.

112. Every person who, having acquired knowledge of any conversation or message passing over any telephone line not addressed to or intended for such person, divulges the purport or substance of the conversation or message, except when lawfully authorized or directed so to do, is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 87.

113. Every person who, when using a telephone instrument or conversing over a telephone line, whether the telephone instrument or line is owned by a telephone system under the jurisdiction of the Legislature or not, uses indecent,

obscene, blasphemous or grossly insulting language is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 88.

Refusal to
give up line

114. Every person who, when using a telephone instrument or conversing over a telephone line, whether the telephone instrument or line is owned by a telephone system under the jurisdiction of the Legislature or not, refuses to give up or permit the use of the line when requested so to do by the operator or by any other person in case of a fire, accident, sickness or other similar emergency is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 89.

Annual
returns

115.—(1) Every telephone system shall, on or before the 1st day of April in each year or, in the case of any one or more systems, at such later time in any year as the Commission may approve, furnish to the Commission a return containing such particulars respecting the cost, receipts, expenditures, operation, management and equipment of the system as the Commission may require.

Penalty for
default

(2) Every officer of a system who authorizes or acquiesces in any default in making a return under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day during which the default continues. 1954, c. 94, s. 90, *amended*.

1959, c. 9,
not to apply

116. *The Bulk Sales Act, 1959* does not apply to the sale of a telephone system or a part thereof under this Act. *New*.

1954, c. 94;
1955, c. 88;
1957, c. 123;
1958, c. 110,
repealed

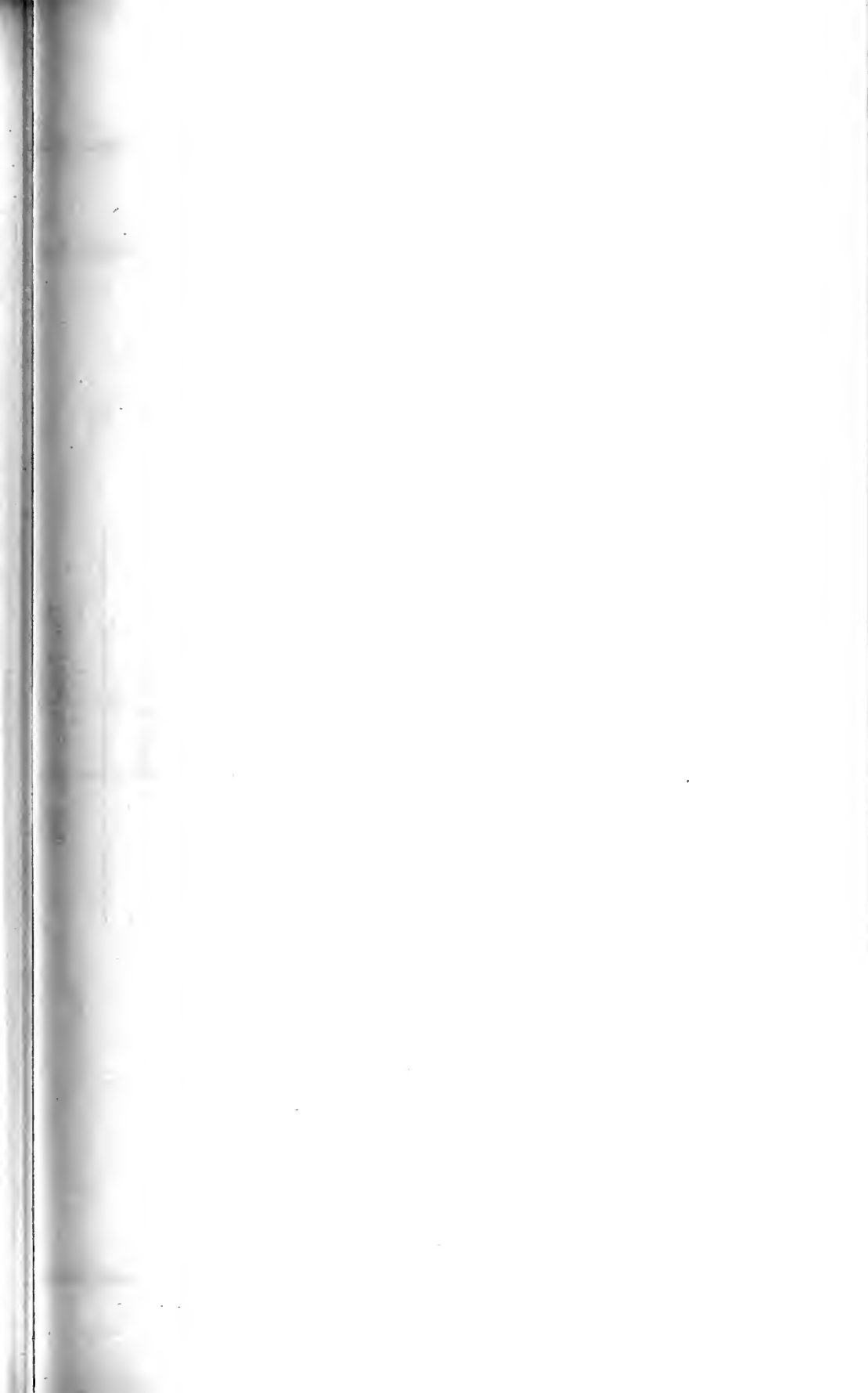
117. *The Telephone Act, 1954, The Telephone Amendment Act, 1955, The Telephone Amendment Act, 1957 and The Telephone Amendment Act, 1958* are repealed.

Commence-
ment

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

Short title

119. This Act may be cited as *The Telephone Act, 1960*.



The Telephone Act, 1960

1st Reading

March 3rd, 1960

2nd Reading

3rd Reading

MR. GOODFELLOW

BILL 95

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

The Telephone Act, 1960

MR. GOODFELLOW

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



The Telephone Act, 1960

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 the Ontario Municipal Board;
- (b) "Commission" means the Ontario Telephone Service Commission;
- (c) "commissioners" means the persons elected by the subscribers of a municipal telephone system for the control and management of the system;
- (d) "initiating municipality" means a municipality that has established a municipal telephone system under this Act or a predecessor of this Act;
- (e) "municipal telephone system" means a telephone system, other than a public utility, established by by-law of a municipality under a predecessor of this Act;
- (f) "plant" means the buildings, works, apparatus and equipment, including vehicles, used in the operation of a telephone system;
- (g) "rate" means any rental or charge for supplying telephone exchange service and all services associated therewith;
- (h) "regulations" means the regulations made under this Act;
- (i) "subscriber", in respect of a municipal telephone system, means a landowner who has signed a petition to the council of a municipality praying for the establishment or extension of a telephone system that is afterwards established or extended pursuant

to the petition or upon whose property an annual rate is or may be levied and collected for the purpose of paying the cost of establishing and maintaining the system or the extension or any reconstruction, replacement or alteration of the system or any part thereof, and also means a person who, being a subscriber as defined above, has fully paid all annual rates in respect of the establishment of the system or of its extension and the cost of maintenance during the period for which debentures have been issued to pay the cost of the establishment or extension and who continues thereafter to take telephone service from the system on the basis of paying such charges therefor as are approved;

- (j) "toll" means any charge, other than a rate, for the transmission of telephone messages. 1954, c. 94, s. 1, *amended*.

Telephone
Service
Commission

2.—(1) The body corporate known as the "Ontario Telephone Authority" is continued and shall be known as the "Ontario Telephone Service Commission". 1954, c. 94, s. 91 (1), *part, amended*.

Membership

(2) The Commission shall consist of three or more members appointed by the Lieutenant Governor in Council. 1954, c. 94, s. 91 (1, 2), *part, amended*.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may designate one of the members as chairman and one of them as vice-chairman. 1954, c. 94, s. 91 (2), *part, amended*.

Remunera-
tion

(4) The members shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. 1958, c. 110, s. 1.

Quorum

(5) A majority of the members constitutes a quorum. 1954, c. 94, s. 93; 1958, c. 110, s. 2, *amended*.

When vice-
chairman
may act

3.—(1) In the absence of the chairman or in the 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.

Presumption
where vice-
chairman
has acted

(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. 1954, c. 94, s. 94.

Staff

4. The Lieutenant Governor in Council may appoint a secretary and such other officers, clerks and employees as may be necessary for the conduct of the affairs of the Commission. 1958, c. 110, s. 3, *amended*.

5. The moneys required for the purposes of the Commission shall be paid out of the moneys appropriated therefor by the Legislature. 1957, c. 123, s. 4, *amended*. Administration costs

6.—(1) The Commission has jurisdiction and power to hear and determine all applications made, proceedings instituted and matters brought before it under this Act and, for such purposes, to make such orders, rules and regulations, to give such directions, to issue such certificates and otherwise to do and perform all acts, matters, deeds and things as it deems necessary. Jurisdiction of Commission

(2) In the exercise of its powers under subsection 1, the Commission has all the powers that may be conferred upon a Commissioner under *The Public Inquiries Act*. Powers of investigation
R.S.O. 1950
c. 308

(3) Every person summoned to attend before the Commission shall, in the discretion of the Commission, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court. 1954, c. 94, s. 97, *amended*. Witness fees

7. The chairman may authorize any one of the members of the Commission to report to the Commission upon any question or matter arising in connection with the business of the Commission and, when so authorized, such member has all the powers of the Commission for the purpose of taking evidence and acquiring information for the purposes of the report and, upon the report being made to the Commission, it may be adopted as the order of the Commission or otherwise dealt with as the Commission deems proper. 1954, c. 94, s. 98, *amended*. Reference to a member

8. All orders and other documents made or issued by the Commission are effective if signed by the chairman or vice-chairman. 1954, c. 94, s. 99, *amended*. Signing of orders, etc.

9.—(1) The Commission 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. Sittings

(2) The sittings of the Commission may be either private or open to the public, but any complaint made to the Commission shall, upon the application of any party thereto, be heard publicly. Idem

(3) Where the sittings of the Commission are appointed to be held in a municipality in which a court house is situate, the Commission and its members have in all respects the same Use of court house

rights as a judge of the Supreme Court in respect of the use of the court house, or any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice.

Use of town hall

(4) Where the sittings of the Commission 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. 1954, c. 94, s. 100, *amended*.

Variation of orders, etc.

10. The Commission may rehear any application and may review, amend or revoke its decisions, orders, directions, consents or approvals and may within its jurisdiction review, amend or revoke the decisions, orders, directions, rules or approvals heretofore made by the Commission or any predecessor of the Commission. 1954, c. 94, 102, *amended*.

Determination of disputes

11. The Commission has exclusive jurisdiction to hear and determine any differences that may arise between two or more telephone systems or municipalities in respect of the establishment, extension, operation or maintenance of a telephone system or in respect of any act, matter or thing required to be done by them or any of them under this Act, and to make such orders in respect thereof as it deems proper. 1954, c. 94, s. 103, *amended*.

Inquiry as to whether rates sufficient

12. The Commission may from time to time inquire whether the rates and tolls charged for the service rendered by a telephone system, other than a municipal telephone system, are sufficient to pay the funded debt and interest accruing thereon and the cost of operation and maintenance and a reasonable return on capital investment, or whether greater rates are charged than are sufficient for such purposes, and the Commission may order such revision or adjustment of the rates or tolls as it deems proper. 1954, c. 94, s. 104, *amended*.

Examination of and report upon telephone system

13.—(1) The Commission, whenever it appears to be expedient or necessary for the purpose of carrying into effect any of the provisions of this Act or upon any application, complaint or dispute before the Commission or in connection with any matter or thing over which the Commission has jurisdiction, may direct any person to examine and report upon the construction, operation or management of a telephone system, and for that purpose such person may at all reasonable hours enter any building, office or other premises belonging to or connected with the system and examine all books,

accounts, tariffs, rates, balance sheets and other papers, records and documents relating to the system and examine the switchboards, instruments, toll stations and all other property that belongs to or forms a part of the system.

(2) The person directed to make such examination and report has and may exercise any of the powers set out in section 55 of *The Ontario Municipal Board Act*. Powers of examiner
R.S.O. 1950,
c. 262

(3) Upon receiving the report of the person directed to make examination and report, the Commission may adopt the report in whole or in part and may thereupon make such order in respect of the subject-matter of the report as it deems proper. 1954, c. 94, s. 105, *amended*. Implement-
ation of
report of
examiner

14. The Commission may inquire into, hear and determine an application by or on behalf of any person, Powers of
Commission
to hear
complaints

(a) complaining that a telephone system has failed to do any act, matter or thing required to be done by it under this Act or the regulations or under a predecessor of this Act or that a system has done or is doing anything contrary to this Act or the regulations;

(b) complaining that a system is charging rates or tolls in excess of those approved by the Commission;

(c) requesting the Commission to make any order or give any direction or approval that by law it is authorized to make or give. 1954, c. 94, s. 106, *amended*.

15. The Commission of its own motion may order any person, system or municipality to do forthwith or within any specified time and in the manner directed by the Commission anything that any person, system or municipality is or may be required to do under this Act or the regulations, and the Commission may, by its order, forbid the doing or continuing of anything that is in contravention of this Act or the regulations. 1954, c. 94, s. 107, *amended*. Powers of
Commission
exercisable
on its own
motion

16. The Commission may approve of forms of by-laws, notices and other proceedings to be passed, given or taken under and in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form so approved is not open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto. 1954, c. 94, s. 108, *amended*. Commission
may
approve of
forms, etc.

Stated case **17.**—(1) The Commission may, of its own motion or upon the application of any party to proceedings before the Commission 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 Commission, is a question of law.

Idem (2) The Court of Appeal shall hear and determine the stated case and remit it to the Commission with the opinion of the Court thereon. 1954, c. 94, s. 109, *amended*.

Rescission of orders by Lieutenant Governor in Council **18.** The Lieutenant Governor in Council may at any time upon petition of any party, all parties first having been heard, vary or rescind any order or decision of the Commission whether the order or decision was made *inter partes* or otherwise, and any order that the Lieutenant Governor in Council makes with respect thereto is binding upon the Commission and all parties. 1954, c. 94, s. 110, *amended*.

Appeals of question of jurisdiction and law **19.**—(1) An appeal lies from the Commission 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 of the Court of Appeal 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 Commission, and to the Commission 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 Commission and necessary for determining the question of jurisdiction or law, as the case may be, and shall specify its opinion to the Commission and the Commission shall make an order in accordance with such opinion.

Commission may be heard (4) The Commission is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Costs, rules of practice (5) The Court of Appeal 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.

(6) The Commission or any member thereof is not liable for costs in connection with any appeal or application for leave to appeal under this section. 1954, c. 94, s. 111, *amended*. Commission not liable for costs

20. Except as provided in sections 18 and 19, every order and decision of the Commission is final and binding. 1954, c. 94, s. 112, *amended*. Orders of Commission final and binding

21. An order of the Commission may be general or particular in its application territorially or as to time or otherwise. 1954, c. 94, s. 113, *amended*. Orders may be general or particular

22. *The Regulations Act* does not apply to any order, regulation or by-law made under the authority of this Act. 1954, c. 94, s. 114, *amended*. R.S.O. 1950 c. 337, not to apply

23. The costs of and incidental to any proceedings before the Commission are in the discretion of the Commission, and the Commission may order by whom and to whom any costs are to be paid. 1954, c. 94, s. 115, *amended*. Costs of proceedings before Commission

24.—(1) The Commission shall, after the close of each calendar year, make an annual report upon the affairs of the Commission to the member of the Executive Council to whom the administration of this Act is assigned, who shall file it with the Provincial Secretary. 1954, c. 94, s. 116 (1); 1955, c. 88, s. 6, *amended*. 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. 1954, c. 94, s. 116 (2). Idem

25. Nothing in this Act confers upon the Commission any jurisdiction as to matters that are under *The Power Commission Act* or that otherwise are within the exclusive jurisdiction of The Hydro-Electric Power Commission of Ontario. 1954, c. 94, s. 117, *amended*. Act not to affect H.E.P.C. R.S.O. 1950, c. 281

26. The Commission, subject to the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) to regulate and control the business practices and accounting practices of telephone systems:

- (b) prescribing the forms of accounts, books of accounts and records to be kept by telephone systems;
- (c) to regulate and control the type of construction of plants of telephone systems;
- (d) to regulate and control the maintenance and operating practices of telephone systems;
- (e) prescribing rules of practice and procedure applicable to proceedings before the Commission;
- (f) prescribing fees applicable to proceedings before the Commission and for certified copies of orders and other documents made or issued by the Commission;
- (g) prescribing the form of and the particulars to be contained in tariffs of rates and tolls and the manner and form in which tariffs of rates and tolls shall be published and kept open for public inspection;
- (h) prescribing the form and the particulars to be contained in the annual returns to be made by telephone systems to the Commission;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1954, c. 94, s. 118, *amended*.

Establishment and operation of telephone system as public utility

27. Any municipality may establish and carry on a telephone system as a public utility and for the purposes of such system may construct, maintain and operate in, over, under, upon or across the highways, lanes, parks, squares and other public ways, passages and places in the municipality, or in, over, under, upon or across the land of any person therein, an underground or overhead or partly underground and partly overhead telephone plant and do all things necessary or convenient for the purpose including the issue of debentures to meet the cost of the same. 1954, c. 94, s. 2.

Acquisition of existing systems

28. A municipality may, for the purpose of establishing or carrying on a telephone system as a public utility, acquire by purchase or lease or, subject to sections 35 to 86 in that behalf, may expropriate any system in the municipality. 1954, c. 94, s. 3, *amended*.

Debentures of acquired system to be paid by municipality

29. Where a municipal telephone system is acquired by a municipality under section 28, any debentures theretofore issued in respect of the municipal telephone system and then outstanding and unpaid cease to be a charge upon the lands of the respective subscribers or any of them and the debentures

as they mature and fall due and the interest upon them become a first charge against the revenues of the system, and, if such revenues are insufficient in any one or more years, they shall be met and paid by a special rate to be imposed by the municipality upon all rateable property in the municipality. 1954, c. 94, s. 4, *amended*.

30. No by-law authorizing the issue of debentures and no by-law authorizing the assumption of any outstanding debentures issued in respect of a municipal telephone system may be passed by the council of a municipality in the exercise of the powers conferred by section 27, 28 or 29 until the approval of the Board has been first obtained and such a by-law is not valid until it has received the assent of the electors qualified to vote on money by-laws under *The Municipal Act*. 1954, c. 94, s. 5, *amended*. Debentures, assent of electors R.S.O. 1950, c. 243

31. Where parts of a building in a municipality are owned or occupied by different persons, the municipality may carry wires to any part of such building, and for that purpose may pass over or through or under the property belonging to any owner or in the possession of any tenant or occupant. 1954, c. 94, s. 6. Right of passage

32. Parts III and IV of *The Public Utilities Act* apply *mutatis mutandis* to a municipality establishing and carrying on a telephone system as a public utility, and the expression "public utility", where it occurs in those Parts, includes a telephone system. 1954, c. 94, s. 7. Parts III, and IV of R.S.O. 1950, c. 320, to apply

33.—(1) Where a municipality has heretofore constructed, purchased or acquired or hereafter constructs, purchases or acquires a telephone system under section 27, 28 or 29 or where it has undertaken the construction, purchase or acquisition of such a system and it appears that the cost of the construction, purchase or acquisition has exceeded or will exceed the amount already provided for that purpose or where it is deemed expedient by the council of the municipality to construct an extension or an improvement of the system, the council may, with the approval of the Board, pass a by-law for borrowing such further or other sums as may be necessary to complete, extend or improve the system or for the purchase or acquisition of the system or to meet the cost of any extension or improvement already made to the system. Borrowing money for extension or acquisition

(2) The by-law does not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Board. Where assent of electors not required

Where approval may be given

(3) Such approval may be given if it is shown to the satisfaction of the Board that the expenditure proposed to be made for any such extension or improvement or for the completion of the system or the purchase or acquisition is necessary and that sufficient revenue or sufficient additional revenue will be derived therefrom to meet the annual payments in respect of the debt and the interest thereon or where it is made to appear to the Board that the net revenue to be derived from the system justifies the construction of such extension or improvement. 1954, c. 94, s. 8, *amended*.

Application of other provisions

34. Sections 42 to 44, sections 53 to 56, section 62, sections 80 to 84, section 86, sections 89 to 99 and sections 102 to 115 apply *mutatis mutandis* to a municipality carrying on a telephone system as a public utility. 1954, c. 94, s. 9, *amended*.

Petition for establishment of system

35. A petition signed by not less than ten assessed land owners may be presented to the council of a local municipality praying for the establishment of a municipal telephone system. 1954, c. 94, s. 10, *amended*.

Petition for extension of system

36. A petition signed by one or more assessed landowners may be presented to the council of a local municipality or the commissioners, as the case may be, in which a municipal telephone system has been established praying for an extension of the system so as to serve his or their premises, as the case may be. 1954, c. 94, s. 11, *amended*.

Particulars to be stated in petition and removal of names

37. A petition under section 35 or 36 shall set forth such particulars as the Commission may require, and a signature after being affixed to the petition shall not be removed therefrom except with the approval of the Commission, but no application for such approval shall be considered by the Commission after the lapse of six months from the date of the passing of the by-law for the establishment of the municipal telephone system or, in the case of a petition for an extension to the system, after the lapse of six months from the date upon which the signature was affixed to the petition. 1954, c. 94, s. 12, *amended*.

Adding signatures to petition

38. Where the petition for the establishment or extension of a municipal telephone system prays that debentures of the initiating municipality be issued to pay the cost of the work, any additional landowner may, with the permission of the council or the commissioners, as the case may be, at any time before the passage of the debenture by-law, affix his signature to the petition, and thereupon and thereafter the additional landowner has all the rights and is subject to all the obligations of the original signatories to the petition. 1954, c. 94, s. 13, *amended*.

39. The petition constitutes a valid and binding contract ^{Petition to constitute contract} on the part of each person signing it to repay to the initiating municipality his share of the cost of establishing or extending the municipal telephone system, as the case may be, and operating and maintaining the system. 1954, c. 94, s. 14, *amended*.

40. Upon the receipt of a petition praying for the establishment of a municipal telephone system, the council of the initiating municipality may by by-law, at the expense of the subscribers and subject to such conditions as may be set forth in the by-law, provide for the establishment of the system and for the maintenance and operation of the system. 1954, c. 94, s. 15, *amended*. ^{By-law for establishment of system}

41. After the establishment of a municipal telephone system, the initiating municipality may from time to time, upon the receipt of a petition praying for an extension of the system, construct any extension that seems expedient and necessary in order to supply telephone service to the petitioners. 1954, c. 94, s. 16, *amended*. ^{Construction of extensions}

42. The council of the initiating municipality or the commissioners, as the case may be, may from time to time extend the system into another municipality with the consent of the council of such other municipality or, without such consent, with the approval of the Commission. 1954, c. 94, s. 17, *amended*. ^{Extension of system to another municipality}

43. Subject to section 101, the council of the initiating municipality or the commissioners, as the case may be, may, with the consent of the Commission, extend the system into territory without municipal organization, and the part of such territory into which the system is extended, to be defined by the Commission, shall, for the purposes of this Act, be deemed to be annexed to the initiating municipality, and the council and officers thereof shall levy and collect all rates and tolls under this Act and do all acts and perform all duties and are subject to the same liabilities in respect of such part as, for the purposes of this Act, they may do, perform and are subject to with respect to the initiating municipality. 1954, c. 94, s. 18, *amended*. ^{Extension of system into un-organized territory}

44.—(1) The initiating municipality, before proceeding to establish a system, shall furnish to the Commission a certified copy of the by-law providing for the establishment of the system, together with such plans, particulars of the cost of the work and such other information as the Commission may require, and no debt shall be incurred for the construction ^{Approval of by-laws, plans and specifications}

of the system or for the purchase of material to be used in the construction of its plant until the Board with the consent of the Commission has approved the by-law.

Extensions

(2) The by-laws may provide in general terms for the making of extensions to the system from time to time thereafter and, upon the receipt of a petition for an extension, the initiating municipality may from time to time construct the extension, and, if any such extension requires the issue of debentures, the by-law authorizing the issue shall recite the making of the extension and shall adopt and confirm the same. 1954, c. 94, s. 19, *amended*.

Location of exchange

45. The council of the initiating municipality or the commissioners, as the case may be, shall, with the approval of the Commission, determine the location of any exchange or switchboard of the system and any relocation of the same. 1954, c. 94, s. 20, *amended*

Ownership of system

46. A municipal telephone system established or extended is vested in the initiating municipality in trust for the benefit of the subscribers, and such municipality is liable for all the obligations of the system and has and may exercise all or any of the powers conferred on a municipality by sections 27, 28 and 31. 1954, c. 94, s. 21, *amended*.

Sale of system or part

47.—(1) Subject to the approval of a majority of the subscribers present in person or represented by proxy at a general meeting of the subscribers called for the purpose and subject to the approval of the Commission, the council of an initiating municipality in which a municipal telephone system is vested may by by-law provide for the sale or other disposition of the whole or any part of the system. 1954, c. 94, s. 22 (1), *amended*.

Approval not required

(2) The Commission may by order dispense with the approval of the subscribers to the sale or other disposition of part of a system that, in the opinion of the Commission, is not a substantial part of the system. *New*.

Use of proceeds to discharge debts

(3) The proceeds of the sale or other disposition shall be applied and used in payment of the outstanding debenture debt and other indebtedness and liabilities incurred in respect of the system.

Where deficiency occurs

(4) Where the assets of the system and the proceeds of the sale or other disposition of the whole or the part of the system are not sufficient to meet any outstanding debenture debt and other indebtedness and liabilities incurred in respect of the system, the deficiency shall be paid out of the general

funds of the initiating municipality and the amount so paid constitutes a debt due in equal shares from the subscribers to the initiating municipality and may be collected in the same manner as any other debt due by the subscribers under this Act. 1954, c. 94, s. 22 (2, 3).

(5) The proceeds of the sale or other disposition not required ^{Disposition of surplus} for the purposes mentioned in subsection 3 shall,

(a) in the case of a sale or other disposition of part only of the system, belong to the system and be applied and used according to the directions of the council of the municipality or the commissioners, as the case may be; and

(b) in the case of a sale or other disposition of the whole of the system, belong to the subscribers and be distributed among them in such manner and on such basis, having regard to their separate interests, as the Commission may direct. 1954, c. 94, s. 22 (4), *amended*.

(6) Where from absence or loss of records or other cause ^{Where subscribers are unknown} the council of the initiating municipality is unable to ascertain who the subscribers are and is therefore unable to obtain their approval to a sale or other disposition of the whole or a part of the system, the council, with the approval of the Commission upon proof of the fact and upon proof that the assets of the system and the proceeds of the sale or other disposition of the whole or part of the system will be sufficient to meet any outstanding debenture debt and other indebtedness and liabilities incurred in respect of the system, may authorize the sale or other disposition notwithstanding the absence of such approval, and the proceeds of the sale or other disposition not required for the purposes mentioned in subsection 2 shall,

(a) in the case of a sale or other disposition of part only of the system, belong to the system and be applied and used according to the directions of the council of the municipality or the commissioners, as the case may be; and

(b) in the case of a sale or other disposition of the whole of the system, be held, applied, used, distributed and disposed of in accordance with the directions of the council or the commissioners, as the case may be, and the approval of the Commission. 1954, c. 94, s. 22 (5), *amended*.

Issuing
debentures
for cost
of work

48.—(1) Where the subscribers or a majority of them, in a petition for the establishment or extension of the system, pray that the payment of the cost of the work be extended over a period not exceeding twenty years and that debentures of the initiating municipality be issued to pay the cost of the work, the council of the initiating municipality in the by-law providing for the establishment or extension of the system, or in a subsequent by-law, may provide for the issue of debentures payable within a period not exceeding twenty years from the date of the issue thereof and that the proceeds of the debentures shall be applied in payment of the cost of establishing or extending the system, as the case may be, and for levying a special rate upon the property of the subscribers sufficient to discharge the debt so incurred in equal annual instalments of principal and interest.

Assent of
electors not
required

(2) The debentures shall be issued on the credit of the initiating municipality, and it is not necessary that the by-law authorizing their issue be submitted for the assent of the electors, but no such by-law shall be passed for any of the purposes of this section until the approval of the Board has first been obtained. 1954, c. 94, s. 23.

Agreement
for
advances

49. The initiating municipality may, subject to subsection 1 of section 44 and subsection 2 of section 48, agree with any person for temporary advances to meet the cost of the work until the completion thereof and may then pass the necessary by-law authorizing the issue of debentures out of the proceeds of which the temporary advances shall be paid, but the by-law for the issue of debentures shall be passed not later than two years after the passing of the by-law for the establishment or extension of the system, as the case may be, and the debentures shall be issued within twelve months after the passing of the by-law authorizing the issue of the debentures, but the Board may extend beyond two years the period within which the by-law for the issuing of debentures may be passed and may extend beyond twelve months the period within which the debentures may be issued, and such extension of time may be granted although the application therefor is not made until after the expiration of such period of two years or twelve months, and in such case the by-law may be passed or the debentures issued within the extended time. 1954, c. 94, s. 24, *amended*.

Reconstruc-
tion, replace-
ment or
alteration
of system

50.—(1) Where in the opinion of the council of the initiating municipality or the commissioners, as the case may be, it is necessary or expedient to reconstruct, replace or alter the system or any part thereof and to issue debentures of the initiating municipality to meet the cost thereof, the council of the initiating municipality may, with the prior approval

of a majority of the subscribers at a regular meeting called for the purpose and the prior approval of the Board, pass a by-law authorizing the doing of the work and the issuing of debentures for that purpose, and it is not necessary that the by-law be submitted for the assent of the electors. 1954, c. 94, s. 25 (1), *amended*.

(2) The Board shall determine the period within which the debentures to be issued shall be made payable and the landowners who shall defray the cost of such reconstruction, replacement or alteration, and the lands upon and in respect of which the special rate shall be levied to discharge the debenture debt so incurred, with interest. How cost paid

(3) The provisions of this Act as to debentures apply to debentures issued under this section. 1954, c. 94, s. 25 (2, 3). Provisions of Act to apply

51. The initiating municipality may, with the approval of the subscribers and with the prior approval of the Board and without obtaining the assent of the electors, pass by-laws authorizing the issue of debentures to meet the cost of making an extension or extensions to the system for the purpose of furnishing telephone service to persons who are not landowners but, before approving of any such by-law, the Board shall be satisfied that such extension or extensions is or are necessary and that a sufficient additional revenue will be derived therefrom to meet the annual payments of principal and interest in respect of the debt created by the issue of such debentures or that the net revenue derived from the system justifies the construction of such extension or extensions. 1954, c. 94, s. 26, *amended*. Extensions for persons not assessed as land-owners

52. Where an initiating municipality has been ordered by the Board or is ordered by the Commission to construct works under this Act, such works shall be deemed to be an extension of the system of such municipality and the council of the initiating municipality has and may exercise in respect of such works the like powers as are vested in the council by this Act in respect of the construction of an extension of a system and the issue of debentures to meet the cost thereof, and such powers may be exercised without a petition from the subscribers to the system or any of them. 1954, c. 94, s. 27, *amended*. Works ordered to be deemed extension of system

53. An initiating municipality may, with the consent of the Commission and the approval of the Board, by agreement with the owner acquire by purchase all or any part of any existing telephone system in the municipality or any part of such system in another municipality with the consent of Purchase by municipality of existing system

the council of such other municipality and, failing such consent, with the approval of the Commission. 1954, c. 94, s. 28, *amended*.

Acquisition
of system
by agree-
ment or
expropria-
tion

54.—(1) For the establishment or extension of a telephone system or to avoid duplication of systems or any part thereof, an initiating municipality may offer to purchase at a fixed price a telephone system or any part thereof, and, if the owner does not accept the price so offered within one month from the date of the offer, the initiating municipality may, with the consent of the Commission and the approval of the Board, expropriate the system or the part thereof that it offered to purchase and the compensation to be made upon such expropriation shall be determined by the Commission.

Damage
resulting
from
severance

(2) In fixing the price to be offered or the compensation to be made where part only of a system is proposed to be purchased or is expropriated, there shall be included in the price or compensation, as the case may be, a sum sufficient to compensate the owner of the system for any damage directly resulting from the severance. 1954, c. 94, s. 29, *amended*.

Arbitration
by Commis-
sion where
parties fail
to agree

55. Where a municipality owning and operating or intending to own and operate a telephone system has taken proceedings under this Act to acquire a part of the system of a municipality operating in the first-named municipality or in an adjoining municipality and the parties are unable to agree upon the price to be paid therefor, the Commission may prohibit further proceedings or may approve the acquisition and settle the terms and conditions thereof including the price to be paid and all other matters proper to be taken into consideration. 1954, c. 94, s. 30, *amended*.

Powers of
council to
borrow
money and
to issue
debentures

56. Where the council of an initiating municipality acquires by purchase or expropriation an existing telephone system or part thereof, the powers vested by this Act in the council of the initiating municipality as to borrowing by way of temporary advances and in respect of the issue of debentures for the establishment or extension of a system may be exercised by the council of the initiating municipality for the purpose of defraying the cost of such purchase. 1954, c. 94, s. 31.

Liability
of
subscribers

57. The cost of establishing a municipal telephone system or of an extension thereto shall be defrayed by the subscribers whose signatures are affixed to the petition for such establishment or extension in equal proportions or in such other proportions as may be fixed by the council of the initiating

Release of
subscribers
from
liability

60.—(1) Where there are no outstanding debentures of a municipal telephone system, a subscriber may be released and discharged from all liability in respect of the system upon application to the Commission.

Idem

(2) Where debentures of a municipal telephone system are outstanding, a subscriber who has fully paid his share of all instalments of principal and interest due or to become due under the debenture by-law, together with all other charges payable by him in respect of the system, may be released and discharged from all liability in respect of the system upon application to the Commission.

Idem

(3) A release from liability under subsection 1 or 2 does not discharge the subscriber from any liability that may arise under any contract made for telephone service. 1954, c. 94, s. 35, *amended*.

Inquiry as to
sufficiency
of rates

61.—(1) The Commission may from time to time inquire whether the rates and tolls charged for the service rendered by a municipal telephone system are sufficient to pay the cost of operation and maintenance of the system and the instalments of principal and interest on any outstanding debentures, or whether greater rates are charged than are sufficient for such purposes, and the Commission may order such revision or adjustment of the rates or tolls as it deems proper. *New*.

How
deficiency
made up

(2) Where the revenues of a municipal telephone system are insufficient in any year to meet the cost of operation and maintenance of the system and the instalments of principal and interest falling due in such year on account of any outstanding debentures of the initiating municipality issued for the telephone system, the deficiency shall be paid out of the general funds of the initiating municipality and the amount so paid constitutes a debt due from the subscribers to the initiating municipality and may be collected in the same manner as any other debt due by subscribers under this Act. 1954, c. 94, s. 36, *amended*.

Validity
of rate

62. Any question arising as to the validity of any special rate levied under this Act shall be determined by the Commission on an application to it for that purpose. 1954, c. 94, s. 37, *amended*.

Prescribing
terms of
connection

63. The council of the initiating municipality or the commissioners, as the case may be, may prescribe the terms on which a person not being a subscriber may have his premises connected with the system and the rate at which he may receive telephone service, and any such rate that heretofore has been approved by the Board or may hereafter be approved

by the Commission may be collected in the same manner and with the same remedies as a rate due and unpaid by a subscriber, but such rate does not become a charge against the land. 1954, c. 94, s. 38, *amended*.

64. Until the control and management of a municipal telephone system is placed under commissioners, the system is under the control and management of the council of the initiating municipality. 1954, c. 94, s. 39, *amended*. Council to manage system

65.—(1) Upon the petition of a majority of the subscribers, the council of the initiating municipality shall place the telephone system under the control and management of commissioners to be designated "The Commissioners for the Telephone System of the Municipality of.....", a majority of whom may exercise all the powers of the commissioners. 1954, c. 94, s. 40 (1). Petition for management by commissioners

(2) Where the system is in the initiating municipality only, there shall be three or five commissioners and, where the system extends into one or more other municipalities, there shall be an odd number of commissioners, not less than three. Number of commissioners

(3) Subject to subsection 2, the number of commissioners first elected shall be as specified in the petition. Idem

(4) Subject to subsection 2, the commissioners may by by-law increase or decrease the number of commissioners, but no such by-law shall come into force until confirmed at a general meeting of the subscribers called for the purpose or at the next annual meeting of the subscribers, and if so confirmed such by-law shall not be amended or repealed until two annual elections have been held under it. 1957, c. 123, s. 1. Increase or decrease in number of commissioners

66. Except as authorized under clause *d* of subsection 1 of section 71, the commissioners shall be elected each year at the annual general meeting of the subscribers or at a general meeting called for the purpose, and the commissioners shall hold office until their successors are elected. 1954, c. 94, s. 41, *amended*. Election of commissioners

67.—(1) No person is eligible for election as a commissioner unless he is a subscriber to the municipal telephone system. Eligibility

(2) No assessor, collector, treasurer, clerk, auditor or member, other than the head, of the council of a municipality is eligible to be elected a commissioner. 1954, c. 94, s. 42. Disqualification

Vacancies

68. Where a commissioner resigns, dies or becomes incapacitated, the council of the initiating municipality shall immediately appoint a successor who shall hold office for the remainder of the term for which his predecessor was elected or appointed. 1954, c. 94, s. 43, *amended*.

Powers of commissioners

69.—(1) Upon the election of the commissioners, the control and management of the municipal telephone system are vested in the commissioners and all the provisions of this Act relating to the initiating municipality and the council thereof in respect of the system, except in so far as they or any of them are by this Act expressly excepted, are applicable to the commissioners. 1954, c. 94, s. 44 (1), *amended*.

Ownership of system and duties of initiating municipality

(2) The election of the commissioners does not affect the ownership of the system nor the authority and duty of the initiating municipality to provide from time to time all moneys required for the establishment and maintenance of the system and any extension thereof, nor the right of the initiating municipality to levy and collect all moneys and special rates that may be due and owing from time to time by the subscribers. 1954, c. 94, s. 44 (2).

Security to be given by secretary, etc.

70. The commissioners may require the secretary or any other officer of the municipal telephone system to give such security as they may require for the faithful performance of his duties and for the accounting for and paying over of all moneys that come into his possession or control. 1954, c. 94, s. 45, *amended*.

By-laws

71.—(1) The commissioners may pass by-laws to provide for and regulate,

- (a) the time and place at which meetings of subscribers shall be held and the manner of calling and the procedure at meetings;
- (b) the manner of election, duties and remuneration of the commissioners;
- (c) the control and management of the system;
- (d) the term of office of the commissioners by extending the term to three years so that at the first election of commissioners for a term of three years one or more of them shall hold office for a term of one year only, one or more of them for a term of two years and the remaining one or more for a term of three years;

but such by-laws shall not come into force until approved by the Commission and confirmed at a general meeting of the

subscribers called for the purpose or at the next annual meeting of the subscribers. 1954, c. 94, s. 46 (1), *amended*.

(2) A by-law under clause *b* of subsection 1 providing for and regulating the remuneration of the commissioners does not require the approval of the Department of Municipal Affairs under section 419 of *The Municipal Act*. 1955, c. 88, s. 1. Remuneration of commissioners R.S.O. 1950, c. 243

72. Upon the petition of a majority of the subscribers of a municipal telephone system praying that the council of the initiating municipality take over the control and management of the system, the council shall pass a by-law for that purpose, and thereupon the commissioners shall hand over to the council, or some official designated by it, all the property of the system, including all moneys, vouchers, books, papers, documents and memoranda relating to the system, and thereafter the control and management of the system is vested in the initiating municipality and the council thereof. 1954, c. 94, s. 47, *amended*. Assumption of control of system operated by commissioners by council

73. Every municipal telephone system shall hold a general meeting of its subscribers in each year not later than the 1st day of April or at such time later in each year as may be approved by the Commission. 1954, c. 94, s. 48, *amended*. Annual meeting

74.—(1) Not less than ten days before the day fixed for holding the annual general meeting, a financial statement shall be sent by first-class prepaid mail or delivered to each subscriber, to each member of the council of the initiating municipality and to the Commission containing, Financial statement to be sent to subscribers

- (a) a balance sheet showing in sufficient detail the assets and liabilities of the system as of the 31st day of December last past;
- (b) a statement of the income and expenditure of the system for the financial year ending on the 31st day of December last past;
- (c) a copy of the report of the auditor or auditors for the year ending on the 31st day of December last past;
- (d) such other information respecting the system as the by-law may require or the Commission may prescribe.

(2) The financial statement mentioned in subsection 1 shall be submitted to the subscribers at the annual general meeting. 1954, c. 94, s. 49, *amended*. Statement to be submitted to meeting

Notice

75.—(1) In default of other express provision in the by-laws of the system, notice of the time and place of holding any general meeting of the subscribers shall be given at least ten days before the meeting by first-class prepaid mail or by delivery to each subscriber and to each member of the council of the initiating municipality.

Sending notices

(2) Notices calling a general meeting of the subscribers and the financial statement shall be sent by the commissioners or by their secretary or other officer and, where the system is under the control and management of the council, by the clerk of the initiating municipality.

Business to be stated

(3) The notice calling a general meeting of the subscribers shall state the business that is to be transacted at it. 1954, c. 94, s. 50.

General meeting called on requisition

76.—(1) Upon receipt of a requisition in writing, signed by not less than one-tenth of the subscribers, setting forth the objects of the proposed meeting, the commissioners, by their secretary or other officer or, where the system is under the control and management of the council, the clerk of the initiating municipality shall forthwith call a general meeting of the subscribers for the transaction of the business mentioned in the requisition.

General meeting called by subscribers

(2) If the meeting is not called and held within twenty-one days from the date upon which the requisition was sent or delivered to the chairman or secretary of the commissioners or to the clerk of the initiating municipality, as the case may be, one-tenth of the subscribers, whether they signed the requisition or not, may themselves, by notice as provided in section 75, call a general meeting of the subscribers for the transaction of the business. 1954, c. 94, s. 51.

General meeting called by council, etc.

77. The council of the initiating municipality or the commissioners, as the case may be, may of their own motion call a general meeting of the subscribers for the transaction of any business. 1954, c. 94, s. 52.

Who may vote at general meeting

78. No person is entitled to vote at a general meeting of a municipal telephone system unless he is a subscriber to the system, but any member of the council of the initiating municipality may attend any general meeting and take part in the deliberations thereat, but shall not vote unless he is a subscriber. 1954, c. 94, s. 53; 1955, c. 88, s. 2, *amended*.

Quorum

79.—(1) The presence in person of not less than five subscribers representing in person and by proxy at least one-tenth of all the subscribers is necessary to constitute a quorum

at a general meeting of the subscribers of a municipal telephone system, and the instrument appointing a proxy shall be in writing under the hand of the appointer or, if such appointer is a corporation, under its seal, and shall be attested by at least one witness, and no person shall be appointed a proxy who is not a subscriber. 1954, c. 94, s. 54, *amended*.

(2) Where a quorum is not present one hour after the time a general meeting has been called, the meeting shall be adjourned for one week at the same time and place and those subscribers present at the second meeting shall constitute a quorum. *New*.

80. Where a municipal telephone system is under the control and management of the initiating municipality, the several officials of the municipality in their respective offices shall do and perform all acts, matters and things herein on their part respectively directed to be done and performed in respect of the system, and, where the system is under the control and management of commissioners, the several officials respectively shall do and perform the acts, matters and things in like manner unless relieved therefrom by the commissioners. 1954, c. 94, s. 55, *amended*.

81.—(1) Where a municipal telephone system extends into a municipality other than the initiating municipality, the clerk of the initiating municipality shall,

(a) forthwith after its passing, transmit to the clerk of the other municipality a certified copy of every debenture by-law charging with a rate the premises of any subscriber situated in the other municipality; and

(b) when so required by the initiating municipality or the commissioners, as the case may be, transmit to the clerk of the other municipality, on or before such date as the council of the other municipality may by by-law prescribe, the amount in respect of the debentures and the cost of maintenance payable by each such subscriber.

(2) The amount payable by each subscriber shall be placed on the collector's roll and shall be collected in the same manner as municipal taxes and paid over to the treasurer of the initiating municipality at the end of each month. 1954, c. 94, s. 56; 1957, c. 123, s. 2, *amended*.

82. The initiating municipality or the commissioners, as the case may be, shall pay to the clerk, treasurer and collector of the initiating municipality and to the clerk, treasurer and

collector of any other municipality into which its system extends a reasonable remuneration for the services performed by them or any of them under this Act, and such remuneration shall be fixed by agreement between the official performing the service and the council of the municipality or the commissioners, as the case may be, and, failing agreement, by the Commission on an application to it for that purpose. 1954, c. 94, s. 57, *amended*.

Penalties
for breach
of duties by
municipal
officials

83. The clerk, treasurer or collector of any municipality failing or neglecting to do and perform any act, matter or thing required of him by this Act or by order of the Commission directed to be done and performed by them respectively is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. 1954, c. 94, s. 58, *amended*.

Books to
be kept

84.—(1) The council of the initiating municipality or the commissioners, as the case may be, shall cause proper books of accounts to be kept containing full and true statements of,

- (a) the financial transactions of the system;
- (b) the assets of the system;
- (c) the sums of money received and expended in respect of the system and the matters in respect of which such receipt and expenditure took place;
- (d) the credits and liabilities of the system;
- (e) the name of every subscriber and the location of his subscribed property,

and a book or books containing minutes of all the proceedings and votes at meetings of the council or commissioners and of subscribers verified by the signature of the head of the council, the chairman of the commissioners or other presiding officer, as the case may be. 1954, c. 94, s. 59 (1), *amended*.

Deposit and
withdrawal
of moneys

(2) All moneys received in respect of the system shall be deposited forthwith in a chartered bank in an account in the name of the system and all expenditures in respect of the system shall be paid by cheque drawn upon such account signed by the head of the council and treasurer of the initiating municipality or such other two signing officers as the council may appoint or, where the system is under the control and management of commissioners, by the chairman and treasurer or such other two signing officers as the commissioners may appoint. 1954, c. 94, s. 59 (2).

85. The accounts and transactions of the municipal telephone system shall be audited at least once in every year by the municipal auditor or auditors appointed and compensated as provided in section 245 of *The Municipal Act*. 1954, c. 94, s. 60, *amended*. Audit of accounts
R.S.O. 1950,
c. 243

86. No action shall be brought against a municipal corporation or any of its officers, agents or servants for anything done or omitted in the construction, operation or maintenance of a municipal telephone system or in the exercise of any of the powers conferred by this Act after the lapse of six months from the time when the cause of action arose. 1954, c. 94, s. 61, *amended*. Limitation of actions

87. Every unincorporated association or partnership of persons, comprising five or more members or partners, owning or proposing to own a telephone system and using or proposing to use a public highway or highways for the purpose of furnishing telephone service to the members or partners of such unincorporated association or partnership, or any of them, or to other persons, shall secure letters patent creating them a corporation with share capital for the purpose of carrying on the business of a telephone company. 1954, c. 94, s. 64. Partnerships and unincorporated associations to be incorporated

88. No by-law, and no special resolution as defined in *The Corporations Act*, 1953, of an incorporated telephone company hereafter passed has any force or effect until approved by the Commission and every such company shall cause such by-laws and special resolutions to be kept available for inspection at the head office of the company. 1955, c. 88, s. 3, *amended*. By-laws to be approved by Commission
1953, c. 19

89.—(1) Every telephone system shall furnish continuous telephone service that adequately and efficiently meets the needs of the public in the territory in which it operates. Proper service to be given

(2) Any person who is not satisfied with the service rendered may lodge a complaint with the Commission with respect thereto and the Commission may order the system complained against to take such action as the Commission considers necessary. 1954, c. 94, s. 66, *amended*. Complaints

90. The Commission may make such orders for the construction and maintenance of a plant as it may from time to time determine to be necessary in order to ensure adequate and efficient telephone service to the public and for the protection of life and property. 1954, c. 94, s. 67, *amended*. Orders to ensure proper service

Equipment
ownership

91. Every telephone system shall own and maintain all equipment, except run-off poles on private property, operated in connection with the system, unless otherwise consented to by the Commission. 1954, c. 94, s. 68, *amended*.

Duplication
of pole
leads on
highways

92. No telephone system shall erect poles upon or along or adjacent to and parallel with any portion of a highway upon or along which the pole leads of another system are already erected, or otherwise by means of its plant or any part thereof duplicate the plant of or compete with any other system that furnishes telephone service in the same locality in which the first-mentioned system proposes to furnish such service, unless by consent of the Commission. 1954, c. 94, s. 69, *amended*.

Use of pole
leads by
two or
more
systems

93. Where in the opinion of the Commission the convenience of persons desiring telephone service requires the extension of a telephone system upon or along a highway, upon or along which there is already a telephone pole lead, the Commission may make such order as it may deem expedient for authorizing the extension and consolidating the pole leads upon or along the highway. 1954, c. 94, s. 70, *amended*.

Telephone
service to
be furnished
on request

94. Notwithstanding anything in any Act, where a person makes application to a telephone system for telephone service, the system shall furnish such service upon terms to be agreed upon and, failing agreement, upon such terms and conditions as may be ordered by the Commission. 1954, c. 94, s. 71, *amended*.

Erection of
poles on
highways

95. Where it is necessary for the purpose of carrying into effect any order of the Commission that a telephone system should erect poles, cables, ducts or wires upon or along any road or highway under the jurisdiction of a town, village, county or township, the system may, notwithstanding any limitations in any letters patent or otherwise, erect the poles, cables, ducts and wires upon or along the road or highway upon such terms and conditions as may be agreed upon between the council of the municipality and the system, and, if the council and the system are unable to agree, then upon such terms and conditions as the Commission may prescribe. 1954, c. 94, s. 72, *amended*.

Agreements
for
connection,
joint
operation,
etc.

96. A telephone system may enter into an agreement with any other system, whether the latter system is under the jurisdiction of the Legislature or not, providing for the connection, intercommunication, joint operation or reciprocal use of the respective lines and other plant controlled, owned or operated by the systems and for the transmission of

business between the systems, and for the interchange of messages passing to, from or over their lines and other plant, and for the apportionment of tolls, commissions and expenditures and the division of receipts and profits and generally for the regulation, management and operation of their lines and other plant, but no such agreement has any validity or effect until approved by the Commission. 1954, c. 94, s. 73, *amended*.

97. Where the lines or other parts of the plant of two or more telephone systems are situated in such proximity to each other as to make it expedient in the public interest that they be connected in order that there be intercommunication between them or joint operation or reciprocal use of them or that the lines or other plant be used jointly by the systems for the transmission of messages and either or any of the systems fail or refuse to enter into an agreement with the other or others, the Commission shall order, Commission may order connection, joint operations, etc.

- (a) that such connection be made;
- (b) by whom and in what manner any line or works necessary for the purpose of making the connection shall be constructed and maintained;
- (c) how the cost incurred in constructing and maintaining it or them shall be borne; and
- (d) upon such terms and conditions as the commission may prescribe, that there shall be such intercommunication between or joint operation or reciprocal use of, and such transmission of messages by or over, the lines or other plant, including any connecting lines or works, as the Commission may prescribe. 1954, c. 94, s. 74, *amended*.

98.—(1) Where the lines of one or more telephone systems terminate on the switchboard of another system, the other system shall furnish all reasonable and proper facilities for the interchange of conversations between the systems. Intercommunication by systems

(2) The facilities to be so afforded shall include the providing of suitable switching facilities to connect the lines of the systems and the permitting of conversations to be transmitted without unreasonable delay over the lines so connected. What facilities to be used

(3) The terms upon which the facilities for the interchange of conversation between two or more systems to be afforded under this section shall be fixed by agreements between the Terms

systems concerned, subject to the approval of the Commission, and, failing such agreement, they shall be fixed by the Commission. 1954, c. 94, s. 75, *amended*.

Intercom-
munication
between
federal
and
provincial
systems

99. Where the lines or other parts of the plant of a telephone system under the jurisdiction of the Legislature and the lines or other parts of the plant of a system under the jurisdiction of the Parliament of Canada are situate in such proximity to each other as to make it practicable for the lines or other parts of the plant to be so connected as to provide direct communication whenever required between any telephone on the one system and any telephone on the other system, either of the systems or any municipal corporation or other public body or any person interested may file with the Commission and with the Board of Transport Commissioners for Canada an application for an order that such connection be made together with evidence of service of the application upon the systems interested or affected and clauses *b*, *c*, *d* and *e* of subsection 1 of section 131 of *The Railways Act* apply *mutatis mutandis* to every such application. 1954, c. 94, s. 76, *amended*.

R.S.O. 1950,
c. 331

Use of
highways

100.—(1) No telephone system shall place in, upon, over or under any highway, lane or square under the jurisdiction of the council of a municipality any poles, cables, ducts, wires or other structures or equipment without having acquired the right so to do. 1954, c. 94, s. 62 (1).

Grants of
right to
use
highways

(2) Notwithstanding the provisions of any other Act and with the approval of the Commission, the council of any municipality may pass a by-law or by-laws for granting to a system, upon such terms and conditions as may be deemed expedient, the right to use any highway, square or lane under its jurisdiction for placing in, upon, over or under the same poles, cables, ducts, wires or other structures or equipment, but no such by-law comes into force until approved by the Commission. 1954, c. 94, s. 62 (2), *amended*.

Commission
to
determine
differences
as to use
of highways

(3) Where the council and the system are unable to agree as to the terms and conditions upon which such right is to be granted, the council or the system may refer the matters in dispute to the Commission in which case the Commission, after hearing the evidence of all persons interested, may prescribe the terms and conditions, and thereupon the terms and conditions are binding upon the municipality and the system. 1954, c. 94, s. 62 (3), *amended*.

Termination
of right

(4) Where a system fails to comply with any provision of this Act or the regulations or any order of the Commission, the Commission may terminate any right conferred upon the

system under this section, in which case the by-law granting the right shall be deemed to be repealed. 1954, c. 94, s. 62 (4), *amended*.

(5) Upon the termination of any right conferred upon a system under this section in accordance with the terms and conditions of the by-law granting the right or in accordance with an order of the Commission, the council may, with the approval of the Commission, order the system to remove its poles, cables, ducts, wires and other structures and equipment from the highways, squares and lanes under the jurisdiction of the council and, upon failing to comply with the order within ninety days, the council may remove the poles, cables, ducts, wires and other structures and equipment and charge the cost thereof to the system. 1954, c. 94, s. 62 (5), *amended*.

101. The right to use, for the purposes of section 100, any highway or road allowance situated in territory without municipal organization may be granted by the Minister of Lands and Forests upon such terms and conditions and subject to such rentals or charges as he may fix. 1954, c. 94, s. 63.

102.—(1) A telephone system shall not enter into an agreement with any other system that may have the effect of increasing the cost of telephone service to the public until the proposed agreement has been submitted to and approved by the Commission. 1954, c. 94, s. 77, *amended*.

(2) This section does not apply to an agreement in relation to a matter to which section 103 applies. 1957, c. 123, s. 3.

103. No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement that in effect transfers its ownership or control to another system, whether the other system is under the jurisdiction of the Legislature or not, until the Commission has approved the sale or other disposition, amalgamation or agreement. 1954, c. 94, s. 78; 1955, c. 88, s. 4, *amended*.

104. The Commission may by its order terminate any of the rights, powers and privileges possessed by or conferred upon any telephone system under this Act, if the system contravenes section 102 or 103, and may by its order prohibit the system from carrying on business under this Act. 1954, c. 94, s. 79, *amended*.

Tariffs and
tolls to be
filed and
approved

105. Every telephone system shall file with the Commission its tariff of rates and tolls in such form and containing such particulars as the Commission may require, and no system or municipality shall charge or levy any rate or toll that has not been filed with and approved by the Commission. 1954, c. 94, s. 80, *amended*.

Prohibition
against dis-
crimination
as to tolls,
free service

106. There shall be no discrimination by any telephone system in favour of or against any person furnished with telephone service by the system by way of reduction or increase in any rate or toll, and no system shall without the approval of the Commission furnish free telephone service to any person. 1954, c. 94, s. 81, *amended*.

Offence
and
penalty

107. Every officer of a telephone system who wilfully authorizes or permits any contravention of section 105 or 106 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 82.

Depreciation
fund

108.—(1) Every telephone system shall provide and maintain a proper and adequate depreciation fund and for that purpose shall set aside each year a proportion of its earnings and the fund so provided shall, unless otherwise authorized by the Commission, be applied exclusively to meet the cost of the renewal and replacement of such portion of the plant of the system as may be rendered necessary by age, wear and tear, obsolescence, damage by storm or other contingency and the Commission may require the system to make such changes in the rate of depreciation from time to time as the Commission considers expedient.

Deposit,
investment
and
application
of fund

(2) The moneys carried to the credit of the depreciation fund shall, unless the Commission otherwise directs, be deposited in a chartered bank at interest and,

R.S.O. 1950,
c. 400

(a) may be invested in such securities as trustees may invest in under *The Trustee Act*; or

(b) may, with the approval of the Commission, be expended in new construction or extensions or additions to the system.

Interest

(3) All earnings accruing from any portion of the depreciation fund deposited or invested as provided in subsection 2 shall from time to time be carried to the credit of the depreciation fund. 1955, c. 88, s. 5, *amended*.

Approval of
issue of
stock, bonds,
notes, etc.

109.—(1) A telephone system shall not issue stock, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof

until it has obtained from the Commission an order authorizing the issue and the amount thereof and stating the purposes to which the issue or proceeds thereof are to be applied and that in the opinion of the Commission the money, property or labour to be procured or paid for by the issue of the stock, bonds, notes or other evidence of indebtedness is or has been reasonably required for the purposes specified in the order.

(2) Every officer of a system who wilfully authorizes or permits any contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 84, *amended*.

110.—(1) Every person who uses or interferes with or permits to be used or interfered with any telephone instrument, wiring or other equipment so as to injure or damage it or prevent the proper use of the circuit to which the telephone instrument, wiring or other equipment is connected is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 85 (1), *amended*.

(2) Every officer of a telephone system who wilfully authorizes or permits any contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 85 (2).

111. Every operator or other person in the employ of a telephone system who divulges the purport or substance of any telephone conversation or message passing over the lines of the system, except when lawfully authorized or directed so to do, is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 86.

112. Every person who, having acquired knowledge of any conversation or message passing over any telephone line not addressed to or intended for such person, divulges the purport or substance of the conversation or message, except when lawfully authorized or directed so to do, is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 87.

113. Every person who, when using a telephone instrument or conversing over a telephone line, whether the telephone instrument or line is owned by a telephone system under the jurisdiction of the Legislature or not, uses indecent,

obscene, blasphemous or grossly insulting language is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 88.

Refusal to
give up line

114. Every person who, when using a telephone instrument or conversing over a telephone line, whether the telephone instrument or line is owned by a telephone system under the jurisdiction of the Legislature or not, refuses to give up or permit the use of the line when requested so to do by the operator or by any other person in case of a fire, accident, sickness or other similar emergency is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 89.

Annual
returns

115.—(1) Every telephone system shall, on or before the 1st day of April in each year or, in the case of any one or more systems, at such later time in any year as the Commission may approve, furnish to the Commission a return containing such particulars respecting the cost, receipts, expenditures, operation, management and equipment of the system as the Commission may require.

Penalty for
default

(2) Every officer of a system who authorizes or acquiesces in any default in making a return under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day during which the default continues. 1954, c. 94, s. 90, *amended*.

1959, c. 9,
not to apply

116. *The Bulk Sales Act, 1959* does not apply to the sale of a telephone system or a part thereof under this Act. *New*.

1954, c. 94;
1955, c. 88;
1957, c. 123;
1958, c. 110,
repealed

117. *The Telephone Act, 1954, The Telephone Amendment Act, 1955, The Telephone Amendment Act, 1957 and The Telephone Amendment Act, 1958* are repealed.

Commence-
ment

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

Short title

119. This Act may be cited as *The Telephone Act, 1960*.



The Telephone Act, 1960

1st Reading

March 3rd, 1960

2nd Reading

March 8th, 1960

3rd Reading

March 17th, 1960

MR. GOODFELLOW

BILL 96

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

An Act to amend The Highway Traffic Act

MR. YAREMKO

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

EXPLANATORY NOTES

SECTION 1. Section 10 is re-enacted for the purpose of the revision of the Statutes to consolidate the numerous amendments to the section since the last revision and to replace in subsections 1, 6, 9, 10, 14, 16, 20, 21, 22, 24 and 25 the terms "dusk" and "dawn", which do not refer to a definite time, by the expressions "one-half hour after sunset" and "one-half hour before sunrise".

The only changes in principle are the following:

Subsection 2 is new and prohibits the sale of new motor vehicles manufactured after January 1st, 1962, unless they have a red reflector or red reflective material on the rear thereof. Commercial motor vehicles are presently required to have reflectors under section 40 (2).

Subsections 7 and 8 are new and prohibit the sale of new motor vehicles over 80 inches in width, manufactured after January 1st, 1961, that do not have the required clearance lamps.

Subsection 9 is amended to make the requirements as to identification lamps applicable only to commercial motor vehicles or a combination of commercial motor vehicle and trailer.

Subsection 23 is amended to have one penalty subsection for former subsections 13, 16, 18 and 21.

Subsection 1 (formerly subsection 1). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 2 is new and prohibits the sale of new motor vehicles manufactured after January 1st, 1962, unless they have a red reflector or red reflective material on the rear thereof. This does not apply to commercial motor vehicles which are now required to have reflectors.

**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. Section 10 of *The Highway Traffic Act*, as amended by R.S.O. 1950, c. 167, s. 10, re-enacted section 5 of *The Highway Traffic Amendment Act, 1951*, section 3 of *The Highway Traffic Amendment Act, 1953*, section 1 of *The Highway Traffic Amendment Act, 1955*, section 2 of *The Highway Traffic Amendment Act, 1956*, section 3 of *The Highway Traffic Amendment Act, 1957* and section 4 of *The Highway Traffic Amendment Act, 1958*, is repealed and the following substituted therefor:

- 10.—(1) When on a highway at any time from one-half ^{Lamps} hour after sunset to one-half hour before sunrise, 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) No person shall sell, offer or expose for sale a new ^{Reflector} motor vehicle manufactured after the 1st day of ^{required} January, 1962, other than a commercial motor ^{on new} vehicle, unless there is affixed to the rear thereof ^{motor} and placed in such a position as to reflect the light ^{vehicles} from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department, or red reflective material covering a surface of not less than 16 square inches.

- Driving lights
- (3) Lamps on the front of a motor vehicle shall be so 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.
- Lighted streets
- (4) Subsection 3 does not apply to a motor vehicle parked on a highway and subsections 1, 6, 9 and 10 do not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that under normal atmospheric conditions the vehicle is clearly discernible within a distance of 200 feet.
- Strength of front lamps
- (5) No motor vehicle shall carry on the front thereof more than four lighted lamps that project a beam having an intensity of over 300 candle-power.
- Clearance lamps required on wide vehicles
- (6) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, 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 or amber 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.
- Sale of new motor vehicles over 80 inches in width without clearance lamps prohibited
- (7) No person shall sell, offer or expose for sale a new motor vehicle manufactured after the 1st day of January, 1961, other than a commercial motor vehicle, having a width in excess of 80 inches without being equipped with clearance lamps as prescribed in subsection 6.
- Penalty
- (8) Every person who contravenes subsection 7 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300.

Subsection 3 (formerly subsection 2). No change in principle.

Subsection 4 (formerly subsection 3). No change in principle.

Subsection 5 (formerly subsection 4). No change in principle.

Subsection 6 (formerly subsection 5). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsections 7 and 8 are new and prohibit the sale of new motor vehicles over 80 inches in width manufactured after January 1st, 1961, that do not have the required clearance lamps for vehicles of such width.

Subsection 9 (formerly subsection 6). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". It is also amended to make it clear that the subsection only applies to commercial motor vehicles and combination of vehicles having a length in excess of 30 feet.

Subsection 10 (formerly subsection 7). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 11 (formerly subsection 8). No change in principle.

- (9) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lamps displaying green or amber, but in the case of a public vehicle amber, lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits and shall be visible for distances of 500 feet from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer. ^{Identification lamps}
- (10) When on a highway outside a city, town or village at any time from one half-hour after sunset to one-half hour before sunrise, every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle. ^{Side marker lamps}
- (11) Every person who contravenes subsection 1, 3, 5, 6, 9 or 10 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and ^{Penalty}

not more than \$25, and in addition his licence or permit may be suspended for a period of not more than sixty days.

Red light
in front

- (12) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle, the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp that casts a red light.

Vehicles of
volunteer
fire fighters
R.S.O. 1950,
c. 138

- (13) A volunteer fire fighter under *The Fire Departments Act* may carry on his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber light showing the letters "V.F.F.", which lamps shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency and no other motor vehicle shall carry any such lamp.

Bicycles
and
tricycles,
lights
on, etc.

- (14) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, 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.

Penalty

- (15) Every person who contravenes subsection 14 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25.

Rear lamps
to illuminate
number
plate

- (16) The lamp on the back of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will illuminate at any time from one-half hour after sunset to one-half hour before sunrise the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only.

Subsection 12 (formerly subsection 9). No change in principle.

Subsection 13 (formerly subsection 9a). No change in principle.

Subsection 14 (formerly subsection 10). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 15 (formerly subsection 11). No change in principle.

Subsection 16 (formerly subsection 12). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 17 (formerly subsection 14). No change in principle.

Subsection 18 (formerly subsection 15). No change in principle.

Subsection 19 (formerly subsection 17). No change in principle.

Subsection 20 (formerly subsection 19). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 21 (formerly subsection 20). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 22 (formerly subsection 20a). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

- (17) A motor vehicle, other than a commercial motor vehicle, while standing upon a highway at such times as lights are required by this section for the vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the vehicle in such a manner as to be clearly visible to the front and rear for a distance of at least 200 feet and to show white to the front and red to the rear of the vehicle; provided that such light shall not be displayed while the motor vehicle is in motion. ^{Parking lights}
- (18) The Lieutenant Governor in Council may make regulations, ^{Regulations as to lights on vehicles}
- (a) prescribing the type and maximum strength of lights that shall be carried by vehicles, and regulating the location, direction, focus and use of such lights;
 - (b) regulating or prohibiting the use of lights on vehicles that automatically produce intermittent flashes of light.
- (19) No motor vehicle shall be equipped with more than one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from such lamp will be directed to the left of the prolongation of the extreme left side, nor more than 100 feet ahead, of the vehicle to which it is attached. ^{Spotlamps}
- (20) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise, carry a lamp in a conspicuous place in front which shall cast a white or green light only and one on the rear of the engine or of any vehicle that may be attached to it which shall cast from its face a red light only. ^{Lamps to be carried on engine}
- (21) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every trailer and every object or contrivance drawn by a vehicle shall carry on the back thereof one lighted lamp which shall cast from its face a red light only. ^{Light on back of trailer, etc.}
- (22) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of ^{Lights on vehicles, objects and contrivances over 96 inches in width}

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.

Penalty

- (23) Every person who contravenes subsection 16, 17, 19, 20, 21 or 22 or the regulations made under subsection 18 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$5 and not more than \$10; for the second offence to a fine of not less than \$10 and not more than \$25; and for any subsequent offence to a fine of not less than \$25 and not more than \$50, and in addition his licence or permit may be suspended for a period of not more than sixty days.

Lights on all vehicles

- (24) Subject to subsection 26, every vehicle other than a motor vehicle or a bicycle or tricycle, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise, 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 farm tractors

- (25) 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 at any time from one-half hour after sunset to one-half hour before sunrise, shall carry the lighted lamps required for motor vehicles under subsection 1.

Reflectors in certain cases

- (26) The Department may by regulation permit a reflector approved by the Department to be displayed in lieu of a lighted lamp on vehicles commonly used for conveying flammable materials or vehicles that are structurally unsuitable for carrying lighted lamps.

Penalty

- (27) Every person who contravenes subsection 24 or 25 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less

Subsection 23 (formerly subsections 13, 16 and 18). Similar penalties are gathered together in one subsection instead of three subsections.

Subsection 24 (formerly subsection 22). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 25 (formerly subsection 22a). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 26 (formerly subsection 23). No change in principle.

Subsection 27 (formerly subsection 24). No change in principle.

Subsection 28 (formerly subsection 22*b*). No change in principle.

Subsection 29 (formerly subsection 22*c*). No change in principle.

SECTION 2. The new section provides authority to regulate the standards and specifications of hydraulic brake fluid.

SECTION 3. The purpose of the amendment is to authorize other effective means of preventing wheel spray and splash in addition to mudguards and fenders as now required.

than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25.

(28) 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

(29) 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 section:

R.S.O. 1950, c. 167, amended

12a.—(1) No person shall sell or offer for sale hydraulic brake fluid for use in vehicles upon a highway that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations.

Brake fluid

(2) The Lieutenant Governor in Council may make regulations,

Regulations

(a) prescribing the standards and specifications of hydraulic brake fluid or any type or class thereof for use in vehicles;

(b) providing for the identification and labelling of containers used for hydraulic brake fluid or any type or class thereof.

3. Subsection 2 of section 13 of *The Highway Traffic Act* is amended by inserting after "fenders" in the second line "or other effective device", so that the subsection shall read as follows:

R.S.O. 1950, c. 167, s. 13, subs. 2, amended

(2) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other effective device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle.

mudguards

R.S.O. 1950,
c. 167, s. 19,
subs. 4,
re-enacted

4. Subsection 4 of section 19 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1954*, is repealed and the following substituted therefor:

Attachments
required
when
vehicle
drawn on
highway

- (4) No motor vehicle, other than a motor vehicle in which there is a person licensed to operate a motor vehicle on a highway, trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless there are two separate means of attachment so constructed and attached that the failure of one such means will not permit the motor vehicle, trailer, object or device being drawn to become detached; but this subsection does not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle or to a trailer or other object or device when drawn directly across a highway by a farm tractor.

R.S.O. 1950,
c. 167, s. 20b
(1957, c. 44,
s. 4),
amended

5. Section 20b of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1957*, is amended by adding thereto the following subsection:

Form

- (3) The Lieutenant Governor in Council may make regulations prescribing the form and content of the certificate of mechanical fitness required under subsection 1.

R.S.O. 1950,
c. 167,
amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations
re
accessories
and
ornaments

20c. The Lieutenant Governor in Council may make regulations,

- (a) requiring the use of any accessory, or any type or class thereof, on vehicles, regulating the use thereof and prescribing the specifications thereof;
- (b) prohibiting the use on vehicles of any accessory or ornament, or any type or class thereof;
- (c) prohibiting the sale or offering for sale of any accessory or ornament, or any type or class thereof, that is designed for use on vehicles.

R.S.O. 1950,
c. 167, s. 21,
amended

7. Section 21 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Re-
examination

- (7) The holder of a chauffeur's licence shall submit to such examination in respect of the operation of a motor vehicle as and when required by the Minister

SECTION 4. The present section requires two separate means of attachment when a trailer or other object is being drawn on a highway. The amendment is intended to extend this requirement to the situation where a motor vehicle not under the control of a driver is being drawn by another motor vehicle.

SECTION 5. The amendment provides for prescribing by regulation the form of certificate of mechanical fitness which must be delivered by a dealer in used cars to a purchaser pursuant to subsection 1 of the section.

SECTION 6. The new section authorizes the Lieutenant Governor in Council to make regulations respecting the use and sale of accessories and ornaments for vehicles.

SECTION 7. The amendment provides authority for requiring the holder of a chauffeur's licence to submit to re-examination.

SECTION 8. These amendments make it clear that the provisions dealing with the licensing of garages, parking lots and used car lots include the business of wrecking and dismantling of vehicles. The Department has been licensing such businesses.

and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3.

8.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* is amended by inserting after “lot” where it occurs the second time in the third line “or wrecking or dismantling vehicles”, so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 26, subs. 1, amended

(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, parking station, parking lot or used car lot or wrecking or dismantling vehicles, without having been licensed so to do by the Department in respect of each separate premises used by him for the purpose of such business, provided that this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks. Garage, storage, etc., licences

(2) Subsection 3 of the said section 26 is amended by inserting after “lot” in the third line “or the wrecking or dismantling of vehicles”, so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 26, subs. 3, amended

(3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles without a licence shall for the first offence be liable to a penalty of not less than \$10 and not more than \$50; for the second or any subsequent offence, to a penalty of not less than \$50 and not more than \$200, and for the third or any subsequent offence shall also be liable to imprisonment for a term of not more than three months. Penalty for conducting business without licence

(3) Subsection 4 of the said section 26 is amended by striking out “peace officer” in the first line and inserting in lieu thereof “constable or officer appointed for carrying out the provisions of this Part” and by inserting after “lot” where it occurs the second time in the third line “or premises used for wrecking or dismantling vehicles”, so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 26, subs. 4, amended

(4) Any constable or officer appointed for carrying out the provisions of this Part may enter into any place where motor vehicles or bicycles are stored or dealt in, or into any garage, parking station, parking lot or used car lot or premises used for wrecking or dismantling vehicles required to be licensed and make such investigation and inspection as he thinks proper. Right of entry and inspection

R.S.O. 1950,
c. 167, s. 26,
subs. 6,
amended

(4) Subsection 6 of the said section 26 is amended by inserting after "lot" in the third line "or premises used for wrecking or dismantling vehicles", so that the subsection shall read as follows:

Minister
may
suspend or
cancel
licence

(6) The Minister may suspend or cancel the licence issued for a garage business, parking station, parking lot or used car lot or premises used for wrecking or dismantling vehicles for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such licence or by any of his employees or for any other reason appearing to him to be sufficient.

R.S.O. 1950,
c. 167, s. 26,
subs. 7,
amended

(5) Subsection 7 of the said section 26 is amended by adding at the end thereof "or wrecking or dismantling vehicles", so that the subsection shall read as follows:

Regulations

(7) The Lieutenant Governor in Council, upon the recommendation of the Minister, may make regulations controlling and governing the conduct of a garage business, parking station, parking lot or used car lot or wrecking or dismantling vehicles.

R.S.O. 1950,
c. 167, s. 28,
subs. 1,
amended

9. Subsection 1 of section 28 of *The Highway Traffic Act*, as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1954* and section 9 of *The Highway Traffic Amendment Act, 1958*, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

(e) subject to clause *a*, the speed limit prescribed upon a highway in accordance with the provisions of subsections 1*a*, 1*b*, 2, 2*a*, 2*b*, 3*a* and 3*b*.

R.S.O. 1950,
c. 167, s. 29
(1955, c. 29,
s. 4), subs. 2,
repealed

10. Subsection 2 of section 29 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1955*, is repealed.

R.S.O. 1950,
c. 167, s. 36,
subs. 2,
re-enacted

11. Subsection 2 of section 36 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Production
of permit

(2) The permit issued for a commercial (2) motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

R.S.O. 1950,
c. 304

SECTION 9. The amendment is to make it clear that infractions of the speed limits prescribed by by-law or regulation under the subsections referred to in the amendment are offences under *The Highway Traffic Act*.

SECTION 10. The provisions repealed are re-enacted as a separate offence in subsection 19c of section 41. See section 14 of this Bill.

SECTION 11. The present section requires that the issued permit for a commercial motor vehicle be carried by the driver or placed in the vehicle. The amendment allows a copy of the permit to be carried by the driver or placed in the vehicle.

SECTION 12. The section is clarified in that, when a weighing machine is distant more than ten miles from a vehicle, the driver may proceed to the weighing machine or produce an inventory showing the weight of the vehicle and load.

SECTION 13. The amendment is to provide identification of ownership of road-building machines when on a highway.

SECTION 14—Subsection 1. The clause is re-enacted to make it clear that the provisions create an offence if the left turn is not made in accordance with the provision.

Subsection 2. The amendment lays down the rule for a left turn from a one-way highway into another one-way highway.

12. Subsection 3 of section 37 of *The Highway Traffic Act*, R.S.O. 1950, c. 167, s. 37, as amended by section 7 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: subs. 3, re-enacted

- (3) When a weighing machine capable of weighing a vehicle is distant more than ten miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification. Production of inventory showing weight of vehicle and load

13. Section 40 of *The Highway Traffic Act*, as amended by section 8 of *The Highway Traffic Amendment Act, 1957*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 167, s. 40, amended

- (4) Every road-building machine when on a highway shall have attached to or painted on both sides of the machine in a clearly visible position a sign showing the name and address of the owner. Name and address of owner on road-building machine

14.—(1) Clause *a* of subsection 1 of section 41 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 41, subs. 1, cl. a re-enacted

- (a) The driver or operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction shall not make such left turn until he has afforded a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision. Left turn at intersection

(2) Subsection 1 of the said section 41, as amended by sections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951*, section 10 of *The Highway Traffic Amendment Act, 1953*, subsections 2, 3 and 4 of section 6 of *The Highway Traffic Amendment Act, 1954* and subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1958*, is further amended by adding thereto the following clause: R.S.O. 1950, c. 167, s. 41, subs. 1, amended

- (dd) The driver or operator of a vehicle intending to turn to the left from a highway designated for use of one-way traffic into an intersecting highway designated for use of one-way traffic shall approach the intersection as closely as practicable to the left-hand curb or edge of the roadway and on entering the intersection the left turn shall be made by passing as closely as practicable to the left-hand curb or edge of the roadway being entered. Rule for left turn from one-way highway to one-way highway

R.S.O. 1950, c. 167, s. 41, subs. 2, cl. a, re-enacted (3) Clause *a* of subsection 2 of the said section 41 is repealed and the following substituted therefor:

Signal-light traffic control systems

- (a) Green arrow, green, amber and red lights may be used for signal-light traffic control systems and such lights shall be arranged vertically in the following order commencing at the bottom, green arrow, green, amber and red.

R.S.O. 1950, c. 167, s. 41, subs. 2, cl. e, re-enacted (4) Clause *e* of subsection 2 of the said section 41 is repealed and the following substituted therefor:

- (e) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right-of-way to pedestrians and other traffic lawfully within the intersection.

R.S.O. 1950, c. 167, s. 41, subs. 2, cl. g, subcl. iii, amended (5) Subclause iii of clause *g* of subsection 2 of the said section 41 is amended by striking out "and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic" in the ninth, tenth, eleventh and twelfth lines, so that the subclause shall read as follows:

- (iii) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle or a car of an electric railway which is approaching the intersection and facing such light may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians and other traffic lawfully using the intersection.

R.S.O. 1950, c. 167, s. 41, subs. 2, cl. i, subcl. i, amended (6) Subclause *i* of clause *i* of subsection 2 of the said section 41, as amended by subsection 3 of section 7 of *The Highway Traffic Amendment Act, 1951*, is further amended by inserting after "red" in the third line "or green arrow, green, amber and red", so that the subclause shall read as follows:

- (i) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red or green arrow, green, amber and red signal-lights, each of which sets shall be mounted on or suspended from or by means of a bracket or extended arm attached to a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower

Subsection 3. The clause is re-enacted to provide for a green arrow and its position in a signal-light traffic control system.

Subsection 4. The amendment is to make it clear that a driver making a left or right turn at a signal-light intersection must yield the right-of-way to pedestrians and other traffic lawfully in the intersection.

Subsection 5. The words, *and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic*, in the present section are being deleted because section 41 (2) (f) (ii) passed in 1958 prohibits a pedestrian crossing against a red light, and these words should have been deleted at that time.

Subsection 6. The amendment is to provide for the inclusion of a green arrow in the provisions providing for the location of signal-lights.

Subsections 7 and 8. The amendments are complementary to the new section 41*d* authorizing the erection of stop signs at intersections in addition to stop signs required at intersections on through highways. See section 16 of this Bill.

Subsection 9. At present, a person riding a bicycle, etc., is prohibited from attaching it or himself to a vehicle on a roadway. The new subsection 13*a* prohibits a driver from allowing such action.

Subsection 10. The offence of crowding the driver's seat which is presently included in the careless driving section is now re-enacted in the new subsection 19*c* as a separate offence.

Subsection 19*d* is new and requires drivers to stop at railway crossings when a signal device or flagman is giving warning of the approach of a train.

The new subsection 19*e* prohibits the driving of vehicles around or under crossing gates at railway crossings.

portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that, where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

(7) Clause *a* of subsection 3 of the said section 41, as re-enacted by subsection 5 of section 12 of *The Highway Traffic Amendment Act, 1958*, is amended by striking out "the entrance to a through highway" in the first and second lines and inserting in lieu thereof "an intersection", so that the clause shall read as follows: R.S.O. 1950, c. 167, s. 41, subs. 3 (1958, c. 36, s. 12, subs. 5), cl. a, amended

(a) upon approaching a stop sign at an intersection, shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

.

(8) Clause *b* of subsection 3 of the said section 41 is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 41, subs. 3 (1958, c. 36, s. 12, subs. 5), cl. b, re-enacted

(b) upon entering the intersection, shall yield the right-of-way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right-of-way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right-of-way to the vehicle so proceeding in the intersection.

(9) The said section 41 is amended by adding thereto the following subsection: R.S.O. 1950, c. 167, s. 41, amended

(13a) No driver of a vehicle or street car shall permit any person riding upon a bicycle, coaster, roller skates, skis, toboggan, sled or toy vehicle to attach the same or himself to the vehicle or street car. Towing of persons on bicycles, toboggans, etc., prohibited

(10) The said section 41 is further amended by adding thereto the following subsections: R.S.O. 1950, c. 167, s. 41, amended

(19c) No person shall operate 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 motor vehicle. Crowding driver's seat

Vehicles
required to
stop at
railway
crossing
signal

- (19d) When the driver of a vehicle is approaching a railway crossing at a time when a clearly visible electrical or mechanical signal device or a flagman is giving warning of the approach of a railway train, he shall stop the vehicle not less than 15 feet from the nearest rail of the railway and shall not proceed until he can do so safely.

Driving
of
vehicles
under
crossing
gates
prohibited

- (19e) No person shall drive a vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.

R.S.O. 1950,
c. 167, s. 41b
(1955, c. 29,
s. 7),
subss. 3, 4,
re-enacted

15. Subsections 3 and 4 of section 41b of *The Highway Traffic Act*, as enacted by section 7 of *The Highway Traffic Amendment Act, 1955*, are repealed and the following substituted therefor:

Visual
signals on
school bus

- (3) The driver of a school bus upon a highway outside a city, town, village, police village or built-up area, when he is about to stop the bus for the purpose of receiving or discharging school children shall actuate the signalling device on the bus and shall continue it in operation while stopped for such purpose and shall not otherwise actuate the signalling device while on a highway.

Duty of
driver when
school bus
stopped on
highway

- (4) Where a school bus is stopped on a highway outside a city, town, village, police village or built-up area for the purpose of receiving or discharging school children and the signalling device on the bus required by the regulations is operating, the driver of a vehicle,
- (a) on overtaking such school bus, shall stop the vehicle before reaching the bus and shall not proceed until the bus resumes motion or the signalling device is no longer operating;
 - (b) on meeting such school bus on such a highway, other than a highway with separate roadways, shall, at a distance of not less than 100 feet from the school bus, reduce the speed of the vehicle and proceed past the school bus at a speed not greater than is reasonable or proper, and with due caution for the safety of pedestrians, and shall not increase the speed of the vehicle until he has reached a distance of at least 100 feet from the school bus.

SECTION 15. At present, the driver of a vehicle is required to stop when overtaking a school bus that is stopped on a highway for the purpose of receiving or discharging school children when the signalling device on the bus is in operation.

The amendments,

- (a) specifically require the bus driver to actuate the signalling device when stopped for such purposes on a highway;
- (b) provide that a driver of a vehicle on meeting a school bus stopped on a highway for such purpose shall reduce his speed at a distance of 100 feet from the bus so that he will pass the bus at a reasonable and proper speed and shall not increase speed until 100 feet past the bus;
- (c) broaden the authority to make regulations respecting the operation of vehicles used for transporting school children, i.e., not only in respect of public vehicles but all vehicles used for such purpose.

SECTION 16. The new section 41*c* requires the drivers of motor vehicles with a seating capacity of ten or more when transporting children to and from school and drivers of commercial motor vehicles transporting dangerous materials to stop at railway crossings.

The new section 41*d* authorizes municipalities to erect stop signs at intersections with the approval of the Department, in addition to those required at intersections on through highways.

(5) 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.

Markings to be covered when children not being transported

(6) The Lieutenant Governor in Council may make regulations,

Regulations re vehicles used for conveyance of school children

(a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;

(b) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;

(c) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by unqualified persons;

(d) requiring the inspection of such vehicles or any class or type thereof.

16. *The Highway Traffic Act* is amended by adding thereto the following sections:

R.S.O. 1950, c. 167, amended

41c.—(1) The driver of,

(a) a motor vehicle having a seating capacity for ten or more persons, when transporting children to and from school; or

Vehicles required to stop at railway crossings

(b) a commercial motor vehicle, when transporting dangerous or flammable material or liquid,

on approaching a railway crossing on a highway outside a city, town, village, police village or built-up area, shall stop such vehicle not less than 15 feet from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track and he shall not change gears while crossing.

Penalty (2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50, and in addition his licence may be suspended for a period of not more than six months.

Sign required on such vehicles (3) Every vehicle to which subsection 1 applies shall bear a sign on the rear thereof clearly legible to a driver approaching from the rear in the following words:

“THIS VEHICLE STOPS AT ALL RAILWAY CROSSINGS”.

Stop signs, erection at intersections 41d. In addition to stop signs required at intersections on through highways, the council of a municipality and the trustees of a police village may by by-law approved by the Department provide for the erection of stop signs at intersections on highways under its jurisdiction, and every sign so erected shall comply with the regulations of the Department.

R.S.O. 1950, c. 167, s. 75, amended 17. Section 75 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Re-examination (4) The holder of an operator's licence shall submit to such examination in respect of the operation of a motor vehicle as and when required by the Minister and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3.

R.S.O. 1950, c. 167, s. 110, subs. 3, amended 18. Subsection 3 of section 110 of *The Highway Traffic Act* is amended by striking out “to the Registrar” in the seventh line and inserting in lieu thereof “and shall forward such report to the Registrar within ten days of the accident”, so that the subsection shall read as follows:

Duty of police officer (3) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident and shall forward such report to the Registrar within ten days of the accident.

Short title 19. This Act may be cited as *The Highway Traffic Amendment Act, 1960*.

SECTION 17. The amendment requires the holder of an operator's licence to submit to re-examination as and when required by the Minister.

SECTION 18. The present section requires the filing of a report but does not specify the time within which such report should be filed. The amendment requires that the report be forwarded within ten days of the accident.



An Act to amend
The Highway Traffic Act

1st Reading

March 8th, 1960

2nd Reading

3rd Reading

MR. YAREMKO

BILL 96

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Highway Traffic Act

MR. YAREMKO

*(Reprinted as amended by the Committee on Highways
and Highway Safety)*

TORONTO
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EXPLANATORY NOTES

SECTION 1. The definition of King's Highway is re-enacted to include tertiary roads designated under *The Highway Improvement Act, 1957*.

SECTION 2. Section 10 is re-enacted for the purpose of the revision of the Statutes to consolidate the numerous amendments to the section since the last revision and to replace in subsections 1, 6, 9, 10, 14, 16, 20, 21, 22, 24 and 25 the terms "dusk" and "dawn", which do not refer to a definite time, by the expressions "one-half hour after sunset" and "one-half hour before sunrise".

The only changes in principle are the following:

Subsection 2 is new and prohibits the sale of new motor vehicles manufactured after January 1st, 1962, unless they have a red reflector or red reflective material on the rear thereof. Commercial motor vehicles are presently required to have reflectors under section 40 (2).

Subsections 7 and 8 are new and prohibit the sale of new motor vehicles over 80 inches in width, manufactured after January 1st, 1961, that do not have the required clearance lamps.

Subsection 9 is amended to make the requirements as to identification lamps applicable only to commercial motor vehicles or a combination of commercial motor vehicle and trailer.

Subsection 23 is amended to have one penalty subsection for former subsections 13, 16, 18 and 21.

Subsection 1 (formerly subsection 1). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

BILL 96

1960

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. Clause *kk* of subsection 1 of section 1 of *The Highway Traffic Act*, as enacted by section 1 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *kk*
(1957, c. 44,
s. 1).
re-enacted

(*kk*) "King's Highway" includes secondary highways and tertiary roads designated under *The Highway Improvement Act, 1957*, c. 43.

2. Section 10 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1951*, section 3 of *The Highway Traffic Amendment Act, 1953*, section 1 of *The Highway Traffic Amendment Act, 1955*, section 2 of *The Highway Traffic Amendment Act, 1956*, section 3 of *The Highway Traffic Amendment Act, 1957* and section 4 of *The Highway Traffic Amendment Act, 1958*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 10,
re-enacted

10.—(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, 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.

Lamps

Reflector
required
on new
motor
vehicles

- (2) No person shall sell, offer or expose for sale a new motor vehicle manufactured after the 1st day of January, 1962, other than a commercial motor vehicle, unless there is affixed to the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department, or red reflective material covering a surface of not less than 16 square inches.

Driving
lights

- (3) Lamps on the front of a motor vehicle shall be so 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.

Lighted
streets

- (4) Subsection 3 does not apply to a motor vehicle parked on a highway and subsections 1, 6, 9 and 10 do not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that under normal atmospheric conditions the vehicle is clearly discernible within a distance of 200 feet.

Strength of
front lamps

- (5) No motor vehicle shall carry on the front thereof more than four lighted lamps that project a beam having an intensity of over 300 candle-power.

Clearance
lamps
required
on wide
vehicles

- (6) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every commercial 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 or amber 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.

Sale of new
motor
vehicles
over
80 inches
in width
without
clearance
lamps
prohibited

- (7) No person shall sell, offer or expose for sale a new motor vehicle manufactured after the 1st day of January, 1961, other than a commercial motor

Subsection 2 is new and prohibits the sale of new motor vehicles manufactured after January 1st, 1962, unless they have a red reflector or red reflective material on the rear thereof. This does not apply to commercial motor vehicles which are now required to have reflectors.

Subsection 3 (formerly subsection 2). No change in principle.

Subsection 4 (formerly subsection 3). No change in principle.

Subsection 5 (formerly subsection 4). No change in principle.

Subsection 6 (formerly subsection 5). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsections 7 and 8 are new and prohibit the sale of new motor vehicles over 80 inches in width manufactured after January 1st, 1961, that do not have the required clearance lamps for vehicles of such width.

Subsection 9 (formerly subsection 6). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". It is also amended to make it clear that the subsection only applies to commercial motor vehicles and combination of vehicles having a length in excess of 30 feet.

Subsection 10 (formerly subsection 7). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 11 (formerly subsection 8). No change in principle.

vehicle, having a width in excess of 80 inches without being equipped with clearance lamps as prescribed in subsection 6.

- (8) Every person who contravenes subsection 7 is guilty ^{Penalty} of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300.
- (9) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lamps displaying green or amber, but in the case of a public vehicle amber, lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits and shall be visible for distances of 500 feet from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer. <sup>Identifica-
tion lamps</sup>
- (10) When on a highway outside a city, town or village at any time from one half-hour after sunset to one-half hour before sunrise, every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle. <sup>Side
marker
lamps</sup>
- (11) Every person who contravenes subsection 1, 3, 5, 6, 9 or 10 is guilty of an offence and on summary ^{Penalty}

conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25, and in addition his licence or permit may be suspended for a period of not more than sixty days.

Red light
in front

- (12) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle, the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp that casts a red light.

Vehicles of
volunteer
fire fighters
R.S.O. 1950,
c. 138

- (13) A volunteer fire fighter under *The Fire Departments Act* may carry on his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber light showing the letters "V.F.F.", which lamps shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency and no other motor vehicle shall carry any such lamp.

Bicycles
and
tricycles,
lights
on, etc.

- (14) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, 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.

Penalty

- (15) Every person who contravenes subsection 14 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25.

Rear lamps
to illuminate
number
plate

- (16) The lamp on the back of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will illuminate at any time from one-half hour after sunset to one-half hour before sunrise the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only.

Subsection 12 (formerly subsection 9). No change in principle.

Subsection 13 (formerly subsection 9a). No change in principle.

Subsection 14 (formerly subsection 10). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 15 (formerly subsection 11). No change in principle.

Subsection 16 (formerly subsection 12). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 17 (formerly subsection 14). No change in principle.

Subsection 18 (formerly subsection 15). No change in principle.

Subsection 19 (formerly subsection 17). No change in principle.

Subsection 20 (formerly subsection 19). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 21 (formerly subsection 20). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 22 (formerly subsection 20a). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

- (17) A motor vehicle, other than a commercial motor vehicle, while standing upon a highway at such times as lights are required by this section for the vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the vehicle in such a manner as to be clearly visible to the front and rear for a distance of at least 200 feet and to show white to the front and red to the rear of the vehicle; provided that such light shall not be displayed while the motor vehicle is in motion. ^{Parking lights}
- (18) The Lieutenant Governor in Council may make regulations, ^{Regulations as to lights on vehicles}
- (a) prescribing the type and maximum strength of lights that shall be carried by vehicles, and regulating the location, direction, focus and use of such lights;
 - (b) regulating or prohibiting the use of lights on vehicles that automatically produce intermittent flashes of light.
- (19) No motor vehicle shall be equipped with more than one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from such lamp will be directed to the left of the prolongation of the extreme left side, nor more than 100 feet ahead, of the vehicle to which it is attached. ^{Spotlamps}
- (20) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise, carry a lamp in a conspicuous place in front which shall cast a white or green light only and one on the rear of the engine or of any vehicle that may be attached to it which shall cast from its face a red light only. ^{Lamps to be carried on engine}
- (21) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every trailer and every object or contrivance drawn by a vehicle shall carry on the back thereof one lighted lamp which shall cast from its face a red light only. ^{Light on back of trailer, etc.}
- (22) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of ^{Lights on vehicles, objects and contrivances over 96 inches in width}

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.

Penalty

- (23) Every person who contravenes subsection 16, 17, 19, 20, 21 or 22 or the regulations made under subsection 18 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$5 and not more than \$10; for the second offence to a fine of not less than \$10 and not more than \$25; and for any subsequent offence to a fine of not less than \$25 and not more than \$50, and in addition his licence or permit may be suspended for a period of not more than sixty days.

**Lights on
all vehicles**

- (24) Subject to subsection 26, every vehicle other than a motor vehicle or a bicycle or tricycle, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise, 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
farm
tractors**

- (25) 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 at any time from one-half hour after sunset to one-half hour before sunrise, shall carry the lighted lamps required for motor vehicles under subsection 1.

**Reflectors
in certain
cases**

- (26) The Department may by regulation permit a reflector approved by the Department to be displayed in lieu of a lighted lamp on vehicles commonly used for conveying flammable materials or vehicles that are structurally unsuitable for carrying lighted lamps.

Penalty

- (27) Every person who contravenes subsection 24 or 25 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less

Subsection 23 (formerly subsections 13, 16 and 18). Similar penalties are gathered together in one subsection instead of three subsections.

Subsection 24 (formerly subsection 22). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 25 (formerly subsection 22a). Terms "dusk" and "dawn" changed to "one-half hour after sunset" and "one-half hour before sunrise". No change in principle.

Subsection 26 (formerly subsection 23). No change in principle.

Subsection 27 (formerly subsection 24). No change in principle.

Subsection 28 (formerly subsection 22*b*). No change in principle.

Subsection 29 (formerly subsection 22*c*). No change in principle.

SECTION 3. The new section provides authority to regulate the standards and specifications of hydraulic brake fluid.

SECTION 4. The purpose of the amendment is to authorize other effective means of preventing wheel spray and splash in addition to mudguards and fenders as now required.

than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25.

(28) 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

(29) 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.

3. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1950, c. 167, amended

12a.—(1) No person shall sell or offer for sale hydraulic brake fluid for use in vehicles upon a highway that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations. Brake fluid

(2) The Lieutenant Governor in Council may make Regulations regulations,

(a) prescribing the standards and specifications of hydraulic brake fluid or any type or class thereof for use in vehicles;

(b) providing for the identification and labelling of containers used for hydraulic brake fluid or any type or class thereof.

4. Subsection 2 of section 13 of *The Highway Traffic Act* is amended by inserting after "fenders" in the second line "or other effective device", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 13, subs. 2, amended

(2) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other effective device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle. mudguards

R.S.O. 1950,
c. 167, s. 19,
subs. 4,
re-enacted

5. Subsection 4 of section 19 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1954*, is repealed and the following substituted therefor:

Attachments
required
when
vehicle
drawn on
highway

- (4) No motor vehicle, other than a motor vehicle in which there is a person licensed to operate a motor vehicle on a highway, trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless there are two separate means of attachment so constructed and attached that the failure of one such means will not permit the motor vehicle, trailer, object or device being drawn to become detached; but this subsection does not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle or to a trailer or other object or device when drawn directly across a highway by a farm tractor.

R.S.O. 1950,
c. 167, s. 20b
(1957, c. 44,
s. 4),
amended

6. Section 20b of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1957*, is amended by adding thereto the following subsection:

Form

- (3) The Lieutenant Governor in Council may make regulations prescribing the form and content of the certificate of mechanical fitness required under subsection 1.

R.S.O. 1950,
c. 167,
amended

7. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations
re
accessories
and
ornaments

20c. The Lieutenant Governor in Council may make regulations,

- (a) requiring the use of any accessory, or any type or class thereof, on vehicles, regulating the use thereof and prescribing the specifications thereof;
- (b) prohibiting the use on vehicles of any accessory or ornament, or any type or class thereof;
- (c) prohibiting the sale or offering for sale of any accessory or ornament, or any type or class thereof, that is designed for use on vehicles.

R.S.O. 1950,
c. 167, s. 21,
amended

8. Section 21 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Re-
examination

- (7) The holder of a chauffeur's licence shall submit to such examination in respect of the operation of a motor vehicle as and when required by the Minister

SECTION 5. The present section requires two separate means of attachment when a trailer or other object is being drawn on a highway. The amendment is intended to extend this requirement to the situation where a motor vehicle not under the control of a driver is being drawn by another motor vehicle.

SECTION 6. The amendment provides for prescribing by regulation the form of certificate of mechanical fitness which must be delivered by a dealer in used cars to a purchaser pursuant to subsection 1 of the section.

SECTION 7. The new section authorizes the Lieutenant Governor in Council to make regulations respecting the use and sale of accessories and ornaments for vehicles.

SECTION 8. The amendment provides authority for requiring the holder of a chauffeur's licence to submit to re-examination.

SECTION 9. These amendments make it clear that the provisions dealing with the licensing of garages, parking lots and used car lots include the business of wrecking and dismantling of vehicles. The Department has been licensing such businesses.

and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3.

9.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* is amended by inserting after “lot” where it occurs the second time in the third line “or wrecking or dismantling vehicles”, so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 26, subs. 1, amended

(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, parking station, parking lot or used car lot or wrecking or dismantling vehicles, without having been licensed so to do by the Department in respect of each separate premises used by him for the purpose of such business, provided that this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks. Garage, storage, etc., licences

(2) Subsection 3 of the said section 26 is amended by inserting after “lot” in the third line “or the wrecking or dismantling of vehicles”, so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 26, subs. 3, amended

(3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles without a licence shall for the first offence be liable to a penalty of not less than \$10 and not more than \$50; for the second or any subsequent offence, to a penalty of not less than \$50 and not more than \$200, and for the third or any subsequent offence shall also be liable to imprisonment for a term of not more than three months. Penalty for conducting business without licence

(3) Subsection 4 of the said section 26 is amended by striking out “peace officer” in the first line and inserting in lieu thereof “constable or officer appointed for carrying out the provisions of this Part” and by inserting after “lot” where it occurs the second time in the third line “or premises used for wrecking or dismantling vehicles”, so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 26, subs. 4, amended

(4) Any constable or officer appointed for carrying out the provisions of this Part may enter into any place where motor vehicles or bicycles are stored or dealt in, or into any garage, parking station, parking lot or used car lot or premises used for wrecking or dismantling vehicles required to be licensed and make such investigation and inspection as he thinks proper. Right of entry and inspection

R.S.O. 1950,
c. 167, s. 26,
subs. 6,
amended

(4) Subsection 6 of the said section 26 is amended by inserting after "lot" in the third line "or premises used for wrecking or dismantling vehicles", so that the subsection shall read as follows:

Minister
may
suspend or
cancel
licence

(6) The Minister may suspend or cancel the licence issued for a garage business, parking station, parking lot or used car lot or premises used for wrecking or dismantling vehicles for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such licence or by any of his employees or for any other reason appearing to him to be sufficient.

R.S.O. 1950,
c. 167, s. 26,
subs. 7,
amended

(5) Subsection 7 of the said section 26 is amended by adding at the end thereof "or wrecking or dismantling vehicles", so that the subsection shall read as follows:

Regulations

(7) The Lieutenant Governor in Council, upon the recommendation of the Minister, may make regulations controlling and governing the conduct of a garage business, parking station, parking lot or used car lot or wrecking or dismantling vehicles.

R.S.O. 1950,
c. 167, s. 28,
subs. 1,
amended

10.—(1) Subsection 1 of section 28 of *The Highway Traffic Act*, as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1954* and section 9 of *The Highway Traffic Amendment Act, 1958*, is further amended by striking out "or" at the end of clause *c* and by adding thereto the following clauses:

(e) subject to clause *a*, the speed limit prescribed upon a highway in accordance with the provisions of subsections *1a*, *1b*, *2*, *2a*, *2b*, *3a* and *3b*; or

1953, c. 73

(f) the speed limit prescribed upon a metropolitan road in accordance with section 86*b* of *The Municipality of Metropolitan Toronto Act, 1953*.

R.S.O. 1950,
c. 167, s. 28,
subs. 3*c*
(1956, c. 29,
s. 5, subs. 3),
amended

(2) Subsection 3*c* of the said section 28, as enacted by subsection 3 of section 5 of *The Highway Traffic Amendment Act, 1956* and amended by subsection 5 of section 3 of *The Highway Traffic Amendment Act, 1959*, is further amended by inserting after "3*b*" in the second line "or a by-law is passed under section 86*b* of *The Municipality of Metropolitan Toronto Act, 1953*", so that the subsection shall read as follows:

application
of sub-
section 1

1953, c. 73

(3*c*) Where a by-law is passed under subsection *1a*, *1b*, *2* or *2a* or a regulation is made under subsection *3a* or *3b* or a by-law is passed under section 86*b* of *The*

SECTION 10. The amendment is to make it clear that infractions of the speed limits prescribed by by-law or regulation under the subsections referred to in the amendment are offences under *The Highway Traffic Act*.

SECTION 11. The provisions repealed are re-enacted as a separate offence in subsection 19c of section 41. See section 15 of this Bill.

SECTION 12. The present section requires that the issued permit for a commercial motor vehicle be carried by the driver or placed in the vehicle. The amendment allows a copy of the permit to be carried by the driver or placed in the vehicle.

SECTION 13. The section is clarified in that, when a weighing machine is distant more than ten miles from a vehicle, the driver may proceed to the weighing machine or produce an inventory showing the weight of the vehicle and load.

SECTION 14. The amendment is to provide identification of ownership of road-building machines when on a highway.

SECTION 15—Subsection 1. The clause is re-enacted to make it clear that the provisions create an offence if the left turn is not made in accordance with the provision.

Municipality of Metropolitan Toronto Act, 1953, the rates of speed prescribed in subsection 1 shall not apply to the highway or portion of the highway affected by the by-law or regulation.

11. Subsection 2 of section 29 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1955*, is repealed. R.S.O. 1950, c. 167, s. 29 (1955, s. 29, s. 4), subs. 2, repealed

12. Subsection 2 of section 36 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 36, subs. 2, re-enacted

- (2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*. Production of permit
R.S.O. 1950, c. 304

13. Subsection 3 of section 37 of *The Highway Traffic Act*, as amended by section 7 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 37, subs. 3, re-enacted

- (3) When a weighing machine capable of weighing a vehicle is distant more than ten miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification. Production of inventory showing weight of vehicle and load

14. Section 40 of *The Highway Traffic Act*, as amended by section 8 of *The Highway Traffic Amendment Act, 1957*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 167, s. 40, amended

- (4) Every road-building machine when on a highway shall have attached to or painted on both sides of the machine in a clearly visible position a sign showing the name and address of the owner. Name and address of owner on road-building machine

15.—(1) Clause *a* of subsection 1 of section 41 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 41, subs. 1, cl. 3 re-enacted

- (a) The driver or operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction shall not make such left turn until he has afforded a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision. Left turn at intersection

R.S.O. 1950,
c. 167, s. 41,
subs. 1,
amended

(2) Subsection 1 of the said section 41, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951*, section 10 of *The Highway Traffic Amendment Act, 1953*, subsections 2, 3 and 4 of section 6 of *The Highway Traffic Amendment Act, 1954* and subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1958*, is further amended by adding thereto the following clause:

Rule for
left turn
from
one-way
highway to
one-way
highway

(dd) The driver or operator of a vehicle intending to turn to the left from a highway designated for use of one-way traffic into an intersecting highway designated for use of one-way traffic shall approach the intersection as closely as practicable to the left-hand curb or edge of the roadway and on entering the intersection the left turn shall be made by passing as closely as practicable to the left-hand curb or edge of the roadway being entered.

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. a,
re-enacted

(3) Clause *a* of subsection 2 of the said section 41 is repealed and the following substituted therefor:

Signal-
light
traffic
control
systems

(a) Green arrow, green, amber and red lights may be used for signal-light traffic control systems and such lights shall be arranged vertically in the following order commencing at the bottom, green arrow, green, amber and red.

R.S.O. 1950,
c. 167, s. 41,
subs. 2,
cl. e,
re-enacted

(4) Clause *e* of subsection 2 of the said section 41 is repealed and the following substituted therefor:

(e) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right-of-way to pedestrians and other traffic lawfully within the intersection.

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. g,
subcl. iii,
amended

(5) Subclause iii of clause *g* of subsection 2 of the said section 41 is amended by striking out "and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic" in the ninth, tenth, eleventh and twelfth lines, so that the subclause shall read as follows:

(iii) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle or a car of an electric railway which is approaching the intersection and facing such light may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians and other traffic lawfully using the intersection.

Subsection 2. The amendment lays down the rule for a left turn from a one-way highway into another one-way highway.

Subsection 3. The clause is re-enacted to provide for a green arrow and its position in a signal-light traffic control system.

Subsection 4. The amendment is to make it clear that a driver making a left or right turn at a signal-light intersection must yield the right-of-way to pedestrians and other traffic lawfully in the intersection.

Subsection 5. The words, *and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic*, in the present section are being deleted because section 41 (2) (f) (ii) passed in 1958 prohibits a pedestrian crossing against a red light, and these words should have been deleted at that time.

Subsection 6. The amendment is to provide for the inclusion of a green arrow in the provisions providing for the location of signal-lights.

Subsections 7 and 8. The amendments are complementary to the new section 41*d* authorizing the erection of stop signs at intersections in addition to stop signs required at intersections on through highways. See section 18 of this Bill.

(6) Subclause i of clause i of subsection 2 of the said section 41, as amended by subsection 3 of section 7 of *The Highway Traffic Amendment Act, 1951*, is further amended by inserting after "red" in the third line "or green arrow, green, amber and red", so that the subclause shall read as follows:

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. i,
subcl. i,
amended

- (i) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red or green arrow, green, amber and red signal-lights, each of which sets shall be mounted on or suspended from or by means of a bracket or extended arm attached to a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that, where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

(7) Clause a of subsection 3 of the said section 41, as enacted by subsection 5 of section 12 of *The Highway Traffic Amendment Act, 1958*, is amended by striking out "the entrance to a through highway" in the first and second lines and inserting in lieu thereof "an intersection", so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 41,
subs. 3
(1958, c. 36,
s. 12,
subs. 5),
cl. a,
amended

- (a) upon approaching a stop sign at an intersection, shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

.

(8) Clause b of subsection 3 of the said section 41 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 41,
subs. 3
(1958, c. 36,
s. 12,
subs. 5),
cl. b,
re-enacted

- (b) upon entering the intersection, shall yield the right-of-way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right-of-way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right-of-way to the vehicle so proceeding in the intersection.

R.S.O. 1950, c. 167, s. 41, amended (9) The said section 41 is amended by adding thereto the following subsection:

Towing of persons on bicycles, toboggans, etc., prohibited (13a) No driver of a vehicle or street car shall permit any person riding upon a bicycle, coaster, roller skates, skis, toboggan, sled or toy vehicle to attach the same or himself to the vehicle or street car.

R.S.O. 1950, c. 167, s. 41, amended (10) The said section 41 is further amended by adding thereto the following subsections:

Crowding driver's seat (19c) No person shall operate 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 motor vehicle.

Vehicles required to stop at railway crossing signal (19d) When the driver of a vehicle is approaching a railway crossing at a time when a clearly visible electrical or mechanical signal device or a flagman is giving warning of the approach of a railway train, he shall stop the vehicle not less than 15 feet from the nearest rail of the railway and shall not proceed until he can do so safely.

Driving of vehicles under crossing gates prohibited (19e) No person shall drive a vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.

R.S.O. 1950, c. 167, s. 41b (1955, c. 29, s. 7), subss. 3, 4, re-enacted **16.** Subsections 3 and 4 of section 41b of *The Highway Traffic Act*, as enacted by section 7 of *The Highway Traffic Amendment Act, 1955*, are repealed and the following substituted therefor:

Visual signals on school bus (3) The driver of a school bus upon a highway outside a city, town, village, police village or built-up area, when he is about to stop the bus for the purpose of receiving or discharging school children shall actuate the signalling device on the bus and shall continue it in operation while stopped for such purpose and shall not otherwise actuate the signalling device while on a highway.

Duty of driver when school bus stopped on highway (4) Where a school bus is stopped on a highway outside a city, town, village, police village or built-up area for the purpose of receiving or discharging school children and the signalling device on the bus required by the regulations is operating, the driver of a vehicle,

Subsection 9. At present, a person riding a bicycle, etc., is prohibited from attaching it or himself to a vehicle on a roadway. The new subsection 13a prohibits a driver from allowing such action.

Subsection 10. The offence of crowding the driver's seat which is presently included in the careless driving section is now re-enacted in the new subsection 19c as a separate offence.

Subsection 19d is new and requires drivers to stop at railway crossings when a signal device or flagman is giving warning of the approach of a train.

The new subsection 19e prohibits the driving of vehicles around or under crossing gates at railway crossings.

SECTION 16. At present, the driver of a vehicle is required to stop when overtaking a school bus that is stopped on a highway for the purpose of receiving or discharging school children when the signalling device on the bus is in operation.

The amendments,

- (a) specifically require the bus driver to actuate the signalling device when stopped for such purposes on a highway;
- (b) provide that a driver of a vehicle on meeting a school bus stopped on a highway for such purpose shall reduce his speed at a distance of 100 feet from the bus so that he will pass the bus at a reasonable and proper speed and shall not increase speed until 100 feet past the bus;
- (c) broaden the authority to make regulations respecting the operation of vehicles used for transporting school children, i.e., not only in respect of public vehicles but all vehicles used for such purpose.

SECTION 17. The new section 41c requires the drivers of motor vehicles with a seating capacity of ten or more when transporting children to and from school and drivers of buses to stop at railway crossings.

- (a) on overtaking such school bus, shall stop the vehicle before reaching the bus and shall not proceed until the bus resumes motion or the signalling device is no longer operating;
- (b) on meeting such school bus on such a highway, other than a highway with separate roadways, shall, at a distance of not less than 100 feet from the school bus, reduce the speed of the vehicle and proceed past the school bus at a speed not greater than is reasonable or proper, and with due caution for the safety of pedestrians, and shall not increase the speed of the vehicle until he has reached a distance of at least 100 feet from the school bus.

(5) 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. Markings to be covered when children not being transported

(6) The Lieutenant Governor in Council may make regulations, Regulations re vehicles used for conveyance of school children

- (a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;
- (b) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;
- (c) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by un-qualified persons;
- (d) requiring the inspection of such vehicles or any class or type thereof.

17. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1950, c. 167, amended

41c.—(1) The driver of,

- (a) a motor vehicle having a seating capacity for ten or more persons, when transporting children to and from school; or Vehicles required to stop at railway crossings

(b) a public vehicle,

upon approaching on a highway a railway crossing that is not protected by gates or unless otherwise directed by a flagman, shall stop such vehicle not less than 15 feet from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track and he shall not change gears while crossing.

Penalty

- (2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50, and in addition his licence may be suspended for a period of not more than six months.

Sign required on such vehicles

- (3) Every vehicle to which subsection 1 applies shall bear a sign on the rear thereof clearly legible to a driver approaching from the rear in the following words:

“THIS VEHICLE STOPS AT ALL RAILWAY CROSSINGS”.

R.S.O. 1950, c. 167, amended

18. *The Highway Traffic Act* is amended by adding thereto the following section:

Stop signs, erection at intersections

41d. In addition to stop signs required at intersections on through highways,

- (a) the council of a municipality and the trustees of a police village may by by-law approved by the Department provide for the erection of stop signs at intersections on highways under its jurisdiction; and
- (b) the Lieutenant Governor in Council may by regulation designate intersections on the King's Highway at which stop signs shall be erected,

and every sign so erected shall comply with the regulations of the Department.

R.S.O. 1950, c. 167, s. 75, amended

19. Section 75 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Re-examination

- (4) The holder of an operator's licence shall submit to such examination in respect of the operation of a

SECTION 18. The new section 41*d* authorizes the erection of stop signs at intersections with the approval of the Department, in addition to those required at intersections on through highways.

SECTION 19. The amendment requires the holder of an operator's licence to submit to re-examination as and when required by the Minister.

SECTION 20. The present section requires the filing of a report but does not specify the time within which such report should be filed. The amendment requires that the report be forwarded within ten days of the accident.

motor vehicle as and when required by the Minister and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3.

20. Subsection 3 of section 110 of *The Highway Traffic Act* ^{R.S.O. 1950, c. 167, s. 110, subs. 3, amended} is amended by striking out "to the Registrar" in the seventh line and inserting in lieu thereof "and shall forward such report to the Registrar within ten days of the accident", so that the subsection shall read as follows:

- (3) A police officer receiving a report of an accident, as required by this section, shall secure from the person ^{Duty of police officer} making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident and shall forward such report to the Registrar within ten days of the accident.

21.—(1) Section 12, subsections 7 and 8 of section 15 and section 18 come into force on the day this Act receives Royal Assent. ^{Commence-}

(2) Section 17 comes into force on the 1st day of July, 1960. ^{Idem}

22. This Act may be cited as *The Highway Traffic Amendment Act, 1960*. ^{Short title}

An Act to amend
The Highway Traffic Act

1st Reading

March 8th, 1960

2nd Reading

March 15th, 1960

3rd Reading

Mr. YAREMKO

*(Reprinted as amended by the Committee
on Highways and Highway Safety)*

BILL 96

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

An Act to amend The Highway Traffic Act

MR. YAREMKO



BILL 96

1960

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. Clause *kk* of subsection 1 of section 1 of *The Highway Traffic Act*, as enacted by section 1 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950
c. 167, s. 1,
subs. 1,
cl. *kk*
(1957, c. 44,
s. 1),
re-enacted

(*kk*) "King's Highway" includes secondary highways and tertiary roads designated under *The Highway Improvement Act, 1957*. 1957, c. 43

2. Section 10 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1951*, section 3 of *The Highway Traffic Amendment Act, 1953*, section 1 of *The Highway Traffic Amendment Act, 1955*, section 2 of *The Highway Traffic Amendment Act, 1956*, section 3 of *The Highway Traffic Amendment Act, 1957* and section 4 of *The Highway Traffic Amendment Act, 1958*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 167, s. 10,
re-enacted

10.—(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, 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. Lamps

Reflector
required
on new
motor
vehicles

- (2) No person shall sell, offer or expose for sale a new motor vehicle manufactured after the 1st day of January, 1962, other than a commercial motor vehicle, unless there is affixed to the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department, or red reflective material covering a surface of not less than 16 square inches.

Driving
lights

- (3) Lamps on the front of a motor vehicle shall be so 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.

Lighted
streets

- (4) Subsection 3 does not apply to a motor vehicle parked on a highway and subsections 1, 6, 9 and 10 do not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that under normal atmospheric conditions the vehicle is clearly discernible within a distance of 200 feet.

Strength of
front lamps

- (5) No motor vehicle shall carry on the front thereof more than four lighted lamps that project a beam having an intensity of over 300 candle-power.

Clearance
lamps
required
on wide
vehicles

- (6) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every commercial 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 or amber 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.

Sale of new
motor
vehicles
over
80 inches
in width
without
clearance
lamps
prohibited

- (7) No person shall sell, offer or expose for sale a new motor vehicle manufactured after the 1st day of January, 1961, other than a commercial motor

vehicle, having a width in excess of 80 inches without being equipped with clearance lamps as prescribed in subsection 6.

- (8) Every person who contravenes subsection 7 is guilty ^{Penalty} of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300.
- (9) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lamps displaying green or amber, but in the case of a public vehicle amber, lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits and shall be visible for distances of 500 feet from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer. ^{Identification lamps}
- (10) When on a highway outside a city, town or village at any time from one half-hour after sunset to one-half hour before sunrise, every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle. ^{Side marker lamps}
- (11) Every person who contravenes subsection 1, 3, 5, 6, ^{Penalty} 9 or 10 is guilty of an offence and on summary

conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25, and in addition his licence or permit may be suspended for a period of not more than sixty days.

Red light
in front

- (12) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle, the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp that casts a red light.

Vehicles of
volunteer
fire fighters
R.S.O. 1950,
c. 138

- (13) A volunteer fire fighter under *The Fire Departments Act* may carry on his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber light showing the letters "V.F.F.", which lamps shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency and no other motor vehicle shall carry any such lamp.

Bicycles
and
tricycles,
lights
on, etc.

- (14) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, 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.

Penalty

- (15) Every person who contravenes subsection 14 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25.

Rear lamps
to illuminate
number
plate

- (16) The lamp on the back of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will illuminate at any time from one-half hour after sunset to one-half hour before sunrise the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only.

- (17) A motor vehicle, other than a commercial motor vehicle, while standing upon a highway at such times as lights are required by this section for the vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the vehicle in such a manner as to be clearly visible to the front and rear for a distance of at least 200 feet and to show white to the front and red to the rear of the vehicle; provided that such light shall not be displayed while the motor vehicle is in motion. ^{Parking lights}
- (18) The Lieutenant Governor in Council may make regulations, ^{Regulations as to lights on vehicles}
- (a) prescribing the type and maximum strength of lights that shall be carried by vehicles, and regulating the location, direction, focus and use of such lights;
 - (b) regulating or prohibiting the use of lights on vehicles that automatically produce intermittent flashes of light.
- (19) No motor vehicle shall be equipped with more than one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from such lamp will be directed to the left of the prolongation of the extreme left side, nor more than 100 feet ahead, of the vehicle to which it is attached. ^{Spotlamps}
- (20) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise, carry a lamp in a conspicuous place in front which shall cast a white or green light only and one on the rear of the engine or of any vehicle that may be attached to it which shall cast from its face a red light only. ^{Lamps to be carried on engine}
- (21) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every trailer and every object or contrivance drawn by a vehicle shall carry on the back thereof one lighted lamp which shall cast from its face a red light only. ^{Light on back of trailer, etc.}
- (22) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of ^{Lights on vehicles, objects and contrivances over 96 inches in width}

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.

Penalty

- (23) Every person who contravenes subsection 16, 17, 19, 20, 21 or 22 or the regulations made under subsection 18 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$5 and not more than \$10; for the second offence to a fine of not less than \$10 and not more than \$25; and for any subsequent offence to a fine of not less than \$25 and not more than \$50, and in addition his licence or permit may be suspended for a period of not more than sixty days.

Lights on all vehicles

- (24) Subject to subsection 26, every vehicle other than a motor vehicle or a bicycle or tricycle, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise, 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 farm tractors

- (25) 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 at any time from one-half hour after sunset to one-half hour before sunrise, shall carry the lighted lamps required for motor vehicles under subsection 1.

Reflectors in certain cases

- (26) The Department may by regulation permit a reflector approved by the Department to be displayed in lieu of a lighted lamp on vehicles commonly used for conveying flammable materials or vehicles that are structurally unsuitable for carrying lighted lamps.

Penalty

- (27) Every person who contravenes subsection 24 or 25 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less

than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25.

(28) 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

(29) 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.

3. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1950, c. 167, amended

12a.—(1) No person shall sell or offer for sale hydraulic brake fluid for use in vehicles upon a highway that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations. Brake fluid

(2) The Lieutenant Governor in Council may make Regulations regulations,

(a) prescribing the standards and specifications of hydraulic brake fluid or any type or class thereof for use in vehicles;

(b) providing for the identification and labelling of containers used for hydraulic brake fluid or any type or class thereof.

4. Subsection 2 of section 13 of *The Highway Traffic Act* is amended by inserting after "fenders" in the second line "or other effective device", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 13, subs. 2, amended

(2) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other effective device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle. mudguards

R.S.O. 1950,
c. 167, s. 19,
subs. 4,
re-enacted

5. Subsection 4 of section 19 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1954*, is repealed and the following substituted therefor:

Attachments
required
when
vehicle
drawn on
highway

- (4) No motor vehicle, other than a motor vehicle in which there is a person licensed to operate a motor vehicle on a highway, trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless there are two separate means of attachment so constructed and attached that the failure of one such means will not permit the motor vehicle, trailer, object or device being drawn to become detached; but this subsection does not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle or to a trailer or other object or device when drawn directly across a highway by a farm tractor.

R.S.O. 1950,
c. 167, s. 20b
(1957, c. 44,
s. 4),
amended

6. Section 20b of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1957*, is amended by adding thereto the following subsection:

Form

- (3) The Lieutenant Governor in Council may make regulations prescribing the form and content of the certificate of mechanical fitness required under subsection 1.

R.S.O. 1950,
c. 167,
amended

7. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations
re
accessories
and
ornaments

20c. The Lieutenant Governor in Council may make regulations,

- (a) requiring the use of any accessory, or any type or class thereof, on vehicles, regulating the use thereof and prescribing the specifications thereof;
- (b) prohibiting the use on vehicles of any accessory or ornament, or any type or class thereof;
- (c) prohibiting the sale or offering for sale of any accessory or ornament, or any type or class thereof, that is designed for use on vehicles.

R.S.O. 1950,
c. 167, s. 21,
amended

8. Section 21 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Re-
examination

- (7) The holder of a chauffeur's licence shall submit to such examination in respect of the operation of a motor vehicle as and when required by the Minister

and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3.

9.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* is amended by inserting after "lot" where it occurs the second time in the third line "or wrecking or dismantling vehicles", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 26, subs. 1, amended

(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, parking station, parking lot or used car lot or wrecking or dismantling vehicles, without having been licensed so to do by the Department in respect of each separate premises used by him for the purpose of such business, provided that this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks. Garage, storage, etc., licences

(2) Subsection 3 of the said section 26 is amended by inserting after "lot" in the third line "or the wrecking or dismantling of vehicles", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 26, subs. 3, amended

(3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles without a licence shall for the first offence be liable to a penalty of not less than \$10 and not more than \$50; for the second or any subsequent offence, to a penalty of not less than \$50 and not more than \$200, and for the third or any subsequent offence shall also be liable to imprisonment for a term of not more than three months. Penalty for conducting business without licence

(3) Subsection 4 of the said section 26 is amended by striking out "peace officer" in the first line and inserting in lieu thereof "constable or officer appointed for carrying out the provisions of this Part" and by inserting after "lot" where it occurs the second time in the third line "or premises used for wrecking or dismantling vehicles", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 26, subs. 4, amended

(4) Any constable or officer appointed for carrying out the provisions of this Part may enter into any place where motor vehicles or bicycles are stored or dealt in, or into any garage, parking station, parking lot or used car lot or premises used for wrecking or dismantling vehicles required to be licensed and make such investigation and inspection as he thinks proper. Right of entry and inspection

R.S.O. 1950,
c. 167, s. 26,
subs. 6,
amended

(4) Subsection 6 of the said section 26 is amended by inserting after "lot" in the third line "or premises used for wrecking or dismantling vehicles", so that the subsection shall read as follows:

Minister
may
suspend or
cancel
licence

(6) The Minister may suspend or cancel the licence issued for a garage business, parking station, parking lot or used car lot or premises used for wrecking or dismantling vehicles for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such licence or by any of his employees or for any other reason appearing to him to be sufficient.

R.S.O. 1950,
c. 167, s. 26,
subs. 7,
amended

(5) Subsection 7 of the said section 26 is amended by adding at the end thereof "or wrecking or dismantling vehicles", so that the subsection shall read as follows:

Regulations

(7) The Lieutenant Governor in Council, upon the recommendation of the Minister, may make regulations controlling and governing the conduct of a garage business, parking station, parking lot or used car lot or wrecking or dismantling vehicles.

R.S.O. 1950,
c. 167, s. 28,
subs. 1,
amended

10.—(1) Subsection 1 of section 28 of *The Highway Traffic Act*, as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1954* and section 9 of *The Highway Traffic Amendment Act, 1958*, is further amended by striking out "or" at the end of clause *c* and by adding thereto the following clauses:

(e) subject to clause *a*, the speed limit prescribed upon a highway in accordance with the provisions of subsections *1a*, *1b*, *2*, *2a*, *2b*, *3a* and *3b*; or

1953, c. 73

(f) the speed limit prescribed upon a metropolitan road in accordance with section 86*b* of *The Municipality of Metropolitan Toronto Act, 1953*.

R.S.O. 1950,
c. 167, s. 28,
subs. 3*c*
(1956, c. 29,
s. 5, subs. 3),
amended

(2) Subsection 3*c* of the said section 28, as enacted by subsection 3 of section 5 of *The Highway Traffic Amendment Act, 1956* and amended by subsection 5 of section 3 of *The Highway Traffic Amendment Act, 1959*, is further amended by inserting after "3*b*" in the second line "or a by-law is passed under section 86*b* of *The Municipality of Metropolitan Toronto Act, 1953*", so that the subsection shall read as follows:

application
of sub-
section 1
1953, c. 73

(3*c*) Where a by-law is passed under subsection *1a*, *1b*, *2* or *2a* or a regulation is made under subsection *3a* or *3b* or a by-law is passed under section 86*b* of *The*

Municipality of Metropolitan Toronto Act, 1953, the rates of speed prescribed in subsection 1 shall not apply to the highway or portion of the highway affected by the by-law or regulation.

11. Subsection 2 of section 29 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1955*, is repealed. R.S.O. 1950, c. 167, s. 29 (1955, c. 29, s. 4), subs. 2, repealed

12. Subsection 2 of section 36 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 36, subs. 2, re-enacted

(2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*. Production of permit
R.S.O. 1950, c. 304

13. Subsection 3 of section 37 of *The Highway Traffic Act*, as amended by section 7 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 37, subs. 3, re-enacted

(3) When a weighing machine capable of weighing a vehicle is distant more than ten miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification. Production of inventory showing weight of vehicle and load

14. Section 40 of *The Highway Traffic Act*, as amended by section 8 of *The Highway Traffic Amendment Act, 1957*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 167, s. 40, amended

(4) Every road-building machine when on a highway shall have attached to or painted on both sides of the machine in a clearly visible position a sign showing the name and address of the owner. Name and address of owner on road-building machine

15.—(1) Clause *a* of subsection 1 of section 41 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 41, subs. 1, cl. a re-enacted

(a) The driver or operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction shall not make such left turn until he has afforded a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision. Left turn at intersection

R.S.O. 1950,
c. 167, s. 41,
subs. 1,
amended

(2) Subsection 1 of the said section 41, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951*, section 10 of *The Highway Traffic Amendment Act, 1953*, subsections 2, 3 and 4 of section 6 of *The Highway Traffic Amendment Act, 1954* and subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1958*, is further amended by adding thereto the following clause:

Rule for
left turn
from
one-way
highway to
one-way
highway

(dd) The driver or operator of a vehicle intending to turn to the left from a highway designated for use of one-way traffic into an intersecting highway designated for use of one-way traffic shall approach the intersection as closely as practicable to the left-hand curb or edge of the roadway and on entering the intersection the left turn shall be made by passing as closely as practicable to the left-hand curb or edge of the roadway being entered.

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. a,
re-enacted

(3) Clause *a* of subsection 2 of the said section 41 is repealed and the following substituted therefor:

Signal-
light
traffic
control
systems

(a) Green arrow, green, amber and red lights may be used for signal-light traffic control systems and such lights shall be arranged vertically in the following order commencing at the bottom, green arrow, green, amber and red.

R.S.O. 1950,
c. 167, s. 41,
subs. 2,
cl. e,
re-enacted

(4) Clause *e* of subsection 2 of the said section 41 is repealed and the following substituted therefor:

(e) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right-of-way to pedestrians and other traffic lawfully within the intersection.

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. g,
subcl. iii,
amended

(5) Subclause iii of clause *g* of subsection 2 of the said section 41 is amended by striking out "and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic" in the ninth, tenth, eleventh and twelfth lines, so that the subclause shall read as follows:

(iii) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle or a car of an electric railway which is approaching the intersection and facing such light may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians and other traffic lawfully using the intersection.

(6) Subclause i of clause i of subsection 2 of the said section 41, as amended by subsection 3 of section 7 of *The Highway Traffic Amendment Act, 1951*, is further amended by inserting after "red" in the third line "or green arrow, green, amber and red", so that the subclause shall read as follows:

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. i,
subcl. i,
amended

- (i) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red or green arrow, green, amber and red signal-lights, each of which sets shall be mounted on or suspended from or by means of a bracket or extended arm attached to a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that, where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

(7) Clause a of subsection 3 of the said section 41, as enacted by subsection 5 of section 12 of *The Highway Traffic Amendment Act, 1958*, is amended by striking out "the entrance to a through highway" in the first and second lines and inserting in lieu thereof "an intersection", so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 41,
subs. 3
(1958, c. 36,
s. 12,
subs. 5),
cl. a,
amended

- (a) upon approaching a stop sign at an intersection, shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

(8) Clause b of subsection 3 of the said section 41 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 41,
subs. 3
(1958, c. 36,
s. 12,
subs. 5),
cl. b,
re-enacted

- (b) upon entering the intersection, shall yield the right-of-way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right-of-way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right-of-way to the vehicle so proceeding in the intersection.

R.S.O. 1950, c. 167, s. 41, amended (9) The said section 41 is amended by adding thereto the following subsection:

Towing of persons on bicycles, toboggans, etc., prohibited (13a) No driver of a vehicle or street car shall permit any person riding upon a bicycle, coaster, roller skates, skis, toboggan, sled or toy vehicle to attach the same or himself to the vehicle or street car.

R.S.O. 1950, c. 167, s. 41, amended (10) The said section 41 is further amended by adding thereto the following subsections:

Crowding driver's seat (19c) No person shall operate 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 motor vehicle.

Vehicles required to stop at railway crossing signal (19d) When the driver of a vehicle is approaching a railway crossing at a time when a clearly visible electrical or mechanical signal device or a flagman is giving warning of the approach of a railway train, he shall stop the vehicle not less than 15 feet from the nearest rail of the railway and shall not proceed until he can do so safely.

Driving of vehicles under crossing gates prohibited (19e) No person shall drive a vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.

R.S.O. 1950, c. 167, s. 41b (1955, c. 29, s. 7), subss. 3, 4, re-enacted **16.** Subsections 3 and 4 of section 41b of *The Highway Traffic Act*, as enacted by section 7 of *The Highway Traffic Amendment Act, 1955*, are repealed and the following substituted therefor:

Visual signals on school bus (3) The driver of a school bus upon a highway outside a city, town, village, police village or built-up area, when he is about to stop the bus for the purpose of receiving or discharging school children shall actuate the signalling device on the bus and shall continue it in operation while stopped for such purpose and shall not otherwise actuate the signalling device while on a highway.

Duty of driver when school bus stopped on highway (4) Where a school bus is stopped on a highway outside a city, town, village, police village or built-up area for the purpose of receiving or discharging school children and the signalling device on the bus required by the regulations is operating, the driver of a vehicle,

- (a) on overtaking such school bus, shall stop the vehicle before reaching the bus and shall not proceed until the bus resumes motion or the signalling device is no longer operating;
- (b) on meeting such school bus on such a highway, other than a highway with separate roadways, shall, at a distance of not less than 100 feet from the school bus, reduce the speed of the vehicle and proceed past the school bus at a speed not greater than is reasonable or proper, and with due caution for the safety of pedestrians, and shall not increase the speed of the vehicle until he has reached a distance of at least 100 feet from the school bus.

(5) 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.

Markings to be covered when children not being transported

(6) The Lieutenant Governor in Council may make regulations,

Regulations re vehicles used for conveyance of school children

- (a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;
- (b) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;
- (c) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by un-qualified persons;
- (d) requiring the inspection of such vehicles or any class or type thereof.

17. *The Highway Traffic Act* is amended by adding thereto the following section:

R.S.O. 1950, c. 167, amended

41c.—(1) The driver of,

- (a) a motor vehicle having a seating capacity for ten or more persons, when transporting children to and from school; or

Vehicles required to stop at railway crossings

(b) a public vehicle,

upon approaching on a highway a railway crossing that is not protected by gates or unless otherwise directed by a flagman, shall stop such vehicle not less than 15 feet from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track and he shall not change gears while crossing.

Penalty

- (2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50, and in addition his licence may be suspended for a period of not more than six months.

Sign
required
on such
vehicles

- (3) Every vehicle to which subsection 1 applies shall bear a sign on the rear thereof clearly legible to a driver approaching from the rear in the following words:

“THIS VEHICLE STOPS AT ALL RAILWAY CROSSINGS”.

R.S.O. 1950,
c. 167,
amended

18. *The Highway Traffic Act* is amended by adding thereto the following section:

Stop signs,
erection
at inter-
sections

41d. In addition to stop signs required at intersections on through highways,

- (a) the council of a municipality and the trustees of a police village may by by-law approved by the Department provide for the erection of stop signs at intersections on highways under its jurisdiction; and
- (b) the Lieutenant Governor in Council may by regulation designate intersections on the King's Highway at which stop signs shall be erected,

and every sign so erected shall comply with the regulations of the Department.

R.S.O. 1950,
c. 167, s. 75,
amended

19. Section 75 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Re-
examination

- (4) The holder of an operator's licence shall submit to such examination in respect of the operation of a

motor vehicle as and when required by the Minister and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3.

20. Subsection 3 of section 110 of *The Highway Traffic Act* ^{R.S.O. 1950, c. 167, s. 110, subs. 3, amended} is amended by striking out "to the Registrar" in the seventh line and inserting in lieu thereof "and shall forward such report to the Registrar within ten days of the accident", so that the subsection shall read as follows:

- (3) A police officer receiving a report of an accident, as required by this section, shall secure from the person ^{Duty of police officer} making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident and shall forward such report to the Registrar within ten days of the accident.

21.—(1) Section 12, subsections 7 and 8 of section 15 and section 18 come into force on the day this Act receives Royal Assent. ^{Commencement}

- (2) Section 17 comes into force on the 1st day of July, 1960. *Idem*

22. This Act may be cited as *The Highway Traffic Amendment Act, 1960*. ^{Short title}

An Act to amend
The Highway Traffic Act

1st Reading

March 8th, 1960

2nd Reading

March 15th, 1960

3rd Reading

April 1st, 1960

MR. YAREMKO

BILL 97

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Municipal Unconditional Grants Act, 1953**

MR. WARRENDER

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

EXPLANATORY NOTE

This Bill extends the provisions respecting grants to municipalities in 1959 in relation to indigent hospitalization for the year 1960.

BILL 97

1960

**An Act to amend
The Municipal Unconditional Grants 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 2 of section 6b of *The Municipal Unconditional Grants Act, 1953*, as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1959*, is repealed and the following substituted therefor: 1953, c. 72, s. 6b (1959, c. 64, s. 1), subs. 2, re-enacted

- (2) In each of the years 1959 and 1960, there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant in the year 1959 be less than 70 per cent of the statutory payments made by the municipality with respect to the year 1959 or in the year 1960 be less than 70 per cent of the statutory payments made by the municipality with respect to the year 1960. Grants re-indigent hospitalization

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

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1960*. Short title

An Act to amend
The Municipal Unconditional Grants
Act, 1953

1st Reading

March 8th, 1960

2nd Reading

3rd Reading

MR. WARRENDER

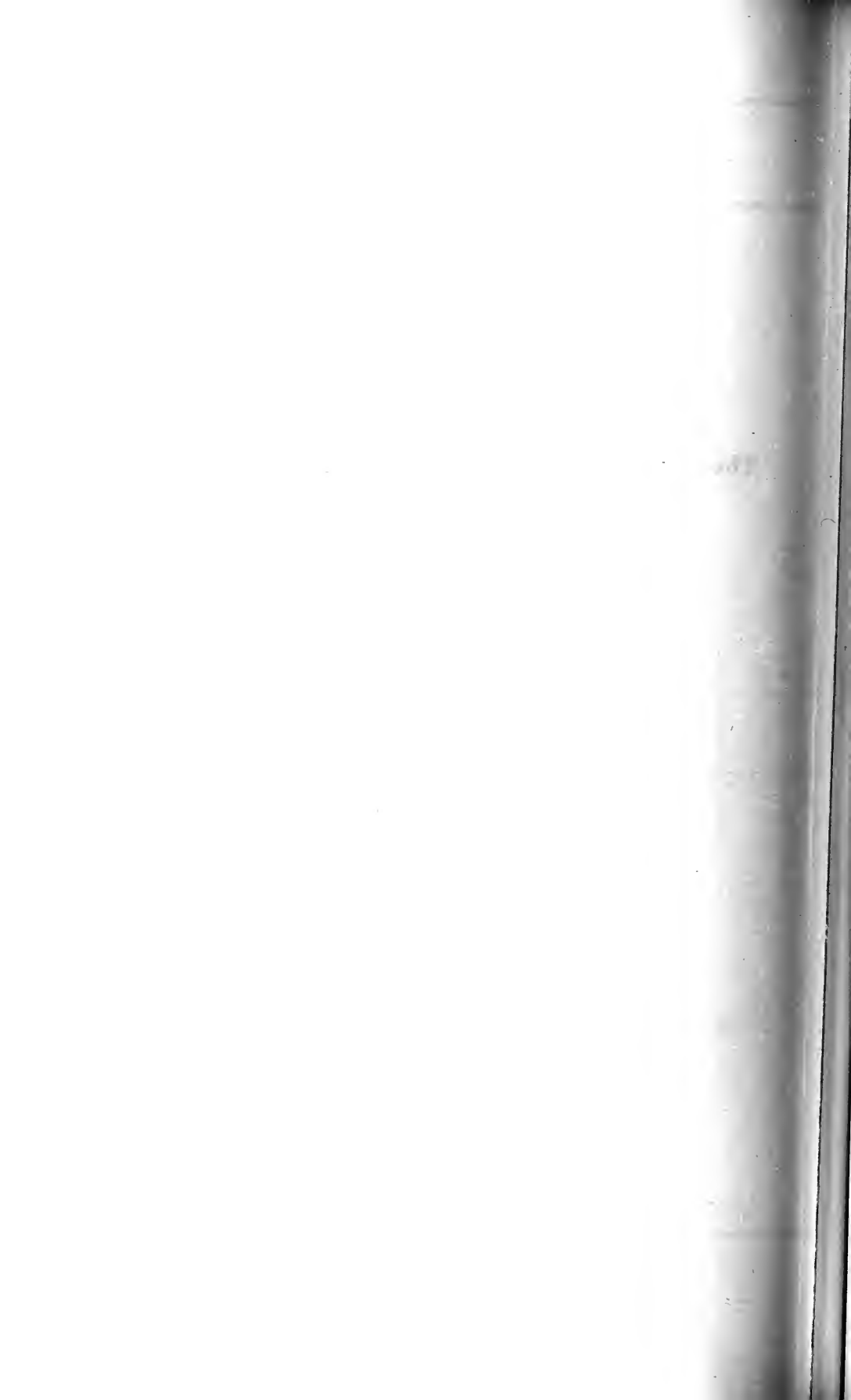
BILL 97

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
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TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL 97

1960

**An Act to amend
The Municipal Unconditional Grants 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 2 of section 6b of *The Municipal Unconditional Grants Act, 1953*, as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1959*, is repealed and the following substituted therefor: 1953, c. 72, s. 6b (1959, c. 64, s. 1), subs. 2. re-enacted

(2) In each of the years 1959 and 1960 there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant in the year 1959 be less than 70 per cent of the statutory payments made by the municipality with respect to the year 1959 or in the year 1960 be less than 70 per cent of the statutory payments made by the municipality with respect to the year 1960. Grants re indigent hospitalization

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

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1960*. Short title

An Act to amend
The Municipal Unconditional Grants
Act, 1953

1st Reading

March 8th, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 22nd, 1960

MR. WARRENDER

BILL 98

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Factory, Shop and Office Building Act**

MR. DALEY

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

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to extend the scope of the Act to places where baked goods are sold.

SECTION 2. This amendment is similar in principle to that made in 1953 dealing with contraventions of *The Elevators and Lifts Act, 1953*.

SECTION 3. Clause *b* is new in part. It is designed to ensure that proper safety practices are followed in buildings such as shopping centres.

BILL 98

1960

**An Act to amend
The Factory, Shop and Office Building Act**

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

1. Clause *a* of section 1 of *The Factory, Shop and Office Building Act* is amended by inserting after "manufacture" in the third line "or sale", so that the clause shall read as follows: R.S.O. 1950, c. 126, s. 1, amended

- (a) "bakeshop" means any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and includes any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials.

2. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section: R.S.O. 1950, c. 126, amended

57. Where a boiler or pressure vessel in a factory, shop, bakeshop, restaurant or office building is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act, 1951*, such construction, installation, maintenance or operation shall for the purposes of this Act be deemed to endanger the safety of the persons employed therein. Boilers and pressure vessels 1951, c. 7

3. Subsection 2 of section 59 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 126, s. 59, subs. 2, re-enacted

- (2) In every factory, shop, bakeshop, restaurant and office building, Doors to open outward

- (a) where more than fifteen persons are employed at any time; or

- (b) where in the opinion of the inspector the nature of the business carried on or the number of persons present at any time, other than employees, may endanger the safety of the employees,

every door for the use of the employees or other persons shall open in the direction of exit travel.

Doors to be unobstructed

- (2a) No door leading to the outside or to any passageway, tower stairway or fire escape shall be obstructed, bolted, barred or locked during any time that employees or other persons are in the building.

R.S.O. 1950, c. 126, s. 65, subs. 1, re-enacted

4. Subsection 1 of section 65 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Bakeshops below ground level

- (1) No person shall keep a bakeshop in any part of a building where the floor of the bakeshop is below the level of the street or road upon which the building is situate or is below the level of any ground abutting the building unless,

(a) the drawings and specifications of the construction or reconstruction of or alterations to the building to be used as the bakeshop, notwithstanding its height in storeys or gross horizontal area, have been submitted to, and approved by, an engineer of the Department under section 13; and

(b) such construction, reconstruction or alterations have been proceeded with only in accordance with the drawings and specifications as so approved.

Commencement

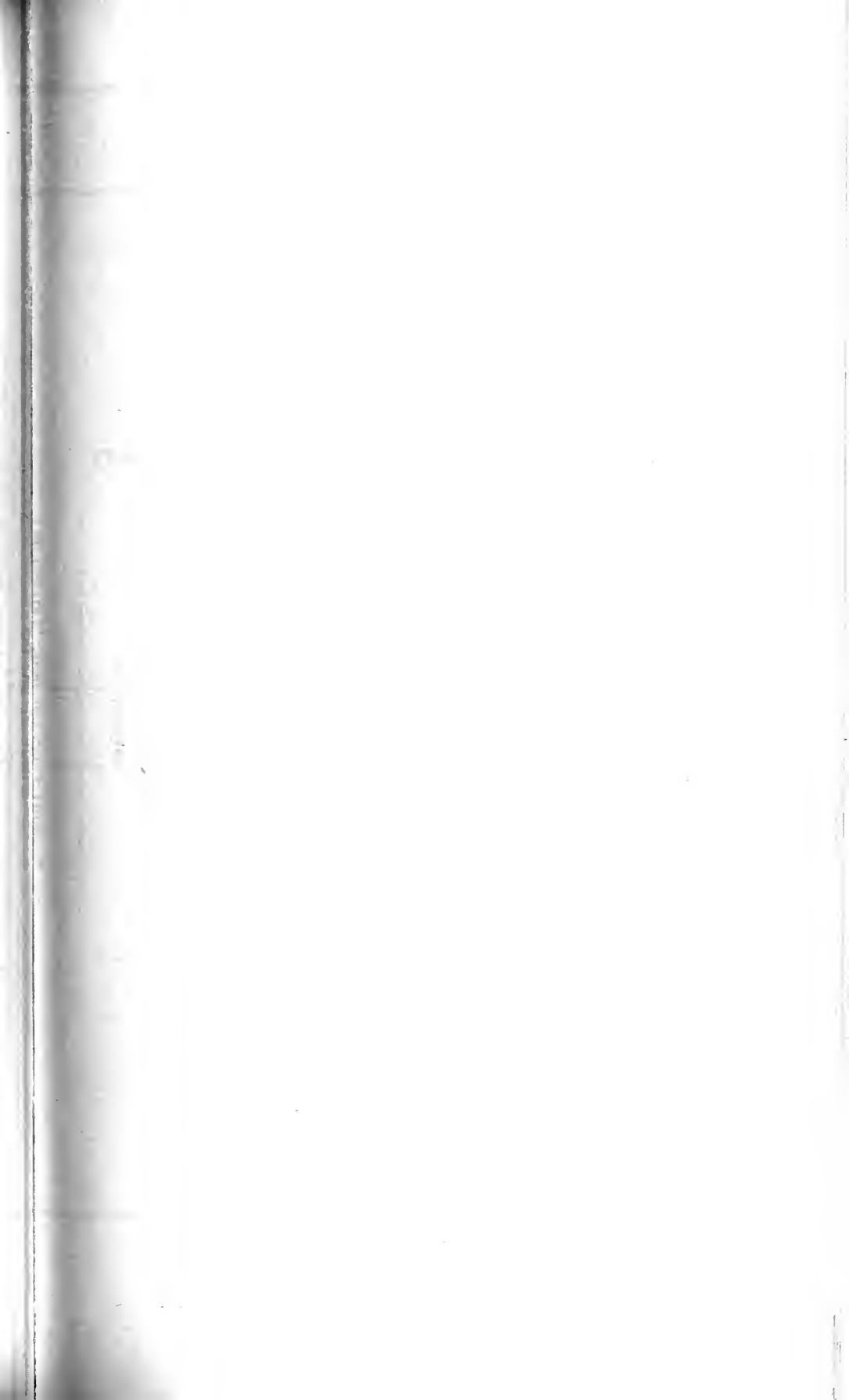
5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1960*.

SECTION 4. The section is re-enacted in order to permit a bakeshop to be kept below ground if the drawings and specifications for the building have been submitted to and approved by the Department of Labour.





An Act to amend
The Factory, Shop and Office Building Act

1st Reading

March 8th, 1960

2nd Reading

3rd Reading

MR. DALEY

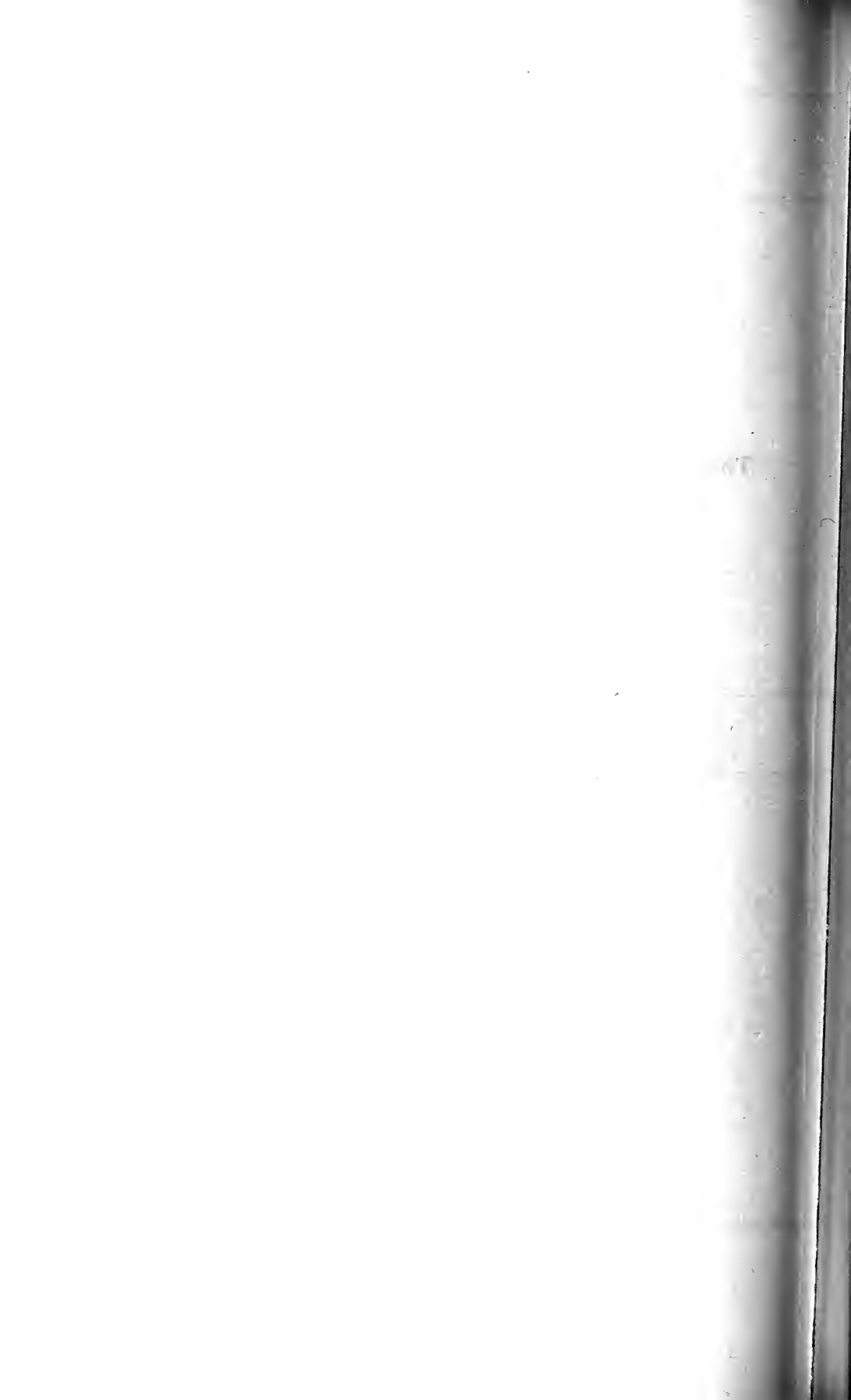
BILL 98

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

**An Act to amend
The Factory, Shop and Office Building Act**

MR. DALEY

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



BILL 98

1960

**An Act to amend
The Factory, Shop and Office Building Act**

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

1. Clause *a* of section 1 of *The Factory, Shop and Office Building Act* is amended by inserting after "manufacture" in the third line "or sale", so that the clause shall read as follows: R.S.O. 1950,
c. 126, s. 1,
cl. *a*,
amended

(a) "bakeshop" means any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and includes any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials.

2. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 126,
amended

57. Where a boiler or pressure vessel in a factory, shop, bakeshop, restaurant or office building is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act, 1951*, such construction, installation, maintenance or operation shall for the purposes of this Act be deemed to endanger the safety of the persons employed therein. Boilers
and
pressure
vessels
1951, c. 7

3. Subsection 2 of section 59 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 126, s. 59,
subs. 2,
re-enacted

(2) In every factory, shop, bakeshop, restaurant and office building, Doors to
open
outward

(a) where more than fifteen persons are employed at any time; or

- (b) where in the opinion of the inspector the nature of the business carried on or the number of persons present at any time, other than employees, may endanger the safety of the employees,

every door for the use of the employees or other persons shall open in the direction of exit travel.

Doors to be unobstructed

- (2a) No door leading to the outside or to any passageway, tower stairway or fire escape shall be obstructed, bolted, barred or locked during any time that employees or other persons are in the building.

R.S.O. 1950, c. 126, s. 65, subs. 1, re-enacted

4. Subsection 1 of section 65 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Bakeshops below ground level

- (1) No person shall keep a bakeshop in any part of a building where the floor of the bakeshop is below the level of the street or road upon which the building is situate or is below the level of any ground abutting the building unless,

(a) the drawings and specifications of the construction or reconstruction of or alterations to the building to be used as the bakeshop, notwithstanding its height in storeys or gross horizontal area, have been submitted to, and approved by, an engineer of the Department under section 13; and

(b) such construction, reconstruction or alterations have been proceeded with only in accordance with the drawings and specifications as so approved.

Commencement

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

Short title

6. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1960*.



1871



An Act to amend
The Factory, Shop and Office Building Act

1st Reading

March 8th, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 22nd, 1960

MR. DALEY

BILL 99

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Health Act

MR. DYMOND

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

EXPLANATORY NOTES

SECTION 1. This new clause will enable regulations to be made establishing a uniform code dealing with the collection and disposal of refuse.

The indiscriminate and unregulated locating and operation of many refuse disposal areas has created a major sanitation problem for many local medical officers of health and the Department.

SECTION 2. These amendments are designed to strengthen and clarify the health unit programme. There is no change in principle.

BILL 99

1960

An Act to amend The Public Health Act

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

1. Section 5 of *The Public Health Act*, as amended by R.S.O. 1950, section 1 of *The Public Health Amendment Act, 1951*, section 1 of *The Public Health Amendment Act, 1954*, section 1 of *The Public Health Amendment Act, 1955*, section 2 of *The Public Health Amendment Act, 1956*, section 2 of *The Public Health Amendment Act, 1957* and section 1 of *The Public Health Amendment Act, 1959*, is further amended by adding thereto the following clause:

(*ztt*) governing, regulating and restricting the storage, collection and disposal of refuse, and the location and operation of refuse disposal areas. Disposal of refuse

2.—(1) Subsections 1 and 2 of section 34 of *The Public Health Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 306, s. 34, subs. 1, 2, re-enacted

(1) The council of a county may by by-law establish and declare the county to be a health unit. Health units, establishment

(2) The councils of two or more counties, or such number and type of municipalities in the same county or in different counties or territorial districts as are designated by the regulations, may enter into an agreement in writing for the formation of a health unit. Idem

(2) Subsection 4 of the said section 34 is repealed and the following substituted therefor: R.S.O. 1950, c. 306, s. 34, subs. 4, re-enacted

(4) A health unit may include any area in a territorial district that is designated by the Lieutenant Governor in Council.

R.S.O. 1950,
c. 306, s. 34,
subs. 7a
(1957, c. 97,
s. 4),
re-enacted

(3) Subsection 7a of the said section 34, as enacted by section 4 of *The Public Health Amendment Act, 1957*, is repealed and the following substituted therefor:

Municipal
action
confirmed

(7a) Notwithstanding any other Act, where a health unit has been established or is established, the municipalities making up the unit shall be deemed to have had and to have all such powers as may be necessary to carry out the by-law or agreement providing therefor and, without limiting the generality of the foregoing, any such municipality may incur continuing obligations and make provision for the discharge thereof and may contribute money to and expend money on carrying out the provisions of this Act and the regulations with respect to health units.

R.S.O. 1950,
c. 306, s. 131
(1953, c. 87,
s. 6),
amended

3.—(1) Section 131 of *The Public Health Act*, as re-enacted by section 6 of *The Public Health Amendment Act, 1953*, is amended by adding thereto the following subsection:

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) prescribing that the by-law in Schedule B, or any of the matters dealt with therein, shall apply *mutatis mutandis* to territory without municipal organization or any area forming a part thereof designated by the regulations;

(b) amending the by-law in Schedule B,

(i) so as to conform with the requirements of any area mentioned in clause a, or

(ii) to meet such special circumstances as may warrant such amendment, or

(iii) for making additional requirements in respect of any matter mentioned in Schedule B.

Transition

(2) Where regulations are made under subsection 3 of section 131 of *The Public Health Act*, as enacted by subsection 1, in respect of any matter mentioned in paragraphs 25 to 30 of Schedule B to that Act and are in force immediately before section 4 comes into force, such regulations shall remain in force until amended, revoked or remade under section 46 of *The Ontario Water Resources Commission Act, 1957*.

1957, c. 88

R.S.O. 1950,
c. 306,
Sched. B,
pars. 25-30,
repealed

4. Paragraphs 25, 26, 27, 28, 29 and 30 of Schedule B to *The Public Health Act* are repealed.

SECTION 3—Subsection 1. Subsection 3 is new. It will enable any of the provisions of the sanitary by-law to be made applicable to designated areas in territory without municipal organization, thus bringing about the desired degree of control in the areas adjacent to municipalities in Northern and Northwestern Ontario.

Subsection 2 is designed to facilitate the transfer of plumbing matters from the Department of Health to the Ontario Water Resources Commission.

SECTION 4. When the Ontario Water Resources Commission was established, most aspects of water, sewage, pollution, etc., were transferred for administrative purposes from the Department of Health.

The effect of the repeal of paragraphs 25 to 30 from the general health by-law (which deal with plumbing), when proclaimed in force, will be to transfer jurisdiction in this field from the Department to the Commission.

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5.—(1) This Act, except sections 2 and 4, comes into force ^{Commence-} on the day it receives Royal Assent. _{ment}

(2) Sections 2 and 4 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.

6. This Act may be cited as *The Public Health Amendment Act, 1960* ^{Short title}

An Act to amend
The Public Health Act

1st Reading

March 10th, 1960

2nd Reading

3rd Reading

MR. DYMOND

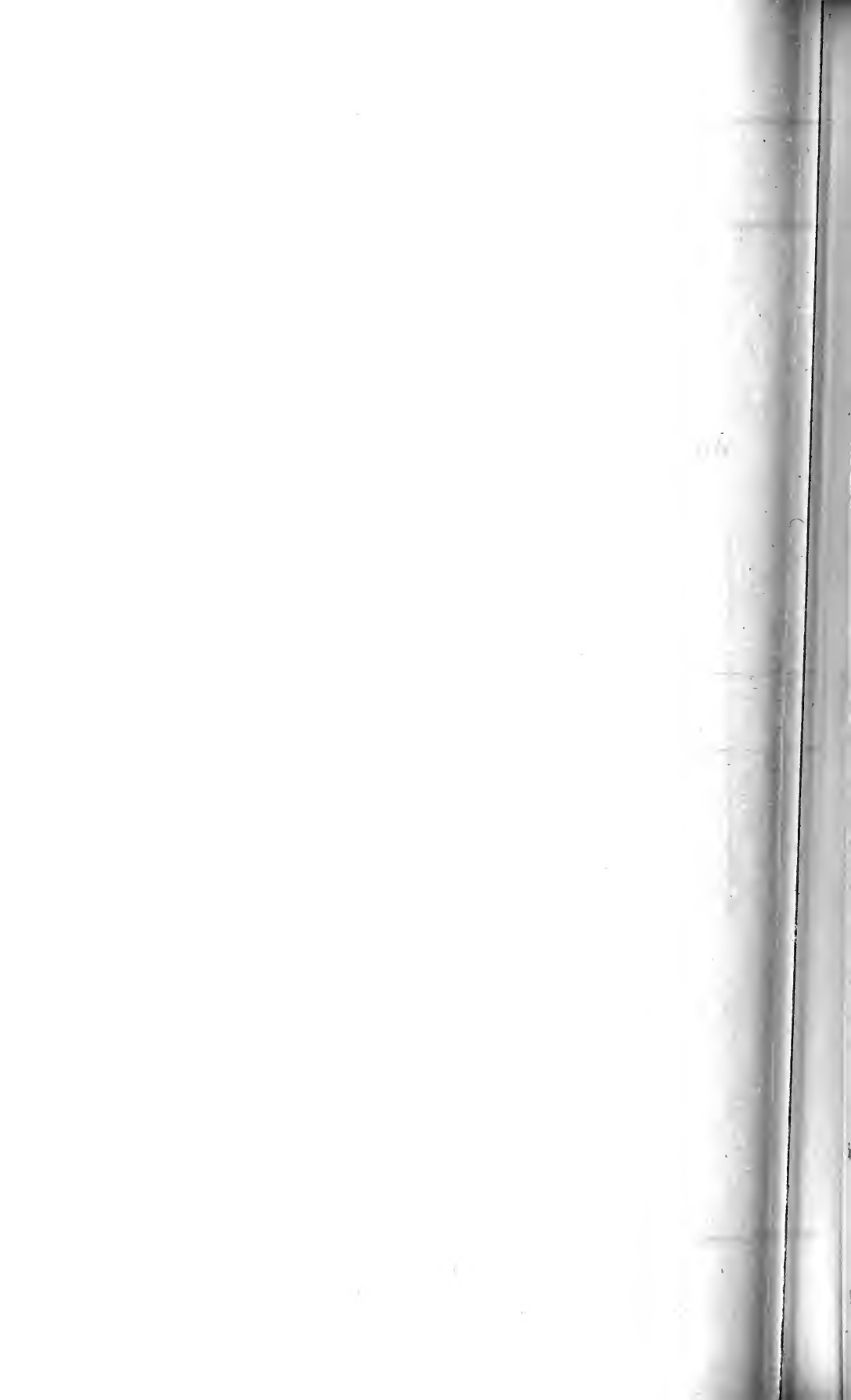
BILL 99

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Health Act

MR. DYMOND

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



An Act to amend The Public Health Act

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

1. Section 5 of *The Public Health Act*, as amended by R.S.O. 1950, c. 306, s. 5, amended section 1 of *The Public Health Amendment Act, 1951*, section 1 of *The Public Health Amendment Act, 1954*, section 1 of *The Public Health Amendment Act, 1955*, section 2 of *The Public Health Amendment Act, 1956*, section 2 of *The Public Health Amendment Act, 1957* and section 1 of *The Public Health Amendment Act, 1959*, is further amended by adding thereto the following clause:

(ztt) governing, regulating and restricting the storage, Disposal collection and disposal of refuse, and the location of refuse and operation of refuse disposal areas.

2.—(1) Subsections 1 and 2 of section 34 of *The Public Health Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 306, s. 34, subs. 1, 2, re-enacted

(1) The council of a county may by by-law establish Health units, establish-ment and declare the county to be a health unit.

(2) The councils of two or more counties, or such Idem number and type of municipalities in the same county or in different counties or territorial districts as are designated by the regulations, may enter into an agreement in writing for the formation of a health unit.

(2) Subsection 4 of the said section 34 is repealed and the following substituted therefor: R.S.O. 1950, c. 306, s. 34, subs. 4, re-enacted

(4) A health unit may include any area in a territorial district that is designated by the Lieutenant Governor in Council.

R.S.O. 1950, c. 306, s. 34, subs. 7a (1957, c. 97, s. 4), re-enacted (3) Subsection 7a of the said section 34, as enacted by section 4 of *The Public Health Amendment Act, 1957*, is repealed and the following substituted therefor:

Municipal
action
confirmed

(7a) Notwithstanding any other Act, where a health unit has been established or is established, the municipalities making up the unit shall be deemed to have had and to have all such powers as may be necessary to carry out the by-law or agreement providing therefor and, without limiting the generality of the foregoing, any such municipality may incur continuing obligations and make provision for the discharge thereof and may contribute money to and expend money on carrying out the provisions of this Act and the regulations with respect to health units.

R.S.O. 1950, c. 306, s. 131 (1953, c. 87, s. 6), amended 3.—(1) Section 131 of *The Public Health Act*, as re-enacted by section 6 of *The Public Health Amendment Act, 1953*, is amended by adding thereto the following subsection:

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) prescribing that the by-law in Schedule B, or any of the matters dealt with therein, shall apply *mutatis mutandis* to territory without municipal organization or any area forming a part thereof designated by the regulations;

(b) amending the by-law in Schedule B,

(i) so as to conform with the requirements of any area mentioned in clause a, or

(ii) to meet such special circumstances as may warrant such amendment, or

(iii) for making additional requirements in respect of any matter mentioned in Schedule B.

Transition

1957, c. 88

(2) Where regulations are made under subsection 3 of section 131 of *The Public Health Act*, as enacted by subsection 1, in respect of any matter mentioned in paragraphs 25 to 30 of Schedule B to that Act and are in force immediately before section 4 comes into force, such regulations shall remain in force until amended, revoked or remade under section 46 of *The Ontario Water Resources Commission Act, 1957*.

R.S.O. 1950, c. 306, Sched. B, pars. 25-30, repealed

4. Paragraphs 25, 26, 27, 28, 29 and 30 of Schedule B to *The Public Health Act* are repealed.

5.—(1) This Act, except sections 2 and 4, comes into force ^{Commence-} on the day it receives Royal Assent. _{ment}

(2) Sections 2 and 4 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.

6. This Act may be cited as *The Public Health Amendment* ^{Short title} *Act, 1960.*





An Act to amend
The Public Health Act

1st Reading

March 10th, 1960

2nd Reading

March 15th, 1960

3rd Reading

March 22nd, 1960

MR. DYMOND

BILL 100

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Game and Fisheries Act

MR. SPOONER

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

EXPLANATORY NOTES

SECTION 1. The amendment deletes special reference to a penalty so that the general penalty under section 75 (9) of the Act applies.

SECTION 2. The new subsection makes it an offence to make a false statement in an application, affidavit or declaration required by the Act or regulations.

SECTIONS 3 and 4. The sections repealed prescribe licences and fees which may be prescribed by regulation. See section 11 (1) of this Bill.

SECTION 5. The provision provides for prescribing royalties for fur-bearing animals and is moved to the regulating section of the Act. See section 11 (3) of this Bill.

BILL 100

1960

**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. Subsection 4 of section 17a of *The Game and Fisheries Act*, as enacted by section 5 of *The Game and Fisheries Amendment Act, 1951*, is repealed and the following substituted therefor: R.S.O. 1950, c. 153, s. 17^a (1951, c. 29, s. 5), subs. 4, re-enacted

(4) Every person who fails to comply with subsection 1 or who keeps live game in captivity after a permit therefor has been refused or cancelled is guilty of an offence against this Act. Offence against live game

2. Section 23 of *The Game and Fisheries Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 153, s. 23, amended

(9) Any person who knowingly makes any false statement in any application, affidavit or declaration required by this Act or the regulations is, in addition to any other penalty for which he may be liable, guilty of an offence against this Act. Offence to make false statement

3. Section 26 of *The Game and Fisheries Act*, as re-enacted by section 4 of *The Game and Fisheries Amendment Act, 1956* and amended by section 5 of *The Game and Fisheries Amendment Act, 1958*, is repealed. R.S.O. 1950, c. 153, s. 26 (1956, c. 26, s. 4), repealed

4. Section 27 of *The Game and Fisheries Act*, as amended by section 6 of *The Game and Fisheries Amendment Act, 1958*, is repealed. R.S.O. 1950, c. 153, s. 27, repealed

5. Subsection 3 of section 28 of *The Game and Fisheries Act*, as amended by section 2 of *The Game and Fisheries Amendment Act, 1955*, is repealed. R.S.O. 1950, c. 153, s. 28, subs. 3, repealed

R.S.O. 1950, c. 153, s. 40, re-enacted **6.** Section 40 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Eggs and nests protected

40. No person shall take, destroy or possess the eggs or nests of any bird protected by this Act, except under the authority of a licence to take, destroy or possess the eggs or nests for educational or scientific purposes issued by the Deputy Minister.

R.S.O. 1950, c. 153, s. 52, subs. 1, amended

7. Subsection 1 of section 52 of *The Game and Fisheries Act*, as amended by section 10 of *The Game and Fisheries Amendment Act, 1958*, is further amended by striking out "splake" in the amendment of 1958, so that the subsection shall read as follows:

No traffic in certain fish

- (1) No person shall sell, offer for sale, purchase or barter or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, if they are propagated by the holder of the licence.

R.S.O. 1950, c. 153, s. 75, subs. 1, cl. a, subs. 1, ii, re-enacted

8.—(1) Subclauses i and ii of clause a of subsection 1 of section 75 of *The Game and Fisheries Act* are repealed and the following substituted therefor:

- (i) of not less than \$200 and not more than \$500 for each caribou the subject of the prosecution,
- (ii) of not less than \$100 and not more than \$300 for each moose the subject of the prosecution, or
-

R.S.O. 1950, c. 153, s. 75, subs. 5, repealed

- (2) Subsection 5 of the said section 75 is repealed.

R.S.O. 1950, c. 153, s. 76, subs. 1, re-enacted

9.—(1) Subsection 1 of section 76 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Seizure and confiscation of game and other property

- (1) All game or fish suspected of having been taken or possessed and all vehicles of every description, aircraft, guns, ammunition, traps, trapping accessories, snares, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, all fishing gear, materials, implements and appliances

SECTION 6. The section is amended to remove an apparent conflict with sections 17 and 17a of the Act.

SECTION 7. The prohibition against trafficking in splake is removed.

SECTION 8—Subsection 1. The amendment removes the distinction in penalty for offences in hunting male and female moose.

Subsection 2. The subsection repealed provides a special penalty for trafficking in maskinonge. The repeal makes the general penalty provision under section 75 (9) of the Act apply.

SECTION 9—Subsection 1. The subsection is re-enacted for clarification and to include forfeiture upon conviction under the Special Fishery Regulations and the *Migratory Birds Convention Act* (Canada).

Subsection 2. The amendment extends the cases where the Minister may grant relief from forfeiture to cases where the value is under \$100.

SECTION 10. The section amended authorizes regulations. The clause re-enacted in subsection 1 is enlarged to include the matters now contained in sections 26 and 27 of the Act repealed by sections 3 and 4 of this Bill. The other amendments are for clarification and re-arrangement.

of every kind used for hunting or fishing, packages, crates and containers of every description,

- (a) suspected of having been used; or
- (b) used in transporting fish or game suspected of having been taken or possessed,

in contravention of this Act or the regulations, the Special Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act shall be seized and, upon conviction, shall be forfeit to the Crown in right of Ontario and sold by the Department, but where the seizure is made from a person unknown, perishable game or fish shall be forfeit to the Crown in right of Ontario and may be sold forthwith by the Department or given to a charitable institution and any other property seized shall be forfeit to the Crown in right of Ontario and sold or otherwise disposed of by the Department after the expiration of thirty days.

(2) Subsection 3 of the said section 76 is amended by striking out "and the value of the property is more than \$100" in the third line, so that the subsection shall read as follows:

- (3) Where the Minister is satisfied that the seizure of any property other than game or fish would work undue hardship or injustice, the Minister may grant relief from forfeiture and direct its return to the person from whom it was taken upon such terms as he may deem just.

10.—(1) Clause *a* of section 77 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

- (a) establishing classes for licences referred to in the Act and the Special Fishery Regulations, governing the issue, form, renewal, transfer, refusal and cancellation of licences or any class of them, prescribing their duration, territorial limitation, terms and conditions, and the fees payable therefor, and limiting the number of licences of any class that may be issued.

(2) Clause *p* of the said section 77 is repealed.

R.S.O. 1950,
c. 153, s. 77,
cl. *p*,
repealed

R.S.O. 1950,
c. 153, s. 77,
cl. *w*,
re-enacted

(3) Clause *w* of the said section 77 is repealed and the following substituted therefor:

(*w*) prescribing the royalties payable in respect of fish or under section 28, and excepting any fish or fur-bearing animal therefrom.

R.S.O. 1950,
c. 153, s. 77,
amended

(4) The said section 77 is amended by adding thereto the following subsection:

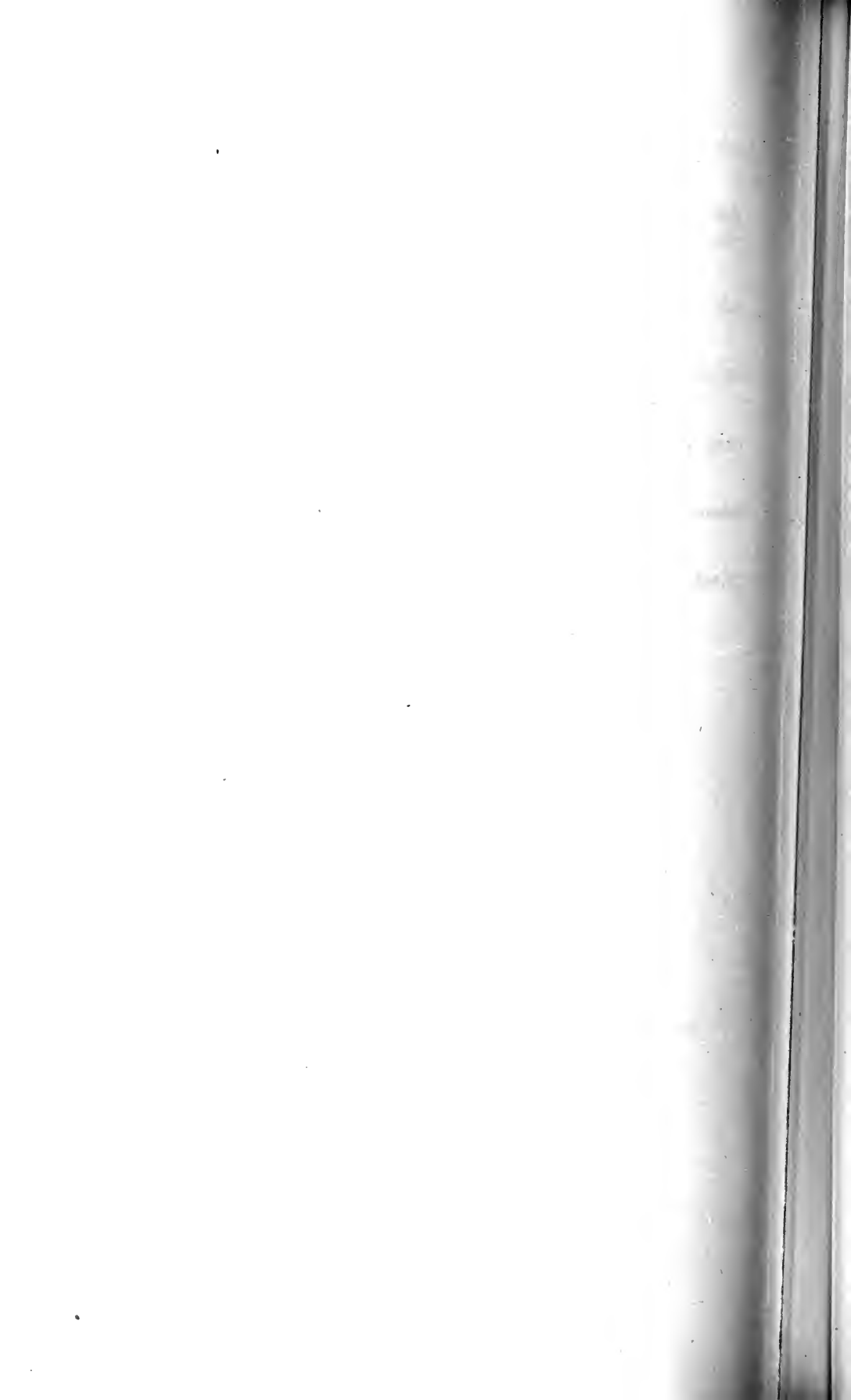
Regulations (2) Any regulation may be limited territorially or as to time or otherwise.

Commence-
ment **11.**—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem (2) Sections 3 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **12.** This Act may be cited as *The Game and Fisheries Amendment Act, 1960*.







ALL THIS TO BE
The Game and Fisheries Act

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. SPOONER

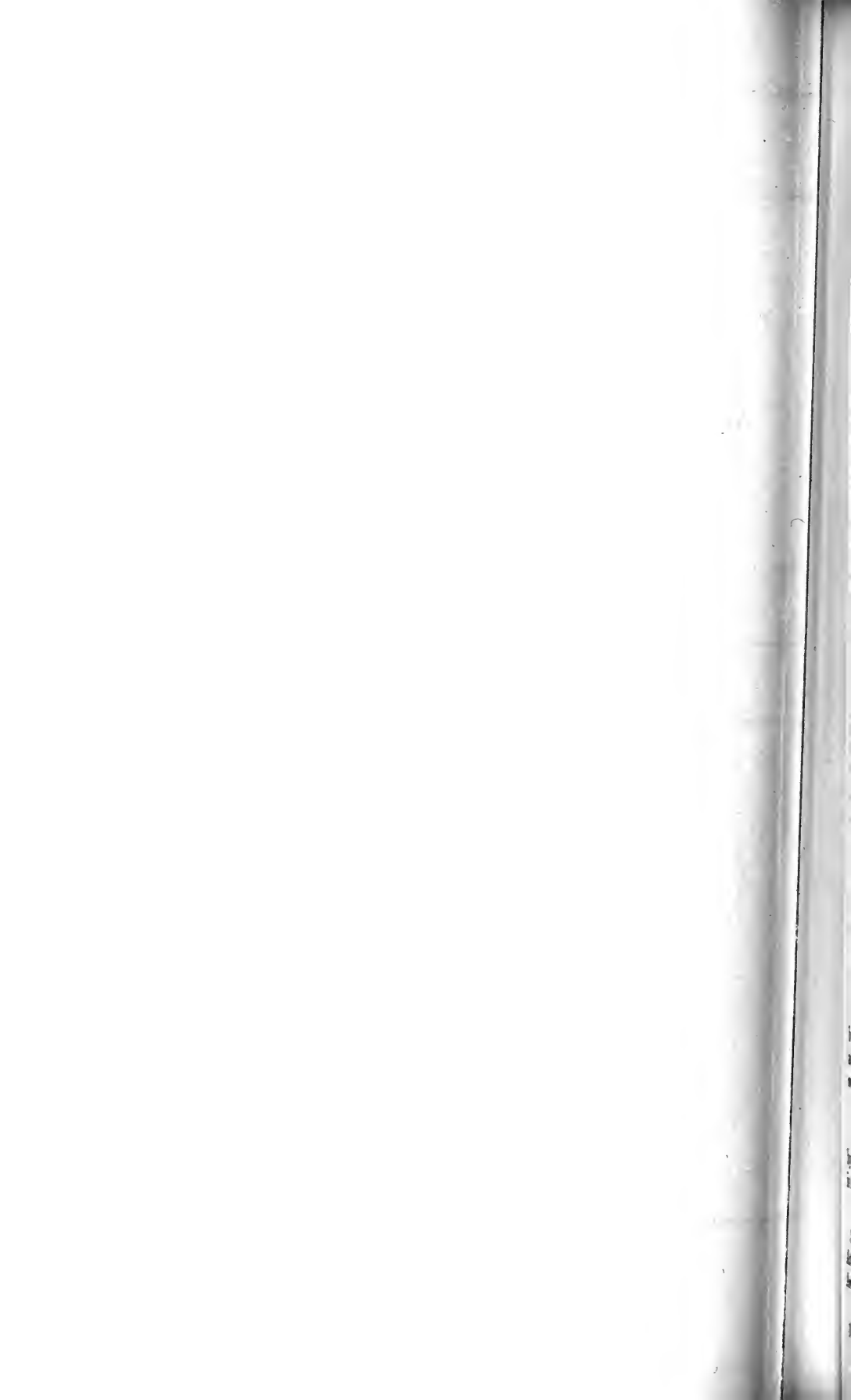
BILL 100

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Game and Fisheries Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL 100

1960

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. Subsection 4 of section 17a of *The Game and Fisheries Act*, as enacted by section 5 of *The Game and Fisheries Amendment Act, 1951*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 153, s. 17a
(1951, c. 29,
s. 5), subs. 4,
re-enacted

(4) Every person who fails to comply with subsection 1 or who keeps live game in captivity after a permit therefor has been refused or cancelled is guilty of an offence against this Act. Offence
against
live game

2. Section 23 of *The Game and Fisheries Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 153, s. 23,
amended

(9) Any person who knowingly makes any false statement in any application, affidavit or declaration required by this Act or the regulations is, in addition to any other penalty for which he may be liable, guilty of an offence against this Act. Offence to
make false
statement

3. Section 26 of *The Game and Fisheries Act*, as re-enacted by section 4 of *The Game and Fisheries Amendment Act, 1956* and amended by section 5 of *The Game and Fisheries Amendment Act, 1958*, is repealed. R.S.O. 1950,
c. 153, s. 26
(1956, c. 26,
s. 4),
repealed

4. Section 27 of *The Game and Fisheries Act*, as amended by section 6 of *The Game and Fisheries Amendment Act, 1958*, is repealed. R.S.O. 1950,
c. 153, s. 27,
repealed

5. Subsection 3 of section 28 of *The Game and Fisheries Act*, as amended by section 2 of *The Game and Fisheries Amendment Act, 1955*, is repealed. R.S.O. 1950,
c. 153, s. 28,
subs. 3,
repealed

R.S.O. 1950,
c. 153, s. 40,
re-enacted

6. Section 40 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Eggs and
nests pro-
tected

40. No person shall take, destroy or possess the eggs or nests of any bird protected by this Act, except under the authority of a licence to take, destroy or possess the eggs or nests for educational or scientific purposes issued by the Deputy Minister.

R.S.O. 1950,
c. 153, s. 52,
subs. 1,
amended

7. Subsection 1 of section 52 of *The Game and Fisheries Act*, as amended by section 10 of *The Game and Fisheries Amendment Act, 1958*, is further amended by striking out "splake" in the amendment of 1958, so that the subsection shall read as follows:

No traffic
in certain
fish

- (1) No person shall sell, offer for sale, purchase or barter or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, if they are propagated by the holder of the licence.

R.S.O. 1950,
c. 153, s. 75,
subs. 1, cl. a,
subcls. i, ii,
re-enacted

8.—(1) Subclauses i and ii of clause a of subsection 1 of section 75 of *The Game and Fisheries Act* are repealed and the following substituted therefor:

- (i) of not less than \$200 and not more than \$500 for each caribou the subject of the prosecution,
- (ii) of not less than \$100 and not more than \$300 for each moose the subject of the prosecution, or

R.S.O. 1950,
c. 153, s. 75,
subs. 5,
repealed

- (2) Subsection 5 of the said section 75 is repealed.

R.S.O. 1950,
c. 153, s. 76,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 76 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Seizure and
confiscation
of game and
other
property

- (1) All game or fish suspected of having been taken or possessed and all vehicles of every description, aircraft, guns, ammunition, traps, trapping accessories, snares, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, all fishing gear, materials, implements and appliances

of every kind used for hunting or fishing, packages, crates and containers of every description,

- (a) suspected of having been used; or
- (b) used in transporting fish or game suspected of having been taken or possessed,

in contravention of this Act or the regulations, the Special Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act shall be seized and, upon conviction, shall be forfeit to the Crown in right of Ontario and sold by the Department, but where the seizure is made from a person unknown, perishable game or fish shall be forfeit to the Crown in right of Ontario and may be sold forthwith by the Department or given to a charitable institution and any other property seized shall be forfeit to the Crown in right of Ontario and sold or otherwise disposed of by the Department after the expiration of thirty days.

(2) Subsection 3 of the said section 76 is amended by striking out "and the value of the property is more than \$100" in the third line, so that the subsection shall read as follows:

- (3) Where the Minister is satisfied that the seizure of any property other than game or fish would work undue hardship or injustice, the Minister may grant relief from forfeiture and direct its return to the person from whom it was taken upon such terms as he may deem just.

10.—(1) Clause *a* of section 77 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

- (a) establishing classes for licences referred to in the Act and the Special Fishery Regulations, governing the issue, form, renewal, transfer, refusal and cancellation of licences or any class of them, prescribing their duration, territorial limitation, terms and conditions, and the fees payable therefor, and limiting the number of licences of any class that may be issued.

(2) Clause *p* of the said section 77 is repealed.

R.S.O. 1950,
c. 153, s. 77,
cl. *p*,
repealed

R.S.O. 1950, c. 153, s. 77, cl. w, re-enacted (3) Clause *w* of the said section 77 is repealed and the following substituted therefor:

(*w*) prescribing the royalties payable in respect of fish or under section 28, and excepting any fish or fur-bearing animal therefrom.

R.S.O. 1950, c. 153, s. 77, amended (4) The said section 77 is amended by adding thereto the following subsection:

Regulations (2) Any regulation may be limited territorially or as to time or otherwise.

Commencement **11.**—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem (2) Sections 3 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **12.** This Act may be cited as *The Game and Fisheries Amendment Act, 1960*.



The Game and Fisheries Act

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. SPOONER

BILL 101

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Hospital Services Commission Act, 1957**

MR. DYMOND

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

EXPLANATORY NOTE

Experience has shown that the penalty provided in section 15*d* is not adequate to deter some employers from contravening the regulations. Even where a fine has been imposed, invariably it has been time-consuming and extremely difficult to secure the over-due premiums from the recalcitrant employer. It is desirable to prevent the expense and loss of time involved in the Commission's having to undertake civil suits to recover from employers the premiums that have been deducted from their employees and not remitted.

Under the present law the fines imposed for offences under this Act are paid over to the municipality in which the trial is held. Because prosecutions under this Act are conducted at the expense of the Province, and with a loss to the Commission, and because every means should be taken to conserve the funds of the Commission in order to avoid the necessity of increasing hospitalization insurance premiums, it is desirable that the fines recovered for offences against this Act be paid over to the Commission.

As it is possible for a litigant to subpoena the medical records of a patient from the hospital in which the patient was treated, it appears unnecessary for a litigant to have access to the records of the Commission.

When the Third Party Liability Division of the Commission, in an effort to carry out the duty imposed upon the Commission to recover the cost of insured services required because of an injury or disability contributed to by the fault or neglect of a third person, obtains information in the course of investigating an accident, the obtaining of such information in a true and complete form would be greatly facilitated if the person supplying it could be assured that his communications would be privileged.

BILL 101

1960

**An Act to amend
The Hospital Services Commission Act, 1957**

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

1.—(1) Section 15*d* of *The Hospital Services Commission Act, 1957*, as enacted by section 7 of *The Hospital Services Commission Amendment Act, 1958*, is amended by striking out “\$25 and not more than \$200” in the fifth line and inserting in lieu thereof “\$100 and not more than \$1,000”, so that subsection 1 of the section shall read as follows:

(1) Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000.

(2) The said section 15*d* is further amended by adding thereto the following subsection:

(2) Where the offence is the failure by an employer to remit on behalf of himself and his employees the premiums required by the regulations, the penalty imposed under subsection 1 shall be increased by an amount equal to the amount of such premiums, and, upon payment of the penalty as so increased, the employer shall be deemed to have remitted such premiums.

2. *The Hospital Services Commission Act, 1957* is amended by adding thereto the following sections:

15*dd*. The fines recovered for offences against this Act shall be paid over to the Commission.

Protection
from being
called as
witnesses

15ddd.—(1) No member of the Commission and no employee thereof shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties.

Protection
from
personal
liability

(2) No member of the Commission and no employee thereof is personally liable for anything done by it or him under the authority of this Act, any other Act or any regulation.

Security
of records

15ddd. The Commission shall not be required to make available for evidence in any civil suit any information concerning a patient obtained by the Commission from,

(a) the records of a hospital, including a hospital under Part III of this Act; or

(b) a statement made to inform the Commission about an incident that caused an insured person to require care and treatment in a hospital.

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 Hospital Services Commission Amendment Act, 1960 (No. 2)*.



THE UNIVERSITY OF CHICAGO

1870

1870

1870

1870

THE HOSPITAL SERVICES COMMISSION
Act, 1957

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 101

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Hospital Services Commission Act, 1957**

MR. DYMOND

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



BILL 101

1960

**An Act to amend
The Hospital Services Commission Act, 1957**

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

1.—(1) Section 15*d* of *The Hospital Services Commission Act, 1957*, as enacted by section 7 of *The Hospital Services Commission Amendment Act, 1958*, is amended by striking out “\$25 and not more than \$200” in the fifth line and inserting in lieu thereof “\$100 and not more than \$1,000”, so that subsection 1 of the section shall read as follows:

(1) Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000.

(2) The said section 15*d* is further amended by adding thereto the following subsection:

(2) Where the offence is the failure by an employer to remit on behalf of himself and his employees the premiums required by the regulations, the penalty imposed under subsection 1 shall be increased by an amount equal to the amount of such premiums, and, upon payment of the penalty as so increased, the employer shall be deemed to have remitted such premiums.

2. *The Hospital Services Commission Act, 1957* is amended by adding thereto the following sections:

15*dd*. The fines recovered for offences against this Act shall be paid over to the Commission.

Protection
from being
called as
witnesses

15ddd.—(1) No member of the Commission and no employee thereof shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties.

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liability

(2) No member of the Commission and no employee thereof is personally liable for anything done by it or him under the authority of this Act, any other Act or any regulation.

Security
of records

15ddd. The Commission shall not be required to make available for evidence in any civil suit any information concerning a patient obtained by the Commission from,

(a) the records of a hospital, including a hospital under Part III of this Act; or

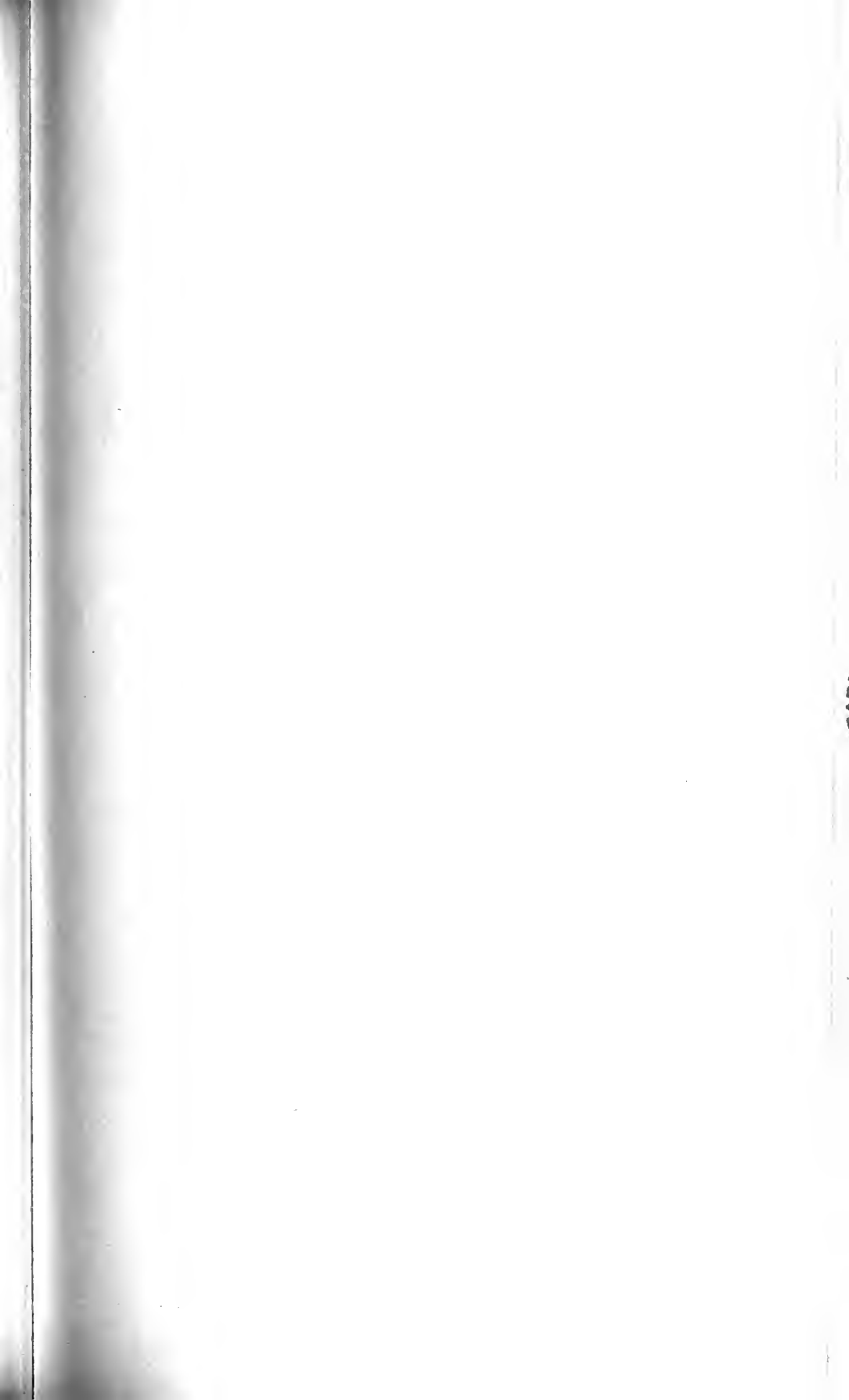
(b) a statement made to inform the Commission about an incident that caused an insured person to require care and treatment in a hospital.

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 Hospital Services Commission Amendment Act, 1960 (No. 2)*.







Bill 161
An Act to amend
The Hospital Services Commission
Act, 1957

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 29th, 1960

MR. DYMOND

BILL 102

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act respecting the Toronto General Hospital and
The Wellesley Hospital**

MR. DYMOND

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

EXPLANATORY NOTE

In 1948 The Wellesley Hospital transferred its undertaking and assets to the Trustees of the Toronto General Hospital. Since then the Trustees of the Toronto General Hospital have operated the hospital as the Wellesley Division of the Toronto General Hospital.

The purpose of this Bill is to re-establish Wellesley Hospital as a separate public hospital.

BILL 102

1960

An Act respecting the Toronto General Hospital and The Wellesley Hospital

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

1. The Trustees of the Toronto General Hospital have and shall be deemed to have had on and after the 1st day of January, 1960, power and authority to convey, assign and transfer to The Wellesley Hospital, with or without consideration, the real and other property of The Trustees of the Toronto General Hospital described in an Agreement made between them and dated as of the 1st day of January, 1960. Power to transfer property

2. The Agreement mentioned in section 1, an executed counterpart of which has been filed with the Hospital Services Commission of Ontario, is hereby confirmed as of its date and declared to be valid and binding upon the parties thereto in accordance with its terms. Agreement validated

3. The Wellesley Hospital is hereby declared to be and to have been since its incorporation under *The Ontario Companies Act* by letters patent dated the 18th day of April, 1911, a valid and subsisting corporation. Corporation continued 1907, c. 34

4. The directors and officers of The Wellesley Hospital who were elected or appointed at meetings of the members and directors, respectively, of the corporation held on the 22nd day of December, 1959, are hereby declared to have been validly elected or appointed, as the case may be. Directors and officers

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

6. This Act may be cited as *The Toronto General and Wellesley Hospitals Act, 1960*. Short title

An Act respecting the Toronto
General Hospital and
The Wellesley Hospital

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. DYMOND

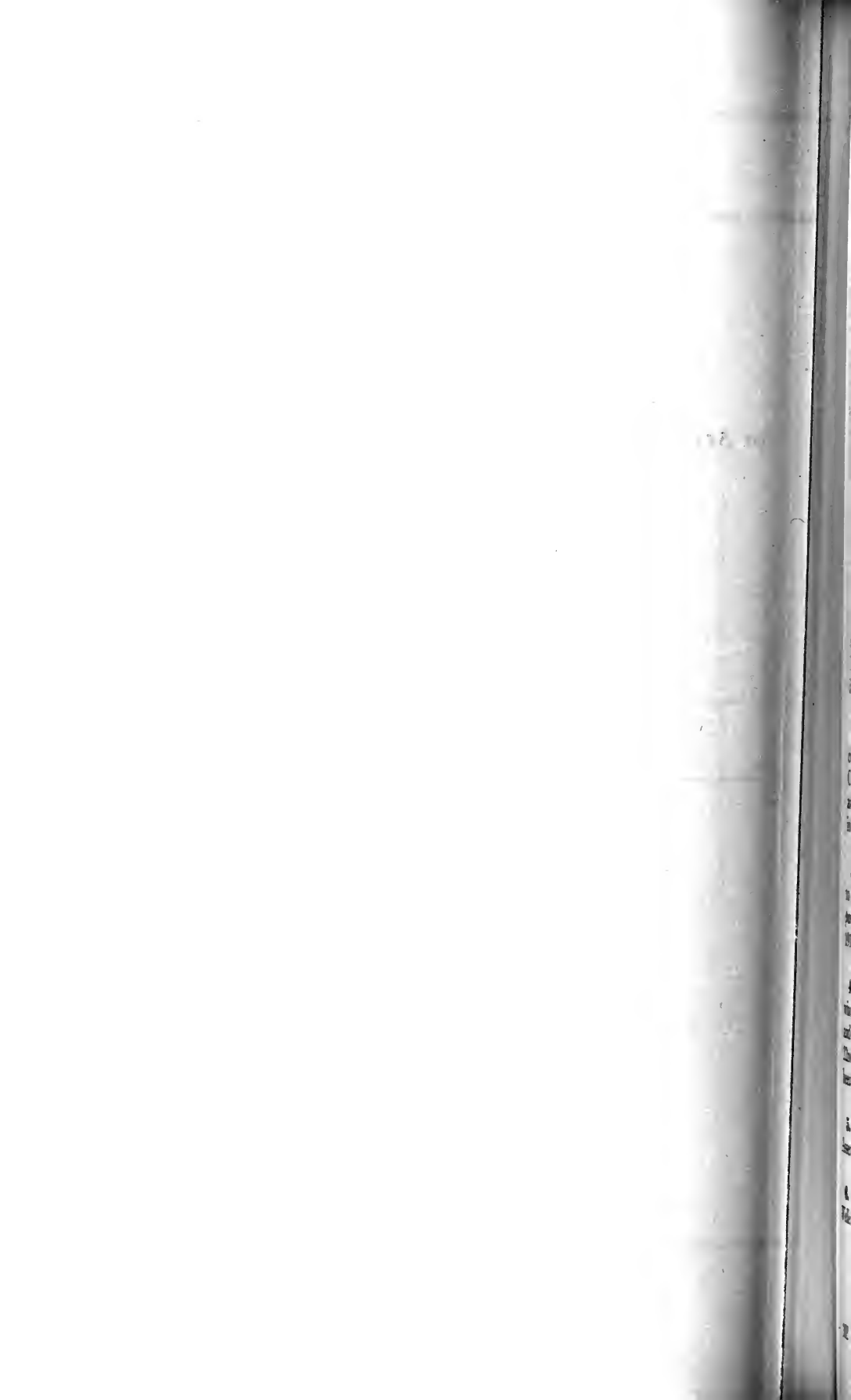
BILL 102

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act respecting the Toronto General Hospital and
The Wellesley Hospital**

MR. DYMOND

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



BILL 102

1960

An Act respecting the Toronto General Hospital and The Wellesley Hospital

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

1. The Trustees of the Toronto General Hospital have and shall be deemed to have had on and after the 1st day of January, 1960, power and authority to convey, assign and transfer to The Wellesley Hospital, with or without consideration, the real and other property of The Trustees of the Toronto General Hospital described in an Agreement made between them and dated as of the 1st day of January, 1960. Power to transfer property

2. The Agreement mentioned in section 1, an executed counterpart of which has been filed with the Hospital Services Commission of Ontario, is hereby confirmed as of its date and declared to be valid and binding upon the parties thereto in accordance with its terms. Agreement validated

3. The Wellesley Hospital is hereby declared to be and to have been since its incorporation under *The Ontario Companies Act* by letters patent dated the 18th day of April, 1911, a valid and subsisting corporation. Corporation continued 1907, c. 34

4. The directors and officers of The Wellesley Hospital who were elected or appointed at meetings of the members and directors, respectively, of the corporation held on the 22nd day of December, 1959, are hereby declared to have been validly elected or appointed, as the case may be. Directors and officers

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

6. This Act may be cited as *The Toronto General and Wellesley Hospitals Act, 1960*. Short title

General Hospital and
The Wellesley Hospital

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. DYMOND

BILL 103

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Medical Act

MR. DYMOND

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

EXPLANATORY NOTES

SECTIONS 1 and 2. These amendments are designed for three purposes: (1) to increase the number of elected members of the Council of the College of Physicians and Surgeons of Ontario from 10 to 12; (2) to redistribute the representation from some of the territorial divisions; (3) to eliminate the representation of homeopaths on the Council.

An Act to amend The Medical Act

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

1.—(1) Clauses *c* and *d* of subsection 1 of section 3 of *The Medical Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 228, s. 3,
subs. 1,
cl. *c*,
re-enacted;
cl. *d*,
repealed

- (c) Twelve members to be elected in the manner herein-after provided from amongst and by the registered members of the profession other than those mentioned in clauses *a* and *b*.

Representa-
tives of
profession

(2) Subsection 4 of the said section 3 is amended by striking out "ten" in the first line and inserting in lieu thereof "twelve".

R.S.O. 1950,
c. 228, s. 3,
subs. 4,
amended

(3) Subsection 5 of the said section 3 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 228, s. 3,
subs. 5,
re-enacted

- (5) One member shall be elected from each territorial division numbered 1 to 9 inclusive in Schedule A by the registered practitioners of medicine resident in the division and three members shall be elected from territorial division numbered 10 in Schedule A by the registered practitioners of medicine resident in that division.

How
divisions
to be
represented

- (6) The manner of holding such election shall, with respect to the time thereof and the taking of votes therefor, be determined by by-law of the Council and, in default of such by-law being passed, the Lieutenant Governor in Council shall prescribe the time and manner of holding such election.

Manner of
holding
election

2. Subsection 6 of section 4 of *The Medical Act* is repealed.

R.S.O. 1950,
c. 228, s. 4,
subs. 6,
repealed

R.S.O. 1950, c. 228, s. 5, amended **3.** Section 5 of *The Medical Act* is amended by adding thereto the following subsection:

Persons not entitled to vote, etc.

- (2) A person who is registered only in the "Educational Register" or the "Temporary Register" is not entitled to be nominated or elected as a member of the Council or to vote in any election of members of the Council.

R.S.O. 1950, c. 228, s. 19a (1952, c. 55, s. 1), subs. 1, amended

4. Subsection 1 of section 19a of *The Medical Act*, as enacted by section 1 of *The Medical Amendment Act, 1952*, is amended by striking out "College" in the first line and inserting in lieu thereof "Council".

R.S.O. 1950, c. 228, s. 22, re-enacted

5. Section 22 of *The Medical Act* is repealed and the following substituted therefor:

Temporary Register

- 22.—(1) The Council may by by-law establish and maintain a register to be known as the "Temporary Register" and may from time to time make regulations respecting the persons or classes of persons who may be registered therein, the qualifications to be required of such persons, the fees payable by those so registered, and the conditions, limitations and restrictions applicable to such persons.

Effect of registration

- (2) The persons registered in the Temporary Register are entitled to practise medicine, surgery and midwifery and shall be deemed to be registered medical practitioners only for the period, in the manner, to the extent, and subject to the conditions, limitations and restrictions set out in the regulations applicable to such persons.

Removal of name from Register

- (3) Upon any person so registered ceasing to comply, either as a result of circumstances or default, with the terms of the regulations applicable, the Registrar shall remove the name of such person from the Temporary Register.

R.S.O. 1950, c. 228, s. 32, subss. 1, 2, re-enacted

6. Subsections 1 and 2 of section 32 of *The Medical Act* are repealed and the following substituted therefor:

Erasure from register

- (1) Where a registered medical practitioner has, either before or after he is registered, been convicted in Canada of an indictable offence or elsewhere of an offence which, if committed in Canada, would be an indictable offence, or been guilty of any infamous, disgraceful or improper conduct in a professional respect, such practitioner is liable to have his name erased from the register.

SECTION 3. The subsection is added in order to clarify the position of those registered on the Educational Register or the Temporary Register.

SECTION 4. This amendment corrects an inadvertent error.

SECTION 5. Section 22 of the Act, which now provides for the establishment of a system of temporary registration during a war period, is extended in order to provide for the temporary registration of certain special groups of persons, such as graduate physicians from outside Canada, who require employment while qualifying for full registration.

SECTION 6. These subsections are re-enacted for two purposes: (1) to remove the provisions dealing with mentally ill physicians, who are dealt with separately in the new section 33a of the Act in section 7 of this Bill; (2) to enable disciplinary action to be taken for "improper conduct in a professional respect" in order to cover cases that do not amount to "infamous or disgraceful conduct in a professional respect".

SECTION 7. This new section contains the provisions applicable to physicians who become mentally ill that were formerly in section 32 of the Act. They are now enlarged to cover also physicians who have been declared to be incapable of managing their affairs as the result of mental infirmity, habitual drunkenness or drug addiction. The same right of appeal to the Court of Appeal applies in these cases as applies in other cases of suspension.

(2) The Council or the executive committee may, and upon the application of any four registered medical practitioners shall, cause inquiry to be made into the case of a person alleged to be liable to have his name erased under this section and, on proof of such conviction or such infamous, disgraceful or improper conduct, the Council shall cause the name of such person to be erased from the register. ^{Inquiry}

(2a) The name of a person shall not be erased under this section on account of his adopting, or refraining from adopting, the practice of any particular theory of medicine or surgery, nor on account of a conviction for a political offence out of Her Majesty's realms and territories, nor on account of a conviction for an offence which though within this section ought not, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person from practising medicine, surgery or midwifery. ^{Saving}

7. *The Medical Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 228,
amended

33a.—(1) Whenever a registered medical practitioner has been declared, certified, adjudged or found to be mentally incompetent or mentally ill or incapable of managing his affairs as the result of mental illness, habitual drunkenness or the use of drugs pursuant to the relevant statutes in that behalf, the committee of the person or property of such practitioner shall forthwith notify the Registrar in writing, stating the particulars of the declaration, certification, judgment or order so made, and the name and address of the committee, and upon receipt of such notification the Registrar shall forthwith suspend the registration of such practitioner and record such suspension in the register. Suspension
of registra-
tion when
mentally ill,
etc.

(2) Whenever, pursuant to certification by a court or voluntary application or otherwise, a registered medical practitioner is admitted for care and treatment of mental illness to a hospital or institution within the meaning of *The Mental Hospitals Act* or *The Psychiatric Hospitals Act* and remains in such hospital or institution for care and treatment after the expiration of sixty days from the day of his Idem
R.S.O. 1950,
cc. 229, 301

admission, the registration of such practitioner shall be deemed to be suspended as of the sixty-first day from the day of his admission and the administrator, superintendent or supervisor of such hospital or institution shall thereupon forthwith report such facts to the Registrar, who shall forthwith record such suspension in the register unless it has been previously recorded therein under subsection 1.

Notice of
release or
discharge

- (3) Upon the release or discharge of the practitioner from the hospital or institution, the administrator, superintendent or supervisor thereof shall forthwith notify the Registrar of such release or discharge.

Termination
of
suspension,
cases under
subs. 1

- (4) Whenever a practitioner whose registration has been suspended under subsection 1 is declared, certified, adjudged or found to be mentally competent or capable of managing his affairs by final declaration, certification, judgment or order, the Registrar shall, upon receipt of a certified copy thereof, forthwith terminate the suspension of such practitioner by an entry in the register.

Idem, cases
under subs. 2

- (5) Any practitioner whose registration has been suspended under subsection 2 may apply to the Council for termination of the suspension of his registration, and the Council shall inquire into and determine the matter, but shall not terminate the suspension unless it is satisfied beyond reasonable doubt that the mental condition of the practitioner is such that, having due regard to the public interest, the suspension of his registration may properly be terminated.

Application
of ss. 35-39

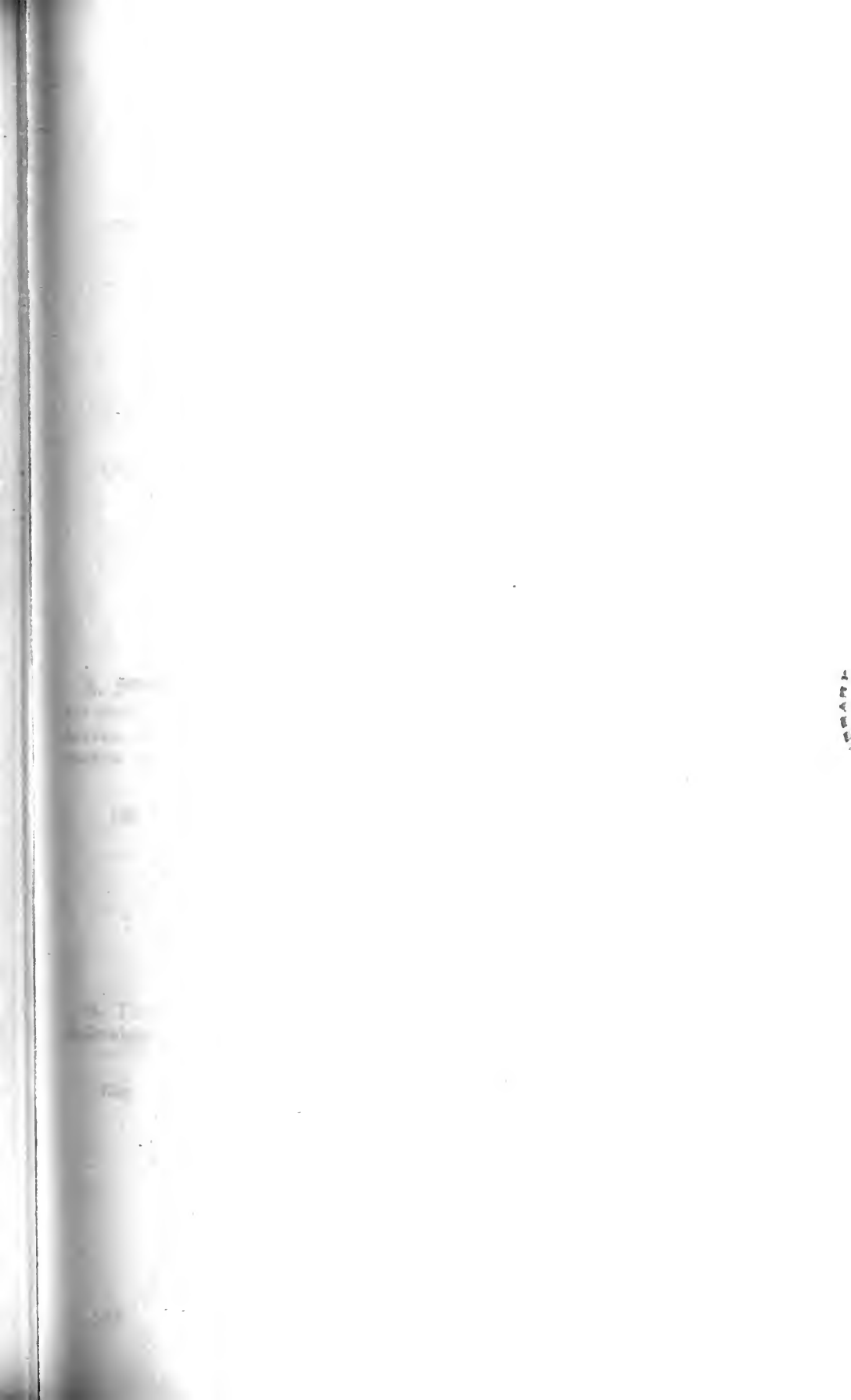
- (6) For the purposes of such inquiry and the termination of suspension of registration of any such practitioner, sections 35 to 39 apply, and the right of appeal mentioned in sections 36 and 37 applies to a person suspended under this section in the same manner as if his name had been erased from the register.

Hearing
in camera
upon request

- (7) If the applicant so requests, his application shall be heard in camera.

Entry on
Temporary
Register

- (8) Instead of directing the termination of suspension of registration of the practitioner, the Council may direct that his name be entered in the Temporary



SECTION 8. The words deleted are obsolete as section 43 no longer prescribes a minimum and maximum annual fee.

SECTION 9. Self-explanatory.

Register for such period and upon such terms and conditions as the Council prescribes.

- (9) Upon the practitioner's application for termination of the suspension of his registration, the Council and the committee appointed under section 35 are entitled to examine and to be furnished by the hospital or institution with a copy of the practitioner's record of admission, diagnosis, treatment and release, and all other papers, reports and records in their possession relating to the care, treatment and conduct of the practitioner. Examination of hospital records
- (10) The record of the proceedings upon the practitioner's application for termination of suspension of registration, including all evidence, documents and exhibits in connection therewith, shall be placed in a separate envelope or container and sealed by the Registrar and, except for the purposes of an appeal from the decision of the Council, shall be deemed to be privileged communications. Disposal of record

8. Subsection 1 of section 45 of *The Medical Act* is amended by striking out "subject always to the limit prescribed by section 43" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1950, c. 228, s. 45, subs. 1, amended

- (1) The provisions of sections 43 and 44 shall only continue in force so long as a by-law of the Council adopting the same remains in force, and the Council may repeal such by-law and may by by-law from time to time re-enact the said provisions in whole or in part, or with such modifications as the Council deems proper. Power of Council in respect of ss. 43, 44

9. *The Medical Act* is amended by adding thereto the following section: R.S.O. 1950, c. 228, amended

- 60a. The Council, subject to the approval of the Lieutenant Governor in Council, may make regulations prohibiting, regulating and controlling the use of the word "clinic" in connection with the practice of medicine, surgery or midwifery, and in particular may prescribe the minimum number and the classes of practitioners that may operate a clinic and the nature and extent of the services that they shall provide. Clinics

R.S.O. 1950,
c. 228,
Sched. A,
re-enacted

10. Schedule A to *The Medical Act* is repealed and the following substituted therefor:

SCHEDULE A

TERRITORIAL DIVISIONS

(CONSISTING OF THE FOLLOWING COUNTIES, DISTRICTS AND MUNICIPALITIES AS THEY EXIST TERRITORIALY AT THE TIME OF THE ELECTION AT WHICH THEY ARE APPLIED)

- | | |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 1—Essex
Kent
Lambton
Elgin | 6—Peterborough
Northumberland
Prince Edward
Hastings
Lennox and Addington
Frontenac
Renfrew
Leeds |
| 2—Middlesex
Norfolk
Oxford
Perth
Huron | 7—Lanark
Grenville
Carleton
Dundas
Stormont
Glengarry
Russell
Prescott |
| 3—Bruce
Grey
Dufferin
Waterloo
Brant
Wellington | 8—Haliburton
Muskoka
Parry Sound
Nipissing
Temiskaming
Manitoulin
Sudbury
Algoma
Cochrane |
| 4—Haldimand
Welland
Lincoln
Wentworth | 9—Thunder Bay
Rainy River
Kenora
Patricia |
| 5—Simcoe
Halton
Peel
York, except division 10
Ontario
Durham
Victoria | 10—The Municipality of
Metropolitan Toronto |

Application
of ss. 1, 10

11. Sections 1 and 10 do not take effect until the next quadrennial election of members of the Council, except in the case of an election to fill a vacancy.

Short title

12. This Act may be cited as *The Medical Amendment Act, 1960*.

SECTION 10. For the purpose of electing members of the Council, Ontario is divided into territorial divisions. The number is now increased from 9 to 10 by dividing Northern Ontario into 2 divisions, Northern Ontario and Northwestern Ontario (Nos. 8 and 9). Also, Metropolitan Toronto replaces the City of Toronto as a division (No. 10).

SECTION 11. Self-explanatory.



2000
1111

An Act to amend The Medical Act

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 103

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Medical Act

MR. DYMOND

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



BILL 103

1960

An Act to amend The Medical Act

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

1.—(1) Clauses *c* and *d* of subsection 1 of section 3 of *The Medical Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 228, s. 3,
subs. 1,
cl. *c*,
re-enacted;
cl. *d*,
repealed

(*c*) Twelve members to be elected in the manner herein-after provided from amongst and by the registered members of the profession other than those mentioned in clauses *a* and *b*.

Representatives of
profession

(2) Subsection 4 of the said section 3 is amended by striking out "ten" in the first line and inserting in lieu thereof "twelve".

R.S.O. 1950,
c. 228, s. 3,
subs. 4,
amended

(3) Subsection 5 of the said section 3 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 228, s. 3,
subs. 5,
re-enacted

(5) One member shall be elected from each territorial division numbered 1 to 9 inclusive in Schedule A by the registered practitioners of medicine resident in the division and three members shall be elected from territorial division numbered 10 in Schedule A by the registered practitioners of medicine resident in that division.

How
divisions
to be
represented

(6) The manner of holding such election shall, with respect to the time thereof and the taking of votes therefor, be determined by by-law of the Council and, in default of such by-law being passed, the Lieutenant Governor in Council shall prescribe the time and manner of holding such election.

Manner of
holding
election

2. Subsection 6 of section 4 of *The Medical Act* is repealed.

R.S.O. 1950,
c. 228, s. 4,
subs. 6,
repealed

R.S.O. 1950,
c. 228, s. 5,
amended

3. Section 5 of *The Medical Act* is amended by adding thereto the following subsection:

Persons not
entitled to
vote, etc.

- (2) A person who is registered only in the "Educational Register" or the "Temporary Register" is not entitled to be nominated or elected as a member of the Council or to vote in any election of members of the Council.

R.S.O. 1950,
c. 228, s. 19^a
(1952, c. 55,
s. 1),
subs. 1,
amended

4. Subsection 1 of section 19^a of *The Medical Act*, as enacted by section 1 of *The Medical Amendment Act, 1952*, is amended by striking out "College" in the first line and inserting in lieu thereof "Council".

R.S.O. 1950,
c. 228, s. 22,
re-enacted

5. Section 22 of *The Medical Act* is repealed and the following substituted therefor:

Temporary
Register

- 22.—(1) The Council may by by-law establish and maintain a register to be known as the "Temporary Register" and may from time to time make regulations respecting the persons or classes of persons who may be registered therein, the qualifications to be required of such persons, the fees payable by those so registered, and the conditions, limitations and restrictions applicable to such persons.

Effect of
registration

- (2) The persons registered in the Temporary Register are entitled to practise medicine, surgery and midwifery and shall be deemed to be registered medical practitioners only for the period, in the manner, to the extent, and subject to the conditions, limitations and restrictions set out in the regulations applicable to such persons.

Removal of
name from
Register

- (3) Upon any person so registered ceasing to comply, either as a result of circumstances or default, with the terms of the regulations applicable, the Registrar shall remove the name of such person from the Temporary Register.

R.S.O. 1950,
c. 228, s. 32,
subs. 1, 2,
re-enacted

6. Subsections 1 and 2 of section 32 of *The Medical Act* are repealed and the following substituted therefor:

Erasure
from
register

- (1) Where a registered medical practitioner has, either before or after he is registered, been convicted in Canada of an indictable offence or elsewhere of an offence which, if committed in Canada, would be an indictable offence, or been guilty of any infamous, disgraceful or improper conduct in a professional respect, such practitioner is liable to have his name erased from the register.

(2) The Council or the executive committee may, and ^{Inquiry} upon the application of any four registered medical practitioners shall, cause inquiry to be made into the case of a person alleged to be liable to have his name erased under this section and, on proof of such conviction or such infamous, disgraceful or improper conduct, the Council shall cause the name of such person to be erased from the register.

(2a) The name of a person shall not be erased under this ^{Saving} section on account of his adopting, or refraining from adopting, the practice of any particular theory of medicine or surgery, nor on account of a conviction for a political offence out of Her Majesty's realms and territories, nor on account of a conviction for an offence which though within this section ought not, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person from practising medicine, surgery or midwifery.

7. *The Medical Act* is amended by adding thereto the ^{R.S.O. 1950} following section: ^{c. 228,} ^{amended}

33a.—(1) Whenever a registered medical practitioner ^{Suspension} has been declared, certified, adjudged or found to ^{of registra-} be mentally incompetent or mentally ill or incapable ^{tion when} of managing his affairs as the result of mental illness, ^{mentally ill,} habitual drunkenness or the use of drugs pursuant ^{etc.} to the relevant statutes in that behalf, the committee of the person or property of such practitioner shall forthwith notify the Registrar in writing, stating the particulars of the declaration, certification, judgment or order so made, and the name and address of the committee, and upon receipt of such notification the Registrar shall forthwith suspend the registration of such practitioner and record such suspension in the register.

(2) Whenever, pursuant to certification by a court or ^{Idem} voluntary application or otherwise, a registered medical practitioner is admitted for care and treatment of mental illness to a hospital or institution within the meaning of *The Mental Hospitals Act* or *The Psychiatric Hospitals Act* and remains in such ^{R.S.O. 1950,} hospital or institution for care and treatment after ^{cc. 229, 301} the expiration of sixty days from the day of his

admission, the registration of such practitioner shall be deemed to be suspended as of the sixty-first day from the day of his admission and the administrator, superintendent or supervisor of such hospital or institution shall thereupon forthwith report such facts to the Registrar, who shall forthwith record such suspension in the register unless it has been previously recorded therein under subsection 1.

Notice of
release or
discharge

- (3) Upon the release or discharge of the practitioner from the hospital or institution, the administrator, superintendent or supervisor thereof shall forthwith notify the Registrar of such release or discharge.

Termination
of
suspension,
cases under
subs. 1

- (4) Whenever a practitioner whose registration has been suspended under subsection 1 is declared, certified, adjudged or found to be mentally competent or capable of managing his affairs by final declaration, certification, judgment or order, the Registrar shall, upon receipt of a certified copy thereof, forthwith terminate the suspension of such practitioner by an entry in the register.

Idem, cases
under subs. 2

- (5) Any practitioner whose registration has been suspended under subsection 2 may apply to the Council for termination of the suspension of his registration, and the Council shall inquire into and determine the matter, but shall not terminate the suspension unless it is satisfied beyond reasonable doubt that the mental condition of the practitioner is such that, having due regard to the public interest, the suspension of his registration may properly be terminated.

Application
of ss. 35-39

- (6) For the purposes of such inquiry and the termination of suspension of registration of any such practitioner, sections 35 to 39 apply, and the right of appeal mentioned in sections 36 and 37 applies to a person suspended under this section in the same manner as if his name had been erased from the register.

Hearing
in camera
upon request

- (7) If the applicant so requests, his application shall be heard in camera.

Entry on
Temporary
Register

- (8) Instead of directing the termination of suspension of registration of the practitioner, the Council may direct that his name be entered in the Temporary

Register for such period and upon such terms and conditions as the Council prescribes.

- (9) Upon the practitioner's application for termination of the suspension of his registration, the Council and the committee appointed under section 35 are entitled to examine and to be furnished by the hospital or institution with a copy of the practitioner's record of admission, diagnosis, treatment and release, and all other papers, reports and records in their possession relating to the care, treatment and conduct of the practitioner. Examination of hospital records
- (10) The record of the proceedings upon the practitioner's application for termination of suspension of registration, including all evidence, documents and exhibits in connection therewith, shall be placed in a separate envelope or container and sealed by the Registrar and, except for the purposes of an appeal from the decision of the Council, shall be deemed to be privileged communications. Disposal of record

8. Subsection 1 of section 45 of *The Medical Act* is amended by striking out "subject always to the limit prescribed by section 43" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1950, c. 228, s. 45, subs. 1, amended

- (1) The provisions of sections 43 and 44 shall only continue in force so long as a by-law of the Council adopting the same remains in force, and the Council may repeal such by-law and may by by-law from time to time re-enact the said provisions in whole or in part, or with such modifications as the Council deems proper. Power of Council in respect of ss. 43, 44

9. *The Medical Act* is amended by adding thereto the following section: R.S.O. 1950, c. 228, amended

- 60a.** The Council, subject to the approval of the Lieutenant Governor in Council, may make regulations prohibiting, regulating and controlling the use of the word "clinic" in connection with the practice of medicine, surgery or midwifery, and in particular may prescribe the minimum number and the classes of practitioners that may operate a clinic and the nature and extent of the services that they shall provide. Clinics

R.S.O. 1950,
c. 228,
Sched. A,
re-enacted

10. Schedule A to *The Medical Act* is repealed and the following substituted therefor:

SCHEDULE A

TERRITORIAL DIVISIONS

(CONSISTING OF THE FOLLOWING COUNTIES, DISTRICTS AND MUNICIPALITIES AS THEY EXIST TERRITORIALY AT THE TIME OF THE ELECTION AT WHICH THEY ARE APPLIED)

- | | |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 1—Essex
Kent
Lambton
Elgin | 6—Peterborough
Northumberland
Prince Edward
Hastings
Lennox and Addington
Frontenac
Renfrew
Leeds |
| 2—Middlesex
Norfolk
Oxford
Perth
Huron | 7—Lanark
Grenville
Carleton
Dundas
Stormont
Glengarry
Russell
Prescott |
| 3—Bruce
Grey
Dufferin
Waterloo
Brant
Wellington | 8—Haliburton
Muskoka
Parry Sound
Nipissing
Temiskaming
Manitoulin
Sudbury
Algoma
Cochrane |
| 4—Haldimand
Welland
Lincoln
Wentworth | 9—Thunder Bay
Rainy River
Kenora
Patricia |
| 5—Simcoe
Halton
Peel
York, except division 10
Ontario
Durham
Victoria | 10—The Municipality of
Metropolitan Toronto |

Application
of ss. 1, 10

11. Sections 1 and 10 do not take effect until the next quadrennial election of members of the Council, except in the case of an election to fill a vacancy.

Short title

12. This Act may be cited as *The Medical Amendment Act, 1960*.



1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

Mr. DYMOND

BILL 104

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Mental Hospitals Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. The section as re-enacted clarifies the position of the Public Trustee in relation to patients in mental hospitals by excluding committeeship in cases where it is unnecessary or impracticable.

SECTION 2. This new section is designed to ensure that any action brought on behalf of a mental patient is in the patient's interests and is not brought for some ulterior purpose.

BILL 104

1960

**An Act to amend
The Mental Hospitals Act**

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

1. Section 69 of *The Mental Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 229, s. 69,
re-enacted

69. The Public Trustee shall not be committee of the estate of, Where
Public
Trustee
not
committee

(a) a voluntary patient;

(b) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations; or

(c) an habitue patient during the period he is admitted temporarily under section 48,

unless the patient in writing, signed and sealed by him, appoints the Public Trustee as committee or the Supreme Court appoints the Public Trustee as committee.

2. *The Mental Hospitals Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 229,
amended

72a. No person, other than the Public Trustee, shall bring an action as next friend of a person of whose estate the Public Trustee is committee under this Act or an order made under this Act without the leave of a judge of the Supreme Court, and the Public Trustee shall be served with notice of the application for such leave. Where no
action
without
leave

R.S.O. 1950,
c. 229,
amended **3.** *The Mental Hospitals Act* is amended by adding thereto
the following sections:

Nature of
proceeds
of sale,
mortgage,
etc.

74a. A person of whose estate the Public Trustee is committee under this Act or an order made under this Act and his heirs, executors, administrators, next-of-kin, legatees, devisees and assigns shall have the same interest in any money or other property, real or personal, arising from any sale, mortgage, exchange or other disposition by the Public Trustee acting as such committee as they would have had in the property the subject of the sale, mortgage, exchange or other disposition if no sale, mortgage, exchange or other disposition had been made, and the surplus money or property shall be of the same nature as the property sold, mortgaged, exchanged or disposed of.

When power
of attorney
void

74b. Upon the Public Trustee becoming committee under this Act or an order made under this Act of the estate of a person, every power of attorney of such person is void.

R.S.O. 1950,
c. 229, s. 77,
re-enacted **4.** Section 77 of *The Mental Hospitals Act* is repealed and
the following substituted therefor:

Lien for
costs, etc.

77.—(1) The costs, charges and expenses of the Public Trustee, including the costs, charges and expenses of or arising from or out of the passing of his accounts, whether before or after the discharge or death of a person of whose estate he is committee under this Act or an order made under this Act, and any moneys advanced or liability incurred by him for or on behalf of such person or for the maintenance of such person's family are a lien upon the real and personal property of such person.

Notice of
lien, real
property

(2) In the case of real property, the Public Trustee may register in the proper registry or land titles office a certificate under his hand and seal of office giving notice of the lien claimed and the real property against which it is claimed.

Withholding
moneys to
secure
costs

(3) Where the Public Trustee is proceeding to have his accounts passed after the discharge or death of a person referred to in subsection 1, the Public Trustee may withhold sufficient moneys from the person's estate to adequately secure the costs of or arising from or out of the passing of such accounts.

SECTION 3. Section 74a is new; it is similar in principle to section 18(1) of *The Mental Incompetency Act* and is designed to clarify the situation where, for example, the Public Trustee is obliged to sell property that has been specifically devised in order to maintain the patient or his family.

Section 74b is new. It is designed to prevent the transfer under a power of attorney of a patient's property by an attorney after the Public Trustee has been made committee but before he has had time to serve the attorney with notice of cancellation.

SECTION 4. The section is re-enacted in order to clarify its intent and to adequately protect the Public Trustee for his costs in passing the accounts of a discharged or deceased patient.

SECTION 5. The section is re-enacted in order to clarify the court's powers to make orders in a former patient's interests in the circumstances mentioned.

SECTION 6. This amendment is designed to avoid the necessity of the Public Trustee taking over property and administering it in cases where non-intervention is in the interests of the patient and his family.

5. Section 82 of *The Mental Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 229, s. 82,
re-enacted

82. Where a person discharged from an institution may not, in the opinion of the Public Trustee based upon the report of the superintendent of the institution, be competent to manage his affairs or such person has refused or neglected to take his property or any part thereof from the Public Trustee, the Public Trustee may apply to the Supreme Court for directions as to the disposal of such property, and the court may make such order in the premises as it deems just, and may in its discretion order that the Public Trustee continue to administer the estate of such discharged patient with all the rights and powers that the Public Trustee would have had under this Act if the person had not been discharged from the institution. Continuance
of commit-
teeship

6. Section 85 of *The Mental Hospitals Act* is amended by adding at the end thereof "or any part thereof or to take charge of any of his property", so that the section shall read as follows: R.S.O. 1950,
c. 229, s. 85,
amended

85. Nothing in this Act shall make it the duty of the Public Trustee to institute proceedings on behalf of a patient or to intervene in respect of his estate or any part thereof or to take charge of any of his property. Exception
from
statutory
duty of
Public
Trustee

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

8. This Act may be cited as *The Mental Hospitals Amendment Act, 1960*. Short title

An Act to amend
The Mental Hospitals Act

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. DYMOND

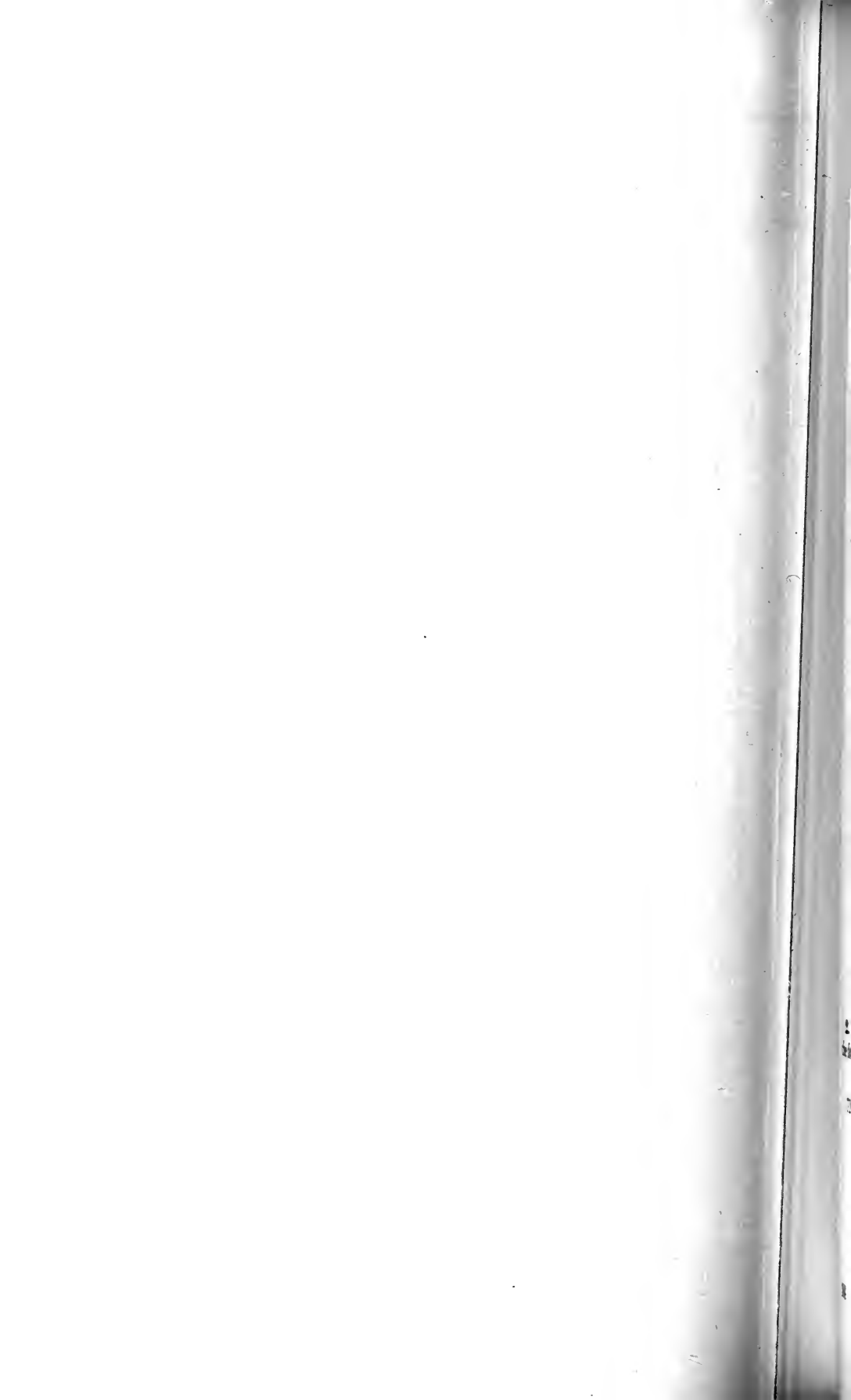
BILL 104

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Mental Hospitals Act

MR. DYMOND

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



BILL 104

1960

An Act to amend The Mental Hospitals Act

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

1. Section 69 of *The Mental Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 229, s. 69,
re-enacted

69. The Public Trustee shall not be committee of the estate of, Where
Public
Trustee
not
committee

(a) a voluntary patient;

(b) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations; or

(c) an habitue patient during the period he is admitted temporarily under section 48,

unless the patient in writing, signed and sealed by him, appoints the Public Trustee as committee or the Supreme Court appoints the Public Trustee as committee.

2. *The Mental Hospitals Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 229,
amended

72a. No person, other than the Public Trustee, shall bring an action as next friend of a person of whose estate the Public Trustee is committee under this Act or an order made under this Act without the leave of a judge of the Supreme Court, and the Public Trustee shall be served with notice of the application for such leave. Where no
action
without
leave

R.S.O. 1950,
c. 229,
amended

3. *The Mental Hospitals Act* is amended by adding thereto the following sections:

Nature of
proceeds
of sale,
mortgage,
etc.

74a. A person of whose estate the Public Trustee is committee under this Act or an order made under this Act and his heirs, executors, administrators, next-of-kin, legatees, devisees and assigns shall have the same interest in any money or other property, real or personal, arising from any sale, mortgage, exchange or other disposition by the Public Trustee acting as such committee as they would have had in the property the subject of the sale, mortgage, exchange or other disposition if no sale, mortgage, exchange or other disposition had been made, and the surplus money or property shall be of the same nature as the property sold, mortgaged, exchanged or disposed of.

When power
of attorney
void

74b. Upon the Public Trustee becoming committee under this Act or an order made under this Act of the estate of a person, every power of attorney of such person is void.

R.S.O. 1950,
c. 229, s. 77,
re-enacted

4. Section 77 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Lien for
costs, etc.

77.—(1) The costs, charges and expenses of the Public Trustee, including the costs, charges and expenses of or arising from or out of the passing of his accounts, whether before or after the discharge or death of a person of whose estate he is committee under this Act or an order made under this Act, and any moneys advanced or liability incurred by him for or on behalf of such person or for the maintenance of such person's family are a lien upon the real and personal property of such person.

Notice of
lien, real
property

(2) In the case of real property, the Public Trustee may register in the proper registry or land titles office a certificate under his hand and seal of office giving notice of the lien claimed and the real property against which it is claimed.

Withholding
moneys to
secure
costs

(3) Where the Public Trustee is proceeding to have his accounts passed after the discharge or death of a person referred to in subsection 1, the Public Trustee may withhold sufficient moneys from the person's estate to adequately secure the costs of or arising from or out of the passing of such accounts.

5. Section 82 of *The Mental Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 229, s. 82, re-enacted

82. Where a person discharged from an institution may not, in the opinion of the Public Trustee based upon the report of the superintendent of the institution, be competent to manage his affairs or such person has refused or neglected to take his property or any part thereof from the Public Trustee, the Public Trustee may apply to the Supreme Court for directions as to the disposal of such property, and the court may make such order in the premises as it deems just, and may in its discretion order that the Public Trustee continue to administer the estate of such discharged patient with all the rights and powers that the Public Trustee would have had under this Act if the person had not been discharged from the institution. Continuance of commitment-eeship

6. Section 85 of *The Mental Hospitals Act* is amended by adding at the end thereof "or any part thereof or to take charge of any of his property", so that the section shall read as follows: R.S.O. 1950, c. 229, s. 85, amended

85. Nothing in this Act shall make it the duty of the Public Trustee to institute proceedings on behalf of a patient or to intervene in respect of his estate or any part thereof or to take charge of any of his property. Exception from statutory duty of Public Trustee

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

8. This Act may be cited as *The Mental Hospitals Amendment Act, 1960*. Short title



BRAND
11

The Mental Hospitals Act

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 25th, 1960

Mr. DYMOND

BILL 105

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Pharmacy Act, 1953

MR. DYMOND

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

EXPLANATORY NOTES

SECTION 1. This amendment will enable the Lieutenant Governor in Council to extend the meaning of "drug" from time to time as required.

SECTION 2. Section 22 of the Act is broadened and clarified.

Section 22*a* is new. It is designed to obviate the necessity of a Dominion or Provincial analyst attending trial in person where his evidence is not in question.

SECTION 3. This section is new. It is self-explanatory.

An Act to amend The Pharmacy Act, 1953

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

1. Clause *d* of section 1 of *The Pharmacy Act, 1953*, as re-enacted by section 1 of *The Pharmacy Amendment Act, 1957*, is amended by adding "or" at the end of subclause iii and by adding thereto the following subclause:

1953, c. 79,
s. 1,
cl. *d* (1957,
c. 91, s. 1),
amended

(iv) any substance that is named by regulation made by the Lieutenant Governor in Council.

2. Section 22 of *The Pharmacy Act, 1953* is repealed and the following substituted therefor:

1953, c. 79,
s. 22,
re-enacted

22. A copy of any writing, paper or document furnished to the registrar pursuant to this Act or any statement containing information from the records required to be kept by the registrar under this Act purporting to be certified by the registrar under the seal of the College is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the registrar and without proof of the seal.

Registrar's
certificate
as evidence

22a. In any prosecution under this Act, a certificate to the analysis of any drug or poison purporting to be signed by a Dominion or Provincial analyst is admissible in evidence as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the analyst.

Analyst's
certificate
as evidence

3. *The Pharmacy Act, 1953* is amended by adding thereto the following section:

1953, c. 79,
amended

26a. The Council, with the approval of the Lieutenant Governor in Council, may make regulations prescribing the books and records to be kept, returns to be

Books,
records,
returns, etc.,
of
pharmacies

made and information to be furnished with respect to pharmacies and the examination and audit that shall be made of such books and records.

1953, c. 79,
s. 27, subs. 1,
amended

4.—(1) Subsection 1 of section 27 of *The Pharmacy Act, 1953* is amended by inserting after “cancelled” in the third line “or that the registration of any person be suspended for such time as the Council or the discipline committee deems proper”, so that the subsection, exclusive of the clauses and the last three lines, shall read as follows:

Cancellation
and sus-
pension of
registration

(1) The Council or the discipline committee appointed under a by-law passed by the Council may direct that the registration of any person be cancelled or that the registration of any person be suspended for such time as the Council or the discipline committee deems proper,

1953, c. 79,
s. 27, subs. 3,
amended

(2) Subsection 3 of the said section 27 is amended by inserting after “cancels” in the first line “or suspends”, so that the subsection shall read as follows:

Hearing

(3) Before the Council or discipline committee cancels or suspends any registration under this section, it shall afford the person against whom the complaint has been made an opportunity of appearing before it and of presenting such evidence and making such representations as he desires.

1953, c. 79,
s. 27, subs. 4,
amended

(3) Subsection 4 of the said section 27 is amended by inserting after “cancelled” in the second line “or suspended”, so that the subsection shall read as follows:

Effect of
cancellation
or sus-
pension of
registration

(4) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section shall not operate a pharmacy either on his own behalf or as an employee and shall not act as a director or vote or interfere as a shareholder in a corporation operating a pharmacy.

1953, c. 79,
s. 27, subs. 5,
amended

(4) Subsection 5 of the said section 27 is amended by inserting after “cancelled” in the second line “or suspended”, so that the subsection shall read as follows:

Review

(5) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section may within three months apply to a judge of the Supreme Court and the judge may review the decision of the Council and may make such order and give such directions as he may deem proper and his decision shall be final.

SECTION 4. These amendments authorize the suspension of registration in addition to the present power of cancellation of registration.

REAR 4

SECTIONS 5 and 6. The maximum fines for the different types of offences under the Act are increased as set out in the amendments.

(5) Subsection 6 of the said section 27 is amended by 1953, c. 79, inserting after "cancelled" in the second line "or suspended", ^{s. 27, subs. 6,} amended so that the subsection shall read as follows:

(6) The Council may upon application reinstate a person ^{Reinstatement} whose registration has been cancelled or suspended under this section.

5.—(1) Subsection 1 of section 57 of *The Pharmacy Act, 1953*, c. 79, 1953 is amended by striking out "\$250" in the ninth line and ^{s. 57, subs. 1,} inserting in lieu thereof "\$500" and by striking out "\$500" in the eleventh line and inserting in lieu thereof "\$1,000".

(2) Subsection 2 of the said section 57 is amended by 1953, c. 79, striking out "\$150" in the ninth line and inserting in lieu ^{s. 57, subs. 2,} thereof "\$500" and by striking out "\$200" in the tenth line and inserting in lieu thereof "\$1,000".

6. Section 58 of *The Pharmacy Act, 1953* is amended by 1953, c. 79, striking out "\$100" in the fifth line and inserting in lieu ^{s. 58,} thereof "\$250".

7. This Act may be cited as *The Pharmacy Amendment* ^{Short title} Act, 1960.

AN ACT TO AMEND
The Pharmacy Act, 1953

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 105

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Pharmacy Act, 1953

MR. DYMOND

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

BILL 105

1960

An Act to amend The Pharmacy Act, 1953

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

1. Clause *d* of section 1 of *The Pharmacy Act, 1953*, as re-enacted by section 1 of *The Pharmacy Amendment Act, 1957*, is amended by adding "or" at the end of subclause iii and by adding thereto the following subclause:

1953, c. 79,
s. 1,
cl. *d* (1957,
c. 91, s. 1),
amended

(iv) any substance that is named by regulation made by the Lieutenant Governor in Council.

2. Section 22 of *The Pharmacy Act, 1953* is repealed and the following substituted therefor:

1953, c. 79,
s. 22,
re-enacted

22. A copy of any writing, paper or document furnished to the registrar pursuant to this Act or any statement containing information from the records required to be kept by the registrar under this Act purporting to be certified by the registrar under the seal of the College is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the registrar and without proof of the seal.

Registrar's
certificate
as evidence

22a. In any prosecution under this Act, a certificate as to the analysis of any drug or poison purporting to be signed by a Dominion or Provincial analyst is admissible in evidence as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the analyst.

Analyst's
certificate
as evidence

3. *The Pharmacy Act, 1953* is amended by adding thereto the following section:

1953, c. 79,
amended

26a. The Council, with the approval of the Lieutenant Governor in Council, may make regulations prescribing the books and records to be kept, returns to be

Books,
records,
returns, etc.,
of
pharmacies

made and information to be furnished with respect to pharmacies and the examination and audit that shall be made of such books and records.

1953, c. 79,
s. 27, subs. 1,
amended

1.—(1) Subsection 1 of section 27 of *The Pharmacy Act, 1953* is amended by inserting after "cancelled" in the third line "or that the registration of any person be suspended for such time as the Council or the discipline committee deems proper", so that the subsection, exclusive of the clauses and the last three lines, shall read as follows:

Cancellation
and sus-
pension of
registration

(1) The Council or the discipline committee appointed under a by-law passed by the Council may direct that the registration of any person be cancelled or that the registration of any person be suspended for such time as the Council or the discipline committee deems proper,

.

1953, c. 79,
s. 27, subs. 3,
amended

(2) Subsection 3 of the said section 27 is amended by inserting after "cancels" in the first line "or suspends", so that the subsection shall read as follows:

Hearing

(3) Before the Council or discipline committee cancels or suspends any registration under this section, it shall afford the person against whom the complaint has been made an opportunity of appearing before it and of presenting such evidence and making such representations as he desires.

1953, c. 79,
s. 27, subs. 4,
amended

(3) Subsection 4 of the said section 27 is amended by inserting after "cancelled" in the second line "or suspended", so that the subsection shall read as follows:

Effect of
cancellation
or sus-
pension of
registration

(4) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section shall not operate a pharmacy either on his own behalf or as an employee and shall not act as a director or vote or interfere as a shareholder in a corporation operating a pharmacy.

1953, c. 79,
s. 27, subs. 5,
amended

(4) Subsection 5 of the said section 27 is amended by inserting after "cancelled" in the second line "or suspended", so that the subsection shall read as follows:

Review

(5) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section may within three months apply to a judge of the Supreme Court and the judge may review the decision of the Council and may make such order and give such directions as he may deem proper and his decision shall be final.

(5) Subsection 6 of the said section 27 is amended by ^{1953, c. 79,} inserting after "cancelled" in the second line "or suspended", ^{s. 27, subs. 6,} amended so that the subsection shall read as follows:

(6) The Council may upon application reinstate a person ^{Reinstatement} whose registration has been cancelled or suspended under this section.

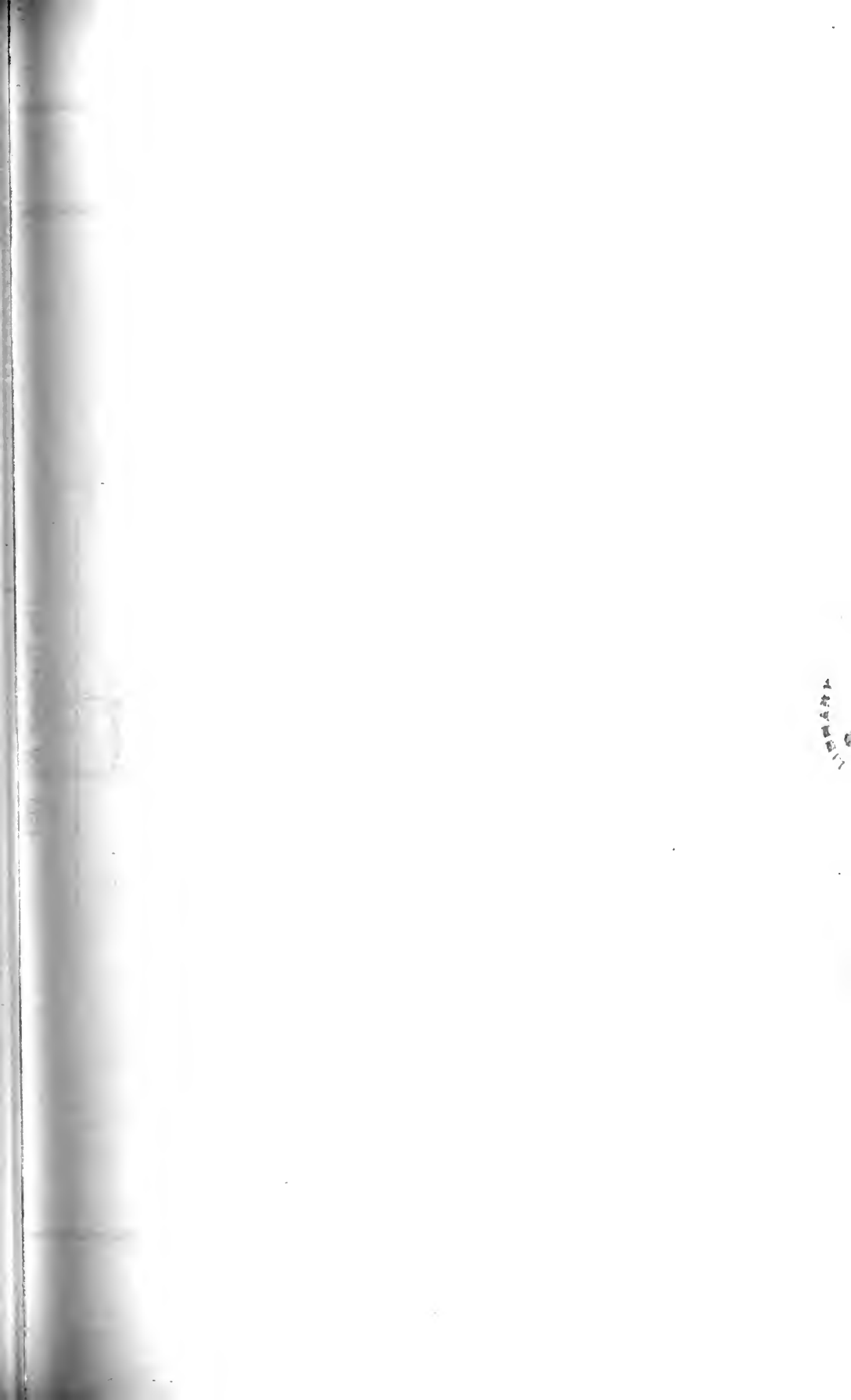
5.—(1) Subsection 1 of section 57 of *The Pharmacy Act, 1953*, ^{1953, c. 79,} is amended by striking out "\$250" in the ninth line and ^{s. 57, subs. 1,} amended inserting in lieu thereof "\$500" and by striking out "\$500" in the eleventh line and inserting in lieu thereof "\$1,000".

(2) Subsection 2 of the said section 57 is amended by ^{1953, c. 79,} striking out "\$150" in the ninth line and inserting in lieu ^{s. 57, subs. 2,} amended thereof "\$500" and by striking out "\$200" in the tenth line and inserting in lieu thereof "\$1,000".

6. Section 58 of *The Pharmacy Act, 1953* is amended by ^{1953, c. 79,} striking out "\$100" in the fifth line and inserting in lieu ^{s. 58,} amended thereof "\$250".

7. This Act may be cited as *The Pharmacy Amendment* ^{Short title} *Act, 1960*.





ALL ACTS TO AMEND
The Pharmacy Act, 1953

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. DYMOND

BILL 106

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Psychiatric Hospitals Act**

MR. DYMOND

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

EXPLANATORY NOTE

Experience has indicated that the intervention of the Public Trustee as committee of the assets of patients (i.e., responsible for the collection, safe keeping and administration of assets) in the Toronto Psychiatric Hospital is unwarranted in all cases. Intervention is required in all cases under the present Act.

This Bill is designed to cut down this general duty. It authorizes the Public Trustee to act as committee, (1) where the superintendent is satisfied that he should act, and (2) upon direction of a patient.

An Act to amend
The Psychiatric Hospitals Act

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

1. Section 18 of *The Psychiatric Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 301, s. 18,
re-enacted

18. If at any time after the admission of a person as a resident patient in a psychiatric hospital its superintendent finds that such person has real or personal property that requires to be administered and that such person cannot administer because of his confinement in the hospital, he may deliver to the Public Trustee a notice of admission and a financial statement of such person's affairs in the form provided by the regulations under *The Mental Hospitals Act* for use on the admission of certificated patients to an institution under that Act, together with, Public
Trustee as
committee

R.S.O. 1950,
c. 229

- (a) a certificate of such superintendent that based upon the examination and written reports of two medical practitioners, one of whom may be the superintendent, he is of opinion that such person is mentally incompetent or is, through mental infirmity arising from disease, age or other cause, or by reason of habitual drunkenness, or the use of drugs, incapable of managing his affairs; or
- (b) a writing under seal signed by such person appointing the Public Trustee as committee of such person's estate accompanied by a certificate of such superintendent that the person who has executed such writing under seal is aware of its contents and that in the

opinion of the superintendent he was at the time of such execution capable of understanding its nature and effect,

and the Public Trustee, upon receipt of such documents, shall be the committee of the estate of such person in the same manner and to the same extent as in the case of a person admitted as a certificated patient to an institution under *The Mental Hospitals Act*.

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 Psychiatric Hospitals Amendment Act, 1960*.



1900

1900

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 106

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Psychiatric Hospitals Act**

MR. DYMOND

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

BILL 106

1960

An Act to amend The Psychiatric Hospitals Act

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

1. Section 18 of *The Psychiatric Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 301, s. 18,
re-enacted

18. If at any time after the admission of a person as a resident patient in a psychiatric hospital its superintendent finds that such person has real or personal property that requires to be administered and that such person cannot administer because of his confinement in the hospital, he may deliver to the Public Trustee a notice of admission and a financial statement of such person's affairs in the form provided by the regulations under *The Mental Hospitals Act* for use on the admission of certificated patients to an institution under that Act, together with, Public
Trustee as
committee

R.S.O. 1950,
c. 229

- (a) a certificate of such superintendent that based upon the examination and written reports of two medical practitioners, one of whom may be the superintendent, he is of opinion that such person is mentally incompetent or is, through mental infirmity arising from disease, age or other cause, or by reason of habitual drunkenness, or the use of drugs, incapable of managing his affairs; or
- (b) a writing under seal signed by such person appointing the Public Trustee as committee of such person's estate accompanied by a certificate of such superintendent that the person who has executed such writing under seal is aware of its contents and that in the

opinion of the superintendent he was at the time of such execution capable of understanding its nature and effect,

and the Public Trustee, upon receipt of such documents, shall be the committee of the estate of such person in the same manner and to the same extent as in the case of a person admitted as a certificated patient to an institution under *The Mental Hospitals Act*.

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 Psychiatric Hospitals Amendment Act, 1960*.

MEMBER



1111111111

The Psychiatric Hospitals Act

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 25th, 1960

MR. DYMOND

BILL 107

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Cemeteries Act

MR. DYMOND

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

EXPLANATORY NOTES

SECTIONS 1, 2 and 3. The scope of these provisions is enlarged to include crematoria, columbaria and mausolea in order to bring the establishment, enlargement, alteration and use of these facilities under the control of the Department of Health.

BILL 107

1960

An Act to amend The Cemeteries Act

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

1. Section 2 of *The Cemeteries Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 46, s. 2, re-enacted

2. No cemetery shall be established or enlarged, and no crematorium, columbarium or mausoleum shall be established, enlarged, altered or used, until the approval of the Department has been applied for and obtained in the manner hereinafter provided. Establishment of cemeteries, etc.

2. Section 3 of *The Cemeteries Act*, as amended by section 2 of *The Cemeteries Amendment Act, 1957*, is further amended by inserting after "cemetery" in the fourth line "crematorium, columbarium or mausoleum", so that the section shall read as follows: R.S.O. 1950, c. 46, s. 3, amended

3. An application for such approval shall be made in writing to the council of the municipality, and the applicant shall submit therewith a detailed plan and description in duplicate of the land proposed to be acquired or used for cemetery, crematorium, columbarium or mausoleum purposes, together with such other information as the regulations may require. Application

3. *The Cemeteries Act* is amended by adding thereto the following section: R.S.O. 1950, c. 46, amended

7b. The provisions of this Act designated by the regulations apply *mutatis mutandis* to crematoria, columbaria and mausolea. Application of designated provisions to crematoria, etc.

R.S.O. 1950, c. 46, s. 8, subs. 1, cl. *i* (1953, c. 12, s. 1), re-enacted

4.—(1) Clause *i* of subsection 1 of section 8 of *The Cemeteries Act*, as enacted by section 1 of *The Cemeteries Amendment Act, 1953*, is repealed and the following substituted therefor:

- (i) prescribing the amount of money that shall be set aside for perpetual care by the owner, and regulating the method and manner of the computation of the amount of money so to be set aside, and prescribing the matters or things in and about the cemetery, columbarium or mausoleum upon which the owner may expend the income from perpetual care funds.

R.S.O. 1950, c. 46, s. 8, subs. 1, cl. *m* (1954, c. 6, s. 3), amended

(2) Clause *m* of subsection 1 of the said section 8, as enacted by section 3 of *The Cemeteries Amendment Act, 1954* and amended by subsection 4 of section 5 of *The Cemeteries Amendment Act, 1957*, is further amended by inserting after “17e” in the third line “and any cemetery that is not operated for gain from any other provisions of this Act”, so that the clause shall read as follows:

- (m) exempting any cemetery, mausoleum or columbarium or any class thereof from the application of section 7a, 17c, 17d or 17e and any cemetery that is not operated for gain from any other provisions of this Act, and prescribing the conditions under which such cemetery, mausoleum or columbarium or any class thereof shall be exempt therefrom, and any such regulation may have a retroactive effect; and

.

R.S.O. 1950, c. 46, s. 8, subs. 1, amended

(3) Subsection 1 of the said section 8, as amended by section 1 of *The Cemeteries Amendment Act, 1953*, section 3 of *The Cemeteries Amendment Act, 1954* and section 5 of *The Cemeteries Amendment Act, 1957*, is further amended by adding thereto the following clause:

- (o) designating the provisions of this Act that shall apply *mutatis mutandis* to crematoria, columbaria and mausolea.

R.S.O. 1950, c. 46, s. 16a (1954, c. 6, s. 4), subs. 2, re-enacted

5. Subsection 2 of section 16a of *The Cemeteries Act*, as re-enacted by section 4 of *The Cemeteries Amendment Act, 1954* and amended by section 6 of *The Cemeteries Amendment Act, 1957*, is repealed and the following substituted therefor:

Application of perpetual care income

- (2) The owner shall, out of the income of such investment, preserve and maintain in a proper manner in perpetuity all lots in a cemetery, or compartments

SECTION 4—Subsection 1. The intent is clarified. No change in principle.

Subsection 2. Self-explanatory.

Subsection 3. Complementary to section 3 of this Bill.

SECTION 5. The intent is clarified. No change in principle.

SECTION 6. Self-explanatory.

or crypts in the mausoleum or columbarium, as the case may be, and the owner may, out of such income, preserve and maintain tombs, monuments and enclosures and such other matters or things in or about the cemetery, mausoleum or columbarium as may be prescribed by the regulations.

6. Section 41 of *The Cemeteries Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 46, s. 41,
amended

(1a) The authority given to make by-laws under clause e Removal,
etc., of
monuments of section 1 includes authority to provide for the removal or re-arrangement of any monument or gravestone or other structure in any cemetery that the municipality or the police village, as the case may be, has been charged with maintaining under section 38.

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

8 This Act may be cited as *The Cemeteries Amendment Act, 1960*. Short title

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 107

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Cemeteries Act

MR. DYMOND

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



BILL 107

1960

An Act to amend The Cemeteries Act

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

1. Section 2 of *The Cemeteries Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 46, s. 2, re-enacted
 2. No cemetery shall be established or enlarged, and no crematorium, columbarium or mausoleum shall be established, enlarged, altered or used, until the approval of the Department has been applied for and obtained in the manner hereinafter provided. Establishment of cemeteries, etc.
2. Section 3 of *The Cemeteries Act*, as amended by section 2 of *The Cemeteries Amendment Act, 1957*, is further amended by inserting after "cemetery" in the fourth line "crematorium, columbarium or mausoleum", so that the section shall read as follows: R.S.O. 1950, c. 46, s. 3, amended
 3. An application for such approval shall be made in writing to the council of the municipality, and the applicant shall submit therewith a detailed plan and description in duplicate of the land proposed to be acquired or used for cemetery, crematorium, columbarium or mausoleum purposes, together with such other information as the regulations may require. Application
3. *The Cemeteries Act* is amended by adding thereto the following section: R.S.O. 1950, c. 46, amended
 - 7b. The provisions of this Act designated by the regulations apply *mutatis mutandis* to crematoria, columbaria and mausolea. Application of designated provisions to crematoria, etc.

R.S.O. 1950, c. 46, s. 8, subs. 1, cl. *i* (1953, c. 12, s. 1), re-enacted

4.—(1) Clause *i* of subsection 1 of section 8 of *The Cemeteries Act*, as enacted by section 1 of *The Cemeteries Amendment Act, 1953*, is repealed and the following substituted therefor:

- (i) prescribing the amount of money that shall be set aside for perpetual care by the owner, and regulating the method and manner of the computation of the amount of money so to be set aside, and prescribing the matters or things in and about the cemetery, columbarium or mausoleum upon which the owner may expend the income from perpetual care funds.

R.S.O. 1950, c. 46, s. 8, subs. 1, cl. *m* (1954, c. 6, s. 3), amended

(2) Clause *m* of subsection 1 of the said section 8, as enacted by section 3 of *The Cemeteries Amendment Act, 1954* and amended by subsection 4 of section 5 of *The Cemeteries Amendment Act, 1957*, is further amended by inserting after "17e" in the third line "and any cemetery that is not operated for gain from any other provisions of this Act", so that the clause shall read as follows:

- (m) exempting any cemetery, mausoleum or columbarium or any class thereof from the application of section 7a, 17c, 17d or 17e and any cemetery that is not operated for gain from any other provisions of this Act, and prescribing the conditions under which such cemetery, mausoleum or columbarium or any class thereof shall be exempt therefrom, and any such regulation may have a retroactive effect; and

.

R.S.O. 1950, c. 46, s. 8, subs. 1, amended

(3) Subsection 1 of the said section 8, as amended by section 1 of *The Cemeteries Amendment Act, 1953*, section 3 of *The Cemeteries Amendment Act, 1954* and section 5 of *The Cemeteries Amendment Act, 1957*, is further amended by adding thereto the following clause:

- (o) designating the provisions of this Act that shall apply *mutatis mutandis* to crematoria, columbaria and mausolea.

R.S.O. 1950, c. 46, s. 16^a (1954, c. 6, s. 4), subs. 2, re-enacted

5. Subsection 2 of section 16a of *The Cemeteries Act*, as re-enacted by section 4 of *The Cemeteries Amendment Act, 1954* and amended by section 6 of *The Cemeteries Amendment Act, 1957*, is repealed and the following substituted therefor:

Application of perpetual care income

- (2) The owner shall, out of the income of such investment, preserve and maintain in a proper manner in perpetuity all lots in a cemetery, or compartments

or crypts in the mausoleum or columbarium, as the case may be, and the owner may, out of such income, preserve and maintain tombs, monuments and enclosures and such other matters or things in or about the cemetery, mausoleum or columbarium as may be prescribed by the regulations.

6. Section 41 of *The Cemeteries Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 46, s. 41,
amended

(1a) The authority given to make by-laws under clause e Removal,
etc., of
monuments of section 1 includes authority to provide for the removal or re-arrangement of any monument or gravestone or other structure in any cemetery that the municipality or the police village, as the case may be, has been charged with maintaining under section 38.

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

8. This Act may be cited as *The Cemeteries Amendment Act, 1960*. Short title



LIBRARY

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. DYMOND

BILL 108

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Cemeteries Act

MR. DYMOND

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

EXPLANATORY NOTES

SECTION 1. The subsection is re-enacted in order to clarify the intent. There is no change in principle.

SECTION 2. This amendment is self-explanatory. It is designed to speed up the transfer of perpetual care funds from the cemetery owner to the permanent trustee.

BILL 108

1960

An Act to amend The Cemeteries Act

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

1. Subsection 1 of section 16a of *The Cemeteries Act* as re-enacted by section 4 of *The Cemeteries Amendment Act, 1954*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 46, s. 16^a
(1954, c. 6,
s. 4), subs. 1,
re-enacted

- (1) Where an owner sells or transfers a lot in a cemetery or a compartment in a mausoleum or columbarium, he shall set aside in trust for perpetual care, out of the amount received on the sale or transfer, such amount as the regulations prescribe.
- (1a) Where the amount received on the sale or transfer is not sufficient to provide the amount prescribed by the regulations or if nothing is received on the sale or transfer, the owner shall forthwith make up the deficiency so as to provide the amount so prescribed.
- (1b) Where the owner is entitled to retain perpetual care funds, he shall invest the amount so set aside or, where he is not entitled to retain perpetual care funds, he shall pay over the amount so set aside as provided in this Act.

Perpetual
care funds
to be set
aside

Deficiency
in perpetual
care funds

Disposition
of perpetual
care funds

2. Subsection 1 of section 17c of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by adding at the end thereof "within one month from the day on which such funds come into his possession or within such further period of time as the regulations provide", so that the subsection shall read as follows:

R.S.O. 1950,
c. 46, s. 17^c
(1954, c. 6,
s. 5), subs. 1,
amended

- (1) Every owner shall pay over all perpetual care funds that have heretofore and that hereafter come into his possession to the Public Trustee or to a trust

Payment
over of
perpetual
care funds

R.S.O. 1950,
c. 214

company registered under *The Loan and Trust Corporations Act* within one month from the day on which such funds come into his possession or within such further period of time as the regulations provide.

R.S.O. 1950,
c. 46, s. 17*d*
(1954, c. 6,
s. 5), subs. 1,
amended

3.—(1) Subsection 1 of section 17*d* of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by inserting after “owner” in the first line “entitled to hold perpetual care funds”, so that the subsection shall read as follows:

Investment
of funds

(1) Every owner entitled to hold perpetual care funds, the Public Trustee or a trust company shall invest perpetual care funds in the same manner as a trustee is authorized to invest trust funds under *The Trustee Act*.

R.S.O. 1950,
c. 400

R.S.O. 1950,
c. 46, s. 17*d*
(1954, c. 6,
s. 5), subs. 2,
amended

(2) Subsection 2 of the said section 17*d* is amended by adding at the commencement thereof “Except as otherwise provided in this Act or the regulations” and by inserting after “funds” in the second line “or pending the payment over of such funds to the Public Trustee or a trust company in the case of an owner not entitled to hold perpetual care funds”, so that the subsection shall read as follows:

Deposit of
funds in
bank
pending
investment

(2) Except as otherwise provided in this Act or the regulations, the owner, Public Trustee or a trust company, pending the investment of perpetual care funds or pending the paying over of such funds to the Public Trustee or a trust company in the case of an owner not entitled to hold perpetual care funds, may deposit them during such time as is reasonable in the circumstances in any chartered bank of Canada, or in the Province of Ontario Savings Office, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1950,
c. 214

R.S.O. 1950,
c. 46, s. 17*i*
(1954, c. 6,
s. 5),
amended

4. Section 17*i* of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by inserting after “purposes” in the fourth line “or has failed to set aside the proper amount for such purposes” and by adding at the end thereof “or to a trust company, or make such order as he deems necessary to compel compliance with this Act or the trust in question”, so that the section shall read as follows:

Breach of
trust

17*i*. If, upon the passing of accounts, the judge finds that the owner has been guilty of a breach of trust, or has in his hands perpetual care funds that are

SECTION 3. The amendments are designed to clarify the intent of the provisions. There is no change in the principles involved.

SECTION 4. These amendments are designed to clarify the intent. There is no change in principle.

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1988

not immediately required for perpetual care purposes, or has failed to set aside the proper amount for such purposes, he may direct that the funds or a portion thereof be paid to the Public Trustee or to a trust company, or make such order as he deems necessary to compel compliance with this Act or the trust in question.

5. This Act may be cited as *The Cemeteries Amendment* Short title Act, 1960 (No. 2).

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. DYMOND

1960

BILL 108

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Cemeteries Act

MR. DYMOND

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



BILL 108

1960

An Act to amend The Cemeteries Act

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

1. Subsection 1 of section 16a of *The Cemeteries Act*, as re-enacted by section 4 of *The Cemeteries Amendment Act, 1954*, is repealed and the following substituted therefor: R.S.O. 1950, c. 46, s. 16a (1954, c. 6, s. 4), subs. 1, re-enacted

- (1) Where an owner sells or transfers a lot in a cemetery or a compartment in a mausoleum or columbarium, he shall set aside in trust for perpetual care, out of the amount received on the sale or transfer, such amount as the regulations prescribe. Perpetual care funds to be set aside
- (1a) Where the amount received on the sale or transfer is not sufficient to provide the amount prescribed by the regulations or if nothing is received on the sale or transfer, the owner shall forthwith make up the deficiency so as to provide the amount so prescribed. Deficiency in perpetual care funds
- (1b) Where the owner is entitled to retain perpetual care funds, he shall invest the amount so set aside or, where he is not entitled to retain perpetual care funds, he shall pay over the amount so set aside as provided in this Act. Disposition of perpetual care funds

2. Subsection 1 of section 17c of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by adding at the end thereof "within one month from the day on which such funds come into his possession or within such further period of time as the regulations provide", so that the subsection shall read as follows: R.S.O. 1950, c. 46, s. 17c (1954, c. 6, s. 5), subs. 1, amended

- (1) Every owner shall pay over all perpetual care funds that have heretofore and that hereafter come into his possession to the Public Trustee or to a trust Payment over of perpetual care funds

R.S.O. 1950,
c. 214

company registered under *The Loan and Trust Corporations Act* within one month from the day on which such funds come into his possession or within such further period of time as the regulations provide.

R.S.O. 1950,
c. 46, s. 17*d*
(1954, c. 6,
s. 5), subs. 1,
amended

3.—(1) Subsection 1 of section 17*d* of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by inserting after "owner" in the first line "entitled to hold perpetual care funds", so that the subsection shall read as follows:

Investment
of funds

(1) Every owner entitled to hold perpetual care funds, the Public Trustee or a trust company shall invest perpetual care funds in the same manner as a trustee is authorized to invest trust funds under *The Trustee Act*.

R.S.O. 1950,
c. 400

R.S.O. 1950,
c. 46, s. 17*d*
(1954, c. 6,
s. 5), subs. 2,
amended

(2) Subsection 2 of the said section 17*d* is amended by adding at the commencement thereof "Except as otherwise provided in this Act or the regulations" and by inserting after "funds" in the second line "or pending the payment over of such funds to the Public Trustee or a trust company in the case of an owner not entitled to hold perpetual care funds", so that the subsection shall read as follows:

Deposit of
funds in
bank
pending
investment

(2) Except as otherwise provided in this Act or the regulations, the owner, Public Trustee or a trust company, pending the investment of perpetual care funds or pending the paying over of such funds to the Public Trustee or a trust company in the case of an owner not entitled to hold perpetual care funds, may deposit them during such time as is reasonable in the circumstances in any chartered bank of Canada, or in the Province of Ontario Savings Office, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1950,
c. 214

R.S.O. 1950,
c. 46, s. 17*i*
(1954, c. 6,
s. 5),
amended

4. Section 17*i* of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by inserting after "purposes" in the fourth line "or has failed to set aside the proper amount for such purposes" and by adding at the end thereof "or to a trust company, or make such order as he deems necessary to compel compliance with this Act or the trust in question", so that the section shall read as follows:

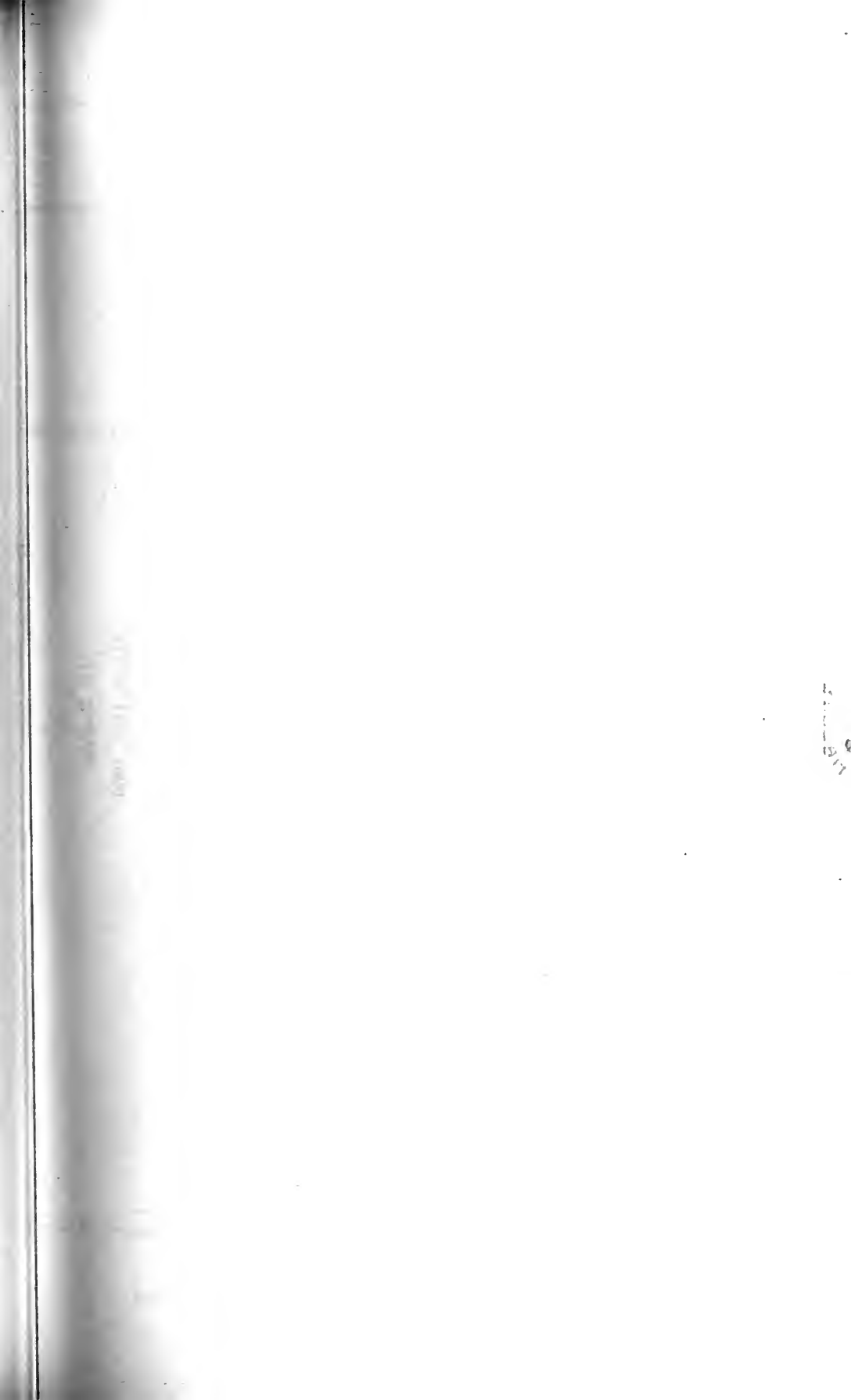
Breach of
trust

17*i*. If, upon the passing of accounts, the judge finds that the owner has been guilty of a breach of trust, or has in his hands perpetual care funds that are

not immediately required for perpetual care purposes, or has failed to set aside the proper amount for such purposes, he may direct that the funds or a portion thereof be paid to the Public Trustee or to a trust company, or make such order as he deems necessary to compel compliance with this Act or the trust in question.

5. This Act may be cited as *The Cemeteries Amendment* Short title Act, 1960 (No. 2).





1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 25th, 1960

MR. DYMOND

BILL 109

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to provide for the Registration of Psychologists

MR. DYMOND

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

EXPLANATORY NOTE

The purpose of this Bill is,

- (i) to provide for the registration of qualified psychologists;
- (ii) to prohibit the use of the expression "psychologist", etc., by other than registered psychologists.

BILL 109

1960

An Act to provide for the Registration of Psychologists

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 the Ontario Board of Examiners in Psychology appointed under this Act;
- (b) "certificate of registration" means a certificate of registration as a registered psychologist;
- (c) "registered psychologist" means a person who is registered under this Act.

2.—(1) There shall be a board known as the Ontario Board of Examiners in Psychology which shall be composed of five registered psychologists appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may fill any vacancies in the membership of the Board.

Board
constituted

(2) At least two of the members of the Board shall be and at least two members shall not be principally engaged as members of the teaching staff of a university.

Qualification

(3) The Lieutenant Governor in Council may appoint a provisional board of five persons to whom the qualification provisions of this section do not apply and who shall hold office for a term of one year from the day this Act comes into force and until their successors are appointed.

Provisional
board

3. The members of the Board from time to time are a corporation.

Corporation

4. A majority of the members of the Board is a quorum.

Quorum

Regulations **5.** Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) fixing the term of office and remuneration of the members of the Board and providing for the payment of necessary expenses of the Board in the conduct of its business;
- (b) prescribing the powers of the Board and the procedure of the Board at its meetings;
- (c) providing for the issuance and renewal of certificates of registration and fixing the fees payable therefor;
- (d) providing for the holding of examinations and fixing the fees payable therefor;
- (e) governing the suspension or cancellation of certificates of registration, the causes and procedure therefor;
- (f) prescribing the duties and remuneration of examiners and other persons employed by the Board;
- (g) generally for carrying out the intent and purpose of this Act.

Qualification for registration **6.** The Board shall grant a certificate of registration to any person who furnishes evidence satisfactory to the Board that he,

- (a) has received a doctoral degree based upon a programme of studies whose content was primarily psychological from an educational institution approved by the Board;
- (b) has had at least one year of experience acceptable to the Board; and
- (c) has passed the examinations required by the Board.

Idem, for first 6 years **7.—(1)** The Board shall grant a certificate of registration to any person,

- (a) who has satisfied the requirements of clause *a* of section 6 and who has had at least two years of experience acceptable to the Board; or
- (b) who has received a master's degree based upon a programme of studies whose content was primarily

psychological from an educational institution approved by the Board and who has had at least four years of experience acceptable to the Board.

(2) This section is repealed upon the expiry of six years ^{Repeal} from the day this Act comes into force.

8. The Board after a hearing may refuse to grant a certificate of registration to any person who is found by the Board to be liable to have his certificate suspended or cancelled for any of the causes mentioned in the regulations. ^{Power to refuse registration}

9.—(1) If the Board refuses or neglects to register a person, ^{Appeal} refuses or neglects to renew the registration of a person or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Board to make the registration, renew the registration, remove the suspension or withdraw the cancellation, as the case may be, or may make such other order as is warranted by the facts.

(2) Every such order is final and conclusive and shall be ^{Idem} acted upon forthwith by the Board.

10.—(1) The Board shall keep a register in which shall be entered the name of every person who has been granted a certificate of registration. ^{Register to be kept}

(2) The register shall be open to inspection by any person upon reasonable notice to the Board. ^{Inspection of register}

11.—(1) No person shall represent himself to be a psychologist unless he holds a certificate of registration. ^{Prohibition}

(2) A person represents himself to be a psychologist when ^{Idem} he holds himself out to the public by any title, designation or description incorporating the words "psychological", "psychologist" or "psychology" and under such title, designation or description offers to render or renders services of any kind to one or more persons for a fee or other remuneration.

(3) This section does not apply to a duly qualified medical practitioner or to a person in the course of his employment by the Government of Canada, the Government of Ontario or a university. ^{Exceptions}

Treatment
of mental
disorders

12. No person who holds a certificate of registration shall treat any person for any type of mental disorder for a fee or other remuneration except on the request of or in association with a duly qualified medical practitioner.

Practice of
medicine
not
authorized

13. Nothing in this Act authorizes a person who holds a certificate of registration to engage in any manner in the practice of medicine, surgery or midwifery.

Offence

14.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for the first offence and not more than \$500 for any subsequent offence.

Disposition
of fines

(2) The fines recovered for offences under this Act shall be paid to the Board.

Short title

15. This Act may be cited as *The Psychologists Registration Act, 1960*.



Registration of Psychologists

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 109

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to provide for the Registration of Psychologists

MR. DYMOND

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



An Act to provide for the Registration of Psychologists

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 the Ontario Board of Examiners in Psychology appointed under this Act;
- (b) "certificate of registration" means a certificate of registration as a registered psychologist;
- (c) "registered psychologist" means a person who is registered under this Act.

2.—(1) There shall be a board known as the Ontario Board of Examiners in Psychology which shall be composed of five registered psychologists appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may fill any vacancies in the membership of the Board.

(2) At least two of the members of the Board shall be and at least two members shall not be principally engaged as members of the teaching staff of a university.

(3) The Lieutenant Governor in Council may appoint a provisional board of five persons to whom the qualification provisions of this section do not apply and who shall hold office for a term of one year from the day this Act comes into force and until their successors are appointed.

3. The members of the Board from time to time are a corporation.

4. A majority of the members of the Board is a quorum.

Regulations

5. Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) fixing the term of office and remuneration of the members of the Board and providing for the payment of necessary expenses of the Board in the conduct of its business;
- (b) prescribing the powers of the Board and the procedure of the Board at its meetings;
- (c) providing for the issuance and renewal of certificates of registration and fixing the fees payable therefor;
- (d) providing for the holding of examinations and fixing the fees payable therefor;
- (e) governing the suspension or cancellation of certificates of registration, the causes and procedure therefor;
- (f) prescribing the duties and remuneration of examiners and other persons employed by the Board;
- (g) generally for carrying out the intent and purpose of this Act.

Qualification
for
registration

6. The Board shall grant a certificate of registration to any person who furnishes evidence satisfactory to the Board that he,

- (a) has received a doctoral degree based upon a programme of studies whose content was primarily psychological from an educational institution approved by the Board;
- (b) has had at least one year of experience acceptable to the Board; and
- (c) has passed the examinations required by the Board.

Idem, for
first
6 years

7.—(1) The Board shall grant a certificate of registration to any person,

- (a) who has satisfied the requirements of clause *a* of section 6 and who has had at least two years of experience acceptable to the Board; or
- (b) who has received a master's degree based upon a programme of studies whose content was primarily

psychological from an educational institution approved by the Board and who has had at least four years of experience acceptable to the Board.

(2) This section is repealed upon the expiry of six years ^{Repeal} from the day this Act comes into force.

8. The Board after a hearing may refuse to grant a certificate of registration to any person who is found by the Board to be liable to have his certificate suspended or cancelled for any of the causes mentioned in the regulations. ^{Power to refuse registration}

9.—(1) If the Board refuses or neglects to register a person, ^{Appeal} refuses or neglects to renew the registration of a person or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Board to make the registration, renew the registration, remove the suspension or withdraw the cancellation, as the case may be, or may make such other order as is warranted by the facts.

(2) Every such order is final and conclusive and shall be ^{Idem} acted upon forthwith by the Board.

10.—(1) The Board shall keep a register in which shall be entered the name of every person who has been granted a certificate of registration. ^{Register to be kept}

(2) The register shall be open to inspection by any person upon reasonable notice to the Board. ^{Inspection of register}

11.—(1) No person shall represent himself to be a psychologist unless he holds a certificate of registration. ^{Prohibition}

(2) A person represents himself to be a psychologist when ^{Idem} he holds himself out to the public by any title, designation or description incorporating the words "psychological", "psychologist" or "psychology" and under such title, designation or description offers to render or renders services of any kind to one or more persons for a fee or other remuneration.

(3) This section does not apply to a duly qualified medical practitioner or to a person in the course of his employment by the Government of Canada, the Government of Ontario or a university. ^{Exceptions}

Treatment
of mental
disorders

12. No person who holds a certificate of registration shall treat any person for any type of mental disorder for a fee or other remuneration except on the request of or in association with a duly qualified medical practitioner.

Practice of
medicine
not
authorized

13. Nothing in this Act authorizes a person who holds a certificate of registration to engage in any manner in the practice of medicine, surgery or midwifery.

Offence

14.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for the first offence and not more than \$500 for any subsequent offence.

Disposition
of fines

(2) The fines recovered for offences under this Act shall be paid to the Board.

Short title

15. This Act may be cited as *The Psychologists Registration Act, 1960*.

Registration of Psychologists

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. DYMOND

BILL 110

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Day Nurseries Act

MR. CECILE

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

EXPLANATORY NOTES

SECTION 1. Nursery schools or kindergartens that are conducted as part of a public or separate school are already excluded from the Act. The words added to the definition of "day nursery" in subclause ii extend this exclusion to those nursery schools or kindergartens that are conducted as part of any other educational institution (e.g., a private boarding school) that gives instruction in grades 1 to 8.

SECTION 2. This new clause will authorize the Lieutenant Governor in Council to make a regulation prescribing the fee payable for a licence or renewal of a licence for a nursery school under the Act.

An Act to amend The Day Nurseries Act

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

1. Clause *a* of section 1 of *The Day Nurseries Act*, as amended by section 1 of *The Day Nurseries Amendment Act, 1951*, is repealed and the following substituted therefor: R.S.O. 1950, c. 88, s. 1, cl. a, re-enacted

(a) "day nursery" means any institution, agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children under seven years of age and not attending the first grade of school and not of common parentage, but does not include a nursery school or kindergarten conducted,

(i) as part of a public school under *The Public Schools Act* or a separate school under *The Separate Schools Act*, or R.S.O. 1950, cc. 316, 356

(ii) as part of a school, college, academy or other educational institution that is giving instruction equivalent to that given in grades 1 to 8, both inclusive, in a public or separate school.

2. Section 4 of *The Day Nurseries Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 88, s. 4, amended

(bb) prescribing the fee payable by an applicant for a licence or renewal of a licence.

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

4. This Act may be cited as *The Day Nurseries Amendment Act, 1960*. Short title

An Act to amend
The Day Nurseries Act

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. CECILE

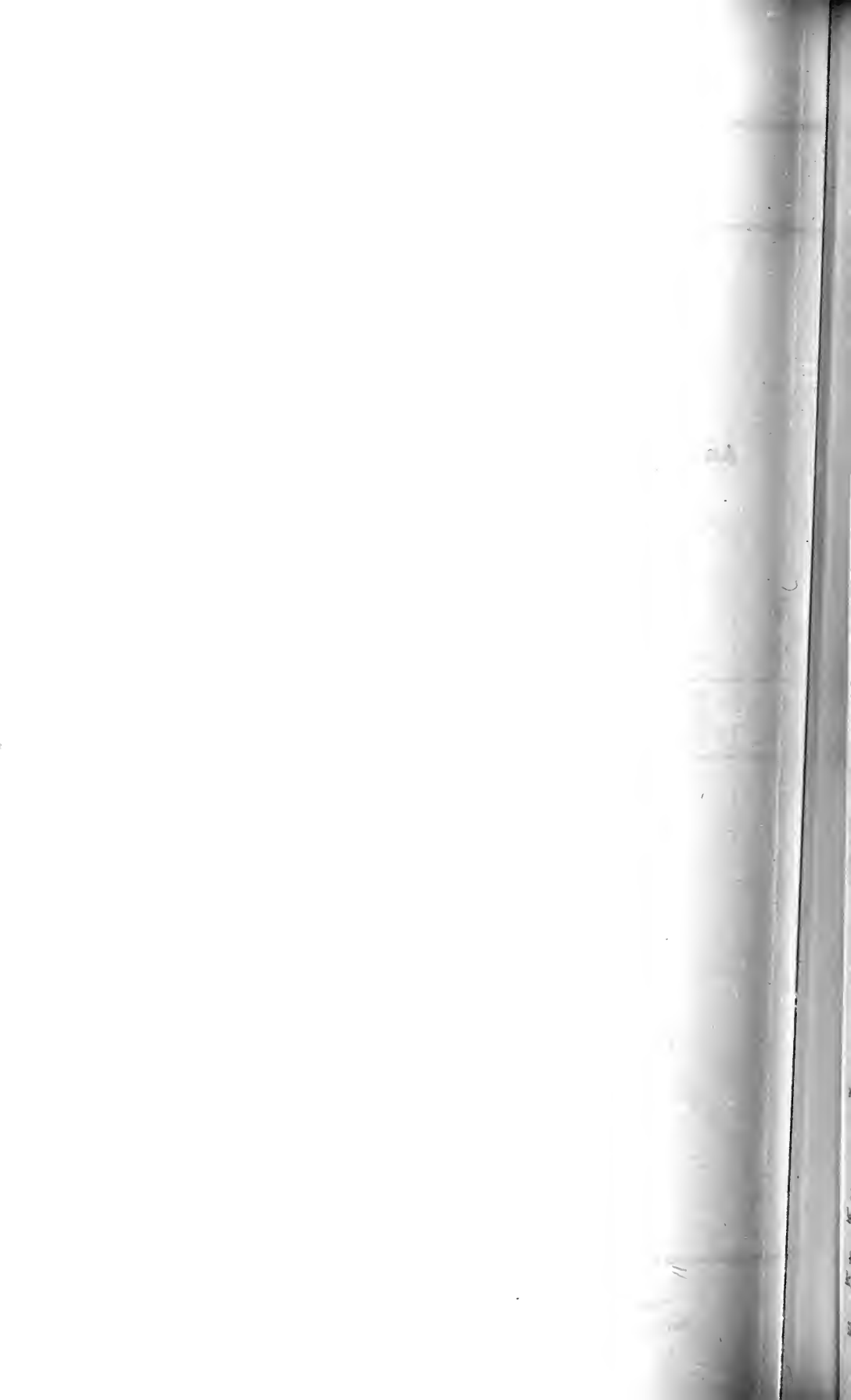
BILL 110

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Day Nurseries Act

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



BILL 110

1960

An Act to amend The Day Nurseries Act

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

1. Clause *a* of section 1 of *The Day Nurseries Act*, as amended by section 1 of *The Day Nurseries Amendment Act, 1951*, is repealed and the following substituted therefor: R.S.O. 1950, c. 88, s. 1, re-enacted

(a) "day nursery" means any institution, agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children under seven years of age and not attending the first grade of school and not of common parentage, but does not include a nursery school or kindergarten conducted,

(i) as part of a public school under *The Public Schools Act* or a separate school under *The Separate Schools Act*, or R.S.O. 1950, cc. 316, 356

(ii) as part of a school, college, academy or other educational institution that is giving instruction equivalent to that given in grades 1 to 8, both inclusive, in a public or separate school.

2. Section 4 of *The Day Nurseries Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 88, s. 4, amended

(bb) prescribing the fee payable by an applicant for a licence or renewal of a licence.

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

4. This Act may be cited as *The Day Nurseries Amendment Act, 1960*. Short title

An Act to amend
The Day Nurseries Act

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. CECILE

BILL 111

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Department of Public Welfare Act**

MR. CECILE

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

EXPLANATORY NOTE

The present section names the Acts that the Minister administers. It serves no purpose because the reader never knows whether or not it is up to date. In fact, even when it is brought up to date at every opportunity, it may be misleading because of administrative changes by executive action between sessions of the Legislature.

The new section, being general in its terms, obviates these difficulties.

See also Bill 67, *An Act to amend The Department of Labour Act* and Bill 63, *An Act to amend The Department of Highways Act, 1957*.

BILL 111

1960

**An Act to amend
The Department of Public Welfare Act**

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

1. Section 3 of *The Department of Public Welfare Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 98, s. 3,
re-enacted

3. The Minister is responsible for the administration of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council. Administra-
tion of Acts

2. This Act may be cited as *The Department of Public Welfare Amendment Act, 1960*. Short title

An Act to amend
The Department of Public Welfare Act

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. CECILE

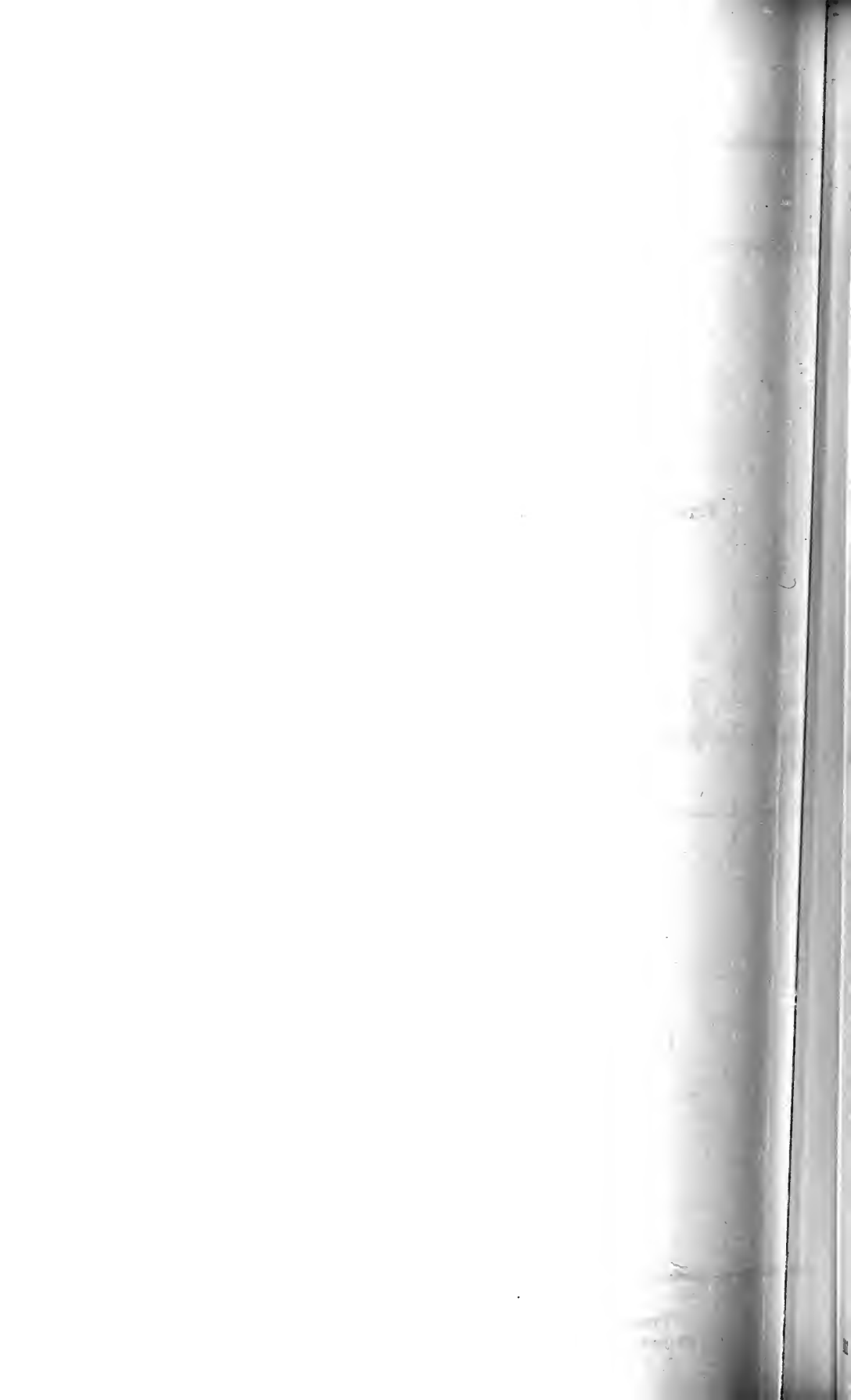
BILL 111

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Department of Public Welfare Act**

MR. CECILE

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



BILL 111

1960

**An Act to amend
The Department of Public Welfare Act**

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

1. Section 3 of *The Department of Public Welfare Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 98, s. 3,
re-enacted

3. The Minister is responsible for the administration of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council. Administra-
tion of Acts

2. This Act may be cited as *The Department of Public Welfare Amendment Act, 1960*. Short title

An Act to amend
The Department of Public Welfare Act

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. CECILE

BILL 112

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Homes for the Aged Act, 1955

MR. CECILE

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

EXPLANATORY NOTES

SECTION 1. The subsection is re-enacted to require residents of homes for the aged who have means to pay all or part of the cost of their maintenance.

SECTION 2. The amendment permits the amount of capital grants to be determined by regulation, subject to the present maximum.

SECTION 3. The new clauses are complementary to the amendments in sections 1 and 2 of this Bill.

BILL 112

1960

**An Act to amend
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. Subsection 1 of section 18 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor: 1955, c. 30, s. 18, subs. 1, re-enacted

- (1) Every resident of a home or joint home having financial circumstances as prescribed in the regulations shall reimburse the authority responsible for the payment of the cost of his maintenance. Reimbursement for maintenance cost

2. Subsection 1 of section 23 of *The Homes for the Aged Act, 1955*, as re-enacted by subsection 1 of section 4 of *The Homes for the Aged Amendment Act, 1958*, is amended by 1955, c. 30, s. 23, subs. 1 (1958, c. 38, s. 4, subs. 1), amended inserting after "amount" in the tenth line "to be computed in accordance with the regulations", so that the subsection shall read as follows:

- (1) When the Minister grants his approval under section 9 to the acquisition, erection or alteration of a building for use as a home or joint home, or to an alteration to or in any building or to the grounds of the home or joint home or when the home or joint home incurs such other capital expenditures as are prescribed in the regulations, the Lieutenant Governor in Council may direct payment out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations not exceeding 50 per cent of the cost thereof to the treasurer of the home or joint home. Provincial subsidy on capital expenditures

3.—(1) Subsection 1 of section 26 of *The Homes for the Aged Act, 1955*, as amended by section 6 of *The Homes for* 1955, c. 30, s. 26, subs. 1, amended

the Aged Amendment Act, 1958, is further amended by adding thereto the following clause:

(*dd*) prescribing the financial circumstances of residents of homes or joint homes for the purposes of subsection 1 of section 18.

1955, c. 30,
s. 26, subs. 1,
cl. *ff* (1958,
c. 38, s. 6,
subs. 2),
re-enacted

(2) Clause *ff* of subsection 1 of the said section 26, as enacted by subsection 2 of section 6 of *The Homes for the Aged Amendment Act, 1958*, is repealed and the following substituted therefor:

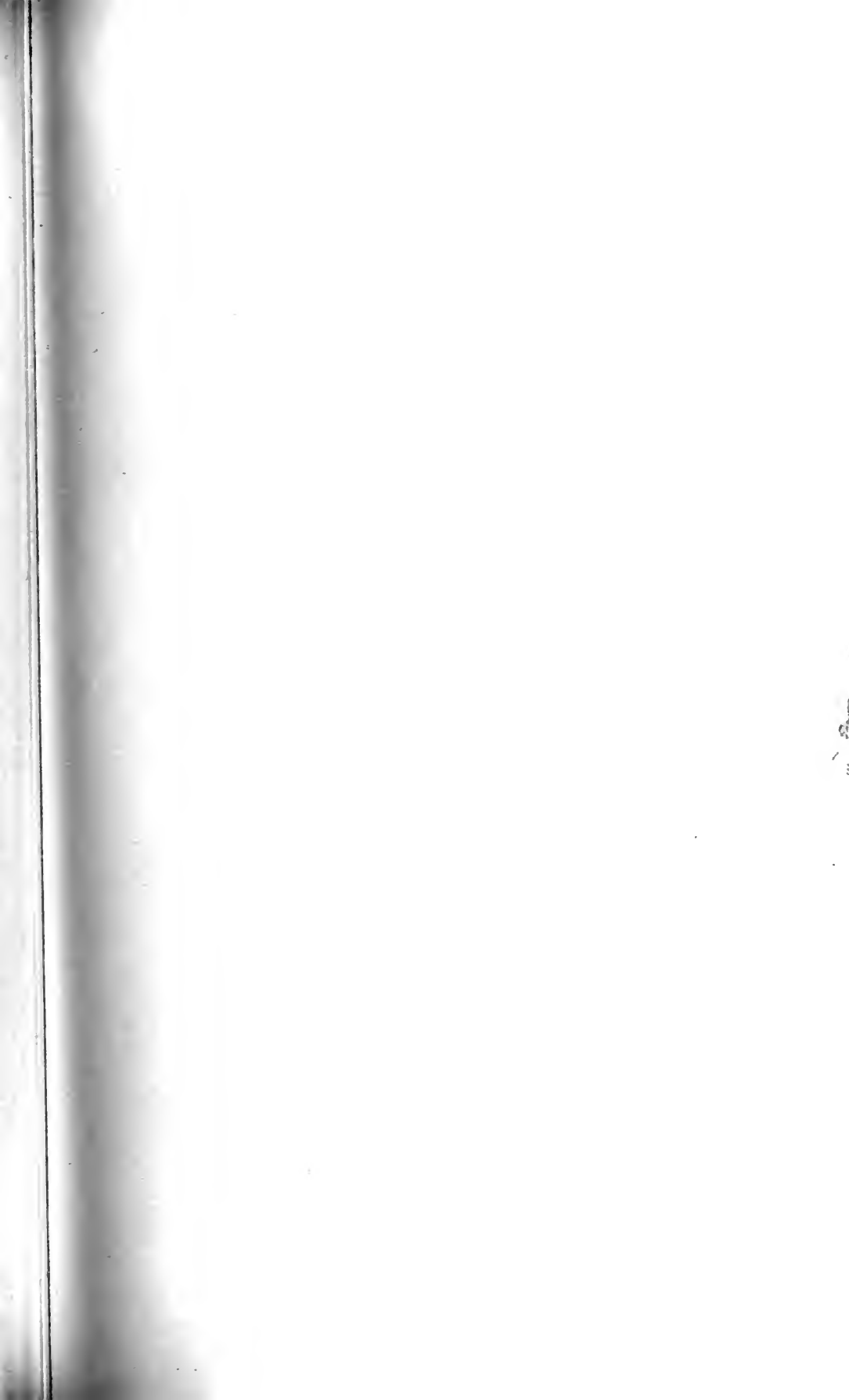
(*ff*) prescribing capital expenditures and the manner of computing the amount of grants for the purposes of subsection 1 of section 23 and the method, time and manner of payment under subsection 2 of section 23.

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 Homes for the Aged Amendment Act, 1960*.



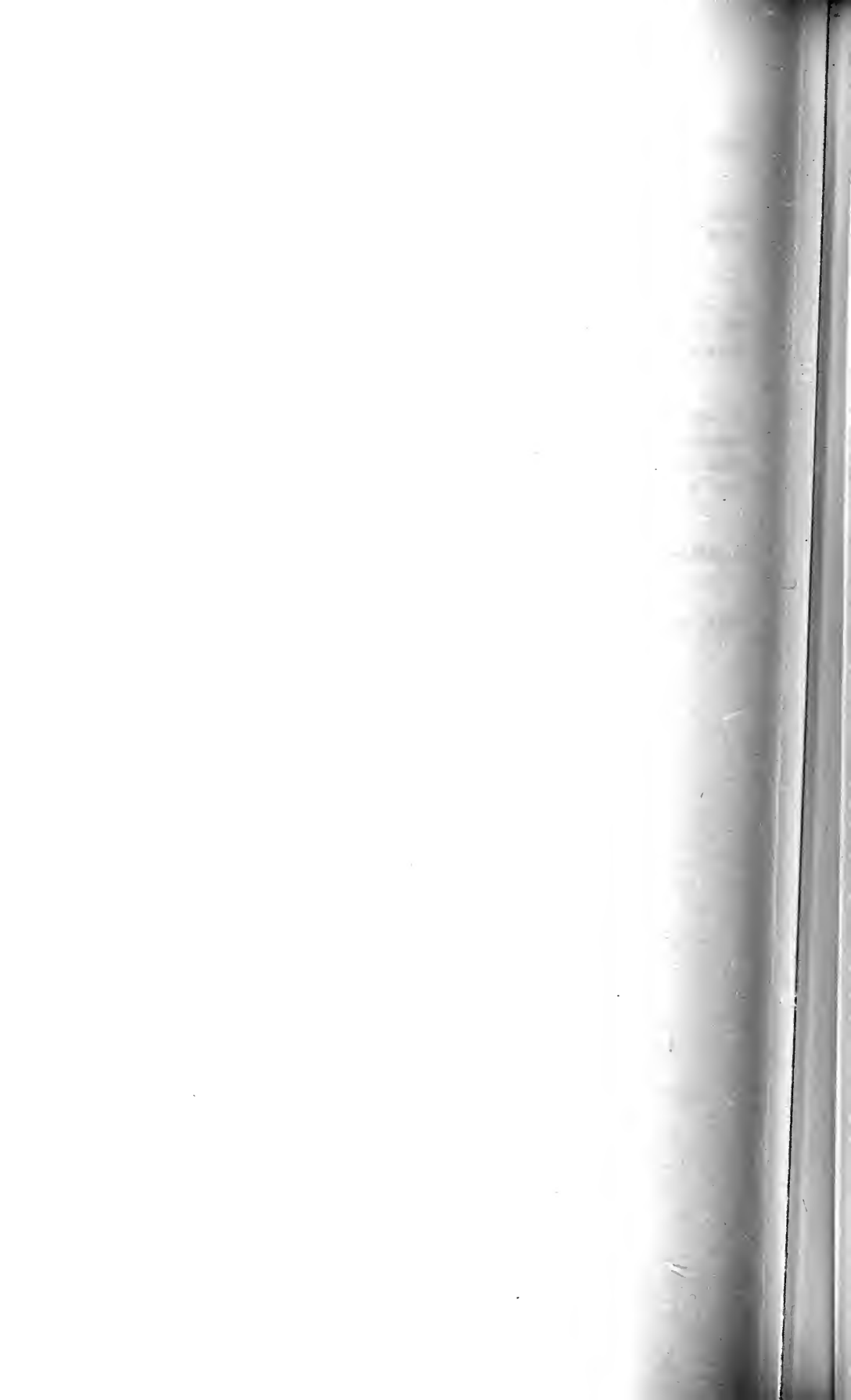


CHART. 10

1. 10/10/10, 10/10/10
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10/10/10

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. CECILE

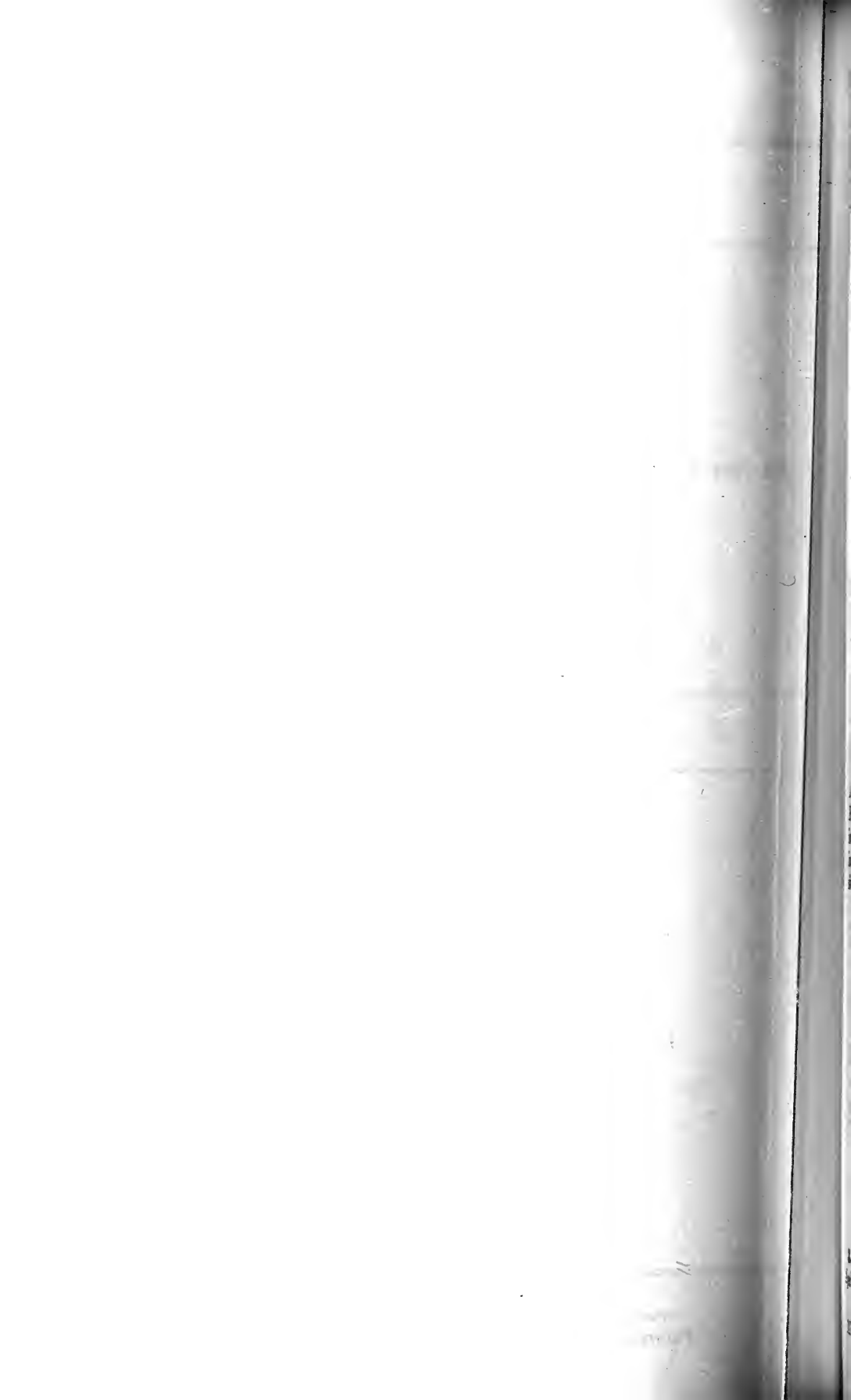
BILL 112

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Homes for the Aged Act, 1955

MR. CECILE

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



BILL 112

1960

**An Act to amend
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. Subsection 1 of section 18 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor: ^{1955, c. 30, s. 18, subs. 1, re-enacted}

- (1) Every resident of a home or joint home having financial circumstances as prescribed in the regulations shall reimburse the authority responsible for the payment of the cost of his maintenance. ^{Reimbursement for maintenance cost}

2. Subsection 1 of section 23 of *The Homes for the Aged Act, 1955*, as re-enacted by subsection 1 of section 4 of *The Homes for the Aged Amendment Act, 1958*, is amended by ^{1955, c. 30, s. 23, subs. 1 (1958, c. 38, s. 4, subs. 1), amended} inserting after "amount" in the tenth line "to be computed in accordance with the regulations", so that the subsection shall read as follows:

- (1) When the Minister grants his approval under section 9 to the acquisition, erection or alteration of a building for use as a home or joint home, or to an alteration to or in any building or to the grounds of the home or joint home or when the home or joint home incurs such other capital expenditures as are prescribed in the regulations, the Lieutenant Governor in Council may direct payment out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations not exceeding 50 per cent of the cost thereof to the treasurer of the home or joint home. ^{Provincial subsidy on capital expenditures}

3.—(1) Subsection 1 of section 26 of *The Homes for the Aged Act, 1955*, as amended by section 6 of *The Homes for* ^{1955, c. 30, s. 26, subs. 1, amended}

the Aged Amendment Act, 1958, is further amended by adding thereto the following clause:

(*dd*) prescribing the financial circumstances of residents of homes or joint homes for the purposes of subsection 1 of section 18.

1955, c. 30,
s. 26, subs. 1,
cl. *ff* (1958,
c. 38, s. 6,
subs. 2),
re-enacted

(2) Clause *ff* of subsection 1 of the said section 26, as enacted by subsection 2 of section 6 of *The Homes for the Aged Amendment Act, 1958*, is repealed and the following substituted therefor:

(*ff*) prescribing capital expenditures and the manner of computing the amount of grants for the purposes of subsection 1 of section 23 and the method, time and manner of payment under subsection 2 of section 23.

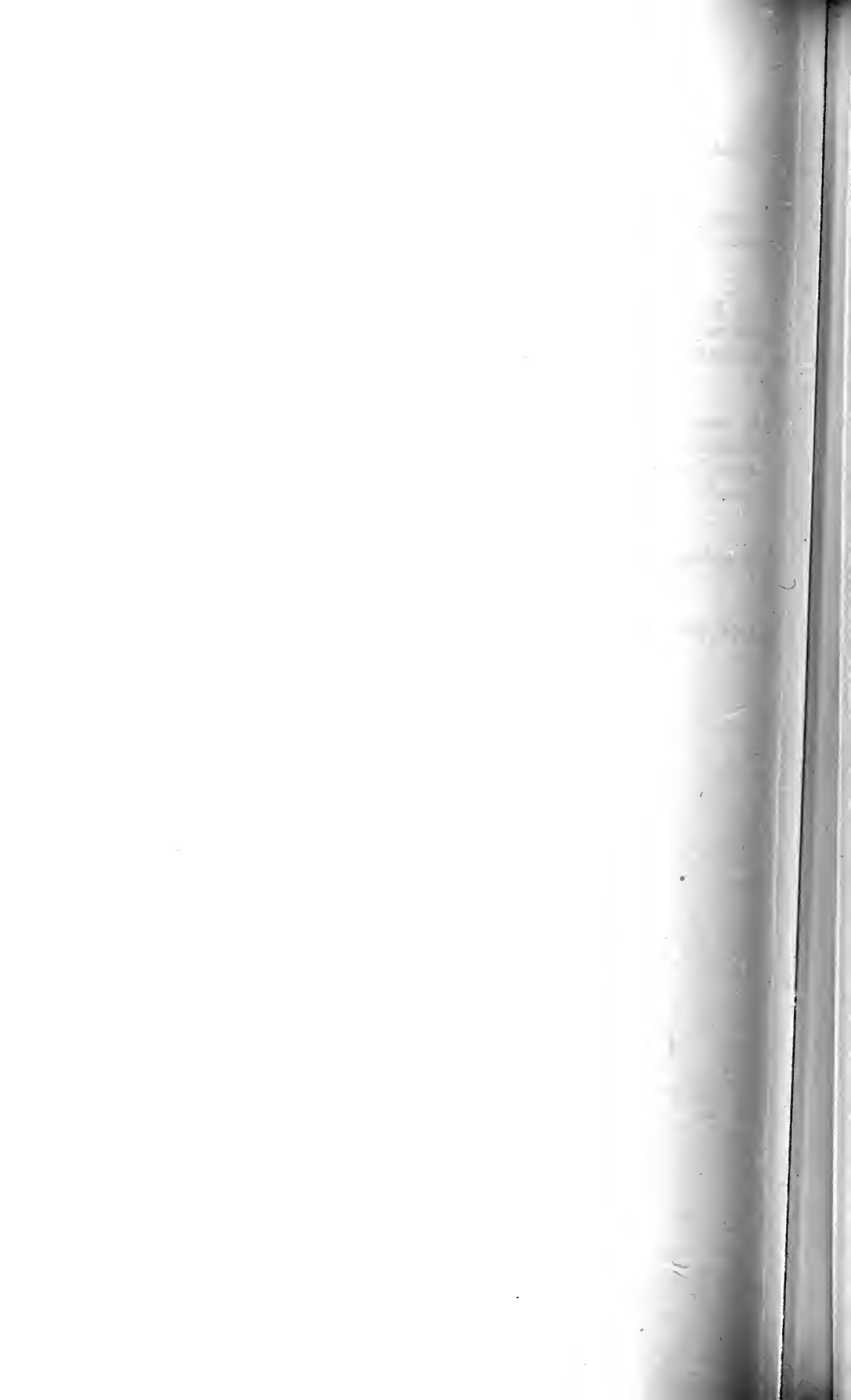
Commence-
ment

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

Short title

5. This Act may be cited as *The Homes for the Aged Amendment Act, 1960*.





THE HOUSE OF REPRESENTATIVES
The Homes for the Aged Act, 1955

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. CECILE

BILL 113

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Schools Administration Act, 1954**

MR. ROBARTS

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

EXPLANATORY NOTES

SECTION 1. The definitions that are commonly used in the Acts and regulations administered by the Minister of Education are assembled in the new subsection for uniformity and ease of reference.

BILL 113

1960

**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:

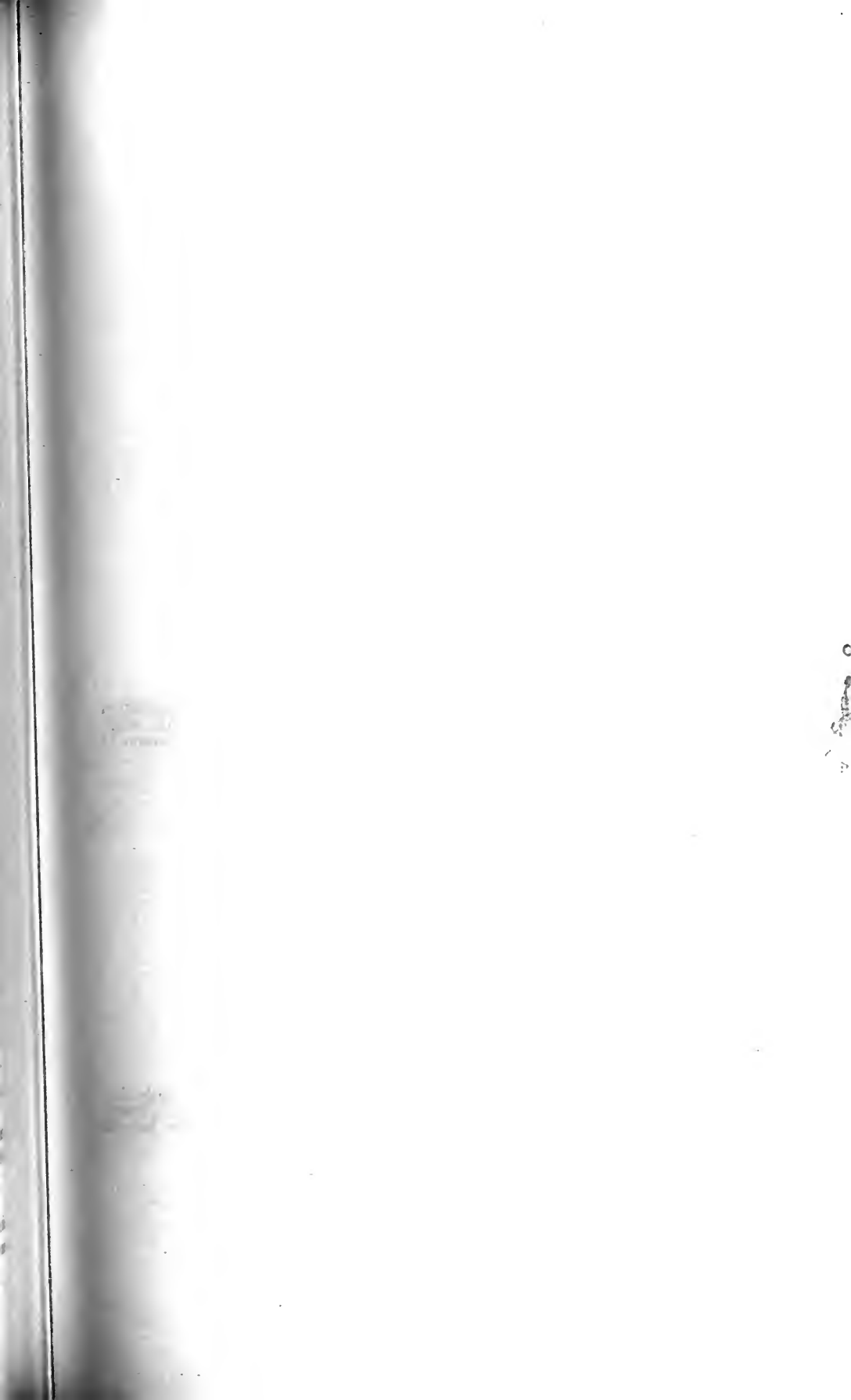
1. Section 1 of *The Schools Administration Act, 1954* ^{1954, c. 86,}
is amended by adding thereto the following subsection: ^{s. 1,} amended

(2) In this Act and in *The Department of Education Act, 1954* and the regulations thereunder, *The Public Schools Act, The Separate Schools Act* and *The Secondary Schools and Boards of Education Act, 1954*, ^{in school Acts}
unless otherwise provided in the Act or regulations, ^{1954, c. 20;}
^{R.S.O. 1950,}
^{cc. 316, 1356;}
^{1954, c. 87}

- (a) "capital fund" means a fund acquired from the proceeds of the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
- (b) "cost of operation" means the total of the current expenditure and debt charges paid in the year by a board or on its behalf;
- (c) "current expenditure" means an expenditure for maintenance or a permanent improvement from funds other than those arising from the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
- (d) "current revenue" means all amounts earned by the board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;
- (e) "debt charge" means the amount of money necessary annually to pay the interest on all debt, the principal of long-term debt not

payable from a sinking fund, and to provide a fund for the redemption of debentures payable from a sinking fund;

- (f) "guardian" means a person who has been appointed by order of a court as the legal guardian of a child in place of a parent;
- (g) "maintenance expenditure" means a current expenditure, not including an expenditure for a permanent improvement or a debt charge;
- (h) "municipal inspector" means a person who is qualified and is employed with the approval of the Minister by a school board to inspect schools in a municipal inspectorate;
- (i) "municipal inspectorate" means an inspectorate for which a school board employs the inspectors;
- (j) "permanent improvement" includes,
 - (i) the acquisition of a school site and an addition or an improvement to a school site,
 - (ii) the acquisition or erection of a building used for instructional purposes and any addition, alteration or improvement thereto;
 - (iii) the acquisition or erection of administration offices, residences for teachers or caretakers, storage buildings for equipment and supplies, and any addition, alteration or improvement thereto,
 - (iv) the acquisition of furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,
 - (v) the acquisition of a bus, or other vehicle, used for the transportation of pupils,
 - (vi) the obtaining of a water supply on the school property or conveyed from outside the school property,



SECTION 2. The amendment is to make it clear that an application for a Board of Reference may be made by a board or a teacher where either party is not in agreement as to the dismissal or termination of employment of a teacher.

SECTION 3—Subsection 1. The amendment extends the authority of boards to pay the expenses of members, teachers and officers of a board attending meetings of educational associations in Ontario to include expenses for attendance at such meetings outside Ontario.

- (vii) initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board;
- (k) "provincial inspector" means a person who is employed by the province as a school inspector responsible to the Minister;
- (l) "reserve fund" means a reserve fund established under section 312 of *The Municipal Act* R.S.O. 1950, c. 243 or clause *n* of section 33 of this Act;
- (m) "rural school section" means a school section in territory without municipal organization or in one or more townships;
- (n) "school section" means a locality for which a public school board or board of education has been or is to be established and that comprises part or all of one or more townships or of one or more urban municipalities or of territory without municipal organization or any combination of such areas.

2. Subsection 3 of section 23 of *The Schools Administration Act, 1954* is amended by striking out "in a manner not mutually agreeable" in the third and fourth lines and by inserting after "board" in the fourth line "if not in agreement with the dismissal or termination", so that the subsection shall read as follows:

- (3) Notwithstanding anything in this or any other Act, where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement.

3.—(1) Clause *l* of section 33 of *The Schools Administration Act, 1954* is amended by striking out "in Ontario" in the fifth and seventh lines, so that the clause shall read as follows:

- (l) pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board incurred in attending meetings of the Ontario Educational Association or other similar

association of teachers or trustees and may make grants and pay membership fees to any such association.

1954, c. 86,
s. 33, cl. n,
re-enacted

(2) Clause *n* of the said section 33 is repealed and the following substituted therefor:

- (*n*) invest funds received from an insurance claim, gift, legacy or sale of property in such securities as a trustee may invest in under *The Trustee Act*.

R.S.O. 1950,
c. 400

1954, c. 86,
s. 33,
amended

(3) The said section 33 is amended by adding thereto the following clauses:

- (*y*) provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he attends a school for a course in conservation or natural science with the consent of his parent or guardian and with the permission of the board;
- (*z*) operate a cafeteria for the use of the staff and students.

1954, c. 86,
amended

4. *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Open
meetings
of school
boards

37a.—(1) The meetings of a school board, except meetings of a committee of the board including a committee of the whole board, shall be open to the public and no person shall be excluded therefrom except for improper conduct.

Exclusion
of persons

(2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

1954, c. 86,
s. 46a
(1958, c. 97,
s. 6),
amended

5. Section 46a of *The Schools Administration Act, 1954*, as enacted by section 6 of *The Schools Administration Amendment Act, 1958*, is amended by adding thereto the following subsection:

Formation
of school
board during
biennial
term of
council

(4) Where a council is elected biennially and a new board is established after the election of council to be organized for the second year of the term of council, the council shall provide for the election of trustees to hold office for one year from the 1st day of January of such year and the election shall be held in the same manner as the election of trustees is held at municipal elections.

Subsection 2. The authority of a board to invest funds held by the board is clarified.

Subsection 3. The amendment is to permit a board to provide board and lodging for a pupil for a period not exceeding two weeks while he is taking a course in conservation and natural science and to authorize a board to operate a cafeteria.

SECTION 4. Self-explanatory.

SECTION 5. The amendment provides for the election of trustees of a school board that has been formed in the middle of a biennial term of a council.

SECTION 6. The amendment is to clarify the responsibility of assessors who meet to apportion costs between parts of a union school section, a township school area or a secondary school district.

6. Section 83c of *The Schools Administration Act, 1954*, as ^{1954, c. 86,} enacted by section 9 of *The Schools Administration Amend-* ^{s. 83c} *ment Act, 1958*, is amended by adding thereto the following ^{(1958, c. 97,} amended ^{s. 9)} subsection:

(5) This section applies also to assessors who meet to ^{Application} apportion costs between parts of a union school ^{to assessors} section, parts of a township school area or parts of a secondary school district.

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

8. This Act may be cited as *The Schools Administration* ^{Short title} *Amendment Act, 1960*.

An Act to amend
The Schools Administration Act, 1954

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. ROBERTS

BILL 113

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Schools Administration Act, 1954**

MR. ROBARTS

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



**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 1 of *The Schools Administration Act, 1954* ^{1954, c. 86,}
is amended by adding thereto the following subsection: ^{s. 1,}
amended

(2) In this Act and in *The Department of Education Act, 1954* and the regulations thereunder, *The Public Schools Act, The Separate Schools Act* and *The Secondary Schools and Boards of Education Act, 1954*,
in school
Acts
1954, c. 20;
R.S.O. 1950,
cc. 316, 356;
1954, c. 87
unless otherwise provided in the Act or regulations,

- (a) "capital fund" means a fund acquired from the proceeds of the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
- (b) "cost of operation" means the total of the current expenditure and debt charges paid in the year by a board or on its behalf;
- (c) "current expenditure" means an expenditure for maintenance or a permanent improvement from funds other than those arising from the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
- (d) "current revenue" means all amounts earned by the board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;
- (e) "debt charge" means the amount of money necessary annually to pay the interest on all debt, the principal of long-term debt not

payable from a sinking fund, and to provide a fund for the redemption of debentures payable from a sinking fund;

- (f) "guardian" means a person who has been appointed by order of a court as the legal guardian of a child in place of a parent;
- (g) "maintenance expenditure" means a current expenditure, not including an expenditure for a permanent improvement or a debt charge;
- (h) "municipal inspector" means a person who is qualified and is employed with the approval of the Minister by a school board to inspect schools in a municipal inspectorate;
- (i) "municipal inspectorate" means an inspectorate for which a school board employs the inspectors;
- (j) "permanent improvement" includes,
 - (i) the acquisition of a school site and an addition or an improvement to a school site,
 - (ii) the acquisition or erection of a building used for instructional purposes and any addition, alteration or improvement thereto;
 - (iii) the acquisition or erection of administration offices, residences for teachers or caretakers, storage buildings for equipment and supplies, and any addition, alteration or improvement thereto,
 - (iv) the acquisition of furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,
 - (v) the acquisition of a bus, or other vehicle, used for the transportation of pupils,
 - (vi) the obtaining of a water supply on the school property or conveyed from outside the school property,

- (vii) initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board;
- (k) "provincial inspector" means a person who is employed by the province as a school inspector responsible to the Minister;
- (l) "reserve fund" means a reserve fund established under section 312 of *The Municipal Act* ^{R.S.O. 1950, c. 243} or clause *n* of section 33 of this Act;
- (m) "rural school section" means a school section in territory without municipal organization or in one or more townships;
- (n) "school section" means a locality for which a public school board or board of education has been or is to be established and that comprises part or all of one or more townships or of one or more urban municipalities or of territory without municipal organization or any combination of such areas.

2. Subsection 3 of section 23 of *The Schools Administration Act, 1954* is amended by striking out "in a manner not mutually agreeable" in the third and fourth lines and by inserting after "board" in the fourth line "if not in agreement with the dismissal or termination", so that the subsection shall read as follows:

- (3) Notwithstanding anything in this or any other Act, ^{Application for board} where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement.

3.—(1) Clause *l* of section 33 of *The Schools Administration Act, 1954* is amended by striking out "in Ontario" in the ^{1954, c. 86, s. 33, cl. 1, amended} fifth and seventh lines, so that the clause shall read as follows:

- (l) pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board incurred in attending meetings of the Ontario Educational Association or other similar

association of teachers or trustees and may make grants and pay membership fees to any such association.

1954, c. 86,
s. 33, cl. n,
re-enacted

(2) Clause *n* of the said section 33 is repealed and the following substituted therefor:

(*n*) invest funds received from an insurance claim, gift, legacy or sale of property in such securities as a trustee may invest in under *The Trustee Act*.

R.S.O. 1950,
c. 400

1954, c. 86,
s. 33,
amended

(3) The said section 33 is amended by adding thereto the following clauses:

(*y*) provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he attends a school for a course in conservation or natural science with the consent of his parent or guardian and with the permission of the board;

(*z*) operate a cafeteria for the use of the staff and students.

1954, c. 86,
amended

4. *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Open
meetings
of school
boards

37a.—(1) The meetings of a school board, except meetings of a committee of the board including a committee of the whole board, shall be open to the public and no person shall be excluded therefrom except for improper conduct.

Exclusion
of persons

(2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

1954, c. 86,
s. 46a
(1958, c. 97,
s. 6),
amended

5. Section 46a of *The Schools Administration Act, 1954*, as enacted by section 6 of *The Schools Administration Amendment Act, 1958*, is amended by adding thereto the following subsection:

Formation
of school
board during
biennial
term of
council

(4) Where a council is elected biennially and a new board is established after the election of council to be organized for the second year of the term of council, the council shall provide for the election of trustees to hold office for one year from the 1st day of January of such year and the election shall be held in the same manner as the election of trustees is held at municipal elections.

6. Section 83c of *The Schools Administration Act, 1954*, as 1954, c. 86, enacted by section 9 of *The Schools Administration Amendment Act, 1958*, is amended by adding thereto the following subsection:

- (5) This section applies also to assessors who meet to apportion costs between parts of a union school section, parts of a township school area or parts of a secondary school district.

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

8. This Act may be cited as *The Schools Administration Amendment Act, 1960*.

1st Reading

March 11th, 1960

2nd Reading

March 17th, 1960

3rd Reading

March 25th, 1960

MR. ROBARTS

BILL 114

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Secondary Schools and Boards of Education Act, 1954**

MR. ROBARTS

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

EXPLANATORY NOTES

SECTION 1. The definitions of permanent improvements and maintenance are transferred to *The Schools Administration Act, 1954*. See Bill 113.

SECTION 2. The provisions of subsection 3 of section 13 are included in the new section 13a. See section 3 of this Bill.

SECTION 3. The provisions respecting the disposition of assets and liabilities of high school boards where a district is enlarged are revised to provide for the situation where one district is added to another.

SECTION 4. The amendment is to provide for the proper increase or decrease in the number of appointments of trustees to a high school board where the district has been increased or decreased.

BILL 114

1960

**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. Clauses *h* and *l* of subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act, 1954* are repealed. 1954, c. 87, s. 1, subs. 1, cls. *h*, *l*, repealed

2. Subsection 3 of section 13 of *The Secondary Schools and Boards of Education Act, 1954* is repealed. 1954, c. 87, s. 13, subs. 3, repealed

3. *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following section: 1954, c. 87, amended

13a. Where a high school district is enlarged, the assets of the board of the district and of any high school district added thereto are forthwith vested in and the liabilities thereof forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. Assets and liabilities where high school district enlarged

4. Section 25 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 25, re-enacted

25.—(1) Where a high school district is enlarged or the population of the portion of a municipality within a district has increased and as a result the number of trustees should be increased, the council of the municipality entitled to appoint the additional trustee or trustees shall make such appointments. Trustees where district enlarged

Where
district
decreased

- (2) Where a high school district is decreased or the population of the portion of a municipality within a district has decreased and as a result the number of trustees appointed by the council of the municipality should be decreased, the council of the municipality shall not fill the vacancy arising at the end of the year and, where necessary to further decrease the number of appointments to the required number, shall provide for the retirement at the end of the year of any trustee.

1954, c. 87,
s. 29,
amended

5. Section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Cost of
borrowing
advance to
board before
sale of
debenture

- (10) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser.

1954, c. 87,
s. 33, subs. 6,
re-enacted

6.—(1) Subsection 6 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Request for
arbitration

- (6) Subject to subsection 13, where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 89 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1950,
c. 24

1954, c. 87,
s. 33,
subs. 13
(1958, c. 98,
s. 7),
amended

(2) Subsection 13 of the said section 33, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1958*, is amended by striking out "one of the

SECTION 5. Where a council borrows funds to advance to a school board pending the sale of a debenture in order that the board may proceed with its building project, the council may charge the cost of borrowing such funds for a period of not more than one year.

SECTION 6—Subsection 1. The amendment provides that an application for an arbitration to determine the proportion of liability each municipality shall bear in a high school district shall be made within two months after the last day for the passing of an equalization by-law or, in case of an appeal against the county equalization, within fifteen days of the final determination thereof.

Subsection 2. The amendment provides that a change in the assessment of the portion of a municipality included in the high school district instead of the whole municipality is required to alter the apportionment of the levy.

Subsection 3. The new subsection 14 provides that the equalized assessment to be used as the basis for determining the proportion of liability is the assessment as equalized in the preceding year.

SECTION 7. The amendment provides that the manner of election and number of elective members of a board of education for one municipality shall be the same as for a public school board in an urban municipality.

SECTION 8. This provision is to clarify the duties of an appointed member of a board of education.

municipalities" in the sixth line and inserting in lieu thereof "the portion of a municipality included in the high school district", so that the subsection shall read as follows:

- (13) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of the portion of a municipality included in the high school district is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators. ^{Effect of decision}

(3) The said section 33, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1954*, c. 87, s. 33, amended 1955 and section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1958*, is further amended by adding thereto the following subsection:

- (14) For the purposes of this section, "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable. ^{Equalized assessment}

7. Subsection 1 of section 52 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: ^{1954, c. 87, s. 52, subs. 1, re-enacted}

- (1) Where a board of education is established for one municipality, the elective members of the board shall be elected in the same manner and number as the trustees of a public school board in an urban municipality and the provisions of *The Public Schools Act* with respect to the number of trustees and manner of election of trustees of public school boards in urban municipalities apply *mutatis mutandis*. ^{Composition of board, elective members R.S.O. 1950, c. 316}

8. Subsection 1 of section 55 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: ^{1954, c. 87, s. 55, subs. 1, re-enacted}

- (1) A member of a board of education appointed by a county council or a separate school board may vote on any motion except one that involves the public schools. ^{Restrictions on appointed members}

1954, c. 87,
s. 56,
re-enacted

9. Section 56 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Vacancy
in office
of elected
member

56. Where the office of an elected member of a board of education becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided for filling a vacancy on a public school board in an urban municipality.

1954, c. 87,
s. 58,
re-enacted;
s. 59,
repealed

10. Sections 58 and 59 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor:

Number
and election
of elective
members of
board of
education
for one
municipality
R.S.O. 1950,
c. 316

58. Sections 76, 77, 78 and 78a of *The Public Schools Act* apply *mutatis mutandis* to the elective members of a board of education that has jurisdiction in only one municipality.

1954, c. 87,
s. 68, subs. 4,
cls. a, b,
re-enacted

11. Clauses *a* and *b* of subsection 4 of section 68 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor:

(a) First, the total gross current expenditures shall be ascertained for the calendar year for,

- (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding fees paid to another board and the cost of operation of evening courses of study,
- (ii) permanent improvements for the schools, and
- (iii) payments made on behalf of the board for a sinking fund or of principal and interest upon a debenture issued in respect of the schools.

(b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,

- (i) legislative grants, excluding grants on fees paid to another board and on the operation of evening courses of study,
- (ii) fees other than fees paid by another board,
- (iii) rents,
- (iv) donations other than for permanent improvements, and
- (v) other sources except taxation.

SECTION 9. The amendment provides that vacancies in the office of elected members of a board of education shall be filled in the same manner as vacancies on public school boards in urban municipalities.

SECTION 10. The provisions of the Act providing for the election of elective members of a board of education having jurisdiction in only one municipality are repealed and the provisions of *The Public Schools Act* as to trustees of urban school boards are made applicable. This is to make uniform the election and term of office of such trustees.

SECTION 11. The amendment is to clarify the calculation of the cost of education of county pupils attending a high or continuation school.



SECTION 12. To provide the conditions for the admission to secondary school of a child who is the ward of a children's aid society or whose mother has the sole support of the child under the circumstances set out in subsection 3 of section 69a.

12. *The Secondary Schools and Boards of Education Act, 1954, c. 87,* amended
1954 is amended by adding thereto the following section:

69a.—(1) A ward of a children's aid society who has completed the elementary school course shall be admitted without the payment of a fee to a secondary school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward. Admission of ward of children's aid society

(2) Where a child who has completed the elementary school course and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district for the current school year, the board of the district shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 68, as the case requires. Idem

(3) A child who has completed the elementary school course and whose mother, Admission of a child whose mother is the sole supporter, etc.

(a) resides in Ontario;

(b) is the sole support of the child;

(c) is not assessed as a supporter of a secondary school;

(d) boards her child in a residence that is assessed to the support of a secondary school and that is not a children's boarding home as defined in *The Children's Boarding Homes Act, 1957,* 1957, c. 11

shall be admitted to a secondary school by the board of the secondary school district in which he resides without the payment of a fee.

13.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent. Commencement

(2) Section 12 comes into force on the 1st day of July, 1960. Idem

14. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1960.* Short title

The Secondary Schools and Boards of
Education Act, 1954

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. ROBARTS

BILL 114

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Secondary Schools and Boards of Education Act, 1954**

MR. ROBARTS

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

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

EXPLANATORY NOTES

SECTION 1. The definitions of permanent improvements and maintenance are transferred to *The Schools Administration Act, 1954*. See Bill 113.

SECTION 2. The provisions of subsection 3 of section 13 are included in the new section 13a. See section 3 of this Bill.

SECTION 3. The provisions respecting the disposition of assets and liabilities of high school boards where a district is enlarged are revised to provide for the situation where one district is added to another.

SECTION 4. The amendment is to provide for the proper increase or decrease in the number of appointments of trustees to a high school board where the district has been increased or decreased.

BILL 114

1960

**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. Clauses *h* and *l* of subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act, 1954* are repealed. 1954, c. 87,
s. 1, subs. 1,
cls. *h*, *l*,
repealed

2. Subsection 3 of section 13 of *The Secondary Schools and Boards of Education Act, 1954* is repealed. 1954, c. 87,
s. 13, subs. 3,
repealed

3. *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following section: 1954, c. 87,
amended

13a. Where a high school district is enlarged, the assets of the board of the district and of any high school district added thereto are forthwith vested in and the liabilities thereof forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. Assets and
liabilities
where high
school
district
enlarged

4. Section 25 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87,
s. 25,
re-enacted

25.—(1) Where a high school district is enlarged or the population of the portion of a municipality within a district has increased and as a result the number of trustees should be increased, the council of the municipality entitled to appoint the additional trustee or trustees shall make such appointments. Trustees
where
district
enlarged

Where
district
decreased

- (2) Where a high school district is decreased or the population of the portion of a municipality within a district has decreased and as a result the number of trustees appointed by the council of the municipality should be decreased, the council of the municipality shall not fill the vacancy arising at the end of the year and, where necessary to further decrease the number of appointments to the required number, shall provide for the retirement at the end of the year of any trustee.

1954, c. 87,
s. 29,
amended

5. Section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Cost of
borrowing
advance to
board before
sale of
debenture

- (10) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser.

1954, c. 87,
s. 33, subs. 6,
re-enacted

6.—(1) Subsection 6 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Request for
arbitration

- (6) Subject to subsection 13, where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 89 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1950,
c. 24

1954, c. 87,
s. 33,
subs. 13
(1958, c. 98,
s. 7),
amended

(2) Subsection 13 of the said section 33, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1958*, is amended by striking out "one of the

SECTION 5. Where a council borrows funds to advance to a school board pending the sale of a debenture in order that the board may proceed with its building project, the council may charge the cost of borrowing such funds for a period of not more than one year.

SECTION 6—Subsection 1. The amendment provides that an application for an arbitration to determine the proportion of liability each municipality shall bear in a high school district shall be made within two months after the last day for the passing of an equalization by-law or, in case of an appeal against the county equalization, within fifteen days of the final determination thereof.

Subsection 2. The amendment provides that a change in the assessment of the portion of a municipality included in the high school district instead of the whole municipality is required to alter the apportionment of the levy.

Subsection 3. The new subsection 14 provides that the equalized assessment to be used as the basis for determining the proportion of liability is the assessment as equalized in the preceding year.

SECTION 7. The amendment provides that the manner of election and number of elective members of a board of education for one municipality shall be the same as for a public school board in an urban municipality.

SECTION 8. This provision is to clarify the duties of an appointed member of a board of education.

SECTION 9. The amendment provides that vacancies in the office of elected members of a board of education shall be filled in the same manner as vacancies on public school boards in urban municipalities.

municipalities" in the sixth line and inserting in lieu thereof "the portion of a municipality included in the high school district", so that the subsection shall read as follows:

- (13) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of the portion of a municipality included in the high school district is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators.

(3) The said section 33, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1954*, c. 87, s. 33, amended 1955 and section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1958*, is further amended by adding thereto the following subsection:

- (14) For the purposes of this section, "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable.

7. Subsection 1 of section 52 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

- (1) Where a board of education is established for one municipality, the elective members of the board shall be elected in the same manner and number as the trustees of a public school board in an urban municipality and the provisions of *The Public Schools Act* with respect to the number of trustees and manner of election of trustees of public school boards in urban municipalities apply *mutatis mutandis*.

8. Subsection 1 of section 55 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

- (1) A member of a board of education appointed by a county council or a separate school board may vote on any motion except one that involves the public schools.

9. Section 56 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Vacancy
in office
of elected
member

56. Where the office of an elected member of a board of education becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided for filling a vacancy on a public school board in an urban municipality.

1954, c. 87,
s. 58,
re-enacted;
s. 59,
repealed

10. Sections 58 and 59 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor:

Number
and election
of elective
members of
board of
education
for one
municipality
R.S.O. 1950,
c. 316

58. Sections 76, 77, 78 and 78a of *The Public Schools Act* apply *mutatis mutandis* to the elective members of a board of education that has jurisdiction in only one municipality.

1954, c. 87,
s. 68, subs. 4,
cls. a, b,
re-enacted

11. Clauses *a* and *b* of subsection 4 of section 68 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor:

(a) First, the total gross current expenditures shall be ascertained for the calendar year for,

(i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding fees paid or payable to another board and the cost of operation of evening courses of study,

(ii) permanent improvements for the schools, and

(iii) payments made or owing on behalf of the board for a sinking fund or of principal and interest upon a debenture issued in respect of the schools.

(b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,

(i) legislative grants, excluding grants on fees paid or payable to another board and on the operation of evening courses of study,

(ii) fees other than fees paid or payable by another board,

(iii) rents,

(iv) donations other than for permanent improvements, and

(v) other sources except taxation.

SECTION 10. The provisions of the Act providing for the election of elective members of a board of education having jurisdiction in only one municipality are repealed and the provisions of *The Public Schools Act* as to trustees of urban school boards are made applicable. This is to make uniform the election and term of office of such trustees.

SECTION 11. The amendment is to clarify the calculation of the cost of education of county pupils attending a high or continuation school.

SECTION 12. To provide the conditions for the admission to secondary school of a child who is the ward of a children's aid society or whose mother has the sole support of the child under the circumstances set out in subsection 3 of section 69a.

12. *The Secondary Schools and Boards of Education Act, 1954, c. 87,* 1954 is amended by adding thereto the following section: 1954, c. 87, amended

69a.—(1) A ward of a children's aid society who has completed the elementary school course shall be admitted without the payment of a fee to a secondary school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward. Admission of ward of children's aid society

(2) Where a child who has completed the elementary school course and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district for the current school year, the board of the district shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 68, as the case requires. Idem

(3) A child who has completed the elementary school course and whose mother, Admission of a child whose mother is the sole supporter, etc.

(a) resides in Ontario;

(b) is the sole support of the child;

(c) is not assessed as a supporter of a secondary school;

(d) boards her child in a residence that is assessed to the support of a secondary school and that is not a children's boarding home as defined in *The Children's Boarding Homes Act, 1957,* 1957, c. 11

shall be admitted to a secondary school by the board of the secondary school district in which he resides without the payment of a fee.

13.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent. Commencement

(2) Section 12 comes into force on the 1st day of July, 1960. Idem

14. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1960.* Short title

The Secondary Schools and Boards of
Education Act, 1954

1st Reading

March 11th, 1960

2nd Reading

March 17th, 1960

3rd Reading

MR. ROBARTS

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

BILL 114

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend

The Secondary Schools and Boards of Education Act, 1954

MR. ROBARTS

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



BILL 114

1960

**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. Clauses *h* and *l* of subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act, 1954* are repealed. 1954, c. 87, s. 1, subs. 1, cls. *h*, *l*, repealed

2. Subsection 3 of section 13 of *The Secondary Schools and Boards of Education Act, 1954* is repealed. 1954, c. 87, s. 13, subs. 3, repealed

3. *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following section: 1954, c. 87, amended

13a. Where a high school district is enlarged, the assets of the board of the district and of any high school district added thereto are forthwith vested in and the liabilities thereof forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. Assets and liabilities where high school district enlarged

4. Section 25 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 25, re-enacted

25.—(1) Where a high school district is enlarged or the population of the portion of a municipality within a district has increased and as a result the number of trustees should be increased, the council of the municipality entitled to appoint the additional trustee or trustees shall make such appointments. Trustees where district enlarged

Where district decreased

- (2) Where a high school district is decreased or the population of the portion of a municipality within a district has decreased and as a result the number of trustees appointed by the council of the municipality should be decreased, the council of the municipality shall not fill the vacancy arising at the end of the year and, where necessary to further decrease the number of appointments to the required number, shall provide for the retirement at the end of the year of any trustee.

1954, c. 87, s. 29, amended

5. Section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Cost of borrowing advance to board before sale of debenture

- (10) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser.

1954, c. 87, s. 33, subs. 6, re-enacted

6.—(1) Subsection 6 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Request for arbitration

- (6) Subject to subsection 13, where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 89 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1950, c. 24

1954, c. 87, s. 33, subs. 13 (1958, c. 98, s. 7), amended

(2) Subsection 13 of the said section 33, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1958*, is amended by striking out "one of the

municipalities" in the sixth line and inserting in lieu thereof "the portion of a municipality included in the high school district", so that the subsection shall read as follows:

- (13) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of the portion of a municipality included in the high school district is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators. Effect of decision

(3) The said section 33, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1954*, c. 87, s. 33, amended 1955 and section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1958*, is further amended by adding thereto the following subsection:

- (14) For the purposes of this section, "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable. Equalized assessment

7. Subsection 1 of section 52 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 52, subs. 1, re-enacted

- (1) Where a board of education is established for one municipality, the elective members of the board shall be elected in the same manner and number as the trustees of a public school board in an urban municipality and the provisions of *The Public Schools Act* with respect to the number of trustees and manner of election of trustees of public school boards in urban municipalities apply *mutatis mutandis*. R.S.O. 1950, c. 316

8. Subsection 1 of section 55 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 55, subs. 1, re-enacted

- (1) A member of a board of education appointed by a county council or a separate school board may vote on any motion except one that involves the public schools. Restrictions on appointed members

9. Section 56 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 56, re-enacted

Vacancy
in office
of elected
member

56. Where the office of an elected member of a board of education becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided for filling a vacancy on a public school board in an urban municipality.

1954, c. 87,
s. 58,
re-enacted;
s. 59,
repealed

- 10.** Sections 58 and 59 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor:

Number
and election
of elective
members of
board of
education
for one
municipality
R.S.O. 1950,
c. 316

58. Sections 76, 77, 78 and 78a of *The Public Schools Act* apply *mutatis mutandis* to the elective members of a board of education that has jurisdiction in only one municipality.

1954, c. 87,
s. 68, subs. 4,
cls. a, b,
re-enacted

- 11.** Clauses a and b of subsection 4 of section 68 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor:

- (a) First, the total gross current expenditures shall be ascertained for the calendar year for,
- (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding fees paid or payable to another board and the cost of operation of evening courses of study,
 - (ii) permanent improvements for the schools, and
 - (iii) payments made or owing on behalf of the board for a sinking fund or of principal and interest upon a debenture issued in respect of the schools.
- (b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,
- (i) legislative grants, excluding grants on fees paid or payable to another board and on the operation of evening courses of study,
 - (ii) fees other than fees paid or payable by another board,
 - (iii) rents,
 - (iv) donations other than for permanent improvements, and
 - (v) other sources except taxation.

12. *The Secondary Schools and Boards of Education Act*, 1954, c. 87, amended
 1954 is amended by adding thereto the following section:

69a.—(1) A ward of a children's aid society who has completed the elementary school course shall be admitted without the payment of a fee to a secondary school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward. Admission of ward of children's aid society

(2) Where a child who has completed the elementary school course and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district for the current school year, the board of the district shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 68. as the case requires. Idem

(3) A child who has completed the elementary school course and whose mother, Admission of a child whose mother is the sole supporter, etc.

(a) resides in Ontario;

(b) is the sole support of the child;

(c) is not assessed as a supporter of a secondary school;

(d) boards her child in a residence that is assessed to the support of a secondary school and that is not a children's boarding home as defined in *The Children's Boarding Homes Act*, 1957, c. 11

shall be admitted to a secondary school by the board of the secondary school district in which he resides without the payment of a fee.

13.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent. Commencement

(2) Section 12 comes into force on the 1st day of July, 1960. Idem

14. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act*, 1960. Short title

The Secondary Schools and Boards of
Education Act, 1954

1st Reading

March 11th, 1960

2nd Reading

March 17th, 1960

3rd Reading

March 25th, 1960

MR. ROBARTS

BILL 115

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Schools Act

MR. ROBARTS

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

EXPLANATORY NOTES

SECTION 1. Sections 5 and 90 of *The Public Schools Act* which deal with the right of resident and non-resident children to attend public school are completely revised for the purposes of clarification.

BILL 115

1960

An Act to amend The Public Schools Act

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

1. Section 5 of *The Public Schools Act*, as amended by R.S.O. 1950, section 2 of *The Public Schools Amendment Act, 1957* and section 2 of *The Public Schools Amendment Act, 1958*, is repealed and the following substituted therefor: c. 316, s. 5, re-enacted

GENERAL RIGHT TO ATTEND PUBLIC SCHOOL

- 5.—(1) Subject to section 6, a person who has attained the age of five on or before the 31st day of December in any year has the right to attend a public school in the school section in which he and his parent or guardian reside after the 1st day of September of the following year unless,
- (a) his parent or guardian is a separate school supporter; or
 - (b) he is unable by reason of mental or physical defect to profit by instruction; or
 - (c) he has been promoted to a grade beyond the grade required to be operated in the public school; or
 - (d) he has attained the age of twenty-one years.
- (2) Where a question arises as to whether or not a person can profit by instruction in a public school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final. Determination as to whether or not person can profit by instruction
- (3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the school, including proof of age. Evidence as to right to attend

Kindergarten

- (4) Where a board operates a kindergarten in a school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior kindergarten

- (5) Where the board operates a junior kindergarten in a school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

Kindergarten fees

- (6) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

RIGHTS OF ADMISSION OF RESIDENT AND
NON-RESIDENT PUPILS

Determination of gross and net cost

- 6.—(1) In this section,

- (a) “gross cost per pupil per day” shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;
- (b) “net cost per pupil per day” shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year.

Resident pupil, admission to school

- (2) Subject to section 5, where a child and his parent or guardian reside in a school section in a residence that is assessed to the support of public schools or in a trailer for which fees are paid for the support of public schools, the child shall be admitted to a public school by the board of that section without the payment of a fee.

Admission where public school supporter moves into residence assessed to separate school support

- (3) Subject to section 5, where a child whose parent or guardian is not a separate school supporter moves with his parent or guardian into a residence that is assessed for separate school purposes, and the date upon which the assessment for the current year may be changed to the support of public schools has passed, upon the filing of a notice of change for the

following year with the clerk of the municipality, the child shall be admitted to a public school by the board of the section without the payment of a fee.

(4) Subject to section 5, a child,

(a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and

Admission of resident pupil to another school by reason of distance to school

(b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act, 1954* and as certified by the inspector,

1954, c. 86

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and a public school in a neighbouring school section is more accessible to the residence than the school that he is required to attend, as certified by the inspector of the school section in which the child resides, and the inspector for the neighbouring school certifies that there is sufficient accommodation for such non-resident pupil for the current school year, the child shall be admitted to the school for that school year upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

Resident pupil's right to attend more accessible neighbouring school

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for the privilege under subsection 3, 4 or 9, the child

Admission of non-resident pupils

may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission
of child
whose
mother is
sole
supporter,
etc.

- (7) Subject to section 5, a child whose mother,
- (a) resides in Ontario;
 - (b) is the sole support of the child;
 - (c) is not assessed as a supporter of a public or separate school in any school section; and
 - (d) boards her child in a residence that is assessed to the support of public schools and that is not a children's boarding home as defined in *The Children's Boarding Homes Act, 1957*,

1957, c. 11

shall be admitted to a public school in the section in which he resides without the payment of a fee.

Admission
of ward of
children's
aid society

- (8) A child who is a ward of a children's aid society shall be admitted to a school by the board of the school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward and no fee shall be charged by the board.

Idem

- (9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission
of non-
resident
pupil, where
parent
assessed
in section

- (10) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,
- (a) as an owner; or
 - (b) for business assessment; or

ARBO



SECTION 2. The amendment provides for the enlargement of a rural school site to two acres without reference to a meeting of the ratepayers.

SECTION 3. The amendment is to clarify the procedure for a township council to alter the boundaries of a school section.

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for public school purposes in that school section divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a public school by the board of that section without the payment of a fee.

- (11) Where a child resides on land that is exempt from taxation for school purposes, he shall be admitted to a public school that is accessible to him and for which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils. Resident on land exempt from taxation
- (12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year. Agreement between boards

2. Section 10 of *The Public Schools Act* is amended by adding thereto the following subsections: R.S.O. 1950, c. 316, s. 10, amended

- (5) Where the area of a rural school site is less than two acres, the board may without reference to a meeting of the ratepayers enlarge the site to two acres. Enlargement of school site
- (6) This section does not apply to a school site in a township school area. Application

3. Section 13 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 316, s. 13, re-enacted

ALTERATION OF SINGLE RURAL SCHOOL SECTIONS

13. The council of a township may pass a by-law, By-laws for alteration of single school sections
- (a) to unite two or more sections in the same township into one section;
- (b) to alter the boundaries of a school section within the township, to divide an existing section into two or more sections, to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections

so as to form a new section, provided that all of the public school boards to be affected by the proposed by-law have been duly notified.

R.S.O. 1950,
c. 316, s. 14,
subss. 1, 2,
subs. 2a
(1957,
c. 101, s. 4),
subss. 3, 5,
repealed

4. Subsections 1 and 2, subsection 2a, as enacted by section 4 of *The Public Schools Amendment Act, 1957*, and subsections 3 and 5 of section 14 of *The Public Schools Act* are repealed.

R.S.O. 1950,
c. 316, s. 14a
(1957,
c. 101, s. 5),
re-enacted

5. Section 14a of *The Public Schools Act*, as enacted by section 5 of *The Public Schools Amendment Act, 1957*, is repealed and the following substituted therefor:

BY-LAWS FOR ESTABLISHMENT OR ALTERATION
OF SCHOOL SECTIONS

Effective
dates

14a.—(1) A by-law of a municipal council for the establishment or alteration of a school section shall be passed before the 1st day of July in any year and, subject to subsection 2, shall become effective on the 1st day of January of the following year except that for the purposes of the election of trustees it shall be effective on the day of nomination for trustees for the school section.

Approval of
Minister

(2) A by-law of a municipal council to establish a school section or a township school area or to alter the boundaries of a school section or a township school area shall not come into force until it has been approved by the Minister.

Clerk to
send copies
to board, to
inspector and
the Minister

(3) The township clerk shall send a copy of the by-law immediately after the passing thereof to the secretary of the board of every school section affected thereby, to the inspector and to the Minister.

R.S.O. 1950,
c. 316, s. 15,
subs. 2c
(1953, c. 90,
s. 3, subs. 1),
amended

6.—(1) Subsection 2c of section 15 of *The Public Schools Act*, as enacted by subsection 1 of section 3 of *The Public Schools Amendment Act, 1953*, is amended by striking out "25th day of December in the year in which the by-law is passed" in the third and fourth lines and inserting in lieu thereof "1st day of January of the year following that in which the by-law is passed".

R.S.O. 1950,
c. 316, s. 15,
subs. 4a
(1957, c. 101,
s. 6, subs. 1),
amended

(2) Subsection 4a of the said section 15, as re-enacted by subsection 1 of section 6 of *The Public Schools Amendment Act, 1957*, is amended by striking out "has established" in the first line and inserting in lieu thereof "includes part or all of", so that the subsection shall read as follows:

Decreasing
areas

(4a) The council of a township that includes part or all of a township school area may, by by-law passed before the 1st day of July in any year, detach any

SECTION 4. Complementary to section 3 of this Bill.

SECTION 5. The amendment is to clarify procedures respecting by-laws establishing and altering school sections.

SECTION 6—Subsections 1 and 3. Complementary to section 5 of this Bill.

Subsection 2. The amendment authorizes any municipality in a township school area to initiate proceedings to alter boundaries. At present only the township that established the area can initiate proceedings.

Subsection 4. The amendment provides for the election of trustees of a township school area by wards in the same manner as urban boards.

SECTION 7. The provisions respecting consolidated school sections are no longer necessary since the provisions for township school areas are complete and inclusive.

SECTION 8. These provisions dealing with the sale of school property are repealed as this matter is dealt with in section 93 of the Act.

SECTION 9. The amendment is complementary to section 5 of this Bill.

SECTION 10. Sections 44 and 50 of the Act deal with unorganized townships and unsurveyed districts which may both be more properly described as territory without municipal organization. As the provisions are similar they are combined in section 44.

portion of the township school area and, subject to subsection 3 of section 65, may establish such portion or any part thereof as a school section, union school section or township school area or attach such portion or any part thereof to a township school area, or to an adjoining school section, or to a union school section, and the provisions of section 17 with respect to adjustments of rights and claims shall apply *mutatis mutandis*.

(3) Subsection 8 of the said section 15 is repealed.

R.S.O. 1950,
c. 316, s. 15,
subs. 8,
repealed

(4) The said section 15 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 316, s. 15,
amended

(9b) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be changed in the manner provided in section 78 to that provided for a school board of an urban municipality.

Where
township
divided
into wards

7. Sections 22, 23, 24 and 25, section 26, as re-enacted by section 4 of *The Public Schools Amendment Act, 1953*, and sections 27 and 28 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 22,
re-enacted;
ss. 23-25,
s. 26 (1953,
c. 90, s. 4),
ss. 27, 28,
repealed

22. Every consolidated school section heretofore established is a township school area.

Consolidated
school
section
deemed
township
school area

8. Section 30 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 30,
repealed

9. Subsection 2 of section 32 of *The Public Schools Act* is amended by striking out "25th day of December" in the eighth line and inserting in lieu thereof "1st day of January".

R.S.O. 1950,
c. 316, s. 32,
subs. 2,
amended

10.—(1) Subsection 1 of section 44 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 44,
subs. 1,
re-enacted

(1) Subject to the approval of the Minister, the inspector may form any part of territory without municipal organization into a school section.

Formation of
school
sections
in
territory
without
municipal
organization

(2) Subsection 6 of the said section 44, as enacted by section 4 of *The Public Schools Amendment Act, 1954*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 44,
subs. 6
(1954, c. 79,
s. 4),
re-enacted

(6) The board shall be a corporation and, where the school section includes part or all of one or more unorganized townships, shall be known as "The Public School Board of School Section No."

Board to be
corporation,
name

of the unorganized Townships of.....
in the Territorial District(s) of
(inserting a
 number selected by the inspector, the name of the town-
 ship in which the school site is located, the names of
 other townships in alphabetical order and the name(s)
 of district(s))" and, where the school section includes
 only unsurveyed territory, shall be known as "The
 Public School Board of.....
 in the Territorial District(s) of.....
 (inserting a name selected by the inspector and the
 name(s) of the district(s))".

R.S.O. 1950,
 c. 316, s. 50,
 repealed

11. Section 50 of *The Public Schools Act*, as amended by section 5 of *The Public Schools Amendment Act, 1954* and section 8 of *The Public Schools Amendment Act, 1958*, is repealed.

R.S.O. 1950,
 c. 316, s. 59,
 subs. 1,
 amended

12. Subsection 1 of section 59 of *The Public Schools Act* is amended by striking out "A rural school board may" in the first line and inserting in lieu thereof "Subject to subsection 5 of section 10, a township school area board may, and any other rural school board with the approval of the ratepayers of the school section may", so that the subsection shall read as follows:

School
 property
 may be
 paid for
 by one
 special rate

- (1) Subject to subsection 5 of section 10, a township school area board may, and any other rural school board with the approval of the ratepayers of the school section may, require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a schoolhouse, or an addition thereto, or a teacher's residence.

R.S.O. 1950,
 c. 316, s. 60,
 re-enacted

13. Section 60 of *The Public Schools Act* is repealed and the following substituted therefor:

Rural school
 board may
 borrow
 surplus in
 Ontario
 Municipi-
 palities
 Fund

- 60. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for the purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys of the corporation or in the Ontario Municipalities Fund for such term and at such rate of interest as may be set forth in the resolution for the purpose of any permanent improvement, and any sum so borrowed shall be applied only to the purpose for which it was borrowed.

SECTION 11. The repeal of section 50 of the Act is complementary to section 10 of the Bill.

SECTION 12. At present, a rural school board may require that school property be paid for by one special rate. The amendment provides that this may be done only with the approval of the ratepayers.

SECTION 13. The section is re-enacted to clarify the right of rural boards to borrow surplus funds from a municipal corporation.

SECTION 14. Where a council borrows funds to advance to a school board pending the sale of a debenture in order that the board may proceed with its building project, the council may charge to the board the cost of borrowing such funds for a period of not more than two years.

SECTION 15. These sections provide for a uniform procedure for the election of public school boards and boards of education by elections at large, or by wards, for the number of trustees that may be elected at large based on population, and for the election of one trustee per ward where the number of wards is five or more.

14. *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 316,
amended

60a. Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of two years, whichever is the lesser. Cost of
borrowing
advance to
board
before
sale of
debenture

15. Section 76, section 77, as amended by section 9 of *The Public Schools Amendment Act, 1953*, and section 78 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1950,
c. 316,
ss. 76-78,
re-enacted

76.—(1) Except as provided in section 77, the trustees of a school board of an urban municipality shall be elected by a general vote of the electors for a term of two years with one-half of the trustees retiring each year. Election of
trustees in
urban muni-
cipality not
divided into
wards, by
general vote

(2) The number of trustees on the board shall be determined by the population of the municipality as shown on the assessment roll for the year preceding the year in which the election is held as follows, where the population was, Number of
trustees
on board

(a) less than 10,000, six trustees;

(b) 10,000 or more but less than 50,000, eight trustees;

(c) 50,000 or more but less than 100,000, ten trustees;

(d) 100,000 or more, twelve trustees.

(3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on a school board should be increased or decreased, the trustees in office shall continue in office until the end of the year and the proper number of trustees shall be elected to take office on the 1st day of January of the following year. Change in
number of
trustees

Urban municipality divided into wards

77.—(1) A school board for an urban municipality that is divided into wards may, in the manner provided in section 78, be changed to a board comprising two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five or more wards

(2) A school board of an urban municipality that is divided into five or more wards may, in the manner provided in section 78, be changed to a board comprising one trustee for each ward elected by the electors of each ward for a period of two years.

Change from election by wards to general vote

(3) A school board of an urban municipality that is divided into wards may, in the manner provided in section 78, be changed to a board elected in the manner provided in section 76.

Method of changing composition and election of board

78.—(1) The composition and election of a board of an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 77 to that provided in any other subsection in that section provided that,

(a) a resolution for a change is supported by a majority of the trustees of the board and is approved by resolution by the council of the municipality before the 1st day of July in any year; or

(b) where such a resolution for a change is not approved by the council before the 1st day of July, the board may require the council to submit the resolution to the electors at the next municipal election.

Where change involves township area board or board of education

(2) Where a township area board is to be established to replace more than one public school board or where a board of education is to be established to replace a public school board or a board of education is to be dissolved and replaced by a public school board, the trustees required to support a resolution under clause *a* of subsection 1 shall be the elected trustees in the municipality and, where there is more than one public school board concerned, any such board may require council to submit a resolution to the electors under clause *b* of subsection 1.

Election of new board after change

(3) At the election following the passing of the resolutions by the board and council or following a favourable vote of the electors on the question, a new board



SECTION 16. The matter of vacancies and declarations for qualification of office of trustees is provided for in *The Public Schools Act* and, therefore, the reference to the provision of *The Municipal Act* in this regard is deleted.

shall be elected to take office on the 1st day of January of the following year.

- (4) A change in the method of election may not be made under this section unless, Limitations on changing method of election

- (a) the board has been elected in its present form for a period of four years; or
- (b) a board of education is being established or a public school board is being established following the dissolution of a board of education.

78a. At the first election of trustees of an urban school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year, Determination of retirement of trustees

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the retirement shall be determined by lot.

16. Subsection 1 of section 80 of *The Public Schools Act*, R.S.O. 1950, c. 316, s. 80 as re-enacted by section 10 of *The Public Schools Amendment Act, 1953*, is amended by striking out "vacancies and declarations of qualification for office" in the tenth and eleventh lines, so that the subsection shall read as follows: (1953, c. 90, s. 10), subs. 1, amended

- (1) The board of an urban municipality or a township board shall be elected by ballot, and the election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, shall *mutatis mutandis* apply to the election. Election by ballot R.S.O. 1950, c. 243

R.S.O. 1950, c. 316, s. 82, repealed **17.** Section 82 of *The Public Schools Act*, as amended by section 11 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950, c. 316, s. 90, repealed **18.** Section 90 of *The Public Schools Act*, as amended by section 7 of *The Public Schools Amendment Act, 1959*, is repealed.

R.S.O. 1950, c. 316, s. 92, repealed **19.** Section 92 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, s. 120, subs. 8, repealed **20.** Subsection 8 of section 120 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, s. 120a, subs. 1 (1953, c. 90, s. 14, subs. 1), re-enacted **21.**—(1) Subsection 1 of section 120a of *The Public Schools Act*, as re-enacted by subsection 1 of section 14 of *The Public Schools Amendment Act, 1953*, is repealed and the following substituted therefor:

Municipal inspector

(1) Where the average attendance of pupils in the public schools operated by a board in any year is 2,000 or more, the board may request the Minister to designate the school section as a municipal inspectorate and if the request is granted the school section shall become a municipal inspectorate on the date designated by the Minister and the board shall employ an inspector whose appointment or removal shall not be effective until approved by the Minister.

Idem

(1a) Where the average attendance of pupils in the public schools operated by a board in any year is 3,000 or more, the school section shall on the 1st day of July of the following year become a municipal inspectorate and the board shall employ an adequate staff of inspectors whose appointment or removal shall not be effective until approved by the Minister.

R.S.O. 1950, c. 316, s. 120a, subs. 1a (1959, c. 83, s. 10, subs. 1), renumbered (2) Subsection 1a of the said section 120a, as enacted by subsection 1 of section 10 of *The Public Schools Amendment Act, 1959*, is renumbered as subsection 1aa.

R.S.O. 1950, c. 316, ss. 131, 132, repealed **22.** Sections 131 and 132 of *The Public Schools Act* are repealed.

Commencement **23.**—(1) This Act, except sections 1 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 18 come into force on the 1st day of July, 1960.

Short title **24.** This Act may be cited as *The Public Schools Amendment Act, 1960*.

SECTION 17. The repeal of section 82 is complementary to section 15 of this Bill.

SECTION 18. The provisions of this section with respect to non-resident pupils are revised and incorporated with section 5 of the Act. See section 1 of this Bill.

SECTION 19. The provision repealed provides for agreements between boards as to school accommodation. The provision is now obsolete as accommodation is provided on a fee basis.

SECTION 20. The repeal of subsection 8 is complementary to the amendment to section 120a relating to the appointment of inspectors. See section 21 of this Bill.

SECTION 21. At present, a city board that employs 100 teachers is required to employ its own inspectors and other boards that employ 100 teachers may employ an inspector. The amendment provides that, where the average attendance in any year is 2,000 or more, a board may request that the school section become a municipal inspectorate and, where the average attendance is 3,000 or more, the school section thereby becomes a municipal inspectorate and the board is required to appoint inspectors with the approval of the Minister.

SECTION 22. These provisions provide for courses of instruction in agriculture, crafts, etc., at the municipal level in townships and by agreement among school boards in urban municipalities. These provisions are obsolete as courses are now given by school boards.

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. ROBARTS

BILL 115

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Schools Act

MR. ROBARTS

(Reprinted as amended by the Committee on Education)

TORONTO
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EXPLANATORY NOTES

SECTION 1. Sections 5 and 90 of *The Public Schools Act* which deal with the right of resident and non-resident children to attend public school are completely revised for the purposes of clarification.

An Act to amend The Public Schools Act

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

1. Section 5 of *The Public Schools Act*, as amended by section 2 of *The Public Schools Amendment Act, 1957* and section 2 of *The Public Schools Amendment Act, 1958*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 5,
re-enacted

GENERAL RIGHT TO ATTEND PUBLIC SCHOOL

5.—(1) Subject to section 6, a person who has attained the age of five on or before the 31st day of December in any year has the right to attend a public school in the school section in which he and his parent or guardian reside after the 1st day of September of the following year unless,

Right to
attend

- (a) his parent or guardian is a separate school supporter; or
- (b) he is unable by reason of mental or physical defect to profit by instruction; or
- (c) he has been promoted to a grade beyond the grade required to be operated in the public school; or
- (d) he has attained the age of twenty-one years.

(2) Where a question arises as to whether or not a person can profit by instruction in a public school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.

Determina-
tion as to
whether or
not person
can profit
by
instruction

(3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the school, including proof of age.

Evidence as
to right to
attend

Kindergarten

- (4) Where a board operates a kindergarten in a school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior kindergarten

- (5) Where the board operates a junior kindergarten in a school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

Kindergarten fees

- (6) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

RIGHTS OF ADMISSION OF RESIDENT AND
NON-RESIDENT PUPILS

Determination of gross and net cost

- 6.—(1) In this section,

(a) “gross cost per pupil per day” shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;

(b) “net cost per pupil per day” shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year.

Resident pupil, admission to school

- (2) Subject to section 5, where a child and his parent or guardian reside in a school section in a residence that is assessed to the support of public schools or in a trailer for which fees are paid for the support of public schools, the child shall be admitted to a public school by the board of that section without the payment of a fee.

Admission where public school supporter moves into residence assessed to separate school support

- (3) Subject to section 5, where a child whose parent or guardian is not a separate school supporter moves with his parent or guardian into a residence that is assessed for separate school purposes, and the date upon which the assessment for the current year may be changed to the support of public schools has passed, upon the filing of a notice of change for the

following year with the clerk of the municipality, the child shall be admitted to a public school by the board of the section without the payment of a fee.

(4) Subject to section 5, a child,

(a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and

Admission of resident pupil to another school by reason of distance to school

(b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act, 1954* and as certified by the inspector,

1954, c. 86

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and a public school in a neighbouring school section is more accessible to the residence than the school that he is required to attend, as certified by the inspector of the school section in which the child resides, and the inspector for the neighbouring school certifies that there is sufficient accommodation for such non-resident pupil for the current school year, the child shall be admitted to the school for that school year upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

Resident pupil's right to attend more accessible neighbouring school

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for the privilege under subsection 3, 4 or 9, the child

Admission of non-resident pupils

may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission
of child
whose
mother is
sole
supporter,
etc.

- (7) Subject to section 5, a child whose mother,
- (a) resides in Ontario;
 - (b) is the sole support of the child;
 - (c) is not assessed as a supporter of a public or separate school in any school section; and
 - (d) boards her child in a residence that is assessed to the support of public schools and that is not a children's boarding home as defined in *The Children's Boarding Homes Act, 1957*,

1957, c. 11

shall be admitted to a public school in the section in which he resides without the payment of a fee.

Admission
of ward of
children's
aid society

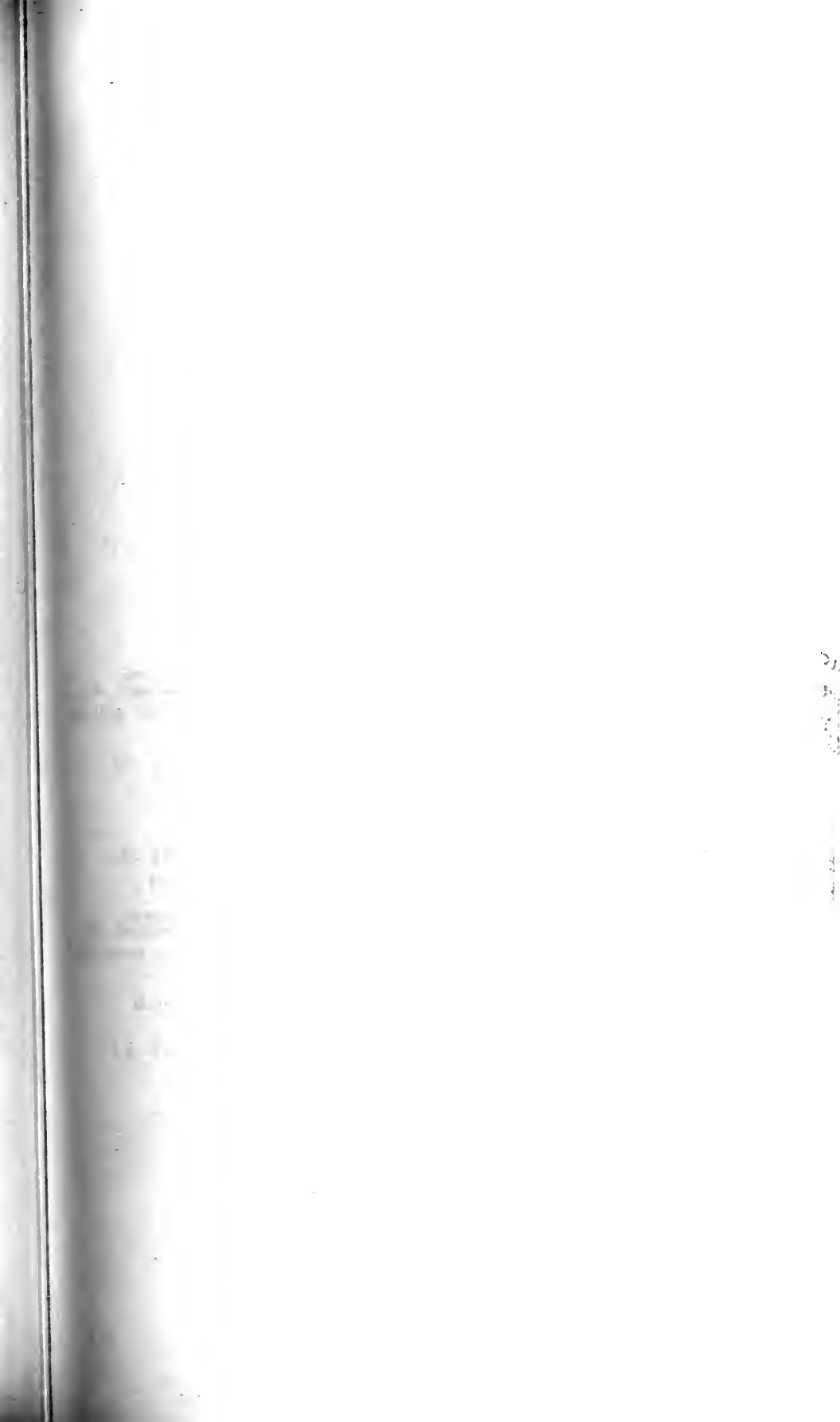
- (8) A child who is a ward of a children's aid society shall be admitted to a school by the board of the school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward and no fee shall be charged by the board.

Idem

- (9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission
of non-
resident
pupil, where
parent
assessed
in section

- (10) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,
- (a) as an owner; or
 - (b) for business assessment; or



SECTION 2. The amendment provides for the enlargement of a rural school site to two acres without reference to a meeting of the ratepayers.

SECTION 3. The amendment is to clarify the procedure for a township council to alter the boundaries of a school section.

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for public school purposes in that school section divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a public school by the board of that section without the payment of a fee.

- (11) Where a child resides on land that is exempt from taxation for school purposes, he shall be admitted to a public school that is accessible to him and for which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils. Resident on land exempt from taxation
- (12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year. Agreement between boards

2. Section 10 of *The Public Schools Act* is amended by adding thereto the following subsections: R.S.O. 1950, c. 316, s. 10, amended

- (5) Where the area of a rural school site is less than two acres, the board may without reference to a meeting of the ratepayers enlarge the site to two acres. Enlargement of school site
- (6) This section does not apply to a school site in a township school area. Application

3. Section 13 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 316, s. 13, re-enacted

ALTERATION OF SINGLE RURAL SCHOOL SECTIONS

13. The council of a township may pass a by-law, By-laws for alteration of single school sections
- (a) to unite two or more sections in the same township into one section;
- (b) to alter the boundaries of a school section within the township, to divide an existing section into two or more sections, to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections

so as to form a new section, provided that all of the public school boards to be affected by the proposed by-law have been duly notified.

R.S.O. 1950,
c. 316, s. 14,
subss. 1, 2,
subs. 2^a
(1957,
c. 101, s. 4),
subss. 3, 5,
repealed

4. Subsections 1 and 2, subsection 2^a, as enacted by section 4 of *The Public Schools Amendment Act, 1957*, and subsections 3 and 5 of section 14 of *The Public Schools Act* are repealed.

R.S.O. 1950,
c. 316, s. 14^a
(1957,
c. 101, s. 5),
re-enacted

5. Section 14^a of *The Public Schools Act*, as enacted by section 5 of *The Public Schools Amendment Act, 1957*, is repealed and the following substituted therefor:

BY-LAWS FOR ESTABLISHMENT OR ALTERATION
OF SCHOOL SECTIONS

Effective
dates

14a.—(1) A by-law of a municipal council for the establishment or alteration of a school section shall be passed before the 1st day of July in any year and, subject to subsection 2, shall become effective on the 1st day of January of the following year except that for the purposes of the election of trustees it shall be effective on the day of nomination for trustees for the school section.

Approval of
Minister

(2) A by-law of a municipal council to establish a school section or a township school area or to alter the boundaries of a school section or a township school area shall not come into force until it has been approved by the Minister.

Clerk to
send copies
to board, to
inspector and
the Minister

(3) The township clerk shall send a copy of the by-law immediately after the passing thereof to the secretary of the board of every school section affected thereby, to the inspector and to the Minister.

R.S.O. 1950,
c. 316, s. 15,
subs. 2^c
(1953, c. 90,
s. 3, subs. 1),
amended

6.—(1) Subsection 2^c of section 15 of *The Public Schools Act*, as enacted by subsection 1 of section 3 of *The Public Schools Amendment Act, 1953*, is amended by striking out "25th day of December in the year in which the by-law is passed" in the third and fourth lines and inserting in lieu thereof "1st day of January of the year following that in which the by-law is passed".

R.S.O. 1950,
c. 316, s. 15,
subs. 4^a
(1957, c. 101,
s. 6, subs. 1),
amended

(2) Subsection 4^a of the said section 15, as re-enacted by subsection 1 of section 6 of *The Public Schools Amendment Act, 1957*, is amended by striking out "has established" in the first line and inserting in lieu thereof "includes part or all of", so that the subsection shall read as follows:

Decreasing
areas

(4^a) The council of a township that includes part or all of a township school area may, by by-law passed before the 1st day of July in any year, detach any

SECTION 4. Complementary to section 3 of this Bill.

SECTION 5. The amendment is to clarify procedures respecting by-laws establishing and altering school sections.

SECTION 6—Subsections 1 and 3. Complementary to section 5 of this Bill.

Subsection 2. The amendment authorizes any municipality in a township school area to initiate proceedings to alter boundaries. At present only the township that established the area can initiate proceedings.

Subsection 4. The amendment provides for the election of trustees of a township school area by wards in the same manner as urban boards.

SECTION 7. The provisions respecting consolidated school sections are no longer necessary since the provisions for township school areas are complete and inclusive.

SECTION 8. These provisions dealing with the sale of school property are repealed as this matter is dealt with in section 93 of the Act.

SECTION 9. The amendment is complementary to section 5 of this Bill.

SECTION 10. Sections 44 and 50 of the Act deal with unorganized townships and unsurveyed districts which may both be more properly described as territory without municipal organization. As the provisions are similar they are combined in section 44.

portion of the township school area and, subject to subsection 3 of section 65, may establish such portion or any part thereof as a school section, union school section or township school area or attach such portion or any part thereof to a township school area, or to an adjoining school section, or to a union school section, and the provisions of section 17 with respect to adjustments of rights and claims shall apply *mutatis mutandis*.

- (3) Subsection 8 of the said section 15 is repealed. R.S.O. 1950,
c. 316, s. 15,
subs. 8,
repealed
- (4) The said section 15 is amended by adding thereto the following subsection: R.S.O. 1950,
c. 316, s. 15,
amended
 - (9b) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be changed in the manner provided in section 78 to that provided for a school board of an urban municipality. Where
township
divided
into wards
- 7. Sections 22, 23, 24 and 25, section 26, as re-enacted by section 4 of *The Public Schools Amendment Act, 1953*, and sections 27 and 28 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1950,
c. 316, s. 22,
re-enacted;
ss. 23-25,
s. 26 (1953,
c. 90, s. 4),
ss. 27, 28,
repealed
 - 22. Every consolidated school section heretofore established is a township school area. Consolidated
school
section
deemed
township
school area
 - 8. Section 30 of *The Public Schools Act* is repealed. R.S.O. 1950,
c. 316, s. 30,
repealed
 - 9. Subsection 2 of section 32 of *The Public Schools Act* is amended by striking out "25th day of December" in the eighth line and inserting in lieu thereof "1st day of January". R.S.O. 1950,
c. 316, s. 32,
subs. 2,
amended
 - 10.—(1) Subsection 1 of section 44 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 316, s. 44,
subs. 1,
re-enacted
 - (1) Subject to the approval of the Minister, the inspector may form any part of territory without municipal organization into a school section. Formation of
school
sections
in
territory
without
municipal
organization
 - (2) Subsection 6 of the said section 44, as enacted by section 4 of *The Public Schools Amendment Act, 1954*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 316, s. 44,
subs. 6
(1954, c. 79,
s. 4),
re-enacted
 - (6) The board shall be a corporation and, where the school section includes part or all of one or more unorganized townships, shall be known as "The Public School Board of School Section No.". Board to be
corporation,
name

of the unorganized Townships of
.....in the Territorial District(s) of
.....(*inserting a
number selected by the inspector, the name of the town-
ship in which the school site is located, the names of
other townships in alphabetical order and the name(s)
of district(s)*)” and, where the school section includes
only unsurveyed territory, shall be known as “The
Public School Board of.....
in the Territorial District(s) of.....
(*inserting a name selected by the inspector and the
name(s) of the district(s)*)”.

R.S.O. 1950,
c. 316, s. 50,
repealed

11. Section 50 of *The Public Schools Act*, as amended by
section 5 of *The Public Schools Amendment Act, 1954* and
section 8 of *The Public Schools Amendment Act, 1958*, is
repealed.

R.S.O. 1950,
c. 316, s. 59,
subs. 1,
amended

12. Subsection 1 of section 59 of *The Public Schools Act*
is amended by striking out “A rural school board may” in
the first line and inserting in lieu thereof “Subject to sub-
section 5 of section 10, a township school area board may,
and any other rural school board with the approval of the
ratepayers of the school section may”, so that the subsection
shall read as follows:

School
property
may be
paid for
by one
special rate

(1) Subject to subsection 5 of section 10, a township
school area board may, and any other rural school
board with the approval of the ratepayers of the
school section may, require the council to raise by
one yearly rate such sums as may be necessary for
the purchase or enlargement of a school site, or the
erection of a schoolhouse, or an addition thereto, or
a teacher’s residence.

R.S.O. 1950,
c. 316, s. 60,
re-enacted

13. Section 60 of *The Public Schools Act* is repealed and
the following substituted therefor:

Rural school
board may
borrow
surplus in
Ontario
Municipi-
palities
Fund

60. A rural school board may, with the consent of the
ratepayers first obtained at a special meeting called
for the purpose, by resolution authorize the borrowing
from any municipal corporation of any surplus
moneys of the corporation or in the Ontario Municipi-
palities Fund for such term and at such rate of
interest as may be set forth in the resolution for the
purpose of any permanent improvement, and any
sum so borrowed shall be applied only to the purpose
for which it was borrowed.

SECTION 11. The repeal of section 50 of the Act is complementary to section 10 of the Bill.

SECTION 12. At present, a rural school board may require that school property be paid for by one special rate. The amendment provides that this may be done only with the approval of the ratepayers.

SECTION 13. The section is re-enacted to clarify the right of rural boards to borrow surplus funds from a municipal corporation.

SECTION 14. Where a council borrows funds to advance to a school board pending the sale of a debenture in order that the board may proceed with its building project, the council may charge to the board the cost of borrowing such funds for a period of not more than two years.

SECTION 15. These sections provide for a uniform procedure for the election of public school boards and boards of education by elections at large, or by wards, for the number of trustees that may be elected at large based on population, and for the election of one trustee per ward where the number of wards is five or more.

14. *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 316,
amended

60a. Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser. Cost of
borrowing
advance to
board
before
sale of
debenture

15. Section 76, section 77, as amended by section 9 of *The Public Schools Amendment Act, 1953*, and section 78 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1950,
c. 316,
ss. 76-78,
re-enacted

76.—(1) Except as provided in section 77, the trustees of a school board of an urban municipality shall be elected by a general vote of the electors for a term of two years with one-half of the trustees retiring each year. Election of
trustees in
urban muni-
cipality not
divided into
wards, by
general vote

(2) The number of trustees on the board shall be determined by the population of the municipality as shown on the assessment roll for the year preceding the year in which the election is held as follows, where the population was, Number of
trustees
on board

(a) less than 10,000, six trustees;

(b) 10,000 or more but less than 50,000, eight trustees;

(c) 50,000 or more but less than 100,000, ten trustees;

(d) 100,000 or more, twelve trustees.

(3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on a school board should be increased or decreased, the trustees in office shall continue in office until the end of the year and the proper number of trustees shall be elected to take office on the 1st day of January of the following year. Change in
number of
trustees

Urban municipality divided into wards

77.—(1) A school board for an urban municipality that is divided into wards may, in the manner provided in section 78, be changed to a board comprising two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five or more wards

(2) A school board of an urban municipality that is divided into five or more wards may, in the manner provided in section 78, be changed to a board comprising one trustee for each ward elected by the electors of each ward for a period of two years.

Change from election by wards to general vote

(3) A school board of an urban municipality that is divided into wards may, in the manner provided in section 78, be changed to a board elected in the manner provided in section 76.

Method of changing composition and election of board

78.—(1) The composition and election of a board of an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 77 to that provided in any other subsection in that section provided that,

(a) a resolution for a change is supported by a majority of the trustees of the board and is approved by resolution by the council of the municipality before the 1st day of July in any year; or

(b) where such a resolution for a change is not approved by the council before the 1st day of July, the board may require the council to submit the resolution to the electors at the next municipal election.

Where change involves township area board or board of education

(2) Where a township area board is to be established to replace more than one public school board or where a board of education is to be established to replace a public school board or a board of education is to be dissolved and replaced by a public school board, the trustees required to support a resolution under clause *a* of subsection 1 shall be the elected trustees in the municipality and, where there is more than one public school board concerned, any such board may require council to submit a resolution to the electors under clause *b* of subsection 1.

Election of new board after change

(3) At the election following the passing of the resolutions by the board and council or following a favourable vote of the electors on the question, a new board

SECTION 16. The matter of vacancies and declarations for qualification of office of trustees is provided for in *The Public Schools Act* and, therefore, the reference to the provision of *The Municipal Act* in this regard is deleted.

shall be elected to take office on the 1st day of January of the following year.

- (4) A change in the method of election may not be made under this section unless, Limitations on changing method of election

(a) the board has been elected in its present form for a period of four years; or

(b) a board of education is being established or a public school board is being established following the dissolution of a board of education.

78a. At the first election of trustees of an urban school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year, Determination of retirement of trustees

(a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and

(b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the retirement shall be determined by lot.

16. Subsection 1 of section 80 of *The Public Schools Act*, R.S.O. 1950, c. 316, s. 80 as re-enacted by section 10 of *The Public Schools Amendment Act, 1953*, is amended by striking out "vacancies and declarations of qualification for office" in the tenth and eleventh lines, so that the subsection shall read as follows: (1953, c. 90, s. 10, subs. 1, amended)

- (1) The board of an urban municipality or a township board shall be elected by ballot, and the election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, shall *mutatis mutandis* apply to the election. Election by ballot R.S.O. 1950, c. 245

R.S.O. 1950,
c. 316, s. 82,
repealed

17. Section 82 of *The Public Schools Act*, as amended by section 11 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950,
c. 316, s. 90,
repealed

18. Section 90 of *The Public Schools Act*, as amended by section 7 of *The Public Schools Amendment Act, 1959*, is repealed.

R.S.O. 1950,
c. 316, s. 92,
repealed

19. Section 92 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316,
s. 120,
subs. 8,
repealed

20. Subsection 8 of section 120 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316,
s. 120a,
subs. 1
(1953, c. 90,
s. 14,
subs. 1),
re-enacted

21.—(1) Subsection 1 of section 120a of *The Public Schools Act*, as re-enacted by subsection 1 of section 14 of *The Public Schools Amendment Act, 1953*, is repealed and the following substituted therefor:

(1) Where the average attendance of pupils in the public schools operated by a board in any year is 2,000 or more but less than 3,000, the board may request the Minister to designate the school section as a municipal inspectorate and if the request is granted the school section shall become a municipal inspectorate on the date designated by the Minister and the board shall employ an inspector whose appointment or removal shall not be effective until approved by the Minister.

Municipal
inspector

Idem

(1a) Where the average attendance of pupils in the public schools operated by a board in any year is 3,000 or more, the school section shall on the 1st day of July of the following year become a municipal inspectorate and the board shall employ an adequate staff of inspectors whose appointment or removal shall not be effective until approved by the Minister.

R.S.O. 1950,
c. 316,
s. 120a,
subs. 1a
(1959, c. 83,
s. 10,
subs. 1),
renumbered

(2) Subsection 1a of the said section 120a, as enacted by subsection 1 of section 10 of *The Public Schools Amendment Act, 1959*, is renumbered as subsection 1aa.

R.S.O. 1950,
c. 316,
ss. 131, 132,
repealed

22. Sections 131 and 132 of *The Public Schools Act* are repealed.

Commence-
ment

23.—(1) This Act, except sections 1 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 18 come into force on the 1st day of July, 1960.

Short title

24. This Act may be cited as *The Public Schools Amendment Act, 1960*.

SECTION 17. The repeal of section 82 is complementary to section 15 of this Bill.

SECTION 18. The provisions of this section with respect to non-resident pupils are revised and incorporated with section 5 of the Act. See section 1 of this Bill.

SECTION 19. The provision repealed provides for agreements between boards as to school accommodation. The provision is now obsolete as accommodation is provided on a fee basis.

SECTION 20. The repeal of subsection 8 is complementary to the amendment to section 120a relating to the appointment of inspectors. See section 21 of this Bill.

SECTION 21. At present, a city board that employs 100 teachers is required to employ its own inspectors and other boards that employ 100 teachers may employ an inspector. The amendment provides that, where the average attendance in any year is 2,000 or more, a board may request that the school section become a municipal inspectorate and, where the average attendance is 3,000 or more, the school section thereby becomes a municipal inspectorate and the board is required to appoint inspectors with the approval of the Minister.

SECTION 22. These provisions provide for courses of instruction in agriculture, crafts, etc., at the municipal level in townships and by agreement among school boards in urban municipalities. These provisions are obsolete as courses are now given by school boards.

1st Reading

March 11th, 1960

2nd Reading

March 17th, 1960

3rd Reading

MR. ROBARTS

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

BILL 115

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Schools Act

MR. ROBARTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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An Act to amend The Public Schools Act

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

1. Section 5 of *The Public Schools Act*, as amended by R.S.O. 1950, section 2 of *The Public Schools Amendment Act, 1957* and c. 316, s. 5, section 2 of *The Public Schools Amendment Act, 1958*, is re-enacted and the following substituted therefor:

GENERAL RIGHT TO ATTEND PUBLIC SCHOOL

- 5.—(1) Subject to section 6, a person who has attained ^{Right to attend} the age of five on or before the 31st day of December in any year has the right to attend a public school in the school section in which he and his parent or guardian reside after the 1st day of September of the following year unless,
- (a) his parent or guardian is a separate school supporter; or
 - (b) he is unable by reason of mental or physical defect to profit by instruction; or
 - (c) he has been promoted to a grade beyond the grade required to be operated in the public school; or
 - (d) he has attained the age of twenty-one years.
- (2) Where a question arises as to whether or not a person can profit by instruction in a public school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision ^{Determination as to whether or not person can profit by instruction} of the committee is final.
- (3) It is the responsibility of the parent or guardian ^{Evidence as to right to attend} to submit evidence that the child has a right to attend the school, including proof of age.

- Kinder-
garten
- (4) Where a board operates a kindergarten in a school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.
- Junior
kindergarten
- (5) Where the board operates a junior kindergarten in a school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.
- Kinder-
garten fees
- (6) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

RIGHTS OF ADMISSION OF RESIDENT AND
NON-RESIDENT PUPILS

Determina-
tion of
gross and
net cost

- 6.—(1) In this section,
- (a) “gross cost per pupil per day” shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;
- (b) “net cost per pupil per day” shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year.

Resident
pupil,
admission
to school

- (2) Subject to section 5, where a child and his parent or guardian reside in a school section in a residence that is assessed to the support of public schools or in a trailer for which fees are paid for the support of public schools, the child shall be admitted to a public school by the board of that section without the payment of a fee.

Admission
where public
school
supporter
moves into
residence
assessed to
separate
school
support

- (3) Subject to section 5, where a child whose parent or guardian is not a separate school supporter moves with his parent or guardian into a residence that is assessed for separate school purposes, and the date upon which the assessment for the current year may be changed to the support of public schools has passed, upon the filing of a notice of change for the

following year with the clerk of the municipality, the child shall be admitted to a public school by the board of the section without the payment of a fee.

(4) Subject to section 5, a child,

(a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and

Admission of resident pupil to another school by reason of distance to school

(b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act, 1954* and as certified by the inspector,

1954, c. 86

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and a public school in a neighbouring school section is more accessible to the residence than the school that he is required to attend, as certified by the inspector of the school section in which the child resides, and the inspector for the neighbouring school certifies that there is sufficient accommodation for such non-resident pupil for the current school year, the child shall be admitted to the school for that school year upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

Resident pupil's right to attend more accessible neighbouring school

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for the privilege under subsection 3, 4 or 9, the child

Admission of non-resident pupils

may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission of child whose mother is sole supporter, etc.

- (7) Subject to section 5, a child whose mother,
- (a) resides in Ontario;
 - (b) is the sole support of the child;
 - (c) is not assessed as a supporter of a public or separate school in any school section; and
 - (d) boards her child in a residence that is assessed to the support of public schools and that is not a children's boarding home as defined in *The Children's Boarding Homes Act, 1957*,

1957, c. 11

shall be admitted to a public school in the section in which he resides without the payment of a fee.

Admission of ward of children's aid society

- (8) A child who is a ward of a children's aid society shall be admitted to a school by the board of the school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward and no fee shall be charged by the board.

Idem

- (9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission of non-resident pupil, where parent assessed in section

- (10) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,
- (a) as an owner; or
 - (b) for business assessment; or

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for public school purposes in that school section divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a public school by the board of that section without the payment of a fee.

(11) Where a child resides on land that is exempt from taxation for school purposes, he shall be admitted to a public school that is accessible to him and for which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils.

Resident on land exempt from taxation

(12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year.

Agreement between boards

2. Section 10 of *The Public Schools Act* is amended by adding thereto the following subsections:

R.S.O. 1950, c. 316, s. 10, amended

(5) Where the area of a rural school site is less than two acres, the board may without reference to a meeting of the ratepayers enlarge the site to two acres.

Enlargement of school site

(6) This section does not apply to a school site in a township school area.

Application

3. Section 13 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1950, c. 316, s. 13, re-enacted

ALTERATION OF SINGLE RURAL SCHOOL SECTIONS

13. The council of a township may pass a by-law,

By-laws for alteration of single school sections

(a) to unite two or more sections in the same township into one section;

(b) to alter the boundaries of a school section within the township, to divide an existing section into two or more sections, to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections

so as to form a new section, provided that all of the public school boards to be affected by the proposed by-law have been duly notified.

R.S.O. 1950,
c. 316, s. 14,
subss. 1, 2,
subs. 2a
(1957,
c. 101, s. 4),
subss. 3, 5,
repealed

4. Subsections 1 and 2, subsection 2a, as enacted by section 4 of *The Public Schools Amendment Act, 1957*, and subsections 3 and 5 of section 14 of *The Public Schools Act* are repealed.

R.S.O. 1950,
c. 316, s. 14a
(1957,
c. 101, s. 5),
re-enacted

5. Section 14a of *The Public Schools Act*, as enacted by section 5 of *The Public Schools Amendment Act, 1957*, is repealed and the following substituted therefor:

BY-LAWS FOR ESTABLISHMENT OR ALTERATION
OF SCHOOL SECTIONS

Effective
dates

14a.—(1) A by-law of a municipal council for the establishment or alteration of a school section shall be passed before the 1st day of July in any year and, subject to subsection 2, shall become effective on the 1st day of January of the following year except that for the purposes of the election of trustees it shall be effective on the day of nomination for trustees for the school section.

Approval of
Minister

(2) A by-law of a municipal council to establish a school section or a township school area or to alter the boundaries of a school section or a township school area shall not come into force until it has been approved by the Minister.

Clerk to
send copies
to board, to
inspector and
the Minister

(3) The township clerk shall send a copy of the by-law immediately after the passing thereof to the secretary of the board of every school section affected thereby, to the inspector and to the Minister.

R.S.O. 1950,
c. 316, s. 15,
subs. 2c
(1953, c. 90,
s. 3, subs. 1),
amended

6.—(1) Subsection 2c of section 15 of *The Public Schools Act*, as enacted by subsection 1 of section 3 of *The Public Schools Amendment Act, 1953*, is amended by striking out "25th day of December in the year in which the by-law is passed" in the third and fourth lines and inserting in lieu thereof "1st day of January of the year following that in which the by-law is passed".

R.S.O. 1950,
c. 316, s. 15,
subs. 4a
(1957, c. 101,
s. 6, subs. 1),
amended

(2) Subsection 4a of the said section 15, as re-enacted by subsection 1 of section 6 of *The Public Schools Amendment Act, 1957*, is amended by striking out "has established" in the first line and inserting in lieu thereof "includes part or all of", so that the subsection shall read as follows:

Decreasing
areas

(4a) The council of a township that includes part or all of a township school area may, by by-law passed before the 1st day of July in any year, detach any

portion of the township school area and, subject to subsection 3 of section 65, may establish such portion or any part thereof as a school section, union school section or township school area or attach such portion or any part thereof to a township school area, or to an adjoining school section, or to a union school section, and the provisions of section 17 with respect to adjustments of rights and claims shall apply *mutatis mutandis*.

(3) Subsection 8 of the said section 15 is repealed.

R.S.O. 1950,
c. 316, s. 15,
subs. 8,
repealed

(4) The said section 15 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 316, s. 15,
amended

(9b) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be changed in the manner provided in section 78 to that provided for a school board of an urban municipality.

Where
township
divided
into wards

7. Sections 22, 23, 24 and 25, section 26, as re-enacted by section 4 of *The Public Schools Amendment Act, 1953*, and sections 27 and 28 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 22,
re-enacted;
ss. 23-25,
s. 26 (1953,
c. 90, s. 4),
ss. 27, 28,
repealed

22. Every consolidated school section heretofore established is a township school area.

Consolidated
school
section
deemed
township
school area

8. Section 30 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 30,
repealed

9. Subsection 2 of section 32 of *The Public Schools Act* is amended by striking out "25th day of December" in the eighth line and inserting in lieu thereof "1st day of January".

R.S.O. 1950,
c. 316, s. 32,
subs. 2,
amended

10.—(1) Subsection 1 of section 44 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 44,
subs. 1,
re-enacted

(1) Subject to the approval of the Minister, the inspector may form any part of territory without municipal organization into a school section.

Formation of
school
sections
in
territory
without
municipal
organization

(2) Subsection 6 of the said section 44, as enacted by section 4 of *The Public Schools Amendment Act, 1954*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 44,
subs. 6
(1954, c. 79,
s. 4),
re-enacted

(6) The board shall be a corporation and, where the school section includes part or all of one or more unorganized townships, shall be known as "The Public School Board of School Section No....."

Board to be
corporation,
name

of the unorganized Townships of.....
.....in the Territorial District(s) of
.....(*inserting a
number selected by the inspector, the name of the town-
ship in which the school site is located, the names of
other townships in alphabetical order and the name(s)
of district(s)*)” and, where the school section includes
only unsurveyed territory, shall be known as “The
Public School Board of.....
in the Territorial District(s) of.....
(*inserting a name selected by the inspector and the
name(s) of the district(s)*)”.

R.S.O. 1950,
c. 316, s. 50,
repealed

11. Section 50 of *The Public Schools Act*, as amended by section 5 of *The Public Schools Amendment Act, 1954* and section 8 of *The Public Schools Amendment Act, 1958*, is repealed.

R.S.O. 1950,
c. 316, s. 59,
subs. 1,
amended

12. Subsection 1 of section 59 of *The Public Schools Act* is amended by striking out “A rural school board may” in the first line and inserting in lieu thereof “Subject to subsection 5 of section 10, a township school area board may, and any other rural school board with the approval of the ratepayers of the school section may”, so that the subsection shall read as follows:

School
property
may be
paid for
by one
special rate

- (1) Subject to subsection 5 of section 10, a township school area board may, and any other rural school board with the approval of the ratepayers of the school section may, require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a schoolhouse, or an addition thereto, or a teacher’s residence.

R.S.O. 1950,
c. 316, s. 60,
re-enacted

13. Section 60 of *The Public Schools Act* is repealed and the following substituted therefor:

Rural school
board may
borrow
surplus in
Ontario
Municipalities
Fund

60. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for the purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys of the corporation or in the Ontario Municipalities Fund for such term and at such rate of interest as may be set forth in the resolution for the purpose of any permanent improvement, and any sum so borrowed shall be applied only to the purpose for which it was borrowed.

14. *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 316,
amended

60a. Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser. Cost of
borrowing
advance to
board
before
sale of
debenture

15. Section 76, section 77, as amended by section 9 of *The Public Schools Amendment Act, 1953*, and section 78 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1950,
c. 316,
ss. 76-78,
re-enacted

76.—(1) Except as provided in section 77, the trustees of a school board of an urban municipality shall be elected by a general vote of the electors for a term of two years with one-half of the trustees retiring each year. Election of
trustees in
urban muni-
cipality not
divided into
wards, by
general vote

(2) The number of trustees on the board shall be determined by the population of the municipality as shown on the assessment roll for the year preceding the year in which the election is held as follows, where the population was, Number of
trustees
on board

(a) less than 10,000, six trustees;

(b) 10,000 or more but less than 50,000, eight trustees;

(c) 50,000 or more but less than 100,000, ten trustees;

(d) 100,000 or more, twelve trustees.

(3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on a school board should be increased or decreased, the trustees in office shall continue in office until the end of the year and the proper number of trustees shall be elected to take office on the 1st day of January of the following year. Change in
number of
trustees

Urban
municipality
divided
into wards

77.—(1) A school board for an urban municipality that is divided into wards may, in the manner provided in section 78, be changed to a board comprising two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five
or more
wards

(2) A school board of an urban municipality that is divided into five or more wards may, in the manner provided in section 78, be changed to a board comprising one trustee for each ward elected by the electors of each ward for a period of two years.

Change from
election by
wards to
general vote

(3) A school board of an urban municipality that is divided into wards may, in the manner provided in section 78, be changed to a board elected in the manner provided in section 76.

Method of
changing
composition
and
election
of board

78.—(1) The composition and election of a board of an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 77 to that provided in any other subsection in that section provided that,

(a) a resolution for a change is supported by a majority of the trustees of the board and is approved by resolution by the council of the municipality before the 1st day of July in any year; or

(b) where such a resolution for a change is not approved by the council before the 1st day of July, the board may require the council to submit the resolution to the electors at the next municipal election.

Where
change
involves
township
area
board or
board of
education

(2) Where a township area board is to be established to replace more than one public school board or where a board of education is to be established to replace a public school board or a board of education is to be dissolved and replaced by a public school board, the trustees required to support a resolution under clause *a* of subsection 1 shall be the elected trustees in the municipality and, where there is more than one public school board concerned, any such board may require council to submit a resolution to the electors under clause *b* of subsection 1.

Election of
new board
after
change

(3) At the election following the passing of the resolutions by the board and council or following a favourable vote of the electors on the question, a new board

shall be elected to take office on the 1st day of January of the following year.

- (4) A change in the method of election may not be made under this section unless. Limitations on changing method of election

- (a) the board has been elected in its present form for a period of four years; or
- (b) a board of education is being established or a public school board is being established following the dissolution of a board of education.

78a. At the first election of trustees of an urban school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year, Determination of retirement of trustees

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the retirement shall be determined by lot.

16. Subsection 1 of section 80 of *The Public Schools Act*, R.S.O. 1950, c. 316, s. 80 as re-enacted by section 10 of *The Public Schools Amendment Act, 1953*, is amended by striking out "vacancies and declarations of qualification for office" in the tenth and eleventh lines, so that the subsection shall read as follows: (1953, c. 90, s. 10), subs. 1, amended

- (1) The board of an urban municipality or a township board shall be elected by ballot, and the election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, shall *mutatis mutandis* apply to the election. Election by ballot R.S.O. 1950, c. 243

R.S.O. 1950, c. 316, s. 82, repealed **17.** Section 82 of *The Public Schools Act*, as amended by section 11 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950, c. 316, s. 90, repealed **18.** Section 90 of *The Public Schools Act*, as amended by section 7 of *The Public Schools Amendment Act, 1959*, is repealed.

R.S.O. 1950, c. 316, s. 92, repealed **19.** Section 92 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, s. 120, subs. 8, repealed **20.** Subsection 8 of section 120 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, s. 120a, subs. 1 (1953, c. 90, s. 14, subs. 1), re-enacted **21.**—(1) Subsection 1 of section 120a of *The Public Schools Act*, as re-enacted by subsection 1 of section 14 of *The Public Schools Amendment Act, 1953*, is repealed and the following substituted therefor:

Municipal inspector

(1) Where the average attendance of pupils in the public schools operated by a board in any year is 2,000 or more but less than 3,000, the board may request the Minister to designate the school section as a municipal inspectorate and if the request is granted the school section shall become a municipal inspectorate on the date designated by the Minister and the board shall employ an inspector whose appointment or removal shall not be effective until approved by the Minister.

Idem

(1a) Where the average attendance of pupils in the public schools operated by a board in any year is 3,000 or more, the school section shall on the 1st day of July of the following year become a municipal inspectorate and the board shall employ an adequate staff of inspectors whose appointment or removal shall not be effective until approved by the Minister.

R.S.O. 1950, c. 316, s. 120a, subs. 1a (1959, c. 83, s. 10, subs. 1), renumbered

(2) Subsection 1a of the said section 120a, as enacted by subsection 1 of section 10 of *The Public Schools Amendment Act, 1959*, is renumbered as subsection 1aa.

R.S.O. 1950, c. 316, ss. 131, 132, repealed

22. Sections 131 and 132 of *The Public Schools Act* are repealed.

Commencement

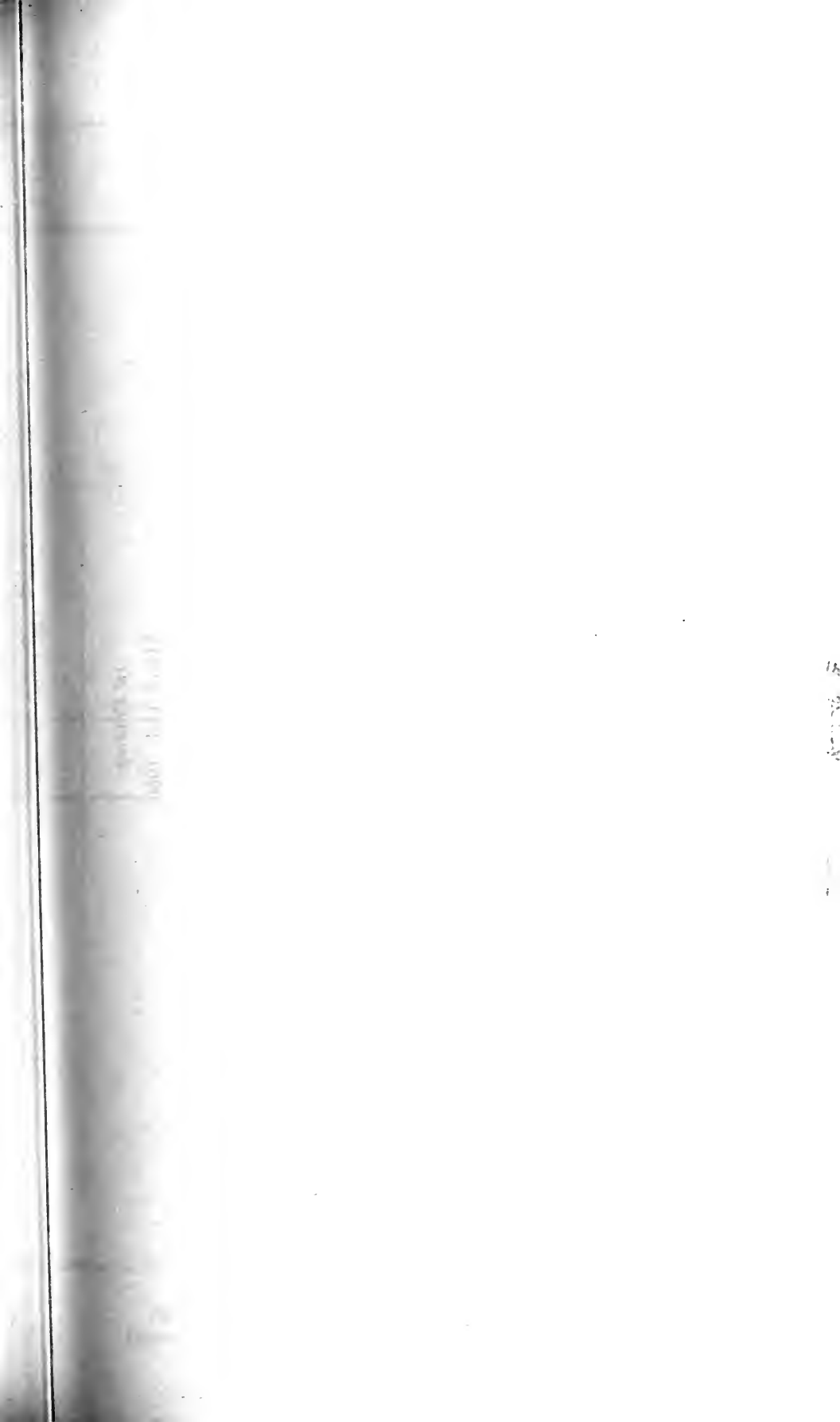
23.—(1) This Act, except sections 1 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 18 come into force on the 1st day of July, 1960.

Short title

24. This Act may be cited as *The Public Schools Amendment Act, 1960*.



An Act to amend
The Public Schools Act

1st Reading

March 11th, 1960

2nd Reading

March 17th, 1960

3rd Reading

March 25th, 1960

MR. ROBARTS

BILL 116

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Separate Schools Act**

MR. ROBARTS

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

EXPLANATORY NOTES

SECTION 1. The new subsection provides for the name of a separate school board in a township school area or consolidated school section.

SECTION 2. The amendment is to provide similar legislation for separate schools as is being provided for public schools with respect to the admission of children including wards of the children's aid societies and dependants of resident mothers who are the sole support of a child.

BILL 116

1960

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 20 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 356, s. 20,
amended

- (4) Where a separate school is established in a township school area or in a consolidated school section, the name of the board of the separate school shall include the number of the former school section in which the school is situated. Name of
board in
a township
school area

2. Section 21a of *The Separate Schools Act*, as enacted by section 1 of *The Separate Schools Amendment Act, 1957*, is amended by adding thereto the following subsections: R.S.O. 1950,
c. 356, s. 21a
(1957, c. 112,
s. 1),
amended

(2) In this section,

(a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year; Determi-
nation of
gross and
net cost

(b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year.

(3) Where a question arises as to whether or not a person can profit by instruction in a separate school, the matter shall be referred to a committee appointed Determi-
nation as to
whether or
not person
can profit
by
instruction

by the Minister for that purpose, and the decision of the committee is final.

Evidence
as to right
to attend

- (4) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the separate school, including proof of age.

Kinder-
garten

- (5) Where a board operates a kindergarten in a separate school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior
kinder-
garten

- (6) Where the board operates a junior kindergarten in a separate school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

Kinder-
garten
fees

- (7) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

Admission
of ward of
children's
aid society

- (8) A child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward and no fee shall be charged by the board.

Idem

- (9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission
of child
whose
mother
is sole
supporter,
etc.

- (10) Subject to subsection 1, a child whose mother,
- (a) resides in Ontario;
 - (b) is the sole support of the child;
 - (c) is not assessed as a supporter of a public or separate school in any school section;

SECTION 3. At present, a union separate school is represented by three trustees. The amendment increases the number of trustees from three to five and provides for the term of office for the trustees at the first and subsequent elections.

- (d) boards her child with a supporter of a separate school in a residence other than a children's boarding home as defined in *The Children's Boarding Homes Act, 1957*, 1957, c. 11

shall be admitted to the separate school without the payment of a fee.

- (11) Subject to subsection 1, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school that is closest to and within three miles of the residence without the payment of a fee.

- (12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year.

3.—(1) Subsection 1 of section 33 of *The Separate Schools Act* is repealed and the following substituted therefor:

- (1) The majority of the supporters of the separate schools under the jurisdiction of each of two or more separate school boards at public meetings duly called by each separate school board may form a union separate school of which union the trustees shall give notice within fifteen days to the Minister and where the schools are located in one or more municipalities to the clerk or clerks of the municipality or municipalities and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by five trustees to be elected by the supporters of the union separate school as provided by section 26.

(2) The said section 33 is amended by adding thereto the following subsections:

- (3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office

for two years and the two remaining trustees shall hold office for one year.

Equality of votes at first election

- (4) In case, at the first election of trustees, two or more trustees receive an equal number of votes or all the trustees are declared elected by acclamation, the question as to which trustees shall hold office for two years shall be determined by lot to be cast by the secretary appointed under subsection 2 of section 26 in the presence of a majority of the elected trustees and the result shall be entered in the minutes of the meeting.

Subsequent elections

- (5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year and the trustee elected shall hold office for two years and until his successor has been elected.

R.S.O. 1950, c. 356, s. 39, subs. 1, amended

4. Subsection 1 of section 39 of *The Separate Schools Act* is amended by inserting after "annually" in the fourth line "or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon", so that the subsection shall read as follows:

Nominations

- (1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon or, if that day is a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days notice of the meeting.

R.S.O. 1950, c. 356, s. 40, re-enacted

5. Section 40 of *The Separate Schools Act* is repealed and the following substituted therefor:

Adoption of ballot and manner of voting

40.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year,

- (a) provide for the election of trustees to be by ballot;
- (b) require the vote to be conducted in the same manner as municipal elections in the municipality in which the separate school is situated.

SECTION 4. The amendment will permit the option of holding the nomination meeting for an urban board at 8 p.m. or at noon as presently required.

SECTION 5. The section as re-enacted provides the procedure for elections in an urban municipality where the board by resolution requires the vote to be conducted in the same manner as municipal elections.

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- (2) The board may in like manner discontinue the use of the ballot or the voting conducted in the manner of the municipal elections. <sup>Discon-
tinuance</sup>
- (3) Where the board requires the voting to be by ballot or the vote to be conducted in the same manner as the municipal elections and elections are so held, no change shall be made in the mode of voting for a period of three years. <sup>Mode of
voting not
to be
discontinued
for three-
year period</sup>
- (4) Where a resolution is passed under subsection 1 requiring the vote to be conducted in the same manner as municipal elections, <sup>Time and
place, etc.,
of election</sup>
- (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as the municipal elections in the municipality in which the separate school is situated;
- (b) the meeting of the supporters of the urban separate school for the nomination of candidates shall be held on the same day as the meeting for the nomination of candidates for council;
- (c) the board shall advertise in each of its schools the place and time of the nomination meeting and the secretary of the board shall report the names of the nominees to the clerk of the municipality; and
- (d) the provisions of *The Municipal Act* with respect to elections except those with respect to the nomination of candidates apply *mutatis mutandis* except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 41. <sup>R.S.O. 1950,
c. 243</sup>

6.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 2 comes into force on the 1st day of July, 1960. *Idem*

7. This Act may be cited as *The Separate Schools Amendment Act, 1960*. ^{Short title}

An Act to amend
The Separate Schools Act

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. ROBARTS

BILL 116

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Separate Schools Act**

MR. ROBARTS

(Reprinted as amended by the Committee on Education)

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amended

- (4) Where a separate school is established in a township school area or in a consolidated school section, the name of the board of the separate school shall include the number of the former school section in which the school is situated. Name of
board in
a township
school area

2. Section 21a of *The Separate Schools Act*, as enacted by section 1 of *The Separate Schools Amendment Act, 1957*, is amended by adding thereto the following subsections: R.S.O. 1950,
c. 356, s. 21a
(1957, c. 112,
s. 1),
amended

- (2) In this section,

(a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year; Determi-
nation of
gross and
net cost

(b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year.

- (3) Where a question arises as to whether or not a person can profit by instruction in a separate school, the matter shall be referred to a committee appointed by Determina-
tion as to
whether or
not person
can profit
by
instruction

by the Minister for that purpose, and the decision of the committee is final.

Evidence
as to right
to attend

- (4) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the separate school, including proof of age.

Kindergarten

- (5) Where a board operates a kindergarten in a separate school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior
kindergarten

- (6) Where the board operates a junior kindergarten in a separate school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

Kindergarten
fees

- (7) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

Admission
of ward of
children's
aid society

- (8) A child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward and no fee shall be charged by the board.

Idem

- (9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission
of child
whose
mother
is sole
supporter,
etc.

- (10) Subject to subsection 1, a child whose mother,
- (a) resides in Ontario;
 - (b) is the sole support of the child;
 - (c) is not assessed as a supporter of a public or separate school in any school section;



SECTION 3. At present, a union separate school is represented by three trustees. The amendment increases the number of trustees from three to five and provides for the term of office for the trustees at the first and subsequent elections.

- (d) boards her child, who is a Roman Catholic, with a supporter of a separate school in a residence other than a children's boarding home as defined in *The Children's Boarding Homes Act, 1957*, 1957, c. 11

shall be admitted to the separate school without the payment of a fee.

- (11) Subject to subsection 1, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school that is closest to and within three miles of the residence without the payment of a fee.

- (12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year.

3.—(1) Subsection 1 of section 33 of *The Separate Schools Act* is repealed and the following substituted therefor:

- (1) The majority of the supporters of the separate schools under the jurisdiction of each of two or more separate school boards at public meetings duly called by each separate school board may form a union separate school of which union the trustees shall give notice within fifteen days to the Minister and where the schools are located in one or more municipalities to the clerk or clerks of the municipality or municipalities and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by five trustees to be elected by the supporters of the union separate school as provided by section 26.

(2) The said section 33 is amended by adding thereto the following subsections:

- (3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office

for two years and the two remaining trustees shall hold office for one year.

Equality
of votes
at first
election

- (4) In case, at the first election of trustees, two or more trustees receive an equal number of votes or all the trustees are declared elected by acclamation, the question as to which trustees shall hold office for two years shall be determined by lot to be cast by the secretary appointed under subsection 2 of section 26 in the presence of a majority of the elected trustees and the result shall be entered in the minutes of the meeting.

Subsequent
elections

- (5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year and the trustee elected shall hold office for two years and until his successor has been elected.

R.S.O. 1950,
c. 356, s. 39,
subs. 1,
amended

4. Subsection 1 of section 39 of *The Separate Schools Act* is amended by inserting after "annually" in the fourth line "or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon", so that the subsection shall read as follows:

Nominations

- (1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon or, if that day is a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days notice of the meeting.

R.S.O. 1950,
c. 356, s. 40,
re-enacted

5. Section 40 of *The Separate Schools Act* is repealed and the following substituted therefor:

Adoption of
ballot and
manner of
voting

40.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year,

(a) provide for the election of trustees to be by ballot;

(b) require the vote to be conducted in the same manner as municipal elections in the municipality in which the separate school is situated.

SECTION 4. The amendment will permit the option of holding the nomination meeting for an urban board at 8 p.m. or at noon as presently required.

SECTION 5. The section as re-enacted provides the procedure for elections in an urban municipality where the board by resolution requires the vote to be conducted in the same manner as municipal elections.

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LIBRARY

- (2) The board may in like manner discontinue the use of the ballot or the voting conducted in the manner of the municipal elections. <sup>Discontin-
tuance</sup>
- (3) Where the board requires the voting to be by ballot or the vote to be conducted in the same manner as the municipal elections and elections are so held, no change shall be made in the mode of voting for a period of three years. <sup>Mode of
voting not
to be
discontinued
for three-
year period</sup>
- (4) Where a resolution is passed under subsection 1 requiring the vote to be conducted in the same manner as municipal elections, <sup>1 Time and
place, etc.,
of election</sup>

(a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as the municipal elections in the municipality in which the separate school is situated;

(b) the meeting of the supporters of the urban separate school for the nomination of candidates shall be held on the same day as the meeting for the nomination of candidates for council;

(c) the board shall advertise in each of its schools the place and time of the nomination meeting and the secretary of the board shall report the names of the nominees to the clerk of the municipality; and

(d) the provisions of *The Municipal Act* with respect to elections except those with respect to the nomination of candidates apply *mutatis mutandis* except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 41. <sup>R.S.O. 1950,
c. 243</sup>

6.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 2 comes into force on the 1st day of July, 1960. *Idem*

(3) Section 3 comes into force on the 1st day of December, 1960. *Idem*

7. This Act may be cited as *The Separate Schools Amendment Act, 1960*. ^{Short title}

An Act to amend
The Separate Schools Act

1st Reading

March 11th, 1960

2nd Reading

March 17th, 1960

3rd Reading

MR. ROBARTS

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

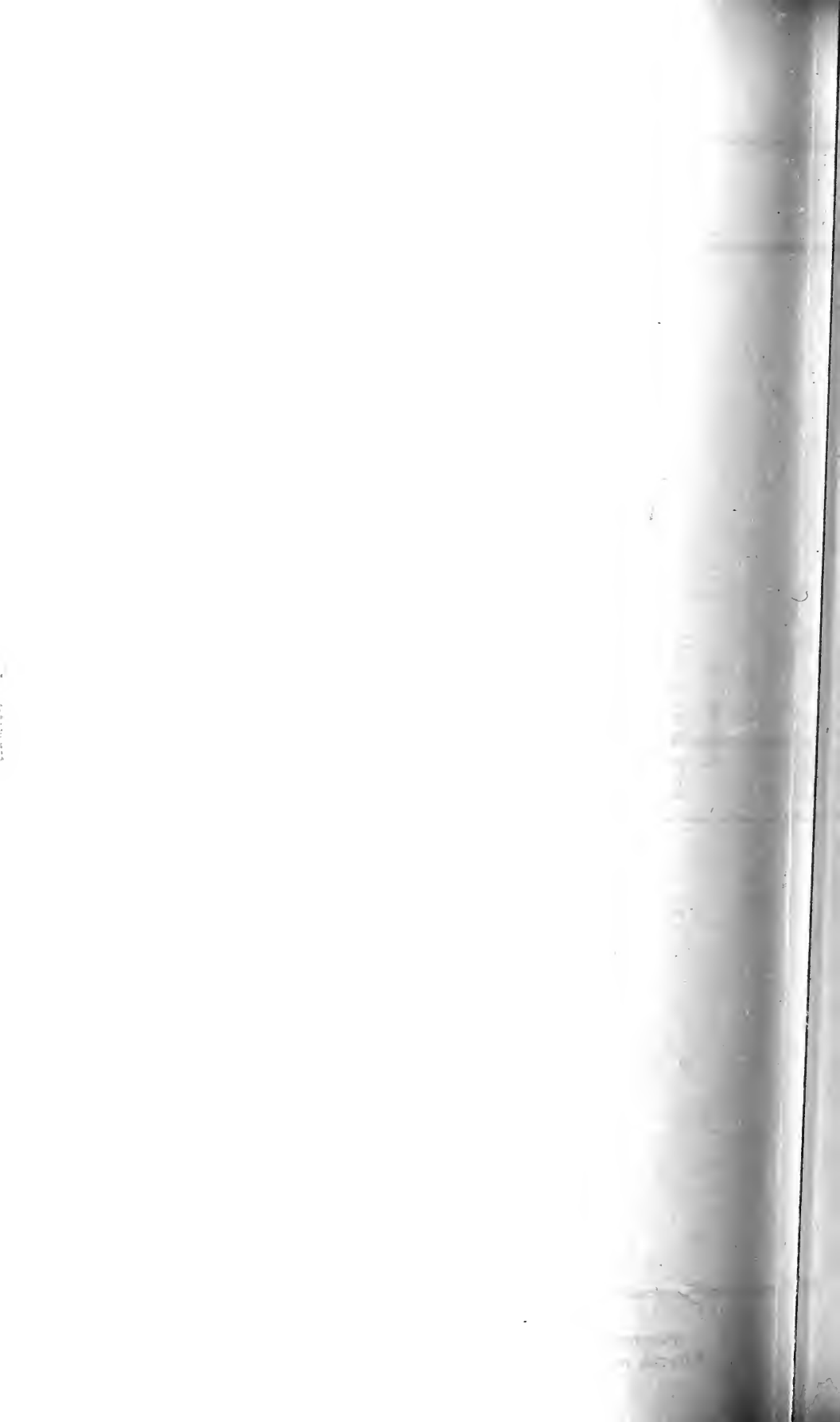
BILL 116

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

**An Act to amend
The Separate Schools Act**

MR. ROBARTS

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



BILL 116

1960

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 20 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 356, s. 20,
amended

- (4) Where a separate school is established in a township school area or in a consolidated school section, the name of the board of the separate school shall include the number of the former school section in which the school is situated. Name of
board in
a township
school area

2. Section 21a of *The Separate Schools Act*, as enacted by section 1 of *The Separate Schools Amendment Act, 1957*, is amended by adding thereto the following subsections: R.S.O. 1950,
c. 356, s. 21a
(1957, c. 112,
s. 1),
amended

- (2) In this section,

(a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year; Determi-
nation of
gross and
net cost

(b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year.

- (3) Where a question arises as to whether or not a person can profit by instruction in a separate school, the matter shall be referred to a committee appointed Determi-
nation as to
whether or
not person
can profit
by
instruction

by the Minister for that purpose, and the decision of the committee is final.

Evidence
as to right
to attend

- (4) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the separate school, including proof of age.

Kindergarten

- (5) Where a board operates a kindergarten in a separate school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior
kindergarten

- (6) Where the board operates a junior kindergarten in a separate school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

Kindergarten
fees

- (7) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

Admission
of ward of
children's
aid society

- (8) A child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward and no fee shall be charged by the board.

Idem

- (9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission
of child
whose
mother
is sole
supporter,
etc.

- (10) Subject to subsection 1, a child whose mother,
- (a) resides in Ontario;
 - (b) is the sole support of the child;
 - (c) is not assessed as a supporter of a public or separate school in any school section;

(d) boards her child, who is a Roman Catholic, with a supporter of a separate school in a residence other than a children's boarding home as defined in *The Children's Boarding Homes Act, 1957*, 1957, c. 11

shall be admitted to the separate school without the payment of a fee.

(11) Subject to subsection 1, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school that is closest to and within three miles of the residence without the payment of a fee.

Admission where separate school supporter moves into residence assessed to public school support

(12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year.

Agreement between boards

3.—(1) Subsection 1 of section 33 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1950, c. 356, s. 33, subs. 1, re-enacted

(1) The majority of the supporters of the separate schools under the jurisdiction of each of two or more separate school boards at public meetings duly called by each separate school board may form a union separate school of which union the trustees shall give notice within fifteen days to the Minister and where the schools are located in one or more municipalities to the clerk or clerks of the municipality or municipalities and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by five trustees to be elected by the supporters of the union separate school as provided by section 26.

Formation of a union separate school board

(2) The said section 33 is amended by adding thereto the following subsections:

R.S.O. 1950, c. 356, s. 33, amended

(3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office

Term of office

for two years and the two remaining trustees shall hold office for one year.

Equality
of votes
at first
election

- (4) In case, at the first election of trustees, two or more trustees receive an equal number of votes or all the trustees are declared elected by acclamation, the question as to which trustees shall hold office for two years shall be determined by lot to be cast by the secretary appointed under subsection 2 of section 26 in the presence of a majority of the elected trustees and the result shall be entered in the minutes of the meeting.

Subsequent
elections

- (5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year and the trustee elected shall hold office for two years and until his successor has been elected.

R.S.O. 1950,
c. 356, s. 39,
subs. 1,
amended

4. Subsection 1 of section 39 of *The Separate Schools Act* is amended by inserting after "annually" in the fourth line "or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon", so that the subsection shall read as follows:

Nominations

- (1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon or, if that day is a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days notice of the meeting.

R.S.O. 1950,
c. 356, s. 40,
re-enacted

5. Section 40 of *The Separate Schools Act* is repealed and the following substituted therefor:

Adoption of
ballot and
manner of
voting

- 40.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year,
- (a) provide for the election of trustees to be by ballot;
 - (b) require the vote to be conducted in the same manner as municipal elections in the municipality in which the separate school is situated.

- (2) The board may in like manner discontinue the use of the ballot or the voting conducted in the manner of the municipal elections. Discontin-
uance
- (3) Where the board requires the voting to be by ballot or the vote to be conducted in the same manner as the municipal elections and elections are so held, no change shall be made in the mode of voting for a period of three years. Mode of
voting not
to be
discontinued
for three-
year period
- (4) Where a resolution is passed under subsection 1 requiring the vote to be conducted in the same manner as municipal elections, Time and
place, etc.,
of election
- (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as the municipal elections in the municipality in which the separate school is situated;
- (b) the meeting of the supporters of the urban separate school for the nomination of candidates shall be held on the same day as the meeting for the nomination of candidates for council;
- (c) the board shall advertise in each of its schools the place and time of the nomination meeting and the secretary of the board shall report the names of the nominees to the clerk of the municipality; and
- (d) the provisions of *The Municipal Act* with respect to elections except those with respect to the nomination of candidates apply *mutatis mutandis* except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 41. R.S.O. 1950.
c. 243
- 6.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent. Commence-
ment
- (2) Section 2 comes into force on the 1st day of July, 1960. Idem
- (3) Section 3 comes into force on the 1st day of December, 1960. Idem
7. This Act may be cited as *The Separate Schools Amendment Act, 1960*. Short title

An Act to amend
The Separate Schools Act

1st Reading

March 11th, 1960

2nd Reading

March 17th, 1960

3rd Reading

March 29th, 1960

MR. ROBARTS

BILL 117

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

An Act to amend The Corporations Tax Act, 1957

MR. ALLAN (Haldimand-Norfolk)

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

EXPLANATORY NOTES

GENERAL. The general purpose of the Bill is twofold: 1. To make adjustments in the Act to bring it into closer relationship with the corresponding provisions of the *Income Tax Act* (Canada) as that Act affects corporations, particularly with respect to amendments made to that Act since the last session of the Legislature. 2. To correct certain anomalies of a technical character in other provisions of the Act that have appeared during the past year.

Most of the provisions of this Bill are to the same effect as regulations that have been made since the last session of the Legislature under clause *d* of section 94 of the Act.

SECTION 1. This section enacts a definition of the word "annuity" that corresponds with a similar definition in the *Income Tax Act* (Canada).

SECTION 2. The new subsection declares the head office of a corporation to be a permanent establishment.

SECTION 3—Subsections 1 and 2. The rate of tax imposed in another province of Canada having a different basis of allocation of profits of a corporation than that applicable under this Act has raised its rate of tax under its *Corporation Tax Act* from 9 per cent to 10 per cent. These amendments bring the adjustment section into line.

Subsection 3. Subsection 30 of section 4 as amended restricts its application to subsection 29 of section 4 rather than to the whole of section 4 as at present provided.

BILL 117

1960

**An Act to amend
The Corporations Tax Act, 1957**

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 1 of *The Corporations Tax Act, 1957* is amended by adding thereto the following paragraph: ^{1957, c. 17, s. 1, subs. 1, amended}

1a. "annuity" includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise.

2. Section 2 of *The Corporations Tax Act, 1957*, as amended ^{1957, c. 17, s. 2, amended} by section 2 of *The Corporations Tax Amendment Act, 1958*, is further amended by adding thereto the following subsection:

(10) A corporation has a permanent establishment in the ^{idem} place designated in its charter or by-laws as being its head office.

3.—(1) Clause *a* of subsection 28*d* of section 4 of *The Corporations Tax Act, 1957*, as enacted by subsection 3 of ^{1957, c. 17, s. 4, subs. 28*d*} section 3 of *The Corporations Tax Amendment Act, 1958*, is ^{(1958, c. 16, s. 3, subs. 3), amended} amended by striking out "9" in the third and seventeenth lines respectively and inserting in lieu thereof "10". ^{cl. a, amended}

(2) Clause *b* of subsection 28*d* of the said section 4, as ^{1957, c. 17, s. 4, subs. 28*d*} enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1958*, is amended by striking out "9" ^{(1958, c. 16, s. 3, subs. 3), amended} in the third and sixteenth lines respectively and inserting in lieu thereof "10". ^{cl. b, amended}

(3) Subsection 30 of the said section 4 is amended by ^{1957, c. 17, s. 4, subs. 30, amended} striking out "this section" in the first line and inserting in lieu thereof "subsection 29".

1957, c. 17, s. 6, subs. 1^a, (1958, c. 16, s. 5), amended

4. Subsection 1a of section 6 of *The Corporations Tax Act, 1957*, as enacted by section 5 of *The Corporations Tax Amendment Act, 1958*, is amended by striking out "or which merely holds a charter that designates the head office of the corporation as being in Ontario" in the fifth, sixth and seventh lines.

1957, c. 17, s. 23, subs. 1, amended

5.—(1) Subsection 1 of section 23 of *The Corporations Tax Act, 1957*, as amended by subsections 1 and 2 of section 8 of *The Corporations Tax Amendment Act, 1958*, is further amended by adding thereto the following clauses:

Share transfer and other fees

(cc) an amount payable in the fiscal year as a fee for services rendered by a person as a registrar of or agent for the transfer of shares of the capital stock of the corporation or as an agent for the remittance to shareholders of the corporation of dividends declared by it;

Idem

(ccc) an amount payable in the fiscal year as a fee to a stock exchange for the listing of shares of the capital stock of the corporation;

Idem

(cccc) an expense incurred in the fiscal year in the course of printing and issuing a financial report to shareholders of the corporation or to any other person entitled by law to receive such report.

1957, c. 17, s. 23, subs. 1, cl. j, amended

(2) Clause *j* of subsection 1 of the said section 23 is amended by striking out "benefit" in the third line and inserting in lieu thereof "benefits".

1957, c. 17, s. 23, amended

(3) The said section 23, as amended by section 8 of *The Corporations Tax Amendment Act, 1958* and section 4 of *The Corporations Tax Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Uncollectable portions of proceeds of disposition of property

(13) Where an amount that is owing to a corporation as or on account of the proceeds of disposition of depreciable property of the corporation of a prescribed class as determined for the purpose of section 32 is established by the corporation to have become a bad debt in a fiscal year, there may be deducted in computing its income for the fiscal year the lesser of,

(a) the amount so owing to the corporation; or

(b) the amount, if any, by which the capital cost to the corporation of that property, as determined for the purpose of section 32, exceeds

SECTION 4. Subsection 1a of section 6 imposes a tax of \$50 on corporations that do not have permanent establishments in Ontario but do other things in Ontario that render them liable to the laws of Ontario. A corporation which merely holds a charter that designates its head office as being in Ontario is now declared to have a permanent establishment in Ontario by subsection 10 of section 2 as enacted by section 2 of this Bill. Thus the words deleted from subsection 1a of section 6 are no longer appropriate.

SECTION 5—Subsection 1. The three new clauses permit a corporation to deduct in computing income share transfer fees, share listing fees and expenses of dividend distributions and the printing of financial reports. Deduction of these expenses has been permitted in the past but the right to such a deduction under existing law has been questioned by a recent court decision.

Subsection 2. Correction of typographical error.

Subsection 3. When depreciable property is disposed of for more than its depreciated value there is provision in the Act for recapture of this excess. However, the proceeds of disposition may not always be collected in full by the corporation making the disposition. This new subsection will permit the deduction from income of a certain part of the proceeds of disposition that can be established to have become a bad debt.

SECTION 6—Subsection 1. This subsection is repealed because there has been doubt as to who was to accept the method of computing income from a business or a property when such method was changed. It is deemed unnecessary when the general determination of income is governed by generally accepted commercial and accounting practices. A similar provision in the *Income Tax Act* (Canada) has been repealed.

Subsection 2. This new subsection is intended to make clear that the figure used as the value of the opening inventory in any year shall be the same as that used as the value of the closing inventory in the immediately preceding year.

SECTION 7. The amendments made by this section reduce the number of words within the quotation marks to make it clear that the definitions in question apply in the context of the present provisions of section 32.

the aggregate of the amounts, if any, realized by the corporation on account of the proceeds of disposition.

6.—(1) Subsection 1 of section 26 of *The Corporations Tax Act, 1957* is repealed. 1957, c. 17, s. 26, subs. 1. repealed

(2) The said section 26 is amended by adding thereto the following subsection: 1957, c. 17, s. 26, amended

(2a) Notwithstanding subsection 2, for the purpose of Idem computing income for a fiscal year, the property described in an inventory at the commencement of the year shall be valued at the same amount as the amount at which it was valued at the end of the immediately preceding fiscal year in computing the income of the corporation for that preceding fiscal year.

7.—(1) Clause *a* of subsection 4 of section 32 of *The Corporations Tax Act, 1957*, as amended by subsection 3 of section 13 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor: 1957, c. 17, s. 32, subs. 4, cl. a. re-enacted

(a) “depreciable property” of a corporation as of any time in a fiscal year means property in respect of which the corporation has been allowed or is entitled to a deduction under the regulations made pursuant to clause *a* of subsection 1*a* of section 23 in computing income for that or a previous fiscal year.

(2) Clause *d* of subsection 4 of the said section 32, as amended by subsection 3 of section 13 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor: 1957, c. 17, s. 32, subs. 4, cl. d. re-enacted

(d) “total depreciation” allowed to a corporation before any time for property of a prescribed class means the aggregate of all amounts allowed to the corporation in respect of property of that class under the regulations made pursuant to clause *a* of subsection 1*a* of section 23 in computing income for the fiscal years before that time.

(3) Clause *e* of subsection 4 of the said section 32 is amended by striking out the first five lines and inserting in lieu thereof the following: 1957, c. 17, s. 32, subs. 4, cl. e. amended

(e) “undepreciated capital cost” to a corporation of depreciable property of a prescribed class as of any time means the capital cost to the corporation of

depreciable property of that class acquired before that time minus the aggregate of,

.

1957, c. 17,
s. 37,
amended **8.** Section 37 of *The Corporations Tax Act, 1957*, as amended by section 13 of *The Corporations Tax Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Idem (4) Clause *c* of subsection 1 applies to require a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, the same part of the loss sustained by it in another fiscal year as is deducted by it under clause *e* of subsection 1 of section 27 of the *Income Tax Act* (Canada) in computing its taxable income under that Act for the same fiscal year.

R.S.C. 1952,
c. 148

1957, c. 17,
s. 39, cl. *d*,
re-enacted **9.** Clause *d* of section 39 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

(*d*) gifts made out of the shareholders' account by the corporation in the fiscal year to organizations in Canada operated exclusively for charitable purposes not exceeding in the aggregate for the fiscal year 10 per cent of the amount so credited or appropriated minus the amounts described by clauses *a* and *b*.

1957, c. 17,
amended **10.** *The Corporations Tax Act, 1957* is amended by adding thereto the following section:

Conversion
of provincial
life insurance
corporation
into mutual
corporation 41*a*. Where a corporation that is incorporated under the laws of a province with authority to transact the business of life insurance has applied an amount in payment for shares of the corporation purchased by it under the authority of the law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law,

(*a*) section 20 does not apply to require the inclusion in computing the income of a shareholder of the corporation of any part of that amount; and

(*b*) no part of that amount shall be deemed, for the purposes of section 39, to have been credited to shareholders' account or otherwise appropriated for or on account of shareholders or, for the purposes of section 51, to have been received as a dividend.

SECTION 8. The new subsection makes it clear that where a corporation carries forward or carries back losses in determining income for a fiscal year under the *Income Tax Act* (Canada), the corporation must carry forward or carry back exactly the same amount and to the same extent under this Act.

SECTION 9. This amendment substitutes 10 per cent for 5 per cent as the maximum amount deductible by life insurance corporations as donations to charitable organizations. This provides the same maximum for life insurance corporations as that provided for other corporations.

SECTION 10. This new section provides rules for the tax treatment of amounts paid by a provincial life insurance corporation for its shares upon conversion into a mutual corporation. These rules are similar to those provided in the *Canadian and British Insurance Companies Act* (Canada) for life insurance corporations that convert to mutual corporations under authority of that Act.

SECTION 11. This amendment adds the words "hire of chattels or charterparty fees or remunerations" to widen the conditions a corporation must comply with in order to qualify as a non-resident-owned investment corporation.

SECTION 12. This new subsection dealing with foreign business corporations withdraws the privilege of qualifying as a foreign business corporation to any company except those corporations that were so qualified for fiscal years ending in 1958 and earlier fiscal years or a corporation incorporated prior to April 10, 1959 that did not have a fiscal year ending in 1958 that so qualified for the first fiscal year ending after 1958.

SECTION 13—Subsection 1. The words "or a part thereof" are new in the first five lines of clause *d* of subsection 1 of section 57 and these words are inserted to make it clear that where payment for goods is not to be received until the expiration of more than two years after the date of sale, a reasonable reserve may be deducted by the corporation in respect of the whole profit to be realized from the sale.

11. Clause *c* of subsection 2 of section 42 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor: 1957, c. 17, s. 42, subs. 2, cl. c, re-enacted

- (c) not more than 10 per cent of its gross revenue was derived from rents, hire of chattels or charterparty fees or remunerations.

12. Section 43 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection: 1957, c. 17, s. 43, amended

- (5) This section does not apply to exempt a corporation from tax under section 4 or 5 for a fiscal year ending after the 9th day of April, 1959, hereinafter in this subsection referred to as a "particular taxation year", unless, Application of section

(a) in the case of a corporation that had a fiscal year ending before 1959, the corporation was during its last fiscal year ending before 1959 and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation;

(b) in the case of a corporation incorporated on or before the 9th day of April, 1959, that did not have a fiscal year ending before 1959, the corporation was during its first fiscal year ending after 1958 and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation; or

(c) in the case of a corporation that had a fiscal year ending on or before the 9th day of April, 1959, the corporation was during the fiscal year in which that date occurred and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation, and had during that part of its fiscal year in which that date occurred that was before the 10th day of April, 1959, business operations that complied with one of the conditions contained in clause *b* of subsection 2.

13.—(1) Clause *d* of subsection 1 of section 57 of *The Corporations Tax Act, 1957* is amended by striking out the first five lines and inserting in lieu thereof the following: 1957, c. 17, s. 57, subs. 1, cl. d, amended

- (d) where an amount has been included in computing the income of a corporation from its business for

the fiscal year or for a previous fiscal year in respect of property sold in the course of the business and that amount or a part thereof is not receivable until a day,

1957, c. 17,
s. 57, subs. 1,
cl. e,
re-enacted

(2) Clause *e* of subsection 1 of the said section 57 is repealed and the following substituted therefor:

- (e) there shall be included the amounts deducted under clauses *c* and *d* in computing the income of the corporation for the immediately preceding fiscal year.

1957, c. 17,
s. 60, subs. 1,
amended

14. Subsection 1 of section 60 of *The Corporations Tax Act, 1957*, as amended by section 26 of *The Corporations Tax Amendment Act, 1958* and section 19 of *The Corporations Tax Amendment Act, 1959*, is further amended by striking out "may" in the third line and inserting in lieu thereof "shall".

1957, c. 17,
s. 61a (1959,
c. 20, s. 21),
subs. 2,
rule 4,
cl. b,
re-enacted

15. Clause *b* of rule 4 of subsection 2 of section 61a of *The Corporations Tax Act, 1957*, as enacted by section 21 of *The Corporations Tax Amendment Act, 1959*, is repealed and the following substituted therefor:

- (b) in determining the undepreciated capital cost to the new corporation of depreciable property of a prescribed class at any time,
- (i) there shall be added to the capital cost to the new corporation of depreciable property of that class acquired before that time the undepreciated capital cost to each of the predecessor corporations of depreciable property of that class immediately before the amalgamation, and
- (ii) there shall be subtracted from the capital cost to the new corporation of depreciable property of that class acquired before that time the capital cost to the new corporation of depreciable property of that class acquired by virtue of the amalgamation.

1957, c. 17,
s. 61b (1959,
c. 20, s. 22),
cl. a,
subcl. 1,
re-enacted

16. Subclause *i* of clause *a* of section 61b of *The Corporations Tax Act, 1957*, as enacted by section 22 of *The Cor-*

Subsection 2. The new clause *e* provides that the corporation must include in its income amounts deducted as reserves in computing its income for the preceding fiscal year even though it did not continue to have income from a particular business in the preceding fiscal year.

SECTION 14. This amendment makes it clear that if a corporation elects to measure income in a certain way under subsection 1 of section 85F of the *Income Tax Act* (Canada), the same method must be used under this Act.

SECTION 15. This amendment deals with the computation of the undepreciated capital cost of property of a new corporation that has been formed by the amalgamation of two or more predecessor corporations. It should be read in conjunction with clause *a* of rule 4 of subsection 2 of section 61*a* and clause *e* of subsection 4 of section 32 of the Act. The effect of this amendment is that in computing the undepreciated capital cost of depreciable property of a prescribed class in the hands of the new corporation at any time, there must be taken into account the undepreciated capital cost to each of the predecessor corporations of property of that class immediately before the amalgamation.

SECTION 16. The new subclause corrects an error made when the original subclause was framed.

SECTION 17. The new subsection sets up a basis for excluding from paid-up capital of a non-resident corporation the amount of paid-up capital used in Canada from the operation of a ship or aircraft owned or operated by such corporation on a similar basis to that by which it may exclude its income from the operation of such ships under clause *b* of section 22 of the Act.

SECTION 18. The new subsection permits a corporation to object to an assessment up to ninety days from the date the notice of assessment is mailed rather than sixty days as now provided.

SECTION 19. The new subsection permits the Treasurer to obtain information from any person in order to determine the amount of any tax payable by any corporation.

Corporations Tax Amendment Act, 1959, is repealed and the following substituted therefor:

- (i) the amount by which its tax under Part II of this Act would be increased by including in computing its income,

(A) the payment, and

- (B) the amount by which its tax under Part I of the *Income Tax Act* (Canada) would be increased by including the payment in computing its income, and

R.S.C. 1952,
c. 148

17. Section 64 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection:

1957, c. 17,
s. 64,
amended

- (3) In computing the paid-up capital of a non-resident corporation for a fiscal year, there shall not be included the amount of the paid-up capital invested in a ship or aircraft operated by such corporation in Canada if such corporation is entitled, in computing its income for a fiscal year, to exclude the income for the fiscal year earned in Canada from the operation of such ship or aircraft under clause b of section 22.

Ship or
aircraft
of non-
resident
corporation,
amounts
not
included
in computing
paid-up
capital

18. Subsection 1 of section 74 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

1957, c. 17,
s. 74, subs. 1,
re-enacted

- (1) A corporation that objects to an assessment under this Act may within ninety days from the day of mailing of the notice of assessment serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Notice of
objection

19. Section 81 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection:

1957, c. 17,
s. 81,
amended

- (4a) The Treasurer may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation

Production
of evidence
to prove tax
payable by
another
corporation

or of his or its agent or officer, for the purpose of determining what tax, if any, is payable under this Act by any corporation and production thereof shall be made within such reasonable time as may be stipulated in such registered letter or demand.

Confirmation
of interest
payable

20.—(1) Section 70 of *The Corporations Tax Act, 1957* as it read before subsection 6 thereof was re-enacted by section 23 of *The Corporations Tax Amendment Act, 1959* applies to the tax payable by a corporation for its fiscal year ending in 1957 notwithstanding that portions of such tax were levied pursuant to *The Corporations Tax Amendment Act, 1958* and *The Corporations Tax Amendment Act, 1959*.

Exception

(2) Notwithstanding subsection 1, where the tax payable by a corporation for its fiscal year ending in 1957 was greater than it would have been if subsection 28*d* of section 4 of *The Corporations Tax Act, 1957* had not been enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1958* and had not been amended by subsection 4 of section 1 of *The Corporations Tax Amendment Act, 1959*, the amount of the interest and penalty interest that accrued under section 70 of *The Corporations Tax Act, 1957* on unpaid portions of the final tax payable by such corporation for its fiscal year ending in 1957 shall be calculated from the dates on which portions of such tax were payable in accordance with section 69 and pursuant to the confirmation of such interest and penalty interest under subsection 1 to the date of payment or the 26th day of May, 1959, whichever is the earlier date, and two-thirds of such amount shall be credited to the corporation.

Application
of this Act

21.—(1) Sections 1 and 2, subsection 3 of section 3, section 4, subsections 1 and 2 of section 5 and sections 8, 14, 16 and 17 apply in respect of the fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years.

Idem

(2) Subsection 2 of section 6, section 9 and subsection 1 of section 13 apply in respect of the fiscal years of corporations ending in 1958 and in respect of subsequent fiscal years.

Idem

(3) Section 10 applies in respect of amounts applied after 1958.

Idem

(4) Subsection 3 of section 5 and subsection 2 of section 13 apply in respect of the fiscal years of corporations ending in 1959 and in respect of subsequent fiscal years.

SECTION 20. These substantive provisions confirm the amount of interest and penalty interest that was payable by any corporation where the tax for its fiscal year ending in 1957 was underpaid in every case except the case of a corporation whose tax for 1957 was increased by reason of the enactment of subsection 28*d* of section 4 and in that event the interest and penalty interest otherwise payable are reduced by two-thirds.

SECTION 21—Subsection 5. The rate of tax payable on income of corporations earned in another province was raised from 9 per cent to 10 per cent effective with respect to income earned from January 1, 1960. Where the fiscal year of a corporation ending in 1960 does not coincide with the calendar year, a part of it being in the calendar year 1959, the amendment to subsection 28*d* of section 4 of the Act made by subsections 1 and 2 of section 3 of the Bill is made applicable for the portion of the fiscal year that passes in 1960 whereas the provisions of subsection 28*d* of section 4 as it stands before the amendment continue to apply to the portion of the fiscal year that passes in 1959.

10
11
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(5) In the case of a corporation the fiscal year of which ^{Idem} ending in 1960 does not coincide with the calendar year, the amount of the reduction or the increase in the deduction provided by subsection 2 of section 4 of *The Corporations Tax Act, 1957*, as referred to in subsection 28*d* of the said section 4, shall be the aggregate of two amounts calculated as follows:

- (a) in respect of the portion of such fiscal year that is in the calendar year 1959 as though the said subsection 28*d* of section 4 had not been amended by subsections 1 and 2 of section 3 of this Act and applied for the whole fiscal year ending in 1960, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1960 bears to 365; and
- (b) in respect of the portion of such fiscal year that is in the calendar year 1960 as though the said subsection 28*d* of section 4 had been amended by subsections 1 and 2 of section 3 of this Act and applied for the whole fiscal year ending in 1960, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1959 bears to 365.

(6) Except as provided by subsection 5, subsections 1 and 2 ^{Idem} of section 3 and section 11 apply in respect of the fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.

22. Part I of Ontario Regulations 219/57, as made by ^{Regulations} regulation 1 of Ontario Regulations 233/59, is revoked. _{revoked}

23. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

24. This Act may be cited as *The Corporations Tax* ^{Short title} *Amendment Act, 1960*.

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. ALAN (Haldimand-Norfolk)

BILL 117

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

An Act to amend The Corporations Tax Act, 1957

MR. ALLAN (Haldimand-Norfolk)

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

**TORONTO
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EXPLANATORY NOTES

GENERAL. The general purpose of the Bill is twofold: 1. To make adjustments in the Act to bring it into closer relationship with the corresponding provisions of the *Income Tax Act* (Canada) as that Act affects corporations, particularly with respect to amendments made to that Act since the last session of the Legislature. 2. To correct certain anomalies of a technical character in other provisions of the Act that have appeared during the past year.

Most of the provisions of this Bill are to the same effect as regulations that have been made since the last session of the Legislature under clause *d* of section 94 of the Act.

SECTION 1. This section enacts a definition of "annuity payment" that corresponds with a similar definition in the *Income Tax Act* (Canada).

SECTION 2. The new subsection declares the head office of a corporation to be a permanent establishment.

SECTION 3—Subsections 1 and 2. The rate of tax imposed in another province of Canada having a different basis of allocation of profits of a corporation than that applicable under this Act has raised its rate of tax under its *Corporation Tax Act* from 9 per cent to 10 per cent. These amendments bring the adjustment section into line.

Subsection 3. Subsection 30 of section 4 as amended restricts its application to subsection 29 of section 4 rather than to the whole of section 4 as at present provided.

BILL 117

1960

An Act to amend The Corporations Tax Act, 1957

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 1 of *The Corporations Tax Act, 1957* is amended by adding thereto the following paragraph: ^{1957, c. 17, s. 1, subs. 1.} amended

1a. "annuity payment" includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise.

2. Section 2 of *The Corporations Tax Act, 1957*, as amended ^{1957, c. 17, s. 2.} by section 2 of *The Corporations Tax Amendment Act, 1958*, is ^{amended} further amended by adding thereto the following subsection:

(10) A corporation has a permanent establishment in the ^{Idem} place designated in its charter or by-laws as being its head office.

3.—(1) Clause *a* of subsection 28*d* of section 4 of *The Corporations Tax Act, 1957*, as enacted by subsection 3 of ^{1957, c. 17, s. 4, subs. 28*d*} section 3 of *The Corporations Tax Amendment Act, 1958*, is ^{(1958, c. 16, s. 3, subs. 3).} amended by striking out "9" in the third and seventeenth ^{cl. a,} lines respectively and inserting in lieu thereof "10". ^{amended}

(2) Clause *b* of subsection 28*d* of the said section 4, as ^{1957, c. 17, s. 4,} enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1958*, is amended by striking out "9" ^(1958, c. 16, s. 3, subs. 3) in the third and sixteenth lines respectively and inserting in ^{cl. b,} lieu thereof "10". ^{amended}

(3) Subsection 30 of the said section 4 is amended by ^{1957, c. 17, s. 4, subs. 30.} striking out "this section" in the first line and inserting in ^{amended} lieu thereof "subsection 29".

1957, c. 17,
s. 6, subs. 1a
(1958, c. 16,
s. 5),
amended

4. Subsection 1a of section 6 of *The Corporations Tax Act, 1957*, as enacted by section 5 of *The Corporations Tax Amendment Act, 1958*, is amended by striking out "or which merely holds a charter that designates the head office of the corporation as being in Ontario" in the fifth, sixth and seventh lines.

1957, c. 17,
s. 23, subs. 1,
amended

5.—(1) Subsection 1 of section 23 of *The Corporations Tax Act, 1957*, as amended by subsections 1 and 2 of section 8 of *The Corporations Tax Amendment Act, 1958*, is further amended by adding thereto the following clauses:

Share
transfer
and other
fees

(cc) an amount payable in the fiscal year as a fee for services rendered by a person as a registrar or agent for the transfer of shares of the capital stock of the corporation or as an agent for the remittance to shareholders of the corporation of dividends declared by it;

Idem

(ccc) an amount payable in the fiscal year as a fee to a stock exchange for the listing of shares of the capital stock of the corporation;

Idem

(cccc) an expense incurred in the fiscal year in the course of printing and issuing a financial report to shareholders of the corporation or to any other person entitled by law to receive such report.

1957, c. 17,
s. 23, subs. 1,
cl. j,
amended

(2) Clause *j* of subsection 1 of the said section 23 is amended by striking out "benefit" in the third line and inserting in lieu thereof "benefits".

1957, c. 17,
s. 23,
amended

(3) The said section 23, as amended by section 8 of *The Corporations Tax Amendment Act, 1958* and section 4 of *The Corporations Tax Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Uncollect-
able portions
of proceeds
of disposition
of property

(13) Where an amount that is owing to a corporation as or on account of the proceeds of disposition of depreciable property of the corporation of a prescribed class as determined for the purpose of section 32 is established by the corporation to have become a bad debt in a fiscal year, there may be deducted in computing its income for the fiscal year the lesser of,

(a) the amount so owing to the corporation; or

(b) the amount, if any, by which the capital cost to the corporation of that property, as determined for the purpose of section 32, exceeds

SECTION 4. Subsection 1a of section 6 imposes a tax of \$50 on corporations that do not have permanent establishments in Ontario but do other things in Ontario that render them liable to the laws of Ontario. A corporation which merely holds a charter that designates its head office as being in Ontario is now declared to have a permanent establishment in Ontario by subsection 10 of section 2 as enacted by section 2 of this Bill. Thus the words deleted from subsection 1a of section 6 are no longer appropriate.

SECTION 5—Subsection 1. The three new clauses permit a corporation to deduct in computing income share transfer fees, share listing fees and expenses of dividend distributions and the printing of financial reports. Deduction of these expenses has been permitted in the past but the right to such a deduction under existing law has been questioned by a recent court decision.

Subsection 2. Correction of typographical error.

Subsection 3. When depreciable property is disposed of for more than its depreciated value there is provision in the Act for recapture of this excess. However, the proceeds of disposition may not always be collected in full by the corporation making the disposition. This new subsection will permit the deduction from income of a certain part of the proceeds of disposition that can be established to have become a bad debt.

SECTION 6—Subsection 1. This subsection is repealed because there has been doubt as to who was to accept the method of computing income from a business or a property when such method was changed. It is deemed unnecessary when the general determination of income is governed by generally accepted commercial and accounting practices. A similar provision in the *Income Tax Act* (Canada) has been repealed.

Subsection 2. This new subsection is intended to make clear that the figure used as the value of the opening inventory in any year shall be the same as that used as the value of the closing inventory in the immediately preceding year.

SECTION 7. The amendments made by this section reduce the number of words within the quotation marks to make it clear that the definitions in question apply in the context of the present provisions of section 32.

the aggregate of the amounts, if any, realized by the corporation on account of the proceeds of disposition.

6.—(1) Subsection 1 of section 26 of *The Corporations Tax Act, 1957* is repealed. 1957, c. 17, s. 26, subs. 1, repealed

(2) The said section 26 is amended by adding thereto the following subsection: 1957, c. 17, s. 26, amended

(2a) Notwithstanding subsection 2, for the purpose of computing income for a fiscal year, the property described in an inventory at the commencement of the year shall be valued at the same amount as the amount at which it was valued at the end of the immediately preceding fiscal year in computing the income of the corporation for that preceding fiscal year. Idem

7.—(1) Clause *a* of subsection 4 of section 32 of *The Corporations Tax Act, 1957*, as amended by subsection 3 of section 13 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor: 1957, c. 17, s. 32, subs. 4, cl. a, re-enacted

(a) “depreciable property” of a corporation as of any time in a fiscal year means property in respect of which the corporation has been allowed or is entitled to a deduction under the regulations made pursuant to clause *a* of subsection 1a of section 23 in computing income for that or a previous fiscal year.

(2) Clause *d* of subsection 4 of the said section 32, as amended by subsection 3 of section 13 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor: 1957, c. 17, s. 32, subs. 4, cl. d, re-enacted

(d) “total depreciation” allowed to a corporation before any time for property of a prescribed class means the aggregate of all amounts allowed to the corporation in respect of property of that class under the regulations made pursuant to clause *a* of subsection 1a of section 23 in computing income for the fiscal years before that time.

(3) Clause *e* of subsection 4 of the said section 32 is amended by striking out the first five lines and inserting in lieu thereof the following: 1957, c. 17, s. 32, subs. 4, cl. e, amended

(e) “undepreciated capital cost” to a corporation of depreciable property of a prescribed class as of any time means the capital cost to the corporation of

depreciable property of that class acquired before that time minus the aggregate of,

1957, c. 17,
s. 37,
amended **8.** Section 37 of *The Corporations Tax Act, 1957*, as amended by section 13 of *The Corporations Tax Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Idem (4) Clause *c* of subsection 1 applies to require a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, the same part of the loss sustained by it in another fiscal year as is deducted by it under clause *e* of subsection 1 of section 27 of the *Income Tax Act (Canada)* in computing its taxable income under that Act for the same fiscal year.

R.S.C. 1952,
c. 148

1957, c. 17,
s. 39, cl. *d*,
re-enacted **9.** Clause *d* of section 39 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

(*d*) gifts made out of the shareholders' account by the corporation in the fiscal year to organizations in Canada operated exclusively for charitable purposes not exceeding in the aggregate for the fiscal year 10 per cent of the amount so credited or appropriated minus the amounts described by clauses *a* and *b*.

1957, c. 17,
amended **10.** *The Corporations Tax Act, 1957* is amended by adding thereto the following section:

Conversion
of provincial
life insurance
corporation
into mutual
corporation

41*a*. Where a corporation that is incorporated under the laws of a province with authority to transact the business of life insurance has applied an amount in payment for shares of the corporation purchased by it under the authority of the law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law,

(*a*) section 20 does not apply to require the inclusion in computing the income of a shareholder of the corporation of any part of that amount; and

(*b*) no part of that amount shall be deemed, for the purposes of section 39, to have been credited to shareholders' account or otherwise appropriated for or on account of shareholders or, for the purposes of section 51, to have been received as a dividend.

SECTION 8. The new subsection makes it clear that where a corporation carries forward or carries back losses in determining income for a fiscal year under the *Income Tax Act* (Canada), the corporation must carry forward or carry back exactly the same amount and to the same extent under this Act.

SECTION 9. This amendment substitutes 10 per cent for 5 per cent as the maximum amount deductible by life insurance corporations as donations to charitable organizations. This provides the same maximum for life insurance corporations as that provided for other corporations.

SECTION 10. This new section provides rules for the tax treatment of amounts paid by a provincial life insurance corporation for its shares upon conversion into a mutual corporation. These rules are similar to those provided in the *Canadian and British Insurance Companies Act* (Canada) for life insurance corporations that convert to mutual corporations under authority of that Act.

SECTION 11. This amendment adds the words "hire of chattels or charterparty fees or remunerations" to widen the conditions a corporation must comply with in order to qualify as a non-resident-owned investment corporation.

SECTION 12. This new subsection dealing with foreign business corporations withdraws the privilege of qualifying as a foreign business corporation to any company except those corporations that were so qualified for fiscal years ending in 1958 and earlier fiscal years or a corporation incorporated prior to April 10, 1959 that did not have a fiscal year ending in 1958 that so qualified for the first fiscal year ending after 1958.

SECTION 13—Subsection 1. The words "or a part thereof" are new in the first five lines of clause *d* of subsection 1 of section 57 and these words are inserted to make it clear that where payment for goods is not to be received until the expiration of more than two years after the date of sale, a reasonable reserve may be deducted by the corporation in respect of the whole profit to be realized from the sale.

11. Clause *c* of subsection 2 of section 42 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor: 1957, c. 17, s. 42, subs. 2, cl. *c*, re-enacted

- (c) not more than 10 per cent of its gross revenue was derived from rents, hire of chattels or charterparty fees or remunerations.

12. Section 43 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection: 1957, c. 17, s. 43, amended

- (5) This section does not apply to exempt a corporation from tax under section 4 or 5 for a fiscal year ending after the 9th day of April, 1959, hereinafter in this subsection referred to as a "particular taxation year", unless, Application of section

(a) in the case of a corporation that had a fiscal year ending before 1959, the corporation was during its last fiscal year ending before 1959 and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation;

(b) in the case of a corporation incorporated on or before the 9th day of April, 1959, that did not have a fiscal year ending before 1959, the corporation was during its first fiscal year ending after 1958 and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation; or

(c) in the case of a corporation that had a fiscal year ending on or before the 9th day of April, 1959, the corporation was during the fiscal year in which that date occurred and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation, and had during that part of its fiscal year in which that date occurred that was before the 10th day of April, 1959, business operations that complied with one of the conditions contained in clause *b* of subsection 2.

13.—(1) Clause *d* of subsection 1 of section 57 of *The Corporations Tax Act, 1957* is amended by striking out the first five lines and inserting in lieu thereof the following: 1957, c. 17, s. 57, subs. 1, cl. *d*, amended

- (d) where an amount has been included in computing the income of a corporation from its business for

the fiscal year or for a previous fiscal year in respect of property sold in the course of the business and that amount or a part thereof is not receivable until a day,

.

1957, c. 17, s. 57, subs. 1, cl. e, re-enacted (2) Clause *e* of subsection 1 of the said section 57 is repealed and the following substituted therefor:

(e) there shall be included the amounts deducted under clauses *c* and *d* in computing the income of the corporation for the immediately preceding fiscal year.

1957, c. 17, s. 60, subs. 1, amended 14. Subsection 1 of section 60 of *The Corporations Tax Act, 1957*, as amended by section 26 of *The Corporations Tax Amendment Act, 1958* and section 19 of *The Corporations Tax Amendment Act, 1959*, is further amended by striking out "may" in the third line and inserting in lieu thereof "shall".

1957, c. 17, s. 61a (1959, c. 20, s. 21), subs. 2, rule 4, cl. b, re-enacted 15. Clause *b* of rule 4 of subsection 2 of section 61a of *The Corporations Tax Act, 1957*, as enacted by section 21 of *The Corporations Tax Amendment Act, 1959*, is repealed and the following substituted therefor:

(b) in determining the undepreciated capital cost to the new corporation of depreciable property of a prescribed class at any time,

(i) there shall be added to the capital cost to the new corporation of depreciable property of that class acquired before that time the undepreciated capital cost to each of the predecessor corporations of depreciable property of that class immediately before the amalgamation, and

(ii) there shall be subtracted from the capital cost to the new corporation of depreciable property of that class acquired before that time the capital cost to the new corporation of depreciable property of that class acquired by virtue of the amalgamation.

1957, c. 17, s. 61b (1959, c. 20, s. 22), cl. a, subcl. 1, re-enacted 16. Subclause *i* of clause *a* of section 61b of *The Corporations Tax Act, 1957*, as enacted by section 22 of *The Cor-*

Subsection 2. The new clause *e* provides that the corporation must include in its income amounts deducted as reserves in computing its income for the preceding fiscal year even though it did not continue to have income from a particular business in the preceding fiscal year.

SECTION 14. This amendment makes it clear that if a corporation elects to measure income in a certain way under subsection 1 of section 85F of the *Income Tax Act* (Canada), the same method must be used under this Act.

SECTION 15. This amendment deals with the computation of the undepreciated capital cost of property of a new corporation that has been formed by the amalgamation of two or more predecessor corporations. It should be read in conjunction with clause *a* of rule 4 of subsection 2 of section 61*a* and clause *e* of subsection 4 of section 32 of the Act. The effect of this amendment is that in computing the undepreciated capital cost of depreciable property of a prescribed class in the hands of the new corporation at any time, there must be taken into account the undepreciated capital cost to each of the predecessor corporations of property of that class immediately before the amalgamation.

SECTION 16. The new subclause corrects an error made when the original subclause was framed.

SECTION 17. The new subsection sets up a basis for excluding from paid-up capital of a non-resident corporation the amount of paid-up capital used in Canada from the operation of a ship or aircraft owned or operated by such corporation on a similar basis to that by which it may exclude its income from the operation of such ships under clause *b* of section 22 of the Act.

SECTION 18. The new subsection permits a corporation to object to an assessment up to ninety days from the date the notice of assessment is mailed rather than sixty days as now provided.

SECTION 19. The new subsection permits the Treasurer to obtain information from any person in order to determine the amount of any tax payable by any corporation.

Corporations Tax Amendment Act, 1959, is repealed and the following substituted therefor:

(i) the amount by which its tax under Part II of this Act would be increased by including in computing its income,

(A) the payment, and

(B) the amount by which its tax under Part I of the *Income Tax Act* (Canada) would be increased by including the payment in computing its income, and

R.S.C. 1952, c. 148

17. Section 64 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection:

1957, c. 17, s. 64, amended

(3) In computing the paid-up capital of a non-resident corporation for a fiscal year, there shall not be included the amount of the paid-up capital invested in a ship or aircraft operated by such corporation in Canada if such corporation is entitled, in computing its income for a fiscal year, to exclude the income for the fiscal year earned in Canada from the operation of such ship or aircraft under clause b of section 22.

Ship or aircraft of non-resident corporation, amounts not included in computing paid-up capital

18. Subsection 1 of section 74 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

1957, c. 17, s. 74, subs. 1, re-enacted

(1) A corporation that objects to an assessment under this Act may within ninety days from the day of mailing of the notice of assessment serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Notice of objection

19. Section 81 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection:

1957, c. 17, s. 81, amended

(4a) The Treasurer may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation

Production of evidence to prove tax payable by another corporation

or of his or its agent or officer, for the purpose of determining what tax, if any, is payable under this Act by any corporation and production thereof shall be made within such reasonable time as may be stipulated in such registered letter or demand.

Confirmation
of interest
payable

20.—(1) Section 70 of *The Corporations Tax Act, 1957* as it read before subsection 6 thereof was re-enacted by section 23 of *The Corporations Tax Amendment Act, 1959* applies to the tax payable by a corporation for its fiscal year ending in 1957 notwithstanding that portions of such tax were levied pursuant to *The Corporations Tax Amendment Act, 1958* and *The Corporations Tax Amendment Act, 1959*.

Exception

(2) Notwithstanding subsection 1, where the tax payable by a corporation for its fiscal year ending in 1957 was greater than it would have been if subsection 28*d* of section 4 of *The Corporations Tax Act, 1957* had not been enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1958* and had not been amended by subsection 4 of section 1 of *The Corporations Tax Amendment Act, 1959*, the amount of the interest and penalty interest that accrued under section 70 of *The Corporations Tax Act, 1957* on unpaid portions of the final tax payable by such corporation for its fiscal year ending in 1957 shall be calculated from the dates on which portions of such tax were payable in accordance with section 69 and pursuant to the confirmation of such interest and penalty interest under subsection 1 to the date of payment or the 26th day of May, 1959, whichever is the earlier date, and two-thirds of such amount shall be credited to the corporation.

Application
of this Act

21.—(1) Sections 1 and 2, subsection 3 of section 3, section 4, subsections 1 and 2 of section 5 and sections 8, 14, 16 and 17 apply in respect of the fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years.

Idem

(2) Subsection 2 of section 6, section 9 and subsection 1 of section 13 apply in respect of the fiscal years of corporations ending in 1958 and in respect of subsequent fiscal years.

Idem

(3) Section 10 applies in respect of amounts applied after 1958.

Idem

(4) Subsection 3 of section 5 and subsection 2 of section 13 apply in respect of the fiscal years of corporations ending in 1959 and in respect of subsequent fiscal years.

SECTION 20. These substantive provisions confirm the amount of interest and penalty interest that was payable by any corporation where the tax for its fiscal year ending in 1957 was underpaid in every case except the case of a corporation whose tax for 1957 was increased by reason of the enactment of subsection 28*d* of section 4 and in that event the interest and penalty interest otherwise payable are reduced by two-thirds.

SECTION 21—Subsection 5. The rate of tax payable on income of corporations earned in another province was raised from 9 per cent to 10 per cent effective with respect to income earned from January 1, 1960. Where the fiscal year of a corporation ending in 1960 does not coincide with the calendar year, a part of it being in the calendar year 1959, the amendment to subsection 28*d* of section 4 of the Act made by subsections 1 and 2 of section 3 of the Bill is made applicable for the portion of the fiscal year that passes in 1960 whereas the provisions of subsection 28*d* of section 4 as it stands before the amendment continue to apply to the portion of the fiscal year that passes in 1959.

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(5) In the case of a corporation the fiscal year of which ^{Idem} ending in 1960 does not coincide with the calendar year, the amount of the reduction or the increase in the deduction provided by subsection 2 of section 4 of *The Corporations Tax Act, 1957*, as referred to in subsection 28d of the said section 4, shall be the aggregate of two amounts calculated as follows:

- (a) in respect of the portion of such fiscal year that is in the calendar year 1959 as though the said subsection 28d of section 4 had not been amended by subsections 1 and 2 of section 3 of this Act and applied for the whole fiscal year ending in 1960, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1960 bears to 365; and
- (b) in respect of the portion of such fiscal year that is in the calendar year 1960 as though the said subsection 28d of section 4 had been amended by subsections 1 and 2 of section 3 of this Act and applied for the whole fiscal year ending in 1960, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1959 bears to 365.

(6) Except as provided by subsection 5, subsections 1 and 2 ^{Idem} of section 3 and section 11 apply in respect of the fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.

22. Part I of Ontario Regulations 219/57, as made by ^{Regulations} regulation 1 of Ontario Regulations 233/59, is revoked. _{revoked}

23. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

24. This Act may be cited as *The Corporations Tax* ^{Short title} *Amendment Act, 1960.*

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

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

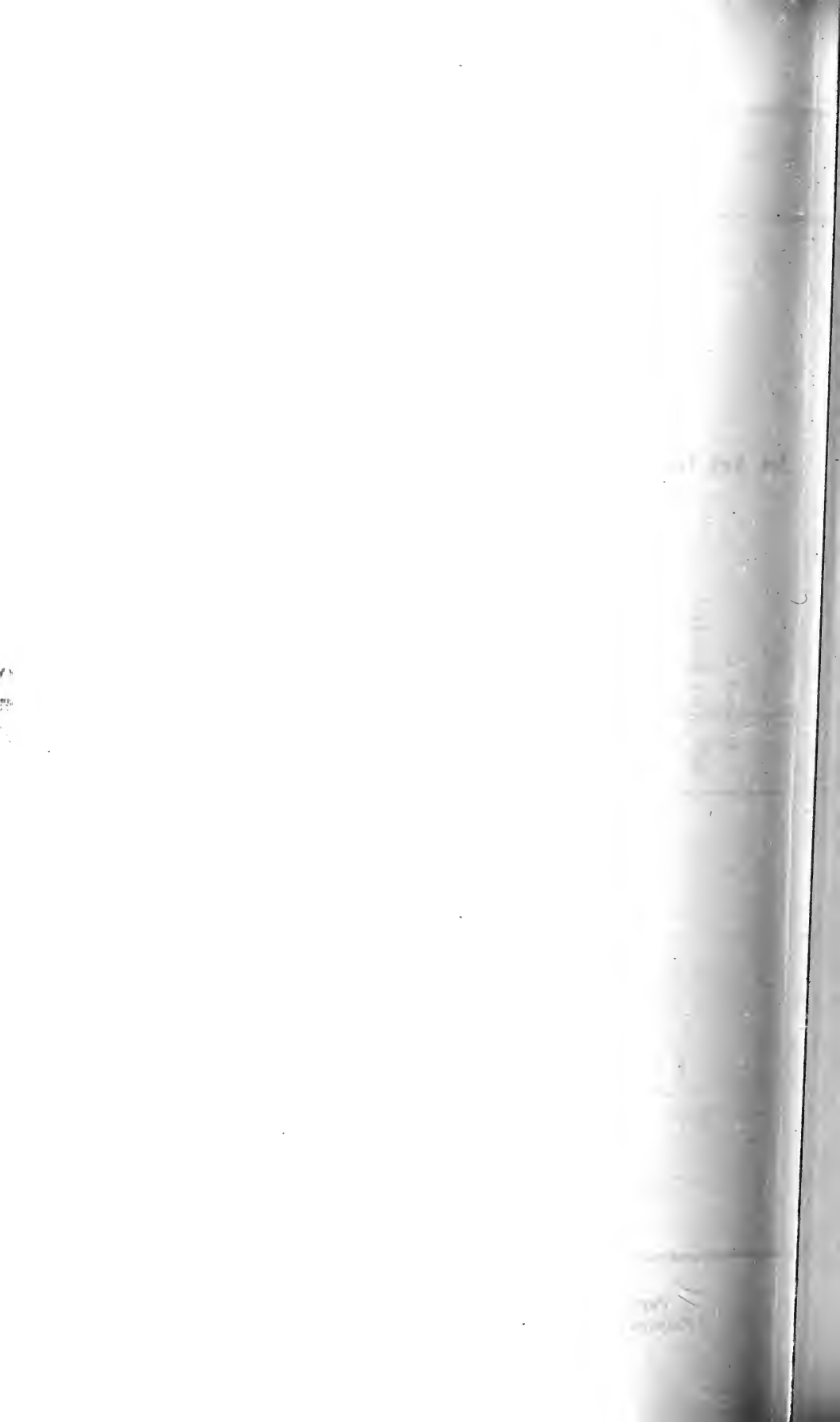
BILL 117

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

An Act to amend The Corporations Tax Act, 1957

MR. ALLAN (Haldimand-Norfolk)

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



BILL 117

1960

An Act to amend The Corporations Tax Act, 1957

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 1 of *The Corporations Tax Act, 1957*, ^{1957, c. 17, s. 1, subs. 1.} is amended by adding thereto the following paragraph: amended

1a. "annuity payment" includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise.

2. Section 2 of *The Corporations Tax Act, 1957*, as amended ^{1957, c. 17, s. 2.} by section 2 of *The Corporations Tax Amendment Act, 1958*, is ^{amended} further amended by adding thereto the following subsection:

(10) A corporation has a permanent establishment in the ^{Idem} place designated in its charter or by-laws as being its head office.

3.—(1) Clause *a* of subsection 28*d* of section 4 of *The Corporations Tax Act, 1957*, as enacted by subsection 3 of ^{1957, c. 17, s. 4, subs. 28*d*} section 3 of *The Corporations Tax Amendment Act, 1958*, is ^{(1958, c. 16, s. 3, subs. 3),} amended by striking out "9" in the third and seventeenth ^{cl. a,} lines respectively and inserting in lieu thereof "10". ^{amended}

(2) Clause *b* of subsection 28*d* of the said section 4, as ^{1957, c. 17, s. 4, subs. 28*d*} enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1958*, is amended by striking out "9" ^(1958, c. 16, s. 3, subs. 3) in the third and sixteenth lines respectively and inserting in ^{cl. b,} lieu thereof "10". ^{amended}

(3) Subsection 30 of the said section 4 is amended by ^{1957, c. 17, s. 4, subs. 30,} striking out "this section" in the first line and inserting in ^{amended} lieu thereof "subsection 29".

1957, c. 17, s. 6, subs. 1a (1958, c. 16, s. 5), amended

4. Subsection 1a of section 6 of *The Corporations Tax Act, 1957*, as enacted by section 5 of *The Corporations Tax Amendment Act, 1958*, is amended by striking out "or which merely holds a charter that designates the head office of the corporation as being in Ontario" in the fifth, sixth and seventh lines.

1957, c. 17, s. 23, subs. 1, amended

5.—(1) Subsection 1 of section 23 of *The Corporations Tax Act, 1957*, as amended by subsections 1 and 2 of section 8 of *The Corporations Tax Amendment Act, 1958*, is further amended by adding thereto the following clauses:

Share transfer and other fees

(cc) an amount payable in the fiscal year as a fee for services rendered by a person as a registrar of or agent for the transfer of shares of the capital stock of the corporation or as an agent for the remittance to shareholders of the corporation of dividends declared by it;

Idem

(ccc) an amount payable in the fiscal year as a fee to a stock exchange for the listing of shares of the capital stock of the corporation;

Idem

(cccc) an expense incurred in the fiscal year in the course of printing and issuing a financial report to shareholders of the corporation or to any other person entitled by law to receive such report.

1957, c. 17, s. 23, subs. 1, cl. j, amended

(2) Clause *j* of subsection 1 of the said section 23 is amended by striking out "benefit" in the third line and inserting in lieu thereof "benefits".

1957, c. 17, s. 23, amended

(3) The said section 23, as amended by section 8 of *The Corporations Tax Amendment Act, 1958* and section 4 of *The Corporations Tax Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Uncollectable portions of proceeds of disposition of property

(13) Where an amount that is owing to a corporation as or on account of the proceeds of disposition of depreciable property of the corporation of a prescribed class as determined for the purpose of section 32 is established by the corporation to have become a bad debt in a fiscal year, there may be deducted in computing its income for the fiscal year the lesser of,

- (a) the amount so owing to the corporation; or
- (b) the amount, if any, by which the capital cost to the corporation of that property, as determined for the purpose of section 32, exceeds

the aggregate of the amounts, if any, realized by the corporation on account of the proceeds of disposition.

6.—(1) Subsection 1 of section 26 of *The Corporations Tax Act, 1957* is repealed. 1957, c. 17, s. 26, subs. 1, repealed

(2) The said section 26 is amended by adding thereto the following subsection: 1957, c. 17, s. 26, amended

(2a) Notwithstanding subsection 2, for the purpose of computing income for a fiscal year, the property described in an inventory at the commencement of the year shall be valued at the same amount as the amount at which it was valued at the end of the immediately preceding fiscal year in computing the income of the corporation for that preceding fiscal year. Idem

7.—(1) Clause *a* of subsection 4 of section 32 of *The Corporations Tax Act, 1957*, as amended by subsection 3 of section 13 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor: 1957, c. 17, s. 32, subs. 4, cl. a, re-enacted

(a) “depreciable property” of a corporation as of any time in a fiscal year means property in respect of which the corporation has been allowed or is entitled to a deduction under the regulations made pursuant to clause *a* of subsection 1*a* of section 23 in computing income for that or a previous fiscal year.

(2) Clause *d* of subsection 4 of the said section 32, as amended by subsection 3 of section 13 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor: 1957, c. 17, s. 32, subs. 4, cl. d, re-enacted

(d) “total depreciation” allowed to a corporation before any time for property of a prescribed class means the aggregate of all amounts allowed to the corporation in respect of property of that class under the regulations made pursuant to clause *a* of subsection 1*a* of section 23 in computing income for the fiscal years before that time.

(3) Clause *e* of subsection 4 of the said section 32 is amended by striking out the first five lines and inserting in lieu thereof the following: 1957, c. 17, s. 32, subs. 4, cl. e, amended

(e) “undepreciated capital cost” to a corporation of depreciable property of a prescribed class as of any time means the capital cost to the corporation of

depreciable property of that class acquired before that time minus the aggregate of,

1957, c. 17,
s. 37,
amended

8. Section 37 of *The Corporations Tax Act, 1957*, as amended by section 13 of *The Corporations Tax Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Idem

- (4) Clause *c* of subsection 1 applies to require a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, the same part of the loss sustained by it in another fiscal year as is deducted by it under clause *e* of subsection 1 of section 27 of the *Income Tax Act* (Canada) in computing its taxable income under that Act for the same fiscal year.

R.S.C. 1952,
c. 148

1957, c. 17,
s. 39, cl. *d*,
re-enacted

9. Clause *d* of section 39 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

- (*d*) gifts made out of the shareholders' account by the corporation in the fiscal year to organizations in Canada operated exclusively for charitable purposes not exceeding in the aggregate for the fiscal year 10 per cent of the amount so credited or appropriated minus the amounts described by clauses *a* and *b*.

1957, c. 17,
amended

10. *The Corporations Tax Act, 1957* is amended by adding thereto the following section:

Conversion
of provincial
life insurance
corporation
into mutual
corporation

41*a*. Where a corporation that is incorporated under the laws of a province with authority to transact the business of life insurance has applied an amount in payment for shares of the corporation purchased by it under the authority of the law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law,

- (*a*) section 20 does not apply to require the inclusion in computing the income of a shareholder of the corporation of any part of that amount; and
- (*b*) no part of that amount shall be deemed, for the purposes of section 39, to have been credited to shareholders' account or otherwise appropriated for or on account of shareholders or, for the purposes of section 51, to have been received as a dividend.

11. Clause *c* of subsection 2 of section 42 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor: 1957, c. 17, s. 42, subs. 2, cl. c, re-enacted

- (c) not more than 10 per cent of its gross revenue was derived from rents, hire of chattels or charterparty fees or remunerations.

12. Section 43 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection: 1957, c. 17, s. 43, amended

- (5) This section does not apply to exempt a corporation from tax under section 4 or 5 for a fiscal year ending after the 9th day of April, 1959, hereinafter in this subsection referred to as a "particular taxation year", unless, Application of section

(a) in the case of a corporation that had a fiscal year ending before 1959, the corporation was during its last fiscal year ending before 1959 and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation;

(b) in the case of a corporation incorporated on or before the 9th day of April, 1959, that did not have a fiscal year ending before 1959, the corporation was during its first fiscal year ending after 1958 and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation; or

(c) in the case of a corporation that had a fiscal year ending on or before the 9th day of April, 1959, the corporation was during the fiscal year in which that date occurred and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation, and had during that part of its fiscal year in which that date occurred that was before the 10th day of April, 1959, business operations that complied with one of the conditions contained in clause *b* of subsection 2.

13.—(1) Clause *d* of subsection 1 of section 57 of *The Corporations Tax Act, 1957* is amended by striking out the first five lines and inserting in lieu thereof the following: 1957, c. 17, s. 57, subs. 1, cl. d, amended

- (d) where an amount has been included in computing the income of a corporation from its business for

the fiscal year or for a previous fiscal year in respect of property sold in the course of the business and that amount or a part thereof is not receivable until a day,

1957, c. 17,
s. 57, subs. 1,
cl. e,
re-enacted

(2) Clause *e* of subsection 1 of the said section 57 is repealed and the following substituted therefor:

(e) there shall be included the amounts deducted under clauses *c* and *d* in computing the income of the corporation for the immediately preceding fiscal year.

1957, c. 17,
s. 60, subs. 1,
amended

14. Subsection 1 of section 60 of *The Corporations Tax Act, 1957*, as amended by section 26 of *The Corporations Tax Amendment Act, 1958* and section 19 of *The Corporations Tax Amendment Act, 1959*, is further amended by striking out "may" in the third line and inserting in lieu thereof "shall".

1957, c. 17,
s. 61a (1959,
c. 20, s. 21),
subs. 2,
rule 4,
cl. b,
re-enacted

15. Clause *b* of rule 4 of subsection 2 of section 61a of *The Corporations Tax Act, 1957*, as enacted by section 21 of *The Corporations Tax Amendment Act, 1959*, is repealed and the following substituted therefor:

(b) in determining the undepreciated capital cost to the new corporation of depreciable property of a prescribed class at any time,

(i) there shall be added to the capital cost to the new corporation of depreciable property of that class acquired before that time the undepreciated capital cost to each of the predecessor corporations of depreciable property of that class immediately before the amalgamation, and

(ii) there shall be subtracted from the capital cost to the new corporation of depreciable property of that class acquired before that time the capital cost to the new corporation of depreciable property of that class acquired by virtue of the amalgamation.

1957, c. 17,
s. 61b (1959,
c. 20, s. 22),
cl. a,
subcl. 1,
re-enacted

16. Subclause i of clause *a* of section 61b of *The Corporations Tax Act, 1957*, as enacted by section 22 of *The Cor-*

porations Tax Amendment Act, 1959, is repealed and the following substituted therefor:

- (i) the amount by which its tax under Part II of this Act would be increased by including in computing its income,

- (A) the payment, and

- (B) the amount by which its tax under Part I of the *Income Tax Act* (Canada) would be increased by including the payment in computing its income, and

R.S.C. 1952, c. 148

.

17. Section 64 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection: 1957, c. 17, s. 64, amended

- (3) In computing the paid-up capital of a non-resident corporation for a fiscal year, there shall not be included the amount of the paid-up capital invested in a ship or aircraft operated by such corporation in Canada if such corporation is entitled, in computing its income for a fiscal year, to exclude the income for the fiscal year earned in Canada from the operation of such ship or aircraft under clause b of section 22. Ship or aircraft of non-resident corporation, amounts not included in computing paid-up capital

18. Subsection 1 of section 74 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor: 1957, c. 17, s. 74, subs. 1, re-enacted

- (1) A corporation that objects to an assessment under this Act may within ninety days from the day of mailing of the notice of assessment serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. Notice of objection

19. Section 81 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection: 1957, c. 17, s. 81, amended

- (4a) The Treasurer may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation Production of evidence to prove tax payable by another corporation

or of his or its agent or officer, for the purpose of determining what tax, if any, is payable under this Act by any corporation and production thereof shall be made within such reasonable time as may be stipulated in such registered letter or demand.

Confirmation
of interest
payable

20.—(1) Section 70 of *The Corporations Tax Act, 1957* as it read before subsection 6 thereof was re-enacted by section 23 of *The Corporations Tax Amendment Act, 1959* applies to the tax payable by a corporation for its fiscal year ending in 1957 notwithstanding that portions of such tax were levied pursuant to *The Corporations Tax Amendment Act, 1958* and *The Corporations Tax Amendment Act, 1959*.

Exception

(2) Notwithstanding subsection 1, where the tax payable by a corporation for its fiscal year ending in 1957 was greater than it would have been if subsection 28*d* of section 4 of *The Corporations Tax Act, 1957* had not been enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1958* and had not been amended by subsection 4 of section 1 of *The Corporations Tax Amendment Act, 1959*, the amount of the interest and penalty interest that accrued under section 70 of *The Corporations Tax Act, 1957* on unpaid portions of the final tax payable by such corporation for its fiscal year ending in 1957 shall be calculated from the dates on which portions of such tax were payable in accordance with section 69 and pursuant to the confirmation of such interest and penalty interest under subsection 1 to the date of payment or the 26th day of May, 1959, whichever is the earlier date, and two-thirds of such amount shall be credited to the corporation.

Application
of this Act

21.—(1) Sections 1 and 2, subsection 3 of section 3, section 4, subsections 1 and 2 of section 5 and sections 8, 14, 16 and 17 apply in respect of the fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years.

Idem

(2) Subsection 2 of section 6, section 9 and subsection 1 of section 13 apply in respect of the fiscal years of corporations ending in 1958 and in respect of subsequent fiscal years.

Idem

(3) Section 10 applies in respect of amounts applied after 1958.

Idem

(4) Subsection 3 of section 5 and subsection 2 of section 13 apply in respect of the fiscal years of corporations ending in 1959 and in respect of subsequent fiscal years.

(5) In the case of a corporation the fiscal year of which ^{Idem} ending in 1960 does not coincide with the calendar year, the amount of the reduction or the increase in the deduction provided by subsection 2 of section 4 of *The Corporations Tax Act, 1957*, as referred to in subsection 28*d* of the said section 4, shall be the aggregate of two amounts calculated as follows:

- (a) in respect of the portion of such fiscal year that is in the calendar year 1959 as though the said subsection 28*d* of section 4 had not been amended by subsections 1 and 2 of section 3 of this Act and applied for the whole fiscal year ending in 1960, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1960 bears to 365; and
- (b) in respect of the portion of such fiscal year that is in the calendar year 1960 as though the said subsection 28*d* of section 4 had been amended by subsections 1 and 2 of section 3 of this Act and applied for the whole fiscal year ending in 1960, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1959 bears to 365.

(6) Except as provided by subsection 5, subsections 1 and 2 ^{Idem} of section 3 and section 11 apply in respect of the fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.

22. Part I of Ontario Regulations 219/57, as made by ^{Regulations} regulation 1 of Ontario Regulations 233/59, is revoked. _{revoked}

23. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

24. This Act may be cited as *The Corporations Tax* ^{Short title} *Amendment Act, 1960*.

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 25th, 1960

MR. ALLAN (Haldimand-Norfolk)

BILL 118

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Succession Duty 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 widens the definition of "child" by placing a stepfather or stepmother *in loco parentis* to his or her spouse's legitimate children and adopted children.

SECTION 2. With the repeal of clause *h* of subsection 1 of section 4 of the Act no superannuation or pension benefit accruing to a beneficiary of the deceased will be exempt from duty, except as provided by clause *i* of subsection 1 of section 4 of the Act.

SECTION 3. The amount that may be paid out of the deceased's bank account, etc., without the consent of the Treasurer is raised from \$500 to \$1,500.

BILL 118

1960

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. Subclause iii of clause *d* of section 1 of *The Succession Duty Act*, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1959*, is amended by inserting after "person" in the third line "and the deceased while married to such spouse shall be deemed to have stood *in loco parentis* to a legitimate child of such spouse and to a person adopted by such spouse", so that the subclause shall read as follows:

R.S.O. 1950,
c. 378, s. 1,
cl. *d* (1959,
c. 95, s. 1),
subcl. iii,
amended

- (iii) person to whom the deceased or the spouse of the deceased stood *in loco parentis* during the infancy of such person and the deceased while married to such spouse shall be deemed to have stood *in loco parentis* to a legitimate child of such spouse and to a person adopted by such spouse, or

2. Clause *h* of subsection 1 of section 4 of *The Succession Duty Act* is repealed.

R.S.O. 1950,
c. 378, s. 4,
subs. 1, cl. *h*,
repealed

3. Subsection 3 of section 9 of *The Succession Duty Act*, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1955*, is amended by striking out "to the person entitled thereto" in the fifth line and by striking out "\$500" in the sixth line and inserting in lieu thereof "\$1,500", so that the subsection shall read as follows:

R.S.O. 1950,
c. 378, s. 9,
subs. 3
(1955, c. 82,
s. 1),
amended

- (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 an amount not exceeding \$1,500 of money on deposit standing to the credit of the deceased either alone or jointly with any person,

Payment of
money on
deposit,
where no
consent
necessary

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.

R.S.O. 1950,
c. 378, s. 9,
amended

4. Section 9 of *The Succession Duty Act*, as amended by section 2 of *The Succession Duty Amendment Act, 1952*, section 1 of *The Succession Duty Amendment Act, 1955*, section 1 of *The Succession Duty Amendment Act, 1958* and section 3 of *The Succession Duty Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Payment of
money on
account of
outstanding
wages,
where no
consent
necessary

(3a) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario, any employer of the deceased may pay as or on account of salary, wages or other remuneration owed to the deceased, or on account of commissions for services rendered by the deceased, an amount not exceeding \$1,500 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 such salary, wages, other remuneration or commissions.

Commence-
ment

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

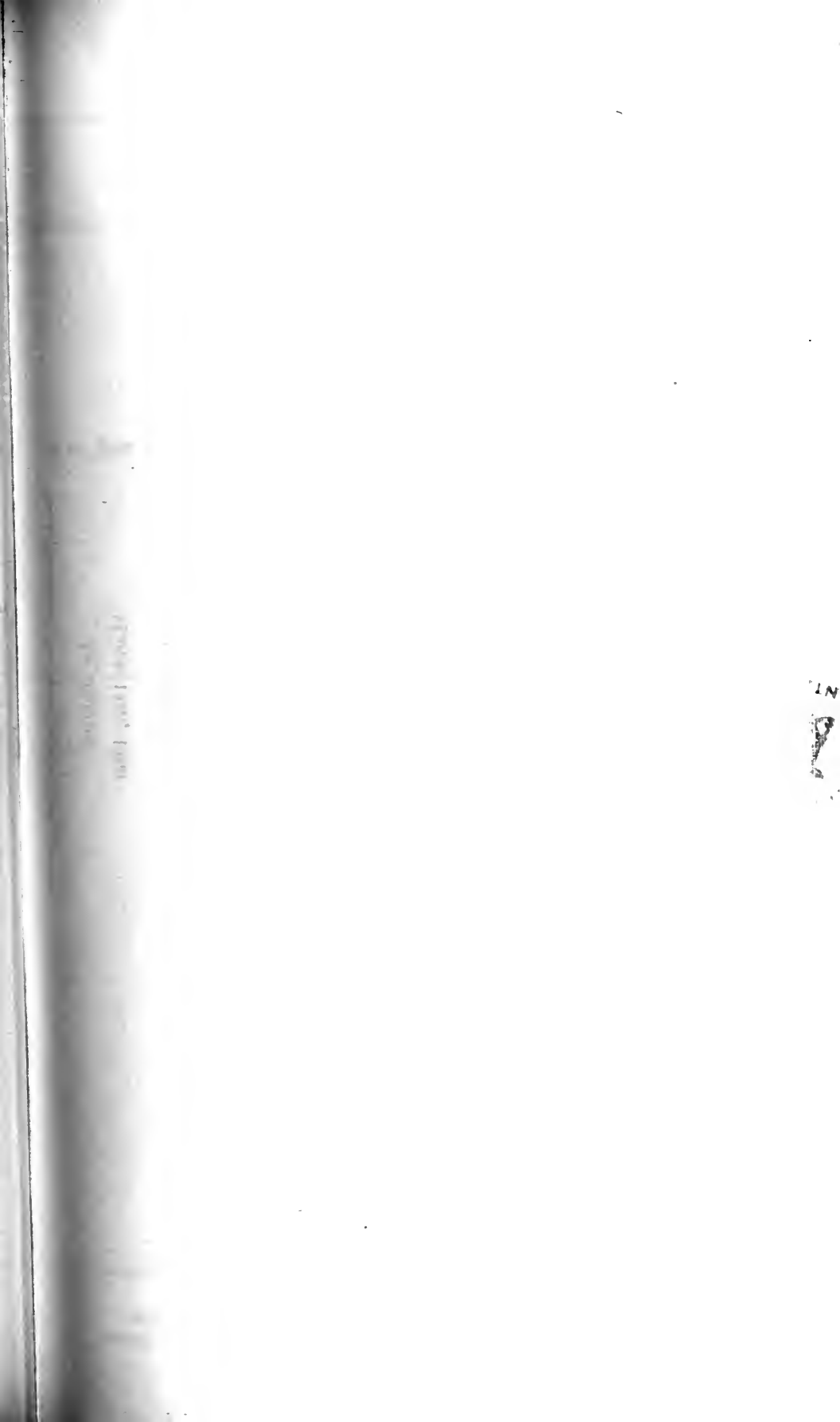
Short title

6. This Act may be cited as *The Succession Duty Amendment Act, 1960*.

SECTION 4. This new subsection authorizes the payment of money on account of outstanding wages without the consent of the Treasurer to the extent of \$1,500.

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THE UNIVERSITY OF CHICAGO
LIBRARY



1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 118

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Succession Duty Act

MR. ALLAN (Haldimand-Norfolk)

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



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. Subclause iii of clause *d* of section 1 of *The Succession Duty Act*, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1959*, is amended by inserting after "person" in the third line "and the deceased while married to such spouse shall be deemed to have stood *in loco parentis* to a legitimate child of such spouse and to a person adopted by such spouse", so that the subclause shall read as follows:

R.S.O. 1950,
c. 378, s. 1,
cl. *d* (1959,
c. 95, s. 1),
subcl. iii,
amended

- (iii) person to whom the deceased or the spouse of the deceased stood *in loco parentis* during the infancy of such person and the deceased while married to such spouse shall be deemed to have stood *in loco parentis* to a legitimate child of such spouse and to a person adopted by such spouse, or

2. Clause *h* of subsection 1 of section 4 of *The Succession Duty Act* is repealed.

R.S.O. 1950,
c. 378, s. 4,
subs. 1, cl. *h*,
repealed

3.—(1) Subsection 3 of section 9 of *The Succession Duty Act*, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1955*, is amended by striking out "to the person entitled thereto" in the fifth line and by striking out "\$500" in the sixth line and inserting in lieu thereof "\$1,500", so that the subsection shall read as follows:

R.S.O. 1950,
c. 378, s. 9,
subs. 3
(1955, c. 82,
s. 1).
amended

- (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 an amount not exceeding \$1,500 of money on deposit standing to the credit of the deceased either alone or jointly with any person,

Payment of
money on
deposit,
where no
consent
necessary

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.

R.S.O. 1950,
c. 378, s. 9,
amended

(2) The said section 9, as amended by section 2 of *The Succession Duty Amendment Act, 1952*, section 1 of *The Succession Duty Amendment Act, 1955*, section 1 of *The Succession Duty Amendment Act, 1958* and section 3 of *The Succession Duty Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Payment of
money on
account of
outstanding
wages,
where no
consent
necessary

(3a) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario, any employer of the deceased may pay as or on account of salary, wages or other remuneration owed to the deceased, or on account of commissions for services rendered by the deceased, an amount not exceeding \$1,500 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 such salary, wages, other remuneration or commissions.

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, 1960*.

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THE UNIVERSITY OF CHICAGO



The Succession Duty Act

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 25th, 1960

MR. ALLAN (Haldimand-Norfolk)

BILL 119

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Gasoline Tax Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTE

The purpose of this Bill is to make it clear that the term "gasoline" includes aviation fuel even when such fuel is a derivative of kerosene or any other fuel that is otherwise excluded from tax under this Act.

BILL 119

1960

An Act to amend The Gasoline Tax Act

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

1. Clause *a* of section 1 of *The Gasoline Tax Act*, as re-enacted by section 1 of *The Gasoline Tax Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 157, s. 1, cl. *a* (1957, c. 40, s. 1), re-enacted

(a) "gasoline" includes aviation fuel and any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include the products commonly known as fuel oil, coal oil, kerosene and such products as are excluded from this Act by the regulations except when any product commonly known as fuel oil, coal oil, kerosene and any such product as is excluded from this Act by the regulations is aviation fuel or when any such product is mixed or combined with gasoline as described by this clause;

(aa) "aviation fuel" includes any gas or liquid that is sold to be used or is used to create power to propel an aircraft and any product that is designated to be aviation fuel by the regulations.

2. Section 3 of *The Gasoline Tax Act*, as amended by section 3 of *The Gasoline Tax Amendment Act, 1957*, is further amended by adding thereto the following clause: R.S.O. 1950, c. 157, s. 3, amended

(eee) designating products to be aviation fuel.

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

4. This Act may be cited as *The Gasoline Tax Amendment Act, 1960*. Short title

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. ALAN (Haldimand-Norfolk)

1960

BILL 119

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Gasoline Tax Act

MR. ALLAN (Haldimand-Norfolk)

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

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BILL 119

1960

An Act to amend The Gasoline Tax Act

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

1. Clause *a* of section 1 of *The Gasoline Tax Act*, as re-enacted by section 1 of *The Gasoline Tax Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 157, s. 1, cl. *a* (1957, c. 40, s. 1), re-enacted

(*a*) "gasoline" includes aviation fuel and any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include the products commonly known as fuel oil, coal oil, kerosene and such products as are excluded from this Act by the regulations except when any product commonly known as fuel oil, coal oil, kerosene and any such product as is excluded from this Act by the regulations is aviation fuel or when any such product is mixed or combined with gasoline as described by this clause;

(*aa*) "aviation fuel" includes any gas or liquid that is sold to be used or is used to create power to propel an aircraft and any product that is designated to be aviation fuel by the regulations.

2. Section 3 of *The Gasoline Tax Act*, as amended by section 3 of *The Gasoline Tax Amendment Act, 1957*, is further amended by adding thereto the following clause: R.S.O. 1950, c. 157, s. 3, amended

(*eee*) designating products to be aviation fuel.

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

4. This Act may be cited as *The Gasoline Tax Amendment Act, 1960*. Short title

1st Reading

March 11th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. ALAN (Haldimand-Norfolk)

1960

BILL 120

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to make Uniform the Procedures for Determining
Compensation for the Expropriation or Injurious Affection
of Lands by Public Authorities**

MR. ROBERTS

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

EXPLANATORY NOTE

The purpose of this Bill is to provide uniform procedures and principles,

- (i) with respect to the vesting of land expropriated by a public authority; and
- (ii) for determining the compensation payable by a public authority for land expropriated or injuriously affected.

The Bill has been in preparation for a considerable period of time and has been studied by a great many persons and organizations interested in one or another of the many aspects of this complex subject.

It cannot be said that the Bill has met with universal approval or that it represents Government policy.

The Bill is introduced at this time to effect general circulation throughout the Province in a convenient form for consideration and discussion.

BILL 120

1960

**An Act to make Uniform the Procedures for
Determining Compensation for the Expropria-
tion or Injurious Affection of Lands
by Public Authorities**

WHEREAS it is desirable to enact a measure designed ^{Preamble} to provide uniform and expeditious procedures for the determination of due compensation to the owners of lands expropriated or injuriously affected by public authorities in the exercise of their statutory powers;

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

1. In this Act,

**Interpre-
tation**

- (a) "arbitrator" means the Supreme Court or the Board, as the case may be;
- (b) "Board" means the Ontario Municipal Board;
- (c) "expropriate" means the taking of land without the consent of the owner by a public authority in the exercise of its statutory powers;
- (d) "judge", except where otherwise described, means a judge of the county or district court of the county or district in which the land or the greater part of it is situate;
- (e) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (f) "owner" includes a mortgagee, lessee, tenant, occupant, execution creditor, a person entitled to a limited estate or interest in land, a committee of the estate of a mentally incompetent person, or of a

person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;

- (g) "public authority" means the Crown in right of Ontario or any person having authority to expropriate land for public use under a general or special Act, and includes a hospital and a university having authority to expropriate land under a general or special Act;
- (h) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument deposited in the proper registry, land titles or sheriff's office and includes an occupant of land residing thereon;
- (i) "serve" means to serve personally or by registered letter addressed to the person to be served at his last known address or, if that person is unknown or if his address is unknown, by publication once a week for three weeks in a newspaper having general circulation in the locality in which the land concerned is situate.

Application
of Act

2. Notwithstanding any general or special Act, where land is expropriated or is injuriously affected by a public authority in the exercise of its statutory powers, this Act applies.

Vesting
of title

3.—(1) Notwithstanding any general or special Act, where a public authority has exercised its statutory powers to expropriate land, it shall register without undue delay in the proper registry or land titles office a plan and description of the land signed by the public authority and by an Ontario land surveyor and thereupon, but not otherwise, the land vests in the public authority.

Where land
required
temporarily,
etc.

(2) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan and description registered under this section shall indicate by appropriate words thereon that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the public authority.

Correction
of errors

(3) In the case of an omission, misstatement or erroneous description in a plan or description registered under this section, the public authority may register in the proper

registry or land titles office a plan or description replacing or amending the original plan or description and signed by the public authority and by an Ontario land surveyor, and a plan or description registered under this subsection shall be marked to show the nature of the replacement or amendment and is of the same force and effect as and is in substitution for the original plan or description to the extent that such plan or description is replaced or amended thereby.

(4) Where a plan and description have been registered under this section, it shall be conclusively presumed to have been signed by the public authority. Presumption as to signing

4. Where a plan and description have been registered under section 3, the public authority may serve the owner, and shall serve the registered owner, within six months after the registration of the plan and description, with a notice of expropriation describing the land expropriated, but failure to serve the notice does not invalidate the expropriation. Notice of expropriation

5. Where land is expropriated or is injuriously affected by a public authority in the exercise of its statutory powers, the public authority shall make due compensation to the owner of the land for the land expropriated or for any damage necessarily resulting from injurious affection, as the case may be, beyond any advantage that he may derive from any work for which the land was expropriated or injuriously affected. Right to compensation

6.—(1) Subject to subsection 2, a claim for compensation for injurious affection of land shall be made by the owner in writing with particulars of the claim within one year after the damage was sustained or after it became known to the owner, and, if not so made, the right to compensation is forever barred. Claim for compensation for injurious affection

(2) Where the owner of land that is injuriously affected is an infant, a mental incompetent or a person incapable of managing his affairs, his claim for compensation shall be made within one year after he ceased to be under the disability or, in the case of his death while under the disability, within one year after his death, and, if not so made, the right to compensation is forever barred. Idem, where owner under disability

7. Where a plan and description have been registered under section 3, the public authority shall, within six months from the date of the registration therein and before taking possession of the land, serve upon the registered owner the offer of a sum in full payment of the compensation for the land expropriated. Offer of compensation for land expropriated

Notice of arbitration

8. Where the public authority and the owner are unable to agree upon the compensation payable under section 5 and, in the case of injurious affection, section 6 has been complied with, or, in the case of expropriation, section 7 has been complied with or the time for complying therewith has expired, the public authority or the owner may serve notice of arbitration upon the other of them stating that he or it, as the case may, requires the compensation to be determined by arbitration under this Act.

Determination of compensation by S.C.O.

9.—(1) Subject to subsection 1 of section 10, where the claim made under section 6 or the offer made under section 7 is for more than \$50,000, the compensation shall be determined by action brought in the Supreme Court by the owner of the land within sixty days after the date of service of the notice of arbitration or within such further period as the court may allow.

Production, discovery

(2) In an action under this section, the rules of court relating to production and discovery apply in the same way as though the public authority were a corporation.

Determination of compensation by Board

10.—(1) Where the claim made under section 6 or the offer made under section 7 is for more than \$50,000 and the owner and the public authority agree or where the amount of the claim or offer is \$50,000 or less, the compensation shall be determined by the Board.

Particulars

(2) Where the compensation is to be determined by the Board, the owner and the public authority shall, within thirty days after being served with the notice of arbitration, serve upon each other a statement of the material facts upon which each relies, and the rules of court relating to production and discovery apply *mutatis mutandis*.

Appointment of time and place of arbitration

(3) Where the compensation is to be determined by the Board, the owner or the public authority may, after sixty days from the date of service of the notice of arbitration, apply to the Board to appoint a time and place at which it will determine the compensation, and the Board may give directions as to the persons to whom and the manner in which notice of the appointment shall be given.

R.S.O. 1950, c. 202, to apply

(4) Except as otherwise provided in this section, *The Ontario Municipal Board Act*, other than section 46, applies so far as is practicable to proceedings under this section.

Appeal

(5) The public authority or the owner may appeal to the Court of Appeal from any determination or order of the Board under this section.

(6) The practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. ^{Idem}

11.—(1) The court or Board, as the case may be, may allow interest at the rate of 5 per cent per annum on the compensation for such period as appears just. ^{Interest}

(2) Where the court or Board, as the case may be, is of the opinion that any delay in determining the compensation is attributable in whole or in part to the owner, the court or Board may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears just. ^{Idem}

(3) Notwithstanding subsection 1, where the public authority has offered to the registered owner under section 7 a sum equal to or greater than the compensation determined, the registered owner shall not be allowed any costs or interest after the date of the offer, unless the court or Board, as the case may be, otherwise orders. ^{Where no interest and costs}

12.—(1) Where land is expropriated, the compensation stands in the stead of the land and any claim to or encumbrance on the land is, as respects the public authority, converted into a claim to or upon the compensation and no longer affects the land. ^{Character of compensation}

(2) Where the owner who is entitled to convey the land that has been expropriated and the public authority agree as to the compensation or the compensation has been determined and in either case it does not exceed \$1,000, the public authority may pay the compensation to the owner who is entitled to convey the land, saving always the rights of any other person to the compensation as against the person receiving it, and such payment discharges the public authority from all liability in respect of the compensation. ^{Payment of compensation not exceeding \$1,000}

13. Where the owner of the land is unknown, is under a disability or for any other reason is not represented, a judge of the Supreme Court may, after due notice to the persons interested, appoint a person to represent the owner for any of the purposes of this Act and any action of a person so appointed is binding on the person whom he represents. ^{Representative}

14.—(1) In any case where the public authority deems it advisable, it may, without an order, pay the compensation agreed upon or determined into the office of the Accountant of the Supreme Court with interest thereon at 5 per cent for six months. ^{Payment into court}

Payment
out of
court

(2) Upon an application for payment out of court of compensation paid into court, a judge of the Supreme Court may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial of an issue or make such order with respect to the payment out of court of compensation and as to costs as he deems just.

Adjustment
of interest

(3) Where an order is obtained under subsection 2 in less than six months after the payment of the compensation into court, the judge making the order may direct a proportionate part of the interest to be returned to the public authority.

Where
unborn
issue
interested

(4) Where unborn issue or an unascertained person or class is interested in compensation paid into court, a judge of the Supreme Court may appoint such person as he deems proper to represent them and any order made under this section is binding on them.

Abandon-
ment of
expro-
priated
land

15.—(1) Where, at any time before the compensation for land expropriated has been agreed upon or determined, the land or any part thereof is found to be unnecessary for the purposes of the public authority or if it is found that a more limited estate or interest therein only is required, the public authority may by a writing signed by it and registered in the proper registry or land titles office and served on the owner who was served with notice of expropriation declare that the land or such part thereof is not required and is abandoned by the public authority or that it is intended to retain only such limited estate or interest as is mentioned in the writing, and thereupon,

(a) the land declared to be abandoned reverts in the owner from whom it was expropriated and those entitled to claim under him; or

(b) in the event of a limited estate or interest only being retained by the public authority, the land so reverts subject to such limited estate or interest.

Partial
abandon-
ment

(2) Where part only of the land or all of it except a limited estate or interest therein is abandoned, the fact of such abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the compensation for the part or the limited estate or interest that is not abandoned.

Complete
abandon-
ment

(3) Where the whole of the land is abandoned, the owner from whom it was expropriated is entitled to compensation for all damage sustained and all costs incurred by him in

consequence of the expropriation and abandonment, and the amount of the compensation, if not agreed upon by the parties, shall be determined under this Act and not otherwise.

16. Where land is expropriated and the compensation has not been agreed upon or determined, the public authority, before taking possession of the land, shall offer to the registered owner a sum equal to 50 per cent of the offer made by it under section 7, and, if the registered owner accepts that sum, it shall be paid and applied in partial payment of any compensation that may subsequently be agreed upon or determined.

17.—(1) Where land that is expropriated is vested in a public authority and the public authority has served the registered owner with a notice that it requires possession of the land on the date specified therein, the public authority, if no application is made under subsection 3, is entitled to enter upon and take possession of the land on the date specified in the notice.

(2) The date for possession shall be at least ten days after the date of the serving of the notice for possession.

(3) A registered owner may, upon giving at least two days notice to the public authority by serving upon it a notice of application, apply to a judge for postponement of the date for possession specified in the notice for possession, and the judge, if he considers that under all the circumstances the application should be granted, may fix a later date for possession.

(4) An application under subsection 3 shall be made at least two days before the date for possession specified in the notice for possession, or, if such date is more than one month after the date of the service of the notice for possession, before the expiry of one month from the date of the service thereof, or within such further time as the judge, if he considers that the public authority will not be prejudiced, may allow.

18. Notwithstanding the provisions of this Act, a public authority or any person authorized by it may at any time without the consent of the owner enter upon or use any land where the entry or use is necessary for the immediate protection of life or property or for the maintenance or operation of any essential public service or facility.

19.—(1) Where resistance or opposition is made to the public authority or any person authorized by it in entering upon, using or taking possession of land when it is entitled

so to do, it may apply to a judge for a warrant directing the sheriff to put down the resistance or opposition.

- Hearing (2) In cases under section 18, the judge may hear the application *ex parte* and in all other cases he shall, in writing, appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons as he prescribes.
- Issue of warrant (3) On proof of the resistance or opposition, the judge may issue the warrant (Form 1).
- Return (4) The sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof.
- Application **20.** This Act applies only to proceedings in respect of lands expropriated or injuriously affected on and after the day on which this Act comes into force.
- Commencement **21.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title **22.** This Act may be cited as *The Land Compensation Act, 1960*.

FORM 1
WARRANT
(Section 19 (3))

Province of Ontario
County (or District) of

} IN THE MATTER OF
} *The Land Compensation Act, 1960*
} AND IN THE MATTER OF
}

To:

SHERIFF, etc.:

WHEREAS resistance or opposition has been made to
..... or a person authorized by it entering upon,
(public authority)
using or taking possession of (*or as the case may be*) the land described as
follows:

AND WHEREAS the proof required by section 19 of *The Land Com-
pensation Act, 1960* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forth-
with to put down such resistance or opposition and put the
..... in possession of the said land (*or as the case may be*),
and make a return to me of your execution hereof.

GIVEN under my hand this day of, 19....

.....
Judge.

THE FACTS TO BE TAKEN INTO CONSIDERATION
for Determining Compensation for the Ex-
propriation or Injurious Affection of Lands
by Public Authorities

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. ROBERTS

BILL 121

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Summary Convictions Act**

MR. ROBERTS

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

EXPLANATORY NOTE

The present subsection requires that summonses issued for violations of *The Highway Traffic Act* must be served within 21 days of the alleged violation. This is not practical with respect to the following offences:

false statement—s. 4 (1)
change of address—s. 4 (2)
licence plates—s. 6 (1)
mechanical fitness—s. 20*b*
operators' permits—s. 25 (2) (3)
second-hand vehicles—s. 27
reports of accidents—s. 110 (1)

In most cases, these offences do not come to light until after the 21 days allowed for service have elapsed.

The effect of this amendment is to give 6 months (the *Criminal Code*, s. 693) in which to serve the summonses in these cases.

BILL 121

1960

An Act to amend The Summary Convictions Act

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

1. Subsection 5 of section 4 of *The Summary Convictions Act*, as amended by section 1 of *The Summary Convictions Amendment Act, 1958*, is further amended by inserting after "Act" in the second line "except subsections 1 and 2 of section 4, subsection 1 of section 6, section 20*b*, subsections 2 and 3 of section 25, section 27 and subsection 1 of section 110", so that the subsection shall read as follows:

R.S.O. 1950,
c. 379, s. 4,
subs. 5,
amended

(5) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act*, except subsections 1 and 2 of section 4, subsection 1 of section 6, section 20*b*, subsections 2 and 3 of section 25, section 27 and subsection 1 of section 110, shall be served by sending it by prepaid post or by personal service within twenty-one days of the alleged violation.

Time for
service for
violation of
R.S.O. 1950,
c. 167

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

Commence-
ment

3. This Act may be cited as *The Summary Convictions Amendment Act, 1960* (No. 2).

Short title

The Summary Convictions Act

1st Reading

March 11th, 1960

2nd Reading

3rd Reading

MR. ROBERTS

BILL 121

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Summary Convictions Act**

MR. ROBERTS

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

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BILL 121

1960

An Act to amend The Summary Convictions Act

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

1. Subsection 5 of section 4 of *The Summary Convictions Act*, as amended by section 1 of *The Summary Convictions Amendment Act, 1958*, is further amended by inserting after "Act" in the second line "except subsections 1 and 2 of section 4, subsection 1 of section 6, section 20*b*, subsections 2 and 3 of section 25, section 27 and subsection 1 of section 110", so that the subsection shall read as follows:

R.S.O. 1950,
c. 379, s. 4,
subs. 5,
amended

(5) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act*, except subsections 1 and 2 of section 4, subsection 1 of section 6, section 20*b*, subsections 2 and 3 of section 25, section 27 and subsection 1 of section 110, shall be served by sending it by prepaid post or by personal service within twenty-one days of the alleged violation.

Time for
service for
violation of
R.S.O. 1950,
c. 167

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

Commence-
ment

3. This Act may be cited as *The Summary Convictions Amendment Act, 1960 (No. 2)*.

Short title

The Summary Convictions Act

1st Reading

March 11th, 1960

2nd Reading

March 17th, 1960

3rd Reading

March 25th, 1960

MR. ROBERTS

BILL 122

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Municipal Tax Assistance Act, 1952**

MR. WARRENDER

EXPLANATORY NOTE

The amendment provides that the Act does not apply to public lands set apart as a wilderness area.

BILL 122

1960

**An Act to amend
The Municipal Tax Assistance 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 6 of section 3 of *The Municipal Tax Assistance Act, 1952* is amended by inserting after "lands" in the first line "public lands set apart as a wilderness area", so that the subsection shall read as follows: 1952, c. 66, s. 3, subs. 6, amended

- (6) This Act does not apply to unpatented lands, public lands set apart as a wilderness area, provincial property used for park purposes including the buildings in the parks, hospitals, penal and reform institutions, educational institutions, museums and libraries, highways, jails, cemeteries, minerals, farms operated by institutions, experimental and demonstration farms, cooling stations, weigh-scales and inspection stations, fish hatcheries, provincial forests and real property subject to municipal taxation under section 32 of *The Assessment Act*, or acquired or held for the purpose of a housing project, or any provincial property for which, in the opinion of the Minister of Municipal Affairs, municipal services are not available. Exception R.S.O. 1950, c. 24

2. This Act shall be deemed to have come into force on the 1st day of January, 1960. Commencement

3. This Act may be cited as *The Municipal Tax Assistance Amendment Act, 1960*. Short title

1st Reading

March 15th, 1960

2nd Reading

3rd Reading

MR. WARRENDER

BILL 122

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Municipal Tax Assistance Act, 1952**

MR. WARRENDER



BILL 122

1960

**An Act to amend
The Municipal Tax Assistance 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 6 of section 3 of *The Municipal Tax Assistance Act, 1952* is amended by inserting after "lands" in the first line "public lands set apart as a wilderness area", so that the subsection shall read as follows: 1952, c. 66, s. 3, subs. 6, amended

(6) This Act does not apply to unpatented lands, public lands set apart as a wilderness area, provincial property used for park purposes including the buildings in the parks, hospitals, penal and reform institutions, educational institutions, museums and libraries, highways, jails, cemeteries, minerals, farms operated by institutions, experimental and demonstration farms, cooling stations, weigh-scales and inspection stations, fish hatcheries, provincial forests and real property subject to municipal taxation under section 32 of *The Assessment Act*, or acquired or held for the purpose of a housing project, or any provincial property for which, in the opinion of the Minister of Municipal Affairs, municipal services are not available. Exception R.S.O. 1950, c. 24

2. This Act shall be deemed to have come into force on the 1st day of January, 1960. Commencement

3. This Act may be cited as *The Municipal Tax Assistance Amendment Act, 1960*. Short title

1st Reading

March 15th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 29th, 1960

MR. WARRENDER

BILL 123

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Utilities Act

MR. WARRENDER

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

EXPLANATORY NOTE

This is complementary to a similar amendment in 1958 to section 35 of *The Public Utilities Act*.

Section 36 provides that it is not necessary to levy a rate to provide for interest or payments on account of debentures issued for the construction, etc., of an electrical utility, except to the extent that revenues are insufficient.

The amendment is to make it clear that this provision does not apply where debentures have been issued for local improvement works.

An Act to amend The Public Utilities Act

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

1. Section 36 of *The Public Utilities Act* is amended by R.S.O. 1950, c. 320, s. 36, inserting after "utility" in the sixteenth line "other than those amended issued under *The Local Improvement Act*", so that the section shall read as follows:

36. The receipts arising from supplying an electrical public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operation of the utility and any payments required by *The Power Commission Act*, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality to the extent and in such amounts as are necessary to provide for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the distribution of electrical power and energy, and it shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over hereunder are insufficient to meet the annual payments falling due on account of principal and interest of the debentures.

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

3. This Act may be cited as *The Public Utilities Amendment Act, 1960*.

The Public Utilities Act

1st Reading

March 15th, 1960

2nd Reading

3rd Reading

MR. WARENDER

BILL 123

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Utilities Act

MR. WARRENDER

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

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An Act to amend The Public Utilities Act

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

1. Section 36 of *The Public Utilities Act* is amended by R.S.O. 1950, c. 320, s. 36, inserting after "utility" in the sixteenth line "other than those amended issued under *The Local Improvement Act*", so that the section shall read as follows:

36. The receipts arising from supplying an electrical ^{Electrical utilities} public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operation of the utility and any payments required by *The Power Commission Act*, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality to the extent and in such amounts as are necessary to provide for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the distribution of electrical power and energy, and it shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, ^{R.S.O. 1950, c. 281} except to the extent to which the receipts paid over ^{R.S.O. 1950, c. 215} hereunder are insufficient to meet the annual payments falling due on account of principal and interest of the debentures.

2. This Act comes into force on the day it receives ^{Commence-} Royal Assent. _{ment}

3. This Act may be cited as *The Public Utilities Amendment Act, 1960*. ^{Short title}

1st Reading

March 15th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 24th, 1960

MR. WARRENDER

BILL 124

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Assessment Act

MR. WARRENDER

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. Privately-owned properties rented to and occupied by religious organizations are exempt from municipal taxation under the existing provisions of paragraph 3. The amendment to paragraph 3 would have the effect of removing that type of exemption and providing an exemption only for property owned, occupied and used by a religious organization.

Subsection 2. The provision repealed provides an exemption from municipal taxation of the buildings of a co-operative cold storage plant where the co-operative corporation has received a loan or grant from the government of Canada or Ontario and where not more than 20 per cent of the storage space is used by persons who are not members of the co-operative.

SECTION 2. The new provision authorizes the giving of notice to the clerk of the municipality with respect to change in support of schools after the return of the assessment roll and before the 1st day of October in any year.

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 3 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 24, s. 4, para. 3, amended

(b) The exemption from taxation under this paragraph does not apply to lands rented or leased to a church or religious organization by any person other than another church or religious organization. Idem

(2) Paragraph 19 of the said section 4, as re-enacted by subsection 2 of section 1 of *The Assessment Amendment Act, 1953*, is repealed. R.S.O. 1950, c. 24, s. 4, para. 19 (1953, c. 6, s. 1, subs. 2), repealed

2. *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1950, c. 24, amended

24a.—(1) Where an owner or tenant of land who is entitled to be assessed has been omitted from the assessment roll or where after the return of the assessment roll the ownership or tenancy of land has changed, the owner or tenant who is entitled to be assessed may, notwithstanding the return of the roll, give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality before the 1st day of October in the year in which the roll is prepared directing that he be assessed as owner or tenant and that he be assessed as a public school supporter or a Roman Catholic separate school supporter. Notice of change of school support

(2) The assessment commissioner shall list all directions received by him and forward the list to the clerk of the municipality who shall correct the assessment roll accordingly and, where there is no assessment commissioner, the clerk shall correct the roll in accordance with the directions received by him. Duties of assessment commissioner and clerk

Notice of
assessment
to owner
and tenant

- (3) The assessment commissioner or, if none, the clerk of the municipality shall deliver or cause to be delivered notices of the assessment to the owner and tenant, if any, and to every person entered on the assessment roll in relation to the same land.

R.S.O. 1950,
c. 24, s. 33,
subs. 2a
(1955, c. 4,
s. 8, subs. 2),
re-enacted

3.—(1) Subsection 2a of section 33 of *The Assessment Act*, as enacted by subsection 2 of section 8 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

Farm
lands and
buildings

- (2a) For the purposes of subsections 2 and 3, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming and buildings thereon used solely for farm purposes, including the residence of the owner and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

R.S.O. 1950,
c. 24, s. 33,
subs. 3,
amended

(2) Subsection 3 of the said section 33, as amended by subsection 3 of section 8 of *The Assessment Amendment Act, 1955*, is further amended by adding at the commencement thereof "Subject to subsection 2a", so that the subsection shall read as follows:

Land with
buildings

- (3) Subject to subsection 2a, 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.

R.S.O. 1950,
c. 24, s. 33,
subs. 5,
amended

(3) Subsection 5 of the said section 33 is amended by inserting after "board" in the fourth line "or boards", so that the subsection shall read as follows:

Profits
from
mines

- (5) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to, the municipality in which the mine or mineral work is situate, or, in unorganized territory, the school board or boards having jurisdiction over the area in which the mine or mineral work is situate;

SECTION 3—Subsections 1 and 2. The present provisions with respect to ascertaining sale value of farm property relate solely to land without buildings. The subsection, as re-enacted, makes it clear that the sale value of farm lands, including buildings, is to be determined only by reference to the sale value of such lands and buildings for farming purposes only.

Subsection 3. In an area not municipally organized, this section provides that mines profits shall be assessed and taxed by the school board having jurisdiction over the area in which the mine is situated.

This amendment will allow for the apportionment between an elementary school board and a secondary school board where the boards have jurisdiction in the same area in which the mine is situated.

SECTION 4. The amendments provide that municipal parking facilities are a public utility for the purposes of making annual payments to the municipality equal to the tax liability from which it is exempted.

SECTION 5. Clause *a* is re-enacted to make it clear that the value or increase in value of any building that may be added to the collector's roll under section 51 refers not only to construction commenced after January 1st of the current year but also to any construction commenced before the 1st day of January but not completed or reasonably fit for occupancy until after the 1st day of January.

Clause *b* is re-enacted to authorize the addition to the collector's roll of any increase in value of farm lands and buildings that cease to be assessed as farm lands and buildings under subsection 2*a* of section 33.

provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

4.—(1) Clause *a* of subsection 1 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amendment Act, 1952*, is amended by adding at the end thereof “and includes a municipal parking authority established under any general or special Act”, so that the clause shall read as follows:

R.S.O. 1950,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 1,
cl. *a*,
amended

(a) “commission” means the council of a municipal corporation, or a commission or trustees or other body, operating a public utility for or on behalf of the corporation and includes a municipal parking authority established under any general or special Act.

(2) Clause *b* of subsection 1 of the said section 39 is amended by adding at the end thereof “and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act”, so that the clause shall read as follows:

R.S.O. 1950,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 1,
cl. *b*,
amended

(b) “public utility” means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act.

R.S.O. 1950,
c. 96

5. Clause *a*, as amended by section 12 of *The Assessment Amendment Act, 1952*, and clause *b* of subsection 1 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, are repealed and the following substituted therefor:

R.S.O. 1950,
c. 24, s. 51
(1951, c. 4,
s. 3), subs. 1,
cls. *a*, *b*,
re-enacted

(a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 that before or after the 1st day of January is erected, altered or enlarged and that after the 1st day of January becomes occupied or reasonably fit for occupancy;

(b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the 1st day of January ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2*a* of section 33.

R.S.O. 1950, c. 24, s. 51a (1951, c. 4, s. 3), subs. 1, cl. b, re-enacted

6. Clause *b* of subsection 1 of section 51a of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

- (b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the return of the roll ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2a of section 33.

R.S.O. 1950, c. 24, s. 53, subs. 3, cl. b, amended

7. Clause *b* of subsection 3 of section 53 of *The Assessment Act* is amended by striking out "ten days or more than fourteen" in the second and third lines and inserting in lieu thereof "thirty", so that the clause shall read as follows:

- (b) the period named for assessment appeals to the court of revision be less than thirty days from the day on which the relevant assessment roll is returned.

R.S.O. 1950, c. 24, s. 87, amended

8. Section 87 of *The Assessment Act*, as amended by section 20 of *The Assessment Amendment Act, 1955*, section 14 of *The Assessment Amendment Act, 1957* and section 7 of *The Assessment Amendment Act, 1958*, is further amended by adding thereto the following subsection:

Valuations on which payments in lieu of taxes paid to be added to aggregate valuations

- (1b) For the purpose of county rates, there shall be added to the aggregate valuations of the municipality, as increased or decreased under subsection 1, the valuations of all properties for which payments in lieu of taxes are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario.

R.S.O. 1950, c. 24, s. 104, subs. 1, amended

9. Subsection 1 of section 104 of *The Assessment Act* is amended by striking out "\$3" in the sixth, seventh and ninth lines respectively and inserting in lieu thereof "\$6", so that the subsection shall read as follows:

Minimum tax

- (1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$6, the sum of such taxes shall be deemed to be \$6 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$6 shall form part of the general funds of the municipality.

SECTION 6. Clause *b* is re-enacted to authorize the addition to the assessment roll after it is returned and before the 31st day of December in any year of any increase in value of farm lands and buildings that cease to be assessed as farm lands under subsection 2*a* of section 33.

SECTION 7. Under the special mode of making assessments by wards or groups of polling subdivisions, the period named for assessment appeals to the court of revision may not be less than ten days or more than fourteen days from the day on which the relevant assessment roll is returned. The amendment provides for a minimum period of thirty days for appealing the assessment.

SECTION 8. The amendment provides for adding the valuations on which payments are paid in lieu of taxes to the aggregate valuations of a municipality for the purposes of county rates.

SECTION 9. The amendment increases the minimum tax from \$3 to \$6.

SECTION 10. The amendment is to make it clear that tax notices are to set out the different rates and the number of mills and amount in dollars and cents relating to each rate.

SECTION 11. Where a building is destroyed or becomes exempt from taxation in any year after the return of the assessment roll and before the 1st day of January, the amendments authorize relief from taxation for the appropriate part of the following year in circumstances where the building continues to be exempt or where it is not rebuilt.

SECTION 12. The present charge of 35 cents for a certificate of tax arrears is increased to \$1.

SECTION 13. The amendment is to make it clear that it was never intended that the right to school attendance could be included in agreements between the Government of Canada and a municipality providing for payments in lieu of taxes for municipal services for tenants on Crown property. School boards are corporate entities and the wording "specific municipal services" was intended to include only those items that come under the jurisdiction of a council. Where need for school attendance is determined by the Government of Canada, a separate agreement can be entered into with the appropriate school board providing for payment on the basis of a per pupil fee.

10. Subsection 3 of section 109 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 24, s. 109,
subs. 3,
re-enacted

(3) The written or printed notice mentioned in subsection 1 shall contain a schedule thereon setting out the different rates required under subsection 1 of section 103 to be set down in the collector's roll and the number of mills levied for each rate and the amount expressed in dollars and cents for which the person taxed is chargeable for each rate and shall contain such other information as is required to be entered in the collector's roll under section 103. Particulars
to be given
in tax
notice

11.—(1) Clause *b* of subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by inserting after "year" in the second line "or during the preceding year after the return of the assessment roll", so that the clause shall read as follows: R.S.O. 1950,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 1,
cl. *b*,
amended

(b) in respect of real property which has become exempt from taxation during the year or during the preceding year after the return of the assessment roll;
or

.

(2) Clause *c* of subsection 1 of the said section 124 is amended by inserting after "year" in the second line "or during the preceding year after the return of the assessment roll", so that the clause shall read as follows: R.S.O. 1950,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 1,
cl. *c*,
amended

(c) in respect of a building which was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll; or

.

12. Subsection 1 of section 138 of *The Assessment Act* is amended by striking out "thirty-five cents" in the third line and inserting in lieu thereof "\$1", so that the subsection shall read as follows: R.S.O. 1950,
c. 24, s. 138,
subs. 1,
amended

(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge \$1 for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes. Written
statement
of arrears

13. Section 237 of *The Assessment Act*, as re-enacted by section 19 of *The Assessment Amendment Act, 1957*, is amended by adding thereto the following subsection: R.S.O. 1950,
c. 24, s. 237
(1957, c. 2,
s. 19),
amended

Municipal services

(1a) The specific municipal services referred to in subsection 1 do not include the provision of any right to attend elementary or secondary schools.

Commencement

14.—(1) This Act, except sections 1, 3, 4, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 4, 8, 9 and 10 shall be deemed to have come into force on the 1st day of January, 1960.

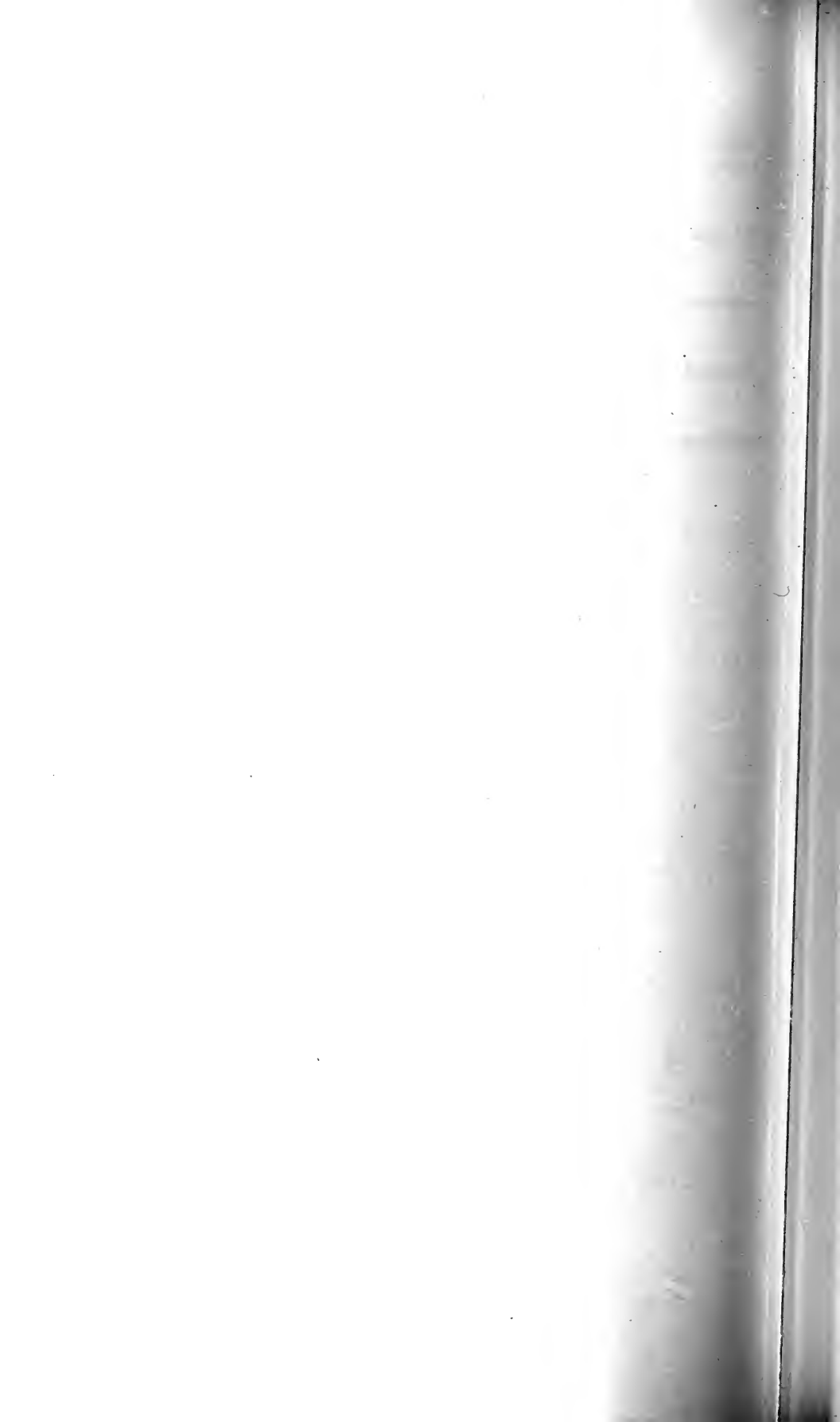
Idem

(3) Section 1 comes into force on the 1st day of January, 1961.

Short title

15. This Act may be cited as *The Assessment Amendment Act, 1960*.







1st Reading

March 15th, 1960

2nd Reading

3rd Reading

MR. WARENDER

BILL 124

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Assessment Act

MR. WARRENDER

(Reprinted as amended by the Committee on Municipal Law)

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

EXPLANATORY NOTES

SECTION 1—Subsection 1. Privately-owned properties rented to and occupied by religious organizations are exempt from municipal taxation under the existing provisions of paragraph 3. The amendment to paragraph 3 would have the effect of removing that type of exemption and providing an exemption only for property owned, occupied and used by a religious organization.

Subsection 2. The amendment exempts municipal parking facilities from taxation. These facilities are deemed a public utility for the purposes of annual payments to the municipality equal to the tax liability from which it is exempted.

Subsection 3. The provision repealed provides an exemption from municipal taxation of the buildings of a co-operative cold storage plant where the co-operative corporation has received a loan or grant from the government of Canada or Ontario and where not more than 20 per cent of the storage space is used by persons who are not members of the co-operative.

SECTION 2. The re-enactment of section 25 authorizes the court of revision to amend the roll in accordance with a notice of complaint re school support where there is no objection.

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 3 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 24, s. 4, para. 3, amended

(b) The exemption from taxation under this paragraph does not apply to lands rented or leased to a church or religious organization by any person other than another church or religious organization. Idem

(2) Paragraph 9 of the said section 4, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952*, subsection 1 of section 2 of *The Assessment Amendment Act, 1954* and subsection 2 of section 1 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 24, s. 4, par. 9, re-enacted

9. Subject to section 39, the property belonging to any county or municipality or vested in or controlled by any public commission including a municipal parking authority wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee. Municipal property

(3) Paragraph 19 of the said section 4, as re-enacted by subsection 2 of section 1 of *The Assessment Amendment Act, 1953*, is repealed. R.S.O. 1950, c. 24, s. 4, para. 19 (1953, c. 6, s. 1, subs. 2), repealed

2. Section 25 of *The Assessment Act*, as amended by section 7 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 24, s. 25, re-enacted

25.—(1) The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so com- School support

plaining or any ratepayer may give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof shall apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later.

Deter-
mination
of school
support,
time for

(2) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given.

Revised
assessment
notice

(3) Notwithstanding subsection 1, if the notice of complaint is received more than thirty days before the last day for giving the notice under subsection 1, the assessment commissioner or, if none, the assessor shall prepare and deliver to the clerk of the municipality, on or before the last day for giving the notice of complaint, a revised assessment notice showing liability in accordance with the circumstances existing at the time the notice of complaint was given, which notice shall be sent by the clerk, with the notice of the sitting of the court of revision to consider the complaint, to the owner or tenant to be assessed, to the owner or tenant appearing on the assessment roll and to the complainant, and the court of revision shall amend the roll in accordance with such revised assessment notice unless one of the parties concerned or his agent appears at the hearing and objects thereto, in which event the court of revision shall determine the matter as provided in subsection 1.

R.S.O. 1950,
c. 24, s. 33,
subs. 2a
(1955, c. 4,
s. 8, subs. 2),
re-enacted

3.—(1) Subsection 2a of section 33 of *The Assessment Act*, as enacted by subsection 2 of section 8 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

Farm
lands and
buildings

(2a) For the purposes of subsections 2 and 3, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming and buildings thereon used solely for farm purposes, including the residence of the owner and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

SECTION 3—Subsections 1 and 2. The present provisions with respect to ascertaining sale value of farm property relate solely to land without buildings. The subsection, as re-enacted, makes it clear that the sale value of farm lands, including buildings, is to be determined only by reference to the sale value of such lands and buildings for farming purposes only.

Subsection 3. In an area not municipally organized, this section provides that mines profits shall be assessed and taxed by the school board having jurisdiction over the area in which the mine is situated.

This amendment will allow for the apportionment between an elementary school board and a secondary school board where the boards have jurisdiction in the same area in which the mine is situated.

SECTION 4. The amendments provide that municipal parking facilities are a public utility for the purposes of making annual payments to the municipality equal to the tax liability from which it is exempted.

(2) Subsection 3 of the said section 33, as amended by sub-section 3 of section 8 of *The Assessment Amendment Act, 1955*, is further amended by adding at the commencement thereof "Subject to subsection 2a", so that the subsection shall read as follows:

R.S.O. 1950,
c. 24, s. 33,
subs. 3,
amended

(3) Subject to subsection 2a, 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.

Land with
buildings

(3) Subsection 5 of the said section 33 is amended by inserting after "board" in the fourth line "or boards", so that the subsection shall read as follows:

R.S.O. 1950,
c. 24, s. 33,
subs. 5,
amended

(5) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to, the municipality in which the mine or mineral work is situate, or, in unorganized territory, the school board or boards having jurisdiction over the area in which the mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

Profits
from
mines

4.—(1) Clause a of subsection 1 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amendment Act, 1952*, is amended by adding at the end thereof "and includes a municipal parking authority established under any general or special Act", so that the clause shall read as follows:

R.S.O. 1950,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 1,
cl. a,
amended

(a) "commission" means the council of a municipal corporation, or a commission or trustees or other body, operating a public utility for or on behalf of the corporation and includes a municipal parking authority established under any general or special Act.

(2) Clause b of subsection 1 of the said section 39 is amended by adding at the end thereof "and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act", so that the clause shall read as follows:

R.S.O. 1950,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 1,
cl. b,
amended

R.S.O. 1950,
c. 96

- (b) "public utility" means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act.

R.S.O. 1950,
c. 24, s. 51
(1951, c. 4,
s. 3), subs. 1,
cls. a, b,
re-enacted

5. Clause a, as amended by section 12 of *The Assessment Amendment Act, 1952*, and clause b of subsection 1 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, are repealed and the following substituted therefor:

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 that before or after the 1st day of January is erected, altered or enlarged and that after the 1st day of January becomes occupied or reasonably fit for occupancy;
- (b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the 1st day of January ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2a of section 33.

R.S.O. 1950,
c. 24, s. 51a
(1951, c. 4,
s. 3), subs. 1,
cl. b,
re-enacted

6. Clause b of subsection 1 of section 51a of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

- (b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the return of the roll ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2a of section 33.

R.S.O. 1950,
c. 24, s. 53,
subs. 3,
cl. b,
amended

7. Clause b of subsection 3 of section 53 of *The Assessment Act* is amended by striking out "ten" in the second line and inserting in lieu thereof "fourteen" and by striking out "fourteen" in the third line and inserting in lieu thereof "thirty", so that the clause shall read as follows:

- (b) the period named for assessment appeals to the court of revision be less than fourteen days or more than thirty days from the day on which the relevant assessment roll is returned.

R.S.O. 1950,
c. 24, s. 87,
amended

8. Section 87 of *The Assessment Act*, as amended by section 20 of *The Assessment Amendment Act, 1955*, section 14 of *The Assessment Amendment Act, 1957* and section 7 of *The Assessment Amendment Act, 1958*, is further amended by adding thereto the following subsection:

SECTION 5. Clause *a* is re-enacted to make it clear that the value or increase in value of any building that may be added to the collector's roll under section 51 refers not only to construction commenced after January 1st of the current year but also to any construction commenced before the 1st day of January but not completed or reasonably fit for occupancy until after the 1st day of January.

Clause *b* is re-enacted to authorize the addition to the collector's roll of any increase in value of farm lands and buildings that cease to be assessed as farm lands and buildings under subsection 2*a* of section 33.

SECTION 6. Clause *b* is re-enacted to authorize the addition to the assessment roll after it is returned and before the 31st day of December in any year of any increase in value of farm lands and buildings that cease to be assessed as farm lands under subsection 2*a* of section 33.

SECTION 7. Under the special mode of making assessments by wards or groups of polling subdivisions, the period named for assessment appeals to the court of revision may not be less than ten days or more than fourteen days from the day on which the relevant assessment roll is returned. The amendment provides for a minimum period of 14 days and a maximum of 30 days for appealing the assessment.

SECTION 8. The amendment provides for adding the valuations on which payments are paid in lieu of taxes to the aggregate valuations of a municipality for the purposes of county rates.

SECTION 9. The amendment authorizes the minimum tax of \$3 to be increased to \$6.

SECTION 10. Where a building is destroyed or becomes exempt from taxation in any year after the return of the assessment roll and before the 1st day of January, the amendments authorize relief from taxation for the appropriate part of the following year in circumstances where the building continues to be exempt or where it is not rebuilt.

(1b) For the purpose of county rates, there shall be added to the aggregate valuations of the municipality, as increased or decreased under subsection 1, the valuations of all properties for which payments in lieu of taxes are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario.

Valuations on which payments in lieu of taxes paid to be added to aggregate valuations

9. Subsection 1 of section 104 of *The Assessment Act* is amended by striking out "\$3" in the sixth, seventh and ninth lines respectively and inserting in lieu thereof "\$6", so that the subsection shall read as follows:

R.S.O. 1950, c. 24, s. 104, subs. 1, amended

(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$6, the sum of such taxes shall be deemed to be \$6 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$6 shall form part of the general funds of the municipality.

Minimum tax

10.—(1) Clause *b* of subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by inserting after "year" in the second line "or during the preceding year after the return of the assessment roll", so that the clause shall read as follows:

R.S.O. 1950, c. 24, s. 124 (1953, c. 6, s. 13), subs. 1, cl. *b*, amended

(b) in respect of real property which has become exempt from taxation during the year or during the preceding year after the return of the assessment roll; or

(2) Clause *c* of subsection 1 of the said section 124 is amended by inserting after "year" in the second line "or during the preceding year after the return of the assessment roll", so that the clause shall read as follows:

R.S.O. 1950, c. 24, s. 124 (1953, c. 6, s. 13), subs. 1, cl. *c*, amended

(c) in respect of a building which was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll; or

.

R.S.O. 1950,
c. 24, s. 138,
subs. 1,
amended

11. Subsection 1 of section 138 of *The Assessment Act* is amended by striking out "thirty-five cents" in the third line and inserting in lieu thereof "\$1", so that the subsection shall read as follows:

Written
statement
of arrears

(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge \$1 for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes.

R.S.O. 1950,
c. 24, s. 237,
(1957, c. 2,
s. 19),
amended

12. Section 237 of *The Assessment Act*, as re-enacted by section 19 of *The Assessment Amendment Act, 1957*, is amended by adding thereto the following subsection:

Municipal
services

(1a) The specific municipal services referred to in subsection 1 do not include the provision of any right to attend elementary or secondary schools.

Commence-
ment

13.—(1) This Act, except sections 1, 2, 3, 4, 7, 8 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 and 2 of section 3 shall be deemed to have come into force on the 1st day of January, 1959.

Idem

(3) Subsection 3 of section 3 and sections 8 and 9 shall be deemed to have come into force on the 1st day of January, 1960.

Idem

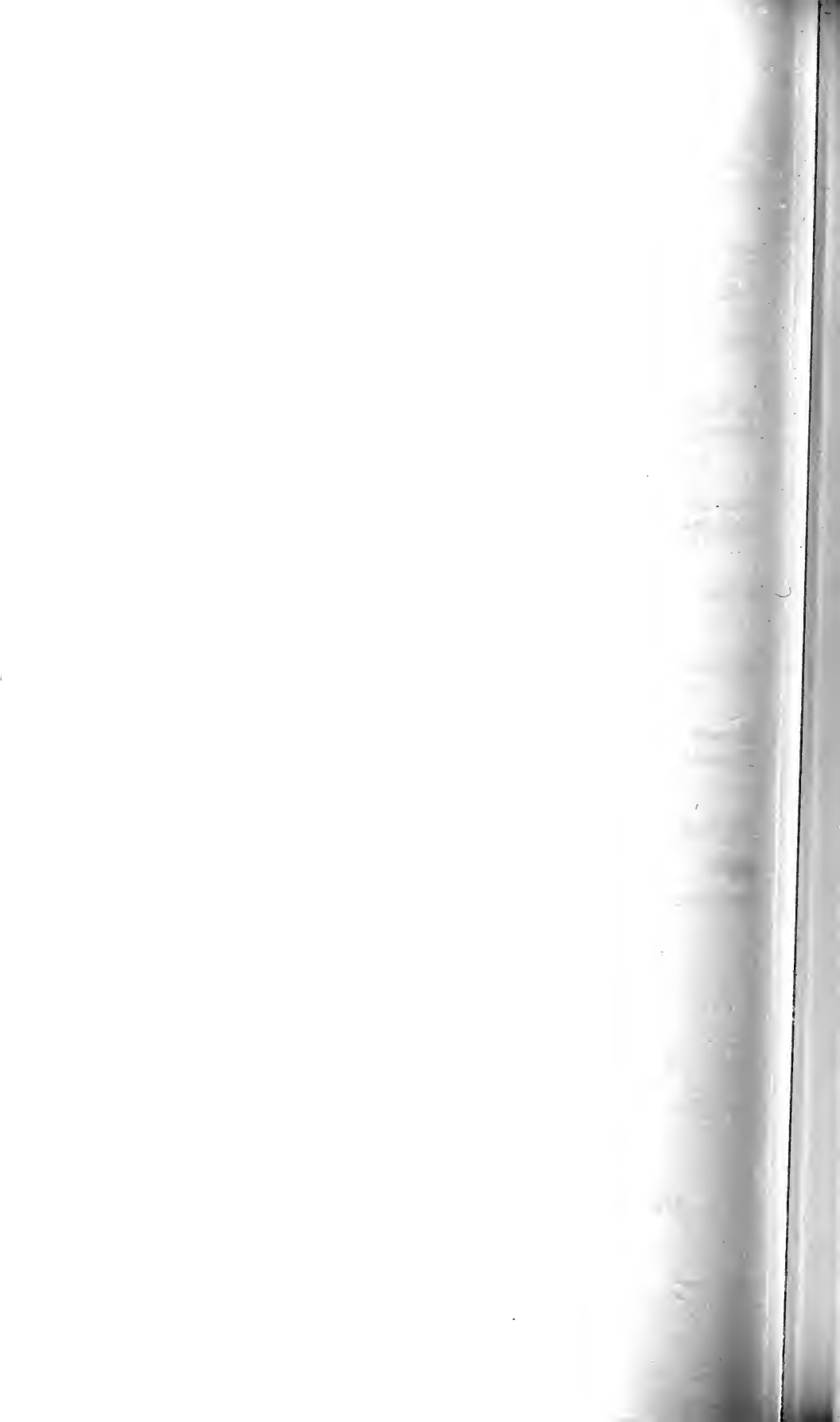
(4) Sections 1, 2, 4 and 7 come into force on the 1st day of January, 1961.

Short title

14. This Act may be cited as *The Assessment Amendment Act, 1960*.

SECTION 11. The present charge of 35 cents for a certificate of tax arrears is increased to \$1.

SECTION 12. The amendment is to make it clear that it was never intended that the right to school attendance could be included in agreements between the Government of Canada and a municipality providing for payments in lieu of taxes for municipal services for tenants on Crown property. School boards are corporate entities and the wording "specific municipal services" was intended to include only those items that come under the jurisdiction of a council. Where need for school attendance is determined by the Government of Canada, a separate agreement can be entered into with the appropriate school board providing for payment on the basis of a per pupil fee.



1st Reading

March 15th, 1960

2nd Reading

March 21st, 1960

3rd Reading

MR. WARRENDER

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

BILL 124

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Assessment Act

MR. WARRENDER

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

TORONTO
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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. Privately-owned properties rented to and occupied by religious organizations are exempt from municipal taxation under the existing provisions of paragraph 3. The amendment to paragraph 3 would have the effect of removing that type of exemption and providing an exemption only for property owned, occupied and used by a religious organization.

Subsection 2. The amendment exempts municipal parking facilities from taxation. These facilities are deemed a public utility for the purposes of annual payments to the municipality equal to the tax liability from which it is exempted.

Subsection 3. The provision repealed provides an exemption from municipal taxation of the buildings of a co-operative cold storage plant where the co-operative corporation has received a loan or grant from the government of Canada or Ontario and where not more than 20 per cent of the storage space is used by persons who are not members of the co-operative.

SECTION 2. The re-enactment of section 25 authorizes the court of revision to amend the roll in accordance with a notice of complaint re school support where there is no objection.

BILL 124

1960

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 3 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 24, s. 4,
para. 3,
amended

(b) The exemption from taxation under this paragraph does not apply to lands rented or leased to a church or religious organization by any person other than another church or religious organization. Idem

(2) Paragraph 9 of the said section 4, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952*, subsection 1 of section 2 of *The Assessment Amendment Act, 1954* and subsection 2 of section 1 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 24, s. 4,
par. 9,
re-enacted

9. Subject to section 39, the property belonging to any county or municipality or vested in or controlled by any public commission including a municipal parking authority wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee. Municipal
property

(3) Paragraph 19 of the said section 4, as re-enacted by subsection 2 of section 1 of *The Assessment Amendment Act, 1953*, is repealed. R.S.O. 1950,
c. 24, s. 4,
para. 19,
(1953, c. 6,
s. 1, subs. 2),
repealed

2. Section 25 of *The Assessment Act*, as amended by section 7 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 24, s. 25,
re-enacted

25.—(1) The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so com- School
support

plaining or any ratepayer may give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof shall apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later.

Deter-
mination
of school
support,
time for

(2) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given.

Revised
assessment
notice

(3) Notwithstanding subsection 1, if the notice of complaint is received more than thirty days before the last day for giving the notice under subsection 1, the assessment commissioner or, if none, the assessor shall prepare and deliver to the clerk of the municipality, on or before the last day for giving the notice of complaint, a revised assessment notice showing liability in accordance with the circumstances existing at the time the notice of complaint was given, which notice shall be sent by the clerk, with the notice of the sitting of the court of revision to consider the complaint, to the owner or tenant to be assessed, to the owner or tenant appearing on the assessment roll and to the complainant, and the court of revision shall amend the roll in accordance with such revised assessment notice unless one of the parties concerned or his agent appears at the hearing and objects thereto, in which event the court of revision shall determine the matter as provided in subsection 1.

R.S.O. 1950,
c. 24, s. 33,
subs. 2a
(1955, c. 4,
s. 3, subs. 2),
re-enacted

3.—(1) Subsection 2a of section 33 of *The Assessment Act*, as enacted by subsection 2 of section 8 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

Farm
lands and
buildings

(2a) For the purposes of subsections 2 and 3, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming and buildings thereon used solely for farm purposes, including the residence of the owner and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

SECTION 3—Subsections 1 and 2. The present provisions with respect to ascertaining sale value of farm property relate solely to land without buildings. The subsection, as re-enacted, makes it clear that the sale value of farm lands, including buildings, is to be determined only by reference to the sale value of such lands and buildings for farming purposes only.

Subsection 3. In an area not municipally organized, this section provides that mines profits shall be assessed and taxed by the school board having jurisdiction over the area in which the mine is situated.

This amendment will allow for the apportionment between an elementary school board and a secondary school board where the boards have jurisdiction in the same area in which the mine is situated.

SECTION 4. The amendments provide that municipal parking facilities are a public utility for the purposes of making annual payments to the municipality equal to the tax liability from which it is exempted.

(2) Subsection 3 of the said section 33, as amended by sub-^{R.S.O. 1950,} section 3 of section 8 of *The Assessment Amendment Act*,^{c. 24, s. 33,} 1955, is further amended by adding at the commencement^{subs. 3,} thereof "Subject to subsection 2a", so that the subsection shall read as follows:

(3) Subject to subsection 2a, in assessing land having^{Land with} 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.

(3) Subsection 5 of the said section 33 is amended by^{R.S.O. 1950,} inserting after "board" in the fourth line "or boards", so^{c. 24, s. 33,} that the subsection shall read as follows:^{subs. 5,}^{amended}

(5) The profits from a mine or mineral work shall be^{Profits} assessed by, and the tax leviable thereon shall be^{from} paid to, the municipality in which the mine or mineral work is situate, or, in unorganized territory, the school board or boards having jurisdiction over the area in which the mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

4.—(1) Clause a of subsection 1 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amendment Act, 1952*, is amended by adding at the end thereof^{R.S.O. 1950,} "and includes a municipal parking authority established under^{c. 24, s. 39} any general or special Act", so that the clause shall read as follows:^{(1952, c. 13,}^{s. 10),}^{subs. 1,}^{cl. a,}^{amended}

(a) "commission" means the council of a municipal corporation, or a commission or trustees or other body, operating a public utility for or on behalf of the corporation and includes a municipal parking authority established under any general or special Act.

(2) Clause b of subsection 1 of the said section 39 is amended^{R.S.O. 1950,} by adding at the end thereof "and includes parking facilities^{c. 24, s. 39} on land owned by a municipal corporation or by a municipal^{(1952, c. 3,} parking authority established under any general or special^{s. 10),} Act", so that the clause shall read as follows:^{subs. 1,}^{cl. b,}^{amended}

R.S.O. 1950,
c. 96

- (b) "public utility" means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act.

R.S.O. 1950,
c. 24, s. 51
(1951, c. 4,
s. 3), subs. 1,
cls. a, b,
re-enacted

5. Clause *a*, as amended by section 12 of *The Assessment Amendment Act, 1952*, and clause *b* of subsection 1 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, are repealed and the following substituted therefor:

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 that before or after the 1st day of January is erected, altered or enlarged and that after the 1st day of January becomes occupied or reasonably fit for occupancy;
- (b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the 1st day of January ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2*a* of section 33.

R.S.O. 1950,
c. 24, s. 51*a*
(1951, c. 4,
s. 3), subs. 1,
cl. b,
re-enacted

6. Clause *b* of subsection 1 of section 51*a* of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

- (b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the return of the roll ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2*a* of section 33.

7. Clause *b* of subsection 3 of section 53 of *The Assessment Act* is amended by striking out "ten" in the second line and inserting in lieu thereof "fourteen" and by striking out "fourteen" in the third line and inserting in lieu thereof "thirty", so that the clause shall read as follows:

- (b) the period named for assessment appeals to the court of revision be less than fourteen days or more than thirty days from the day on which the relevant assessment roll is returned.

R.S.O. 1950,
c. 24, s. 87,
subs. 1*a*
(1958, c. 4,
s. 7, subs. 2),
cl. a,
amended

8.—(1) Clause *a* of subsection 1*a* of section 87 of *The Assessment Act*, as enacted by subsection 2 of section 7 of *The Assessment Amendment Act, 1958*, is amended by inserting after "payment" in the first line "computed under paragraph 1 of subsection 2 of section 33*a*", so that the clause shall read as follows:

SECTION 5. Clause *a* is re-enacted to make it clear that the value or increase in value of any building that may be added to the collector's roll under section 51 refers not only to construction commenced after January 1st of the current year but also to any construction commenced before the 1st day of January but not completed or reasonably fit for occupancy until after the 1st day of January.

Clause *b* is re-enacted to authorize the addition to the collector's roll of any increase in value of farm lands and buildings that cease to be assessed as farm lands and buildings under subsection 2*a* of section 33.

SECTION 6. Clause *b* is re-enacted to authorize the addition to the assessment roll after it is returned and before the 31st day of December in any year of any increase in value of farm lands and buildings that cease to be assessed as farm lands under subsection 2*a* of section 33.

SECTION 7. Under the special mode of making assessments by wards or groups of polling subdivisions, the period named for assessment appeals to the court of revision may not be less than ten days or more than fourteen days from the day on which the relevant assessment roll is returned. The amendment provides for a minimum period of 14 days and a maximum of 30 days for appealing the assessment.

SECTION 8—Subsection 1. The amendment is to make it clear that only the portion of the payments made to a mining municipality that represents real property assessment is to be included in the aggregate valuations for the purpose of county rates.

Subsection 2. The amendment provides for adding the valuations on which payments are paid in lieu of taxes to the aggregate valuations of a municipality for the purposes of county rates.

SECTION 9. The amendment authorizes the minimum tax of \$3 to be increased to \$6.

SECTION 10. Where a building is destroyed or becomes exempt from taxation in any year after the return of the assessment roll and before the 1st day of January, the amendments authorize relief from taxation for the appropriate part of the following year in circumstances where the building continues to be exempt or where it is not rebuilt.

- (a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 33a that was credited to the general funds of the municipality by 1000; and

(2) The said section 87 as amended by section 20 of *The Assessment Amendment Act, 1955*, section 14 of *The Assessment Amendment Act, 1957* and section 7 of *The Assessment Amendment Act, 1958*, is further amended by adding thereto the following subsection:

R.S.O. 1950,
c. 24, s. 87,
amended

- (1b) For the purpose of county rates, there shall be added to the aggregate valuations of the municipality, as increased or decreased under subsection 1, the valuations of all properties for which payments in lieu of taxes are paid by the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario.

Valuations
on which
payments in
lieu of taxes
paid to be
added to
aggregate
valuations

9. Subsection 1 of section 104 of *The Assessment Act* is amended by striking out "\$3" in the sixth, seventh and ninth lines respectively and inserting in lieu thereof "\$6", so that the subsection shall read as follows:

R.S.O. 1950,
c. 24, s. 104,
subs. 1,
amended

- (1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$6, the sum of such taxes shall be deemed to be \$6 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$6 shall form part of the general funds of the municipality.

Minimum
tax

10.—(1) Clause *b* of subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by inserting after "year" in the second line "or during the preceding year after the return of the assessment roll", so that the clause shall read as follows:

R.S.O. 1950,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 1,
cl. c,
amended

- (b) in respect of real property which has become exempt from taxation during the year or during the preceding year after the return of the assessment roll;
or

R.S.O. 1950,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 1,
cl. b,
amended

(2) Clause *c* of subsection 1 of the said section 124 is amended by inserting after "year" in the second line "or during the preceding year after the return of the assessment roll", so that the clause shall read as follows:

(c) in respect of a building which was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll; or

R.S.O. 1950,
c. 24, s. 138,
subs. 1,
amended

11. Subsection 1 of section 138 of *The Assessment Act* is amended by striking out "thirty-five cents" in the third line and inserting in lieu thereof "\$1", so that the subsection shall read as follows:

Written
statement
of arrears

(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge \$1 for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes.

R.S.O. 1950,
c. 24, s. 237
(1957, c. 2,
s. 19),
amended

12. Section 237 of *The Assessment Act*, as re-enacted by section 19 of *The Assessment Amendment Act, 1957*, is amended by adding thereto the following subsection:

Municipal
services

(1a) The specific municipal services referred to in subsection 1 do not include the provision of any right to attend elementary or secondary schools.

Commence-
ment

13.—(1) This Act, except sections 1, 2, 3, 4, 7, 8 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 and 2 of section 3 shall be deemed to have come into force on the 1st day of January, 1959.

Idem

(3) Subsection 3 of section 3 and sections 8 and 9 shall be deemed to have come into force on the 1st day of January, 1960.

Idem

(4) Sections 1, 2, 4 and 7 come into force on the 1st day of January, 1961.

Short title

14. This Act may be cited as *The Assessment Amendment Act, 1960*.

SECTION 11. The present charge of 35 cents for a certificate of tax arrears is increased to \$1.

SECTION 12. The amendment is to make it clear that it was never intended that the right to school attendance could be included in agreements between the Government of Canada and a municipality providing for payments in lieu of taxes for municipal services for tenants on Crown property. School boards are corporate entities and the wording "specific municipal services" was intended to include only those items that come under the jurisdiction of a council. Where need for school attendance is determined by the Government of Canada, a separate agreement can be entered into with the appropriate school board providing for payment on the basis of a per pupil fee.

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1st Reading

March 15th, 1960

2nd Reading

March 21st, 1960

3rd Reading

MR. WARRENDER

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

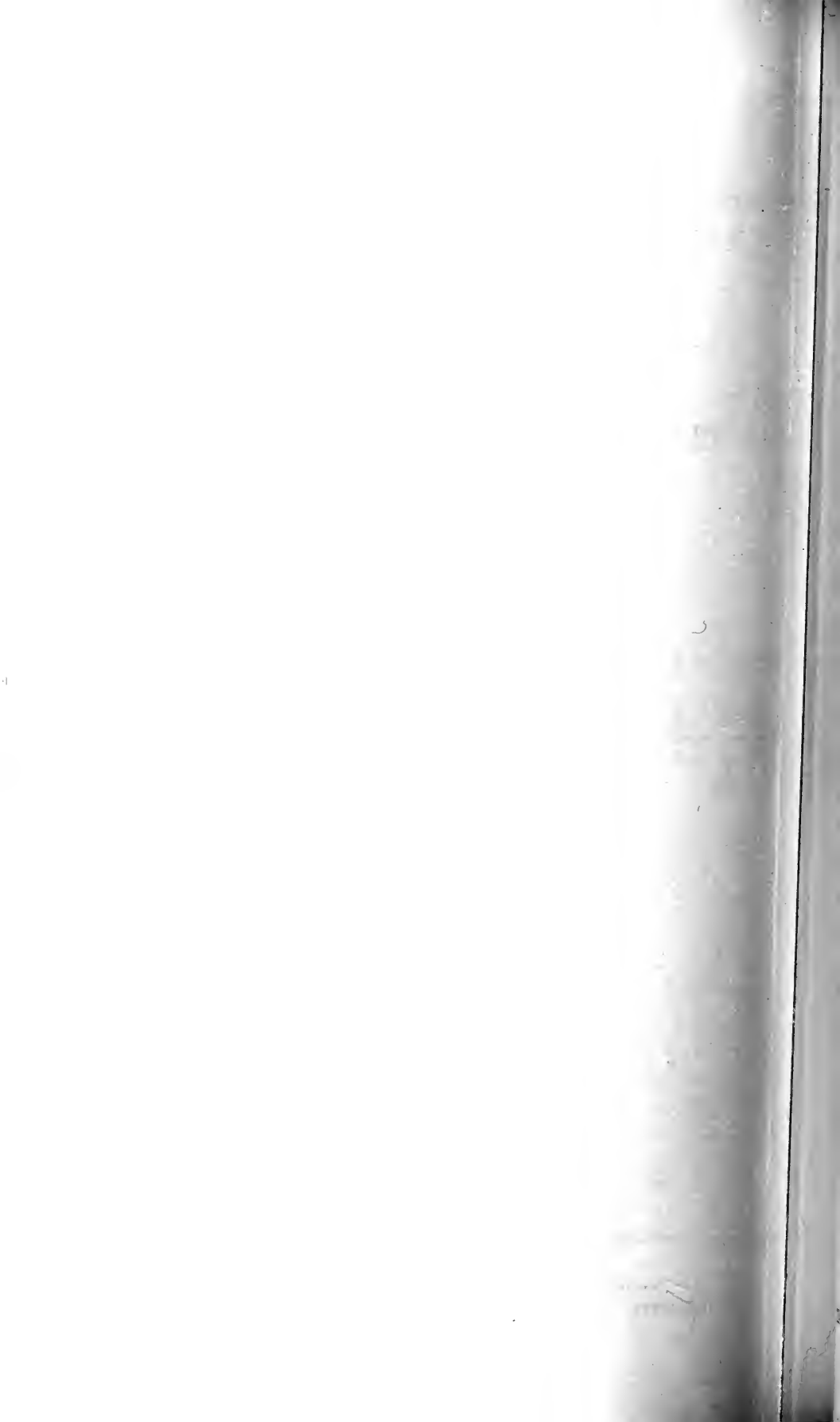
BILL 124

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Assessment Act

MR. WARRENDER

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



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 3 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 24, s. 4,
para. 3,
amended

(b) The exemption from taxation under this paragraph does not apply to lands rented or leased to a church or religious organization by any person other than another church or religious organization. Idem

(2) Paragraph 9 of the said section 4, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952*, subsection 1 of section 2 of *The Assessment Amendment Act, 1954* and subsection 2 of section 1 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 24, s. 4,
par. 9,
re-enacted

9. Subject to section 39, the property belonging to any county or municipality or vested in or controlled by any public commission including a municipal parking authority wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee. Municipal
property

(3) Paragraph 19 of the said section 4, as re-enacted by subsection 2 of section 1 of *The Assessment Amendment Act, 1953*, is repealed. R.S.O. 1950,
c. 24, s. 4,
para. 19
(1953, c. 6,
s. 1, subs. 2),
repealed

2. Section 25 of *The Assessment Act*, as amended by section 7 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 24, s. 25,
re-enacted

25.—(1) The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so com- School
support

plaining or any ratepayer may give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof shall apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later.

Deter-
mination
of school
support,
time for

(2) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given.

Revised
assessment
notice

(3) Notwithstanding subsection 1, if the notice of complaint is received more than thirty days before the last day for giving the notice under subsection 1, the assessment commissioner or, if none, the assessor shall prepare and deliver to the clerk of the municipality, on or before the last day for giving the notice of complaint, a revised assessment notice showing liability in accordance with the circumstances existing at the time the notice of complaint was given, which notice shall be sent by the clerk, with the notice of the sitting of the court of revision to consider the complaint, to the owner or tenant to be assessed, to the owner or tenant appearing on the assessment roll and to the complainant, and the court of revision shall amend the roll in accordance with such revised assessment notice unless one of the parties concerned or his agent appears at the hearing and objects thereto, in which event the court of revision shall determine the matter as provided in subsection 1.

R.S.O. 1950,
c. 24, s. 33,
subs. 2a
(1955, c. 4,
s. 8, subs. 2),
re-enacted

3.—(1) Subsection 2a of section 33 of *The Assessment Act*, as enacted by subsection 2 of section 8 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

Farm
lands and
buildings

(2a) For the purposes of subsections 2 and 3, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming and buildings thereon used solely for farm purposes, including the residence of the owner and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

(2) Subsection 3 of the said section 33, as amended by sub-section 3 of section 8 of *The Assessment Amendment Act, 1955*, is further amended by adding at the commencement thereof "Subject to subsection 2a", so that the subsection shall read as follows:

R.S.O. 1950,
c. 24, s. 33,
subs. 3,
amended

- (3) Subject to subsection 2a, 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.

Land with
buildings

(3) Subsection 5 of the said section 33 is amended by inserting after "board" in the fourth line "or boards", so that the subsection shall read as follows:

R.S.O. 1950,
c. 24, s. 33,
subs. 5,
amended

- (5) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to, the municipality in which the mine or mineral work is situate, or, in unorganized territory, the school board or boards having jurisdiction over the area in which the mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

Profits
from
mines

4.—(1) Clause a of subsection 1 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amendment Act, 1952*, is amended by adding at the end thereof "and includes a municipal parking authority established under any general or special Act", so that the clause shall read as follows:

R.S.O. 1950,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 1,
cl. a,
amended

- (a) "commission" means the council of a municipal corporation, or a commission or trustees or other body, operating a public utility for or on behalf of the corporation and includes a municipal parking authority established under any general or special Act.

(2) Clause b of subsection 1 of the said section 39 is amended by adding at the end thereof "and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act", so that the clause shall read as follows:

R.S.O. 1950,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 1,
cl. b,
amended

R.S.O. 1950,
c. 96

- (b) "public utility" means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act.

R.S.O. 1950,
c. 24, s. 51
(1951, c. 4,
s. 3), subs. 1,
cls. a, b,
re-enacted

5. Clause *a*, as amended by section 12 of *The Assessment Amendment Act, 1952*, and clause *b* of subsection 1 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, are repealed and the following substituted therefor:

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 that before or after the 1st day of January is erected, altered or enlarged and that after the 1st day of January becomes occupied or reasonably fit for occupancy;
- (b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the 1st day of January ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2*a* of section 33.

R.S.O. 1950,
c. 24, s. 51*a*
(1951, c. 4,
s. 3), subs. 1,
cl. b,
re-enacted

6. Clause *b* of subsection 1 of section 51*a* of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

- (b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the return of the roll ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2*a* of section 33.

7. Clause *b* of subsection 3 of section 53 of *The Assessment Act* is amended by striking out "ten" in the second line and inserting in lieu thereof "fourteen" and by striking out "fourteen" in the third line and inserting in lieu thereof "thirty", so that the clause shall read as follows:

- (b) the period named for assessment appeals to the court of revision be less than fourteen days or more than thirty days from the day on which the relevant assessment roll is returned.

R.S.O. 1950,
c. 24, s. 87,
subs. 1*a*
(1958, c. 4,
s. 7, subs. 2),
cl. a,
amended

8.—(1) Clause *a* of subsection 1*a* of section 87 of *The Assessment Act*, as enacted by subsection 2 of section 7 of *The Assessment Amendment Act, 1958*, is amended by inserting after "payment" in the first line "computed under paragraph 1 of subsection 2 of section 33*a*", so that the clause shall read as follows:

- (a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 33a that was credited to the general funds of the municipality by 1000; and

.

(2) The said section 87 as amended by section 20 of *The Assessment Amendment Act, 1955*, section 14 of *The Assessment Amendment Act, 1957* and section 7 of *The Assessment Amendment Act, 1958*, is further amended by adding thereto the following subsection:

R.S.O. 1950,
c. 24, s. 87,
amended

- (1b) For the purpose of county rates, there shall be added to the aggregate valuations of the municipality, as increased or decreased under subsection 1, the valuations of all properties for which payments in lieu of taxes are paid by the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario.

Valuations on which payments in lieu of taxes are paid to be added to aggregate valuations

9. Subsection 1 of section 104 of *The Assessment Act* is amended by striking out "\$3" in the sixth, seventh and ninth lines respectively and inserting in lieu thereof "\$6", so that the subsection shall read as follows:

R.S.O. 1950,
c. 24, s. 104,
subs. 1,
amended

- (1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$6, the sum of such taxes shall be deemed to be \$6 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$6 shall form part of the general funds of the municipality.

Minimum tax

10.—(1) Clause b of subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by inserting after "year" in the second line "or during the preceding year after the return of the assessment roll", so that the clause shall read as follows:

R.S.O. 1950,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 1,
cl. c,
amended

- (b) in respect of real property which has become exempt from taxation during the year or during the preceding year after the return of the assessment roll;
- or

.

R.S.O. 1950,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 1,
cl. b,
amended

(2) Clause *c* of subsection 1 of the said section 124 is amended by inserting after "year" in the second line "or during the preceding year after the return of the assessment roll", so that the clause shall read as follows:

(c) in respect of a building which was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll; or

R.S.O. 1950,
c. 24, s. 138,
subs. 1,
amended

11. Subsection 1 of section 138 of *The Assessment Act* is amended by striking out "thirty-five cents" in the third line and inserting in lieu thereof "\$1", so that the subsection shall read as follows:

Written
statement
of arrears

(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge \$1 for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes.

R.S.O. 1950,
c. 24, s. 237
(1957, c. 2,
s. 19),
amended

12. Section 237 of *The Assessment Act*, as re-enacted by section 19 of *The Assessment Amendment Act, 1957*, is amended by adding thereto the following subsection:

Municipal
services

(1a) The specific municipal services referred to in subsection 1 do not include the provision of any right to attend elementary or secondary schools.

Commence-
ment

13.—(1) This Act, except sections 1, 2, 3, 4, 7, 8 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 and 2 of section 3 shall be deemed to have come into force on the 1st day of January, 1959.

Idem

(3) Subsection 3 of section 3 and sections 8 and 9 shall be deemed to have come into force on the 1st day of January, 1960.

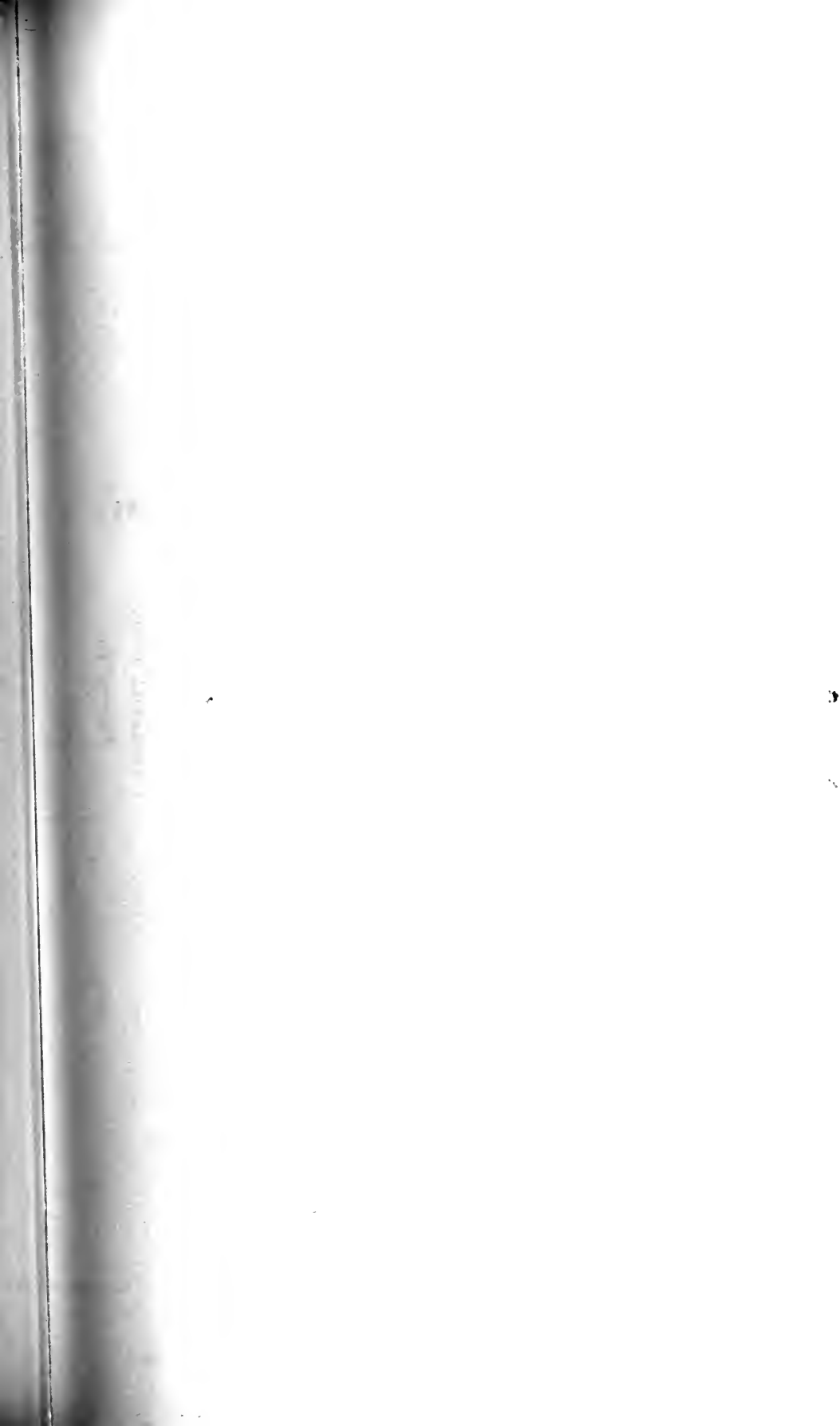
Idem

(4) Sections 1, 2, 4 and 7 come into force on the 1st day of January, 1961.

Short title

14. This Act may be cited as *The Assessment Amendment Act, 1960*.





1st Reading

March 15th, 1960

2nd Reading

March 21st, 1960

3rd Reading

April 1st, 1960

MR. WARRENDER

BILL 125

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Public Commercial Vehicles Act**

MR. YAREMKO

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

EXPLANATORY NOTE

Self-explanatory.

BILL 125

1960

**An Act to amend
The Public Commercial Vehicles Act**

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

1. Section 2 of *The Public Commercial Vehicles Act*, as amended by section 1 of *The Public Commercial Vehicles Amendment Act, 1957* and section 2 of *The Public Commercial Vehicles Amendment Act, 1958*, is further amended by adding thereto the following subsection:

(1a) Where the owner of a commercial motor vehicle as defined in *The Highway Traffic Act* leases such vehicle to another person to be operated on a highway for the transportation of goods, the lessor of such vehicle is deemed to be operating a public commercial vehicle where the lessor engages or pays directly or indirectly the driver of such vehicle.

2. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1960*.

The Public Commercial Vehicles Act

1st Reading

March 15th, 1960

2nd Reading

3rd Reading

MR. YAREMKO

BILL 125

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

**An Act to amend
The Public Commercial Vehicles Act**

MR. YAREMKO

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

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BILL 125

1960

**An Act to amend
The Public Commercial Vehicles Act**

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

1. Section 2 of *The Public Commercial Vehicles Act*, as amended by section 1 of *The Public Commercial Vehicles Amendment Act, 1957* and section 2 of *The Public Commercial Vehicles Amendment Act, 1958*, is further amended by adding thereto the following subsection:

- (1a) Where the owner of a commercial motor vehicle as defined in *The Highway Traffic Act* leases such vehicle to another person to be operated on a highway for the transportation of goods, the lessor of such vehicle is deemed to be operating a public commercial vehicle where the lessor engages or pays directly or indirectly the driver of such vehicle.

R.S.O. 1950,
c. 304, s. 12,
amended
Lessor of
vehicles
operated
for trans-
portation
of goods
R.S.O. 1950,
c. 167

2. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1960*.

Short title

1st Reading

March 15th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 25th, 1960

MR. YAREMKO

BILL 126

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Hospitals Act, 1957

MR. DYMOND

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

EXPLANATORY NOTES

SECTION 1. The agreement between the Province and the Federal Government requires that patients who need only custodial care shall not occupy beds intended for chronically ill patients, convalescent patients or patients in need of active treatment.

The purpose of this new section is to assist in the implementation of the agreement in this respect.

SECTION 2. Hospital costs have increased more than 50 per cent since the existing statutory rates were established. Therefore, the statutory rates provided for the hospital care and treatment of indigent patients are increased by a maximum of 50 per cent.

**An Act to amend
The Public Hospitals Act, 1957**

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

1. *The Public Hospitals Act, 1957* is amended by adding <sup>1957, c. 98,
amended</sup> thereto the following section:

16.—(1) Where a patient in a hospital is an indigent <sup>Custodial
care</sup> person or a dependant of an indigent person and is declared by the attending physician not to require continued medical and skilled nursing care in a hospital but only requires custodial care, the municipality in which such person was resident at the time of admission is liable to the hospital for payment of the per diem rate established for that hospital by the Commission from the eleventh day after the day on which the patient is declared to require only custodial care until such patient leaves the hospital.

(2) A municipality that is liable to a hospital for the <sup>Payment
of per
diem rate</sup> payment of the per diem rate under subsection 1 shall make such payment to the hospital at least quarterly.

(3) Where the person referred to in subsection 1 was a ^{Idem} resident of unorganized territory, the Province shall pay the per diem rate in accordance with subsection 1.

2.—(1) Clause *a* of subsection 1 of section 18 of *The Public Hospitals Act, 1957* is amended by striking out "~~\$6~~" <sup>1957, c. 98,
s. 18, subs. 1,
cl. a,
amended</sup> in the second line and inserting in lieu thereof "\$9".

(2) Clause *b* of subsection 1 of the said section 18 is amended <sup>1957, c. 98,
s. 18, subs. 1,
cl. b,
amended</sup> by striking out "\$5.25" in the second line and inserting in lieu thereof "\$7.85".

1957, c. 98,
s. 18, subs. 1,
cl. c,
amended (3) Clause *c* of subsection 1 of the said section 18 is amended by striking out "\$4.50" in the third line and inserting in lieu thereof "\$6.75".

1957, c. 98,
s. 18, subs. 1,
cl. d,
amended (4) Clause *d* of subsection 1 of the said section 18 is amended by striking out "\$3.75" in the first line and inserting in lieu thereof "\$5.60".

1957, c. 98,
s. 26,
amended **3.** Section 26 of *The Public Hospitals Act, 1957* is amended by striking out "75 cents" in the ninth line and inserting in lieu thereof "\$1.10".

1957, c. 98,
s. 27, subs. 1,
amended **4.** Subsection 1 of section 27 of *The Public Hospitals Act, 1957* is amended by striking out "60 cents" in the sixth line and inserting in lieu thereof "\$1".

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 Public Hospitals Amendment Act, 1960*.



1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 126

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Hospitals Act, 1957

MR. DYMOND

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

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

EXPLANATORY NOTES

SECTION 1. The agreement between the Province and the Federal Government requires that patients who need only custodial care shall not occupy beds intended for chronically ill patients, convalescent patients or patients in need of active treatment.

The purpose of this new section is to assist in the implementation of the agreement in this respect.

**An Act to amend
The Public Hospitals Act, 1957**

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

1. *The Public Hospitals Act, 1957* is amended by adding <sup>1957, c. 98,
amended</sup> thereto the following section:

- 16.—(1) Where a patient in a hospital is an indigent ^{Custodial} person or a dependant of an indigent person and is declared by the attending physician not to require continued medical and skilled nursing care in a hospital but only requires custodial care, the municipality in which such person was resident at the time of admission is liable to the hospital for payment of the per diem rate established for that hospital by the Commission from the twenty-first day after the day on which notice that the patient is declared to require only custodial care has been sent by the superintendent of the hospital by registered mail to the clerk of the municipality until such patient leaves the hospital.
- (2) A municipality that is liable to a hospital for the ^{Payment} payment of the per diem rate under subsection 1 ^{of per} shall make such payment to the hospital at least ^{diem rate} quarterly.
- (3) Where the person referred to in subsection 1 was a ^{Idem} resident of unorganized territory, the Province shall pay the per diem rate in accordance with subsection 1.
- (4) For the purposes of this section, "indigent person" ^{Interpre-} means a person who is receiving assistance from a ^{tation} municipality or is declared eligible by the Department of Public Welfare to receive such assistance, or who has no place of abode to which he may go from the hospital.

1957, c. 98,
s. 18, subs. 1,
cl. a,
amended **2.**—(1) Clause *a* of subsection 1 of section 18 of *The Public Hospitals Act, 1957* is amended by striking out “\$6” in the second line and inserting in lieu thereof “\$9”.

1957, c. 98,
s. 18, subs. 1,
cl. b,
amended (2) Clause *b* of subsection 1 of the said section 18 is amended by striking out “\$5.25” in the second line and inserting in lieu thereof “\$7.85”.

1957, c. 98,
s. 18, subs. 1,
cl. c,
amended (3) Clause *c* of subsection 1 of the said section 18 is amended by striking out “\$4.50” in the third line and inserting in lieu thereof “\$6.75”.

1957, c. 98,
s. 18, subs. 1,
cl. d,
amended (4) Clause *d* of subsection 1 of the said section 18 is amended by striking out “\$3.75” in the first line and inserting in lieu thereof “\$5.60”.

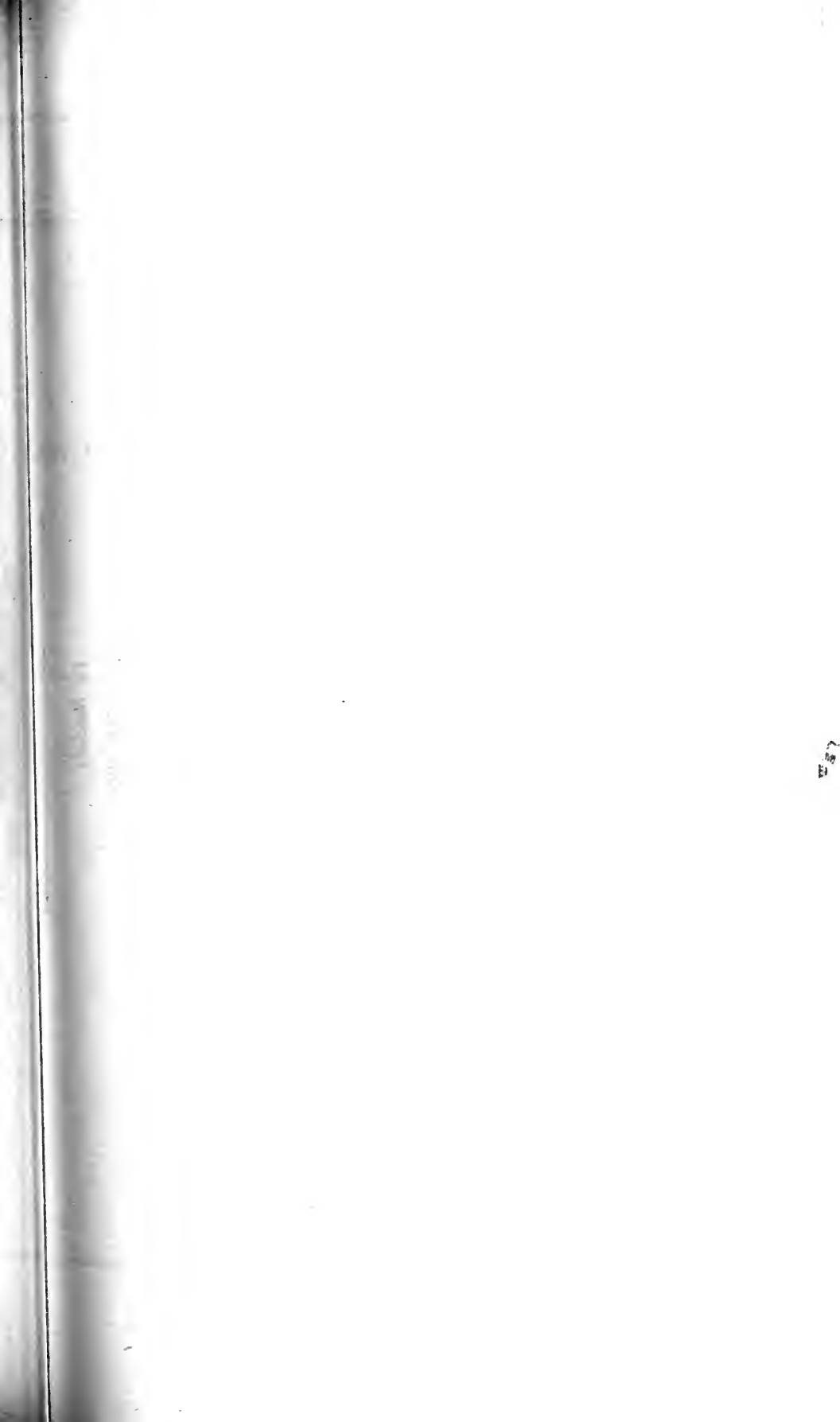
1957, c. 98,
s. 26,
amended **3.** Section 26 of *The Public Hospitals Act, 1957* is amended by striking out “75 cents” in the ninth line and inserting in lieu thereof “\$1.10”.

1957, c. 98,
s. 27, subs. 1,
amended **4.** Subsection 1 of section 27 of *The Public Hospitals Act, 1957* is amended by striking out “60 cents” in the sixth line and inserting in lieu thereof “\$1”.

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 Public Hospitals Amendment Act, 1960*.

SECTION 2. Hospital costs have increased more than 50 per cent since the existing statutory rates were established. Therefore, the statutory rates provided for the hospital care and treatment of indigent patients are increased by a maximum of 50 per cent.



1st Reading

March 17th, 1960

2nd Reading

March 24th, 1960

3rd Reading

MR. DYMOND

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

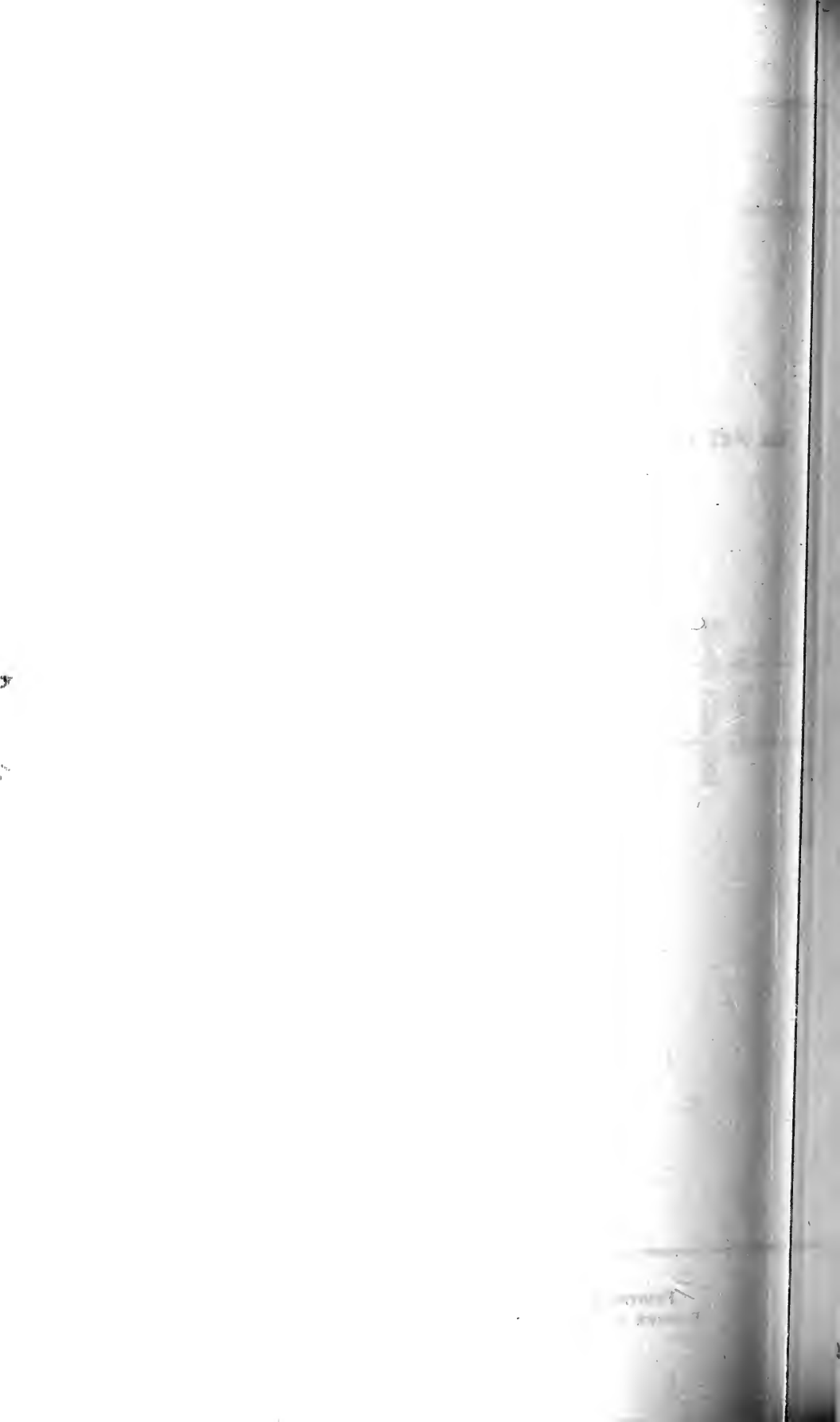
BILL 126

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Hospitals Act, 1957

MR. DYMOND

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



**An Act to amend
The Public Hospitals Act, 1957**

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

1. *The Public Hospitals Act, 1957* is amended by adding ^{1957, c. 98}thereto the following section: _{amended}

- 16.—(1) Where a patient in a hospital is an indigent ^{Custodial} person or a dependant of an indigent person and is _{care} declared by the attending physician not to require continued medical and skilled nursing care in a hospital but only requires custodial care, the municipality in which such person was resident at the time of admission is liable to the hospital for payment of the per diem rate established for that hospital by the Commission from the twenty-first day after the day on which notice that the patient is declared to require only custodial care has been sent by the superintendent of the hospital by registered mail to the clerk of the municipality until such patient leaves the hospital.
- (2) A municipality that is liable to a hospital for the ^{Payment} payment of the per diem rate under subsection 1 _{of per diem rate} shall make such payment to the hospital at least quarterly.
- (3) Where the person referred to in subsection 1 was a ^{Idem} resident of unorganized territory, the Province shall pay the per diem rate in accordance with subsection 1.
- (4) For the purposes of this section, "indigent person" ^{Interpre-} means a person who is receiving assistance from a _{tation} municipality or is declared eligible by the Department of Public Welfare to receive such assistance, or who has no place of abode to which he may go from the hospital.

1957, c. 98,
s. 18, subs. 1,
cl. a,
amended **2.**—(1) Clause *a* of subsection 1 of section 18 of *The Public Hospitals Act, 1957* is amended by striking out “\$6” in the second line and inserting in lieu thereof “\$9”.

1957, c. 98,
s. 18, subs. 1,
cl. b,
amended (2) Clause *b* of subsection 1 of the said section 18 is amended by striking out “\$5.25” in the second line and inserting in lieu thereof “\$7.85”.

1957, c. 98,
s. 18, subs. 1,
cl. c,
amended (3) Clause *c* of subsection 1 of the said section 18 is amended by striking out “\$4.50” in the third line and inserting in lieu thereof “\$6.75”.

1957, c. 98,
s. 18, subs. 1,
cl. d,
amended (4) Clause *d* of subsection 1 of the said section 18 is amended by striking out “\$3.75” in the first line and inserting in lieu thereof “\$5.60”.

1957, c. 98,
s. 26,
amended **3.** Section 26 of *The Public Hospitals Act, 1957* is amended by striking out “75 cents” in the ninth line and inserting in lieu thereof “\$1.10”.

1957, c. 98,
s. 27, subs. 1,
amended **4.** Subsection 1 of section 27 of *The Public Hospitals Act, 1957* is amended by striking out “60 cents” in the sixth line and inserting in lieu thereof “\$1”.

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 Public Hospitals Amendment Act, 1960*.



1st Reading

March 17th, 1960

2nd Reading

March 24th, 1960

3rd Reading

April 1st, 1960

MR. DYMOND

BILL 127

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Private Hospitals Act, 1957**

MR. DYMOND

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

EXPLANATORY NOTES

The Hospital Services Commission of Ontario has entered into contracts with many private hospitals to supply insured persons with hospital services in order to make more beds available to residents of Ontario who require hospitalization. Since the Commission began to sign such contracts, many applications have been made to incorporate companies with the object of operating private hospitals for profit.

If a private hospital is operated by an unincorporated person, the Commission has the power to refuse to grant a licence if the Commission is not satisfied with the character and fitness of the applicant. Similarly, it has control over the transfer of a licence to a new licensee.

Because of the nature of this type of enterprise and of the Commission's duty to control all hospital costs and to ensure that patients receive proper treatment, both medically and financially, it is essential that the Commission have a control over corporate bodies just as it has over individual private hospital proprietors.

BILL 127

1960

**An Act to amend
The Private Hospitals Act, 1957**

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

1. Section 5 of *The Private Hospitals Act, 1957*, as amended ^{1957, c. 94, s. 5,} by section 1 of *The Private Hospitals Amendment Act, 1959*, ^{amended} is further amended by adding thereto the following subsection:

(3) No licence shall be granted to a corporation unless ^{Directors and officers} the Commission is satisfied as to the character of each director and officer of the corporation and as to his fitness to direct, manage or be associated with the operation of a private hospital.

2. Section 7 of *The Private Hospitals Act, 1957* is amended ^{1957, c. 94, s. 7,} by adding thereto the following subsection: ^{amended}

(3a) Where the licensee is a corporation, the Commission ^{Refusal to renew licence} may refuse to renew its licence if the Commission is not satisfied as to the character of each director and officer of the corporation and as to his fitness to direct, manage or be associated with the operation of the private hospital.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Private Hospitals Amend-* ^{Short title} *ment Act, 1960.*

The Private Hospitals Act, 1957

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. DYMOND

BILL 127

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Private Hospitals Act, 1957**

MR. DYMOND

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



BILL 127

1960

**An Act to amend
The Private Hospitals Act, 1957**

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

1. Section 5 of *The Private Hospitals Act, 1957*, as amended ^{1957, c. 94.} by section 1 of *The Private Hospitals Amendment Act, 1959*, ^{s. 5,} amended is further amended by adding thereto the following subsection:

- (3) No licence shall be granted to a corporation unless ^{Directors and} the Commission is satisfied as to the character of ^{officers} each director and officer of the corporation and as to his fitness to direct, manage or be associated with the operation of a private hospital.

2. Section 7 of *The Private Hospitals Act, 1957* is amended ^{1957, c. 94.} by adding thereto the following subsection: ^{s. 7,} amended

- (3a) Where the licensee is a corporation, the Commission ^{Refusal to} may refuse to renew its licence if the Commission is ^{renew} not satisfied as to the character of each director and officer of the corporation and as to his fitness to direct, manage or be associated with the operation of the private hospital.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Private Hospitals Amend-* ^{Short title} *ment Act, 1960.*

1st Reading

March 17th, 1960

2nd Reading

March 24th, 1960

3rd Reading

March 29th, 1960

MR. DYMOND

BILL 128

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Ontario Parks Integration Board Act, 1956**

MR. DALEY

EXPLANATORY NOTE

The powers of the Ontario Parks Integration Board are enlarged to include the parks under *The Conservation Authorities Act* and *The Parks Assistance Act, 1960*.

In addition, a number of inappropriate and unused provisions are repealed.

BILL 128

1960

**An Act to amend
The Ontario Parks Integration Board Act, 1956**

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

1. Sections 7, 8, 9, 10 and 11 of *The Ontario Parks Integration Board Act, 1956* are repealed and the following substituted therefor: 1956, c. 61, s. 7, re-enacted; ss. 8-11, repealed

7. It is the function of the Board and it has power to establish integrated policies of management and development of provincial parks, parks under *The Conservation Authorities Act*, parks under *The Parks Assistance Act, 1960*, parks under *The Niagara Parks Act* and parks under *The Ontario-St. Lawrence Development Commission Act, 1955*. Function R.S.O. 1950, c. 62; 1960, c.; R.S.O. 1950, c. 253; 1955, c. 59

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

3. This Act may be cited as *The Ontario Parks Integration Board Amendment Act, 1960*. Short title

The Ontario Parks Integration
Board Act, 1956

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. DALEY

BILL 128

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Ontario Parks Integration Board Act, 1956**

MR. DALEY

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



BILL 128

1960

**An Act to amend
The Ontario Parks Integration Board Act, 1956**

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

1. Sections 7, 8, 9, 10 and 11 of *The Ontario Parks Integration Board Act, 1956* are repealed and the following substituted therefor: 1956, c. 61, s. 7, re-enacted; ss. 8-11, repealed

7. It is the function of the Board and it has power to establish integrated policies of management and development of provincial parks, parks under *The Conservation Authorities Act*, parks under *The Parks Assistance Act, 1960*, parks under *The Niagara Parks Act* and parks under *The Ontario-St. Lawrence Development Commission Act, 1955*. Function R.S.O. 1950, c. 62; 1960, c. . . . ; R.S.O. 1950, c. 253; 1955, c. 59

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

3. This Act may be cited as *The Ontario Parks Integration Board Amendment Act, 1960*. Short title

An Act to amend
The Ontario Parks Integration
Board Act, 1956

1st Reading

March 17th, 1960

2nd Reading

March 24th, 1960

3rd Reading

March 29th, 1960

MR. DALEY

BILL 129

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

**An Act to provide
for the Registration of Mortgage Brokers**

MR. ROBERTS

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

EXPLANATORY NOTE

This Act is new. It is self-explanatory. See also Bill 130, *An Act to amend The Mortgages Act*, and Bill 131, *An Act to amend The Unconscionable Transactions Relief Act*.

An Act to provide for the Registration of Mortgage Brokers

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) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker;
- (b) "person" means an individual, an association of individuals, a partnership or a corporation, and includes an agent of any of them;
- (c) "Registrar" means the registrar under *The Collection Agencies Act*; R.S.O. 1950,
c. 56
- (d) "Superintendent" means the Superintendent of Insurance.

2. The Registrar may exercise the powers and shall discharge the duties conferred or imposed upon him by this Act under the supervision of the Superintendent. Powers and
duties of
Registrar

3. The Registrar shall keep a register to be called "The Mortgage Brokers Register" in which he shall enter the name of every mortgage broker to whom registration is granted, the name under which the business is carried on and the address, or the addresses if more than one, at or from which the business is carried on. Register

4.—(1) The Superintendent shall grant registration under this Act to every applicant, except where he is of opinion, based on facts known to him, that so to do would not be in the public interest. Registration

Review,
appeal

(2) Where the Superintendent refuses to grant registration, subsection 2 of section 9 and sections 10 and 11 apply *mutatis mutandis*.

Expiry of
registration

5. Every registration expires on the 30th day of June in each year but may be renewed from year to year.

Prohibitions

6.—(1) No person shall,

(a) carry on business as a mortgage broker unless he is registered under this Act;

(b) carry on business as a mortgage broker otherwise than in his registered name or elsewhere than at or from his registered address.

Offences

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for a first offence, or to a fine of not more than \$1,000 and to imprisonment for a term of not more than six months for any subsequent offence, or, being a corporation, is liable to a fine of not more than \$5,000 for any subsequent offence.

Order to
investigate

7.—(1) Where upon a statement made under oath it appears probable to the Superintendent that any person has,

1953-54,
c. 51 (Can.)

(a) contravened this Act or the *Criminal Code* (Canada) in connection with his business as a mortgage broker; or

(b) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage,

the Superintendent may appoint the Registrar or any other person to make such investigation as he deems expedient for the due administration of this Act and any such order shall determine and prescribe the scope of the investigation.

Scope of
investigation

(2) For the purposes of any such investigation, the person appointed to make the investigation may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, advertisements, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected

with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person.

(3) For the purposes of any such investigation, the person making the investigation is not bound by the rules of evidence and has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath, or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but,

Power to
summon
witnesses
and require
production

(a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses do not apply;

(b) no person is entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;

(c) no person shall refuse to answer any question upon any ground of privilege, except that a solicitor shall not be required to disclose any communications between himself and his client; and

(d) no provisions of *The Evidence Act* exempt any bank or any officer or employee thereof from the operation of this section.

R.S.O. 1950,
c. 119

(4) The person appointed to make any such investigation may seize and take possession of any documents, records, securities or other property of the person whose affairs are being investigated.

Seizure of
property

(5) Where any such investigation is ordered, the Superintendent may appoint an accountant or other expert to examine documents, records, properties and matters of the person whose affairs are being investigated.

Accountant;
other
experts

(6) Every person appointed under subsection 1 or 5 shall report the result of his investigation or examination to the Superintendent.

Report of
investigation

8.—(1) The Superintendent may,

Order to
hold or
refrain from
dealing with
funds

(a) where he is about to investigate or during or after the investigation of any person under section 7; or

- (b) where criminal proceedings or proceedings in respect of a contravention of this Act are about to be or have been instituted against any person that in the opinion of the Superintendent are connected with or arise out of a mortgage transaction,

in writing or by telegram direct any person having on deposit or under control or for safe keeping any funds or securities of the person referred to in clause *a* or *b*, to hold such funds or securities or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such funds or securities from any other person having any of them on deposit, under control or for safe keeping or to hold such funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act, 1953*, or the *Winding-up Act* (Canada), or until the Superintendent in writing revokes such direction or consents to release any particular fund or security from such direction, provided that in the case of a bank, loan or trust company the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
c. 14
R.S.O. 1950,
c. 190
1953, c. 19
R.S.C. 1952,
c. 296

Application
for
direction

(2) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any funds or security, or in case of a claim being made thereto by any person not named in the direction, may apply to a judge of the Supreme Court who may direct the disposition of such funds or security and may make such order as to costs as seems just.

Notice to
registrars
of deeds

(3) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Superintendent may in writing or by telegram notify any registrar of deeds or master of titles or any local master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, which notice shall be registered against the lands mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens* or a caution, save that the Superintendent may in writing revoke or modify the notice.

Suspension,
cancellation,
etc., of
registration

9.—(1) If a person registered under this Act has been found to have done any of the things mentioned in clauses *a* and *b* of subsection 1 of section 7 or if for any other reason the Superintendent is of opinion that his registration is not in the public interest, the Superintendent may suspend or cancel or refuse to renew his registration.

Notice

(2) Upon the suspension of, cancellation of or the refusal to renew a registration, the Registrar shall cause notice in writing thereof to be delivered to the person concerned.

10.—(1) Any person whose registration or right to registration is affected by a decision of the Superintendent may, by notice in writing served upon the Superintendent within thirty days after the delivery of the notice under section 9, request a hearing and review of the matter by the Superintendent.

(2) Where a hearing and review are requested, the Superintendent shall send a notice in writing to the person who requested the review notifying him of the time and place of the hearing.

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

(4) Upon a review, the Superintendent may confirm or revoke his former decision or may make any other decision he deem proper.

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

11.—(1) Where the Superintendent has reviewed a decision and given his decision upon the review, the person that requested the review may appeal to a justice of appeal of the Court of Appeal.

(2) Every appeal shall be by notice of motion served upon the Superintendent within thirty days after the delivery of the decision under subsection 5 of section 10, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

(3) The Superintendent shall certify to the Registrar of the Supreme Court,

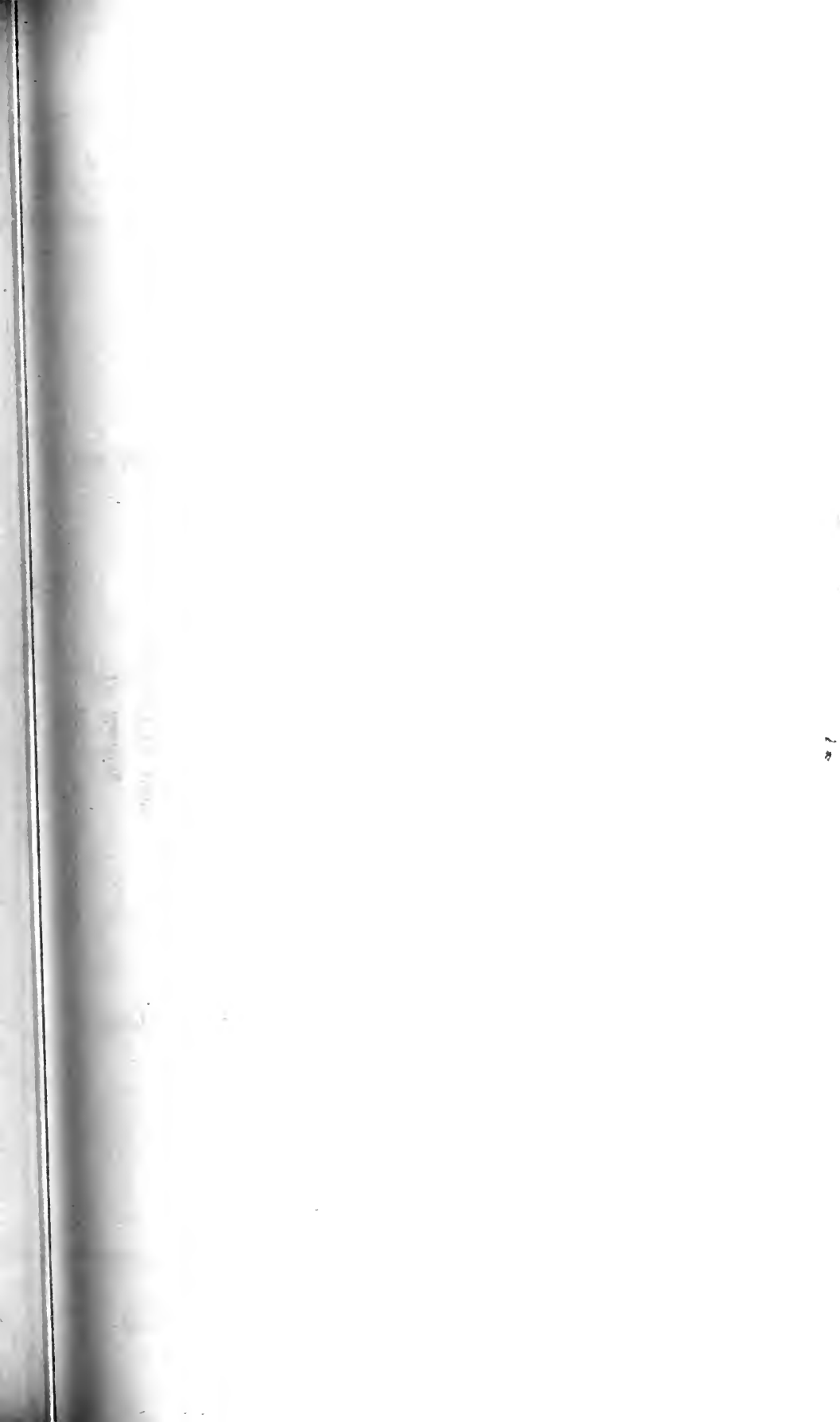
- (a) the decision that has been reviewed by him;
- (b) his decision upon the review, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to him and other material that in his opinion are relevant to the appeal.

- Counsel (4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.
- Order of judge (5) Where an appeal is taken under this section, the judge may by his order direct the Superintendent to make such decision as the Superintendent is authorized to do under this Act and as the judge deems proper and thereupon the Superintendent shall act accordingly.
- Further decision (6) The order of the judge is final and there shall be no appeal therefrom, but, notwithstanding the order, the Superintendent has power to make any further decision upon new material or where there is a material change in the circumstances, and every such further decision is subject to section 10 and this section.
- Evidence **12.** The production of a certificate purporting to be signed by the Superintendent or the Registrar is admissible in evidence in any court as *prima facie* proof of its contents without proof of the appointment or signature of the Superintendent or Registrar, as the case may be.
- Exemptions **13.** This Act does not apply to,
- R.S.O. 1950,
cc. 183, 214,
187 (a) corporations registered under *The Insurance Act*,
The Loan and Trust Corporations Act or *The Investment Contracts Act*;
- 1953-54,
c. 48 (Can.) (b) banks under the *Bank Act* (Canada);
- (c) credit unions.
- Regulations **14.** The Lieutenant Governor in Council may make regulations,
- (a) exempting persons or classes of persons from this Act in addition to those exempted under section 13;
- (b) respecting the method of registration;
- (c) prescribing the fee payable on registration and renewal of registration;
- (d) providing for inspection of the register and prescribing the fee payable thereon;
- (e) prescribing forms and providing for their use;
- (f) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

15. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation. _{ment}

16. This Act may be cited as *The Mortgage Brokers Regis-* Short title
tration Act, 1960.

1911
1912
1913
1914



Registration of Mortgage Brokers

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. ROBERTS

BILL 129

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to provide
for the Registration of Mortgage Brokers**

MR. ROBERTS

(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 NOTE

This Act is new. It is self-explanatory. See also Bill 131, *An Act to amend The Unconscionable Transactions Relief Act.*

BILL 129

1960

An Act to provide for the Registration of Mortgage Brokers

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) "mortgage" has the same meaning as in *The Mortgages Act*; R.S.O. 1950,
c. 239
- (b) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages;
- (c) "person" means an individual, an association of individuals, a partnership or a corporation, and includes an agent of any of them;
- (d) "Registrar" means the registrar under *The Collection Agencies Act*; R.S.O. 1950,
c. 56
- (e) "Superintendent" means the Superintendent of Insurance.

2. The Registrar may exercise the powers and shall discharge the duties conferred or imposed upon him by this Act under the supervision of the Superintendent. Powers and
duties of
Registrar

3. The Registrar shall keep a register to be called "The Mortgage Brokers Register" in which he shall enter the name of every mortgage broker to whom registration is granted, the name under which the business is carried on and the address, or the addresses if more than one, at or from which the business is carried on. Register

Registration **4.**—(1) The Superintendent shall grant registration under this Act to every applicant, except where he is of opinion, based on facts known to him, that so to do would not be in the public interest.

Review, appeal (2) Where the Superintendent refuses to grant registration, subsection 2 of section 9 and sections 10 and 11 apply *mutatis mutandis*.

Expiry of registration **5.** Every registration expires on the 30th day of June in each year but may be renewed from year to year.

Prohibitions **6.**—(1) No person shall,
 (a) carry on business as a mortgage broker unless he is registered under this Act;
 (b) carry on business as a mortgage broker otherwise than in his registered name or elsewhere than at or from his registered address.

Offences (2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for a first offence, or to a fine of not more than \$1,000 and to imprisonment for a term of not more than six months for any subsequent offence, or, being a corporation, is liable to a fine of not more than \$5,000 for any subsequent offence.

Order to investigate **7.**—(1) Where upon a statement made under oath it appears probable to the Superintendent that any person has,

1953-54, c. 51 (Can.) (a) contravened this Act or the *Criminal Code* (Canada) in connection with his business as a mortgage broker; or

(b) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage,

the Superintendent may appoint the Registrar or any other person to make such investigation as he deems expedient for the due administration of this Act and any such order shall determine and prescribe the scope of the investigation.

Scope of investigation (2) For the purposes of any such investigation, the person appointed to make the investigation may investigate, inquire

into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, advertisements, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person.

(3) For the purposes of any such investigation, the person making the investigation is not bound by the rules of evidence and has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath, or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but,

Power to
summon
witnesses
and require
production

(a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses do not apply;

(b) no person is entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;

(c) no person shall refuse to answer any question upon any ground of privilege, except that a solicitor shall not be required to disclose any communications between himself and his client; and

(d) no provisions of *The Evidence Act* exempt any bank or any officer or employee thereof from the operation of this section.

R.S.O. 1950,
c. 119

(4) The person appointed to make any such investigation may seize and take possession of any documents, records, securities or other property of the person whose affairs are being investigated, but any person affected by such a seizure may, on notice, apply to a judge of the Supreme Court for an order exempting any document, record, security or other property so seized and the judge may make such order if he is of the opinion that the document, record, security or other property does not relate to the matter under investigation.

Seizure of
property

(5) Where any such investigation is ordered, the Superintendent may appoint an accountant or other expert to examine documents, records, properties and matters of the person whose affairs are being investigated.

Accountant;
other
experts

Report of investigation (6) Every person appointed under subsection 1 or 5 shall report the result of his investigation or examination to the Superintendent.

Order to hold or refrain from dealing with funds

8.—(1) The Superintendent may,

- (a) where he is about to investigate or during or after the investigation of any person under section 7; or
- (b) where criminal proceedings or proceedings in respect of a contravention of this Act are about to be or have been instituted against any person that in the opinion of the Superintendent are connected with or arise out of a mortgage transaction,

in writing or by telegram direct any person having on deposit or under control or for safe keeping any funds or securities of the person referred to in clause *a* or *b*, to hold such funds or securities or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such funds or securities from any other person having any of them on deposit, under control or for safe keeping or to hold such funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, 1953, or the *Winding-up Act* (Canada), or until the Superintendent in writing revokes such direction or consents to release any particular fund or security from such direction, provided that in the case of a bank, loan or trust company the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952, c. 14
R.S.O. 1950, c. 190
1953, c. 19
R.S.C. 1952, c. 296

Application for direction

(2) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any funds or security, or in case of a claim being made thereto by any person not named in the direction, may apply to a judge of the Supreme Court who may direct the disposition of such funds or security and may make such order as to costs as seems just.

Notice to registrars of deeds

(3) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Superintendent may in writing or by telegram notify any registrar of deeds or master of titles or any local master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, which notice shall be registered against the lands mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens* or a caution, save that the Superintendent may in writing revoke or modify the notice.

9.—(1) If a person registered under this Act has been found to have done any of the things mentioned in clauses *a* and *b* of subsection 1 of section 7 or if for any other reason the Superintendent is of opinion that his registration is not in the public interest, the Superintendent may suspend or cancel or refuse to renew his registration. Suspension, cancellation, etc., of registration

(2) Upon the suspension of, cancellation of or the refusal to renew a registration, the Registrar shall cause notice in writing thereof to be delivered to the person concerned. Notice

10.—(1) Any person whose registration or right to registration is affected by a decision of the Superintendent may, by notice in writing served upon the Superintendent within thirty days after the delivery of the notice under section 9, request a hearing and review of the matter by the Superintendent. Review

(2) Where a hearing and review are requested, the Superintendent shall send a notice in writing to the person who requested the review notifying him of the time and place of the hearing. Notice of hearing

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

(4) Upon a review, the Superintendent may confirm or revoke his former decision or may make any other decision he deem proper. Powers on review

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

11.—(1) Where the Superintendent has reviewed a decision and given his decision upon the review, the person that requested the review may appeal to a justice of appeal of the Court of Appeal. Appeal

(2) Every appeal shall be by notice of motion served upon the Superintendent within thirty days after the delivery of the decision under subsection 5 of section 10, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action. Form of appeal

Certificate
of Superin-
tendent

(3) The Superintendent shall certify to the Registrar of the Supreme Court,

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

Counsel

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

Order of
judge

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

Further
decision

(6) The order of the judge is final and there shall be no appeal therefrom, but, notwithstanding the order, the Superintendent has power to make any further decision upon new material or where there is a material change in the circumstances, and every such further decision is subject to section 10 and this section.

Evidence

12. The production of a certificate purporting to be signed by the Superintendent or the Registrar is admissible in evidence in any court as *prima facie* proof of its contents without proof of the appointment or signature of the Superintendent or Registrar, as the case may be.

Exemptions

13. This Act does not apply to,

R.S.O. 1950,
cc. 183, 214,
187

(a) corporations registered under *The Insurance Act*, *The Loan and Trust Corporations Act* or *The Investment Contracts Act*;

1953-54,
c. 48 (Can.)

(b) banks under the *Bank Act* (Canada);

(c) credit unions;

1953, c. 19

(d) non-resident insurance companies loaning on the security of first mortgages or acquiring first mortgages of Ontario real estate by virtue of a licence in mortmain or under section 346 of *The Corporations Act, 1953*.

14. The Lieutenant Governor in Council may make regu- Regulations
lations,

- (a) exempting persons or classes of persons from this Act in addition to those exempted under section 13;
- (b) respecting the method of registration;
- (c) prescribing the fee payable on registration and renewal of registration;
- (d) providing for inspection of the register and prescribing the fee payable thereon;
- (e) prescribing forms and providing for their use;
- (f) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

15. This Act comes into force on a day to be named by ^{Commence-}
the Lieutenant Governor by his proclamation. _{ment}

16. This Act may be cited as *The Mortgage Brokers Regis-* Short title
tration Act, 1960.

1875 (1)

1875 (2)

1875 (3)

1875 (4)

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1875 (6)

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1st Reading

March 17th, 1960

2nd Reading

March 21st, 1960

3rd Reading

MR. ROBERTS

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

BILL 129

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to provide
for the Registration of Mortgage Brokers**

MR. ROBERTS

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

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

EXPLANATORY NOTE

This Act is new. It is self-explanatory. See also Bill 131, *An Act to amend The Unconscionable Transactions Relief Act*.

An Act to provide for the Registration of Mortgage Brokers

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) "mortgage" has the same meaning as in *The Mort- R.S.O. 1950,
gages Act*; c. 239
- (b) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages;
- (c) "person" means an individual, an association of individuals, a partnership or a corporation, and includes an agent of any of them;
- (d) "Registrar" means the registrar under *The Collection R.S.O. 1950,
Agencies Act*; c. 56
- (e) "Superintendent" means the Superintendent of Insurance.
2. The Registrar may exercise the powers and shall dis- Powers and
duties of
Registrar
charge the duties conferred or imposed upon him by this Act under the supervision of the Superintendent.
3. The Registrar shall keep a register to be called "The Register
Mortgage Brokers Register" in which he shall enter the name of every mortgage broker to whom registration is granted, the name under which the business is carried on and the address, or the addresses if more than one, at or from which the business is carried on.

Registration **4.**—(1) The Superintendent shall grant registration under this Act to every applicant, except where he is of opinion, based on facts known to him, that so to do would not be in the public interest.

Review, appeal (2) Where the Superintendent refuses to grant registration, subsection 2 of section 9 and sections 10 and 11 apply *mutatis mutandis*.

Expiry of registration **5.** Every registration expires on the 30th day of June in each year but may be renewed from year to year.

Prohibitions **6.**—(1) No person shall,
 (a) carry on business as a mortgage broker unless he is registered under this Act;
 (b) carry on business as a mortgage broker otherwise than in his registered name or elsewhere than at or from his registered address.

Idem (2) No mortgage broker shall make or cause to be made any representation in writing that he is registered under this Act.

Offences (3) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for a first offence, or to a fine of not more than \$1,000 and to imprisonment for a term of not more than six months for any subsequent offence, or, being a corporation, is liable to a fine of not more than \$5,000 for any subsequent offence.

Information to Superintendent **7.** Every registered broker shall furnish the Superintendent with such information respecting his mortgage transactions as the Superintendent requires.

Order to investigate **8.**—(1) Where upon a statement made under oath it appears probable to the Superintendent that any person has,

1953-54,
c. 51 (Can.) (a) contravened this Act or the *Criminal Code* (Canada) in connection with his business as a mortgage broker; or
 (b) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage,

the Superintendent may appoint the Registrar or any other person to make such investigation as he deems expedient for the due administration of this Act and any such order shall determine and prescribe the scope of the investigation.

(2) For the purposes of any such investigation, the person appointed to make the investigation may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, advertisements, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person. Scope of investigation

(3) For the purposes of any such investigation, the person making the investigation is not bound by the rules of evidence and has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath, or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but, Power to summon witnesses and require production

(a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses do not apply;

(b) no person is entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;

(c) no person shall refuse to answer any question upon any ground of privilege, except that a solicitor shall not be required to disclose any communications between himself and his client; and

(d) no provisions of *The Evidence Act* exempt any bank or any officer or employee thereof from the operation of this section. R.S.O. 1950, c. 119

(4) The person appointed to make any such investigation may seize and take possession of any documents, records, securities or other property of the person whose affairs are being investigated that relate to any matter under investigation, but any person affected by such a seizure may, on notice, apply to a judge of the Supreme Court for an order exempting any document, record, security or other property so seized and the judge may make such order if he is of the opinion that the document, record, security or other property does not relate to the matter under investigation. Seizure of property

(5) Where any such investigation is ordered, the Superintendent may appoint an accountant or other expert to examine documents, records, properties and matters of the person whose affairs are being investigated. Accountant; other experts

Report of
investigation

(6) Every person appointed under subsection 1 or 5 shall report the result of his investigation or examination to the Superintendent.

Order to
hold or
refrain from
dealing with
funds

9.—(1) The Superintendent may,

- (a) where he is about to investigate or during or after the investigation of any person under section 7; or
- (b) where criminal proceedings or proceedings in respect of a contravention of this Act are about to be or have been instituted against any person that in the opinion of the Superintendent are connected with or arise out of a mortgage transaction,

in writing or by telegram direct any person having on deposit or under control or for safe keeping any funds or securities of the person referred to in clause *a* or *b*, to hold such funds or securities or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such funds or securities from any other person having any of them on deposit, under control or for safe keeping or to hold such funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act, 1953*, or the *Winding-up Act* (Canada), or until the Superintendent in writing revokes such direction or consents to release any particular fund or security from such direction, provided that in the case of a bank, loan or trust company the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
c. 14
R.S.O. 1950,
c. 190
1953, c. 19
R.S.C. 1952,
c. 296

Application
for
direction

(2) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any funds or security, or in case of a claim being made thereto by any person not named in the direction, may apply to a judge of the Supreme Court who may direct the disposition of such funds or security and may make such order as to costs as seems just.

Notice to
registrars
of deeds

(3) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Superintendent may in writing or by telegram notify any registrar of deeds or master of titles or any local master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, which notice shall be registered against the lands mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens* or a caution, save that the Superintendent may in writing revoke or modify the notice.

10.—(1) If a person registered under this Act has been found to have done any of the things mentioned in clauses *a* and *b* of subsection 1 of section 7 or if for any other reason the Superintendent is of opinion that his registration is not in the public interest, the Superintendent may suspend or cancel or refuse to renew his registration. ^{Suspension, cancellation, etc., of registration}

(2) Upon the suspension of, cancellation of or the refusal to renew a registration, the Registrar shall cause notice in writing thereof to be delivered to the person concerned. ^{Notice}

11.—(1) Any person whose registration or right to registration is affected by a decision of the Superintendent may, by notice in writing served upon the Superintendent within thirty days after the delivery of the notice under section 9, request a hearing and review of the matter by the Superintendent. ^{Review}

(2) Where a hearing and review are requested, the Superintendent shall send a notice in writing to the person who requested the review notifying him of the time and place of the hearing. ^{Notice of hearing}

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

(4) Upon a review, the Superintendent may confirm or revoke his former decision or may make any other decision he deem proper. ^{Powers on review}

(5) Notice of his decision made upon a review shall be delivered forthwith to the person that requested the review. ^{Decision to be delivered}

12.—(1) Where the Superintendent has reviewed a decision and given his decision upon the review, the person that requested the review may appeal to a justice of appeal of the Court of Appeal. ^{Appeal}

(2) Every appeal shall be by notice of motion served upon the Superintendent within thirty days after the delivery of the decision under subsection 5 of section 10, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action. ^{Form of appeal}

Certificate
of Superin-
tendent

(3) The Superintendent shall certify to the Registrar of the Supreme Court,

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

Counsel

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

Order of
judge

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

Further
decision

(6) The order of the judge is final and there shall be no appeal therefrom, but, notwithstanding the order, the Superintendent has power to make any further decision upon new material or where there is a material change in the circumstances, and every such further decision is subject to section 10 and this section.

Evidence

13. The production of a certificate purporting to be signed by the Superintendent or the Registrar is admissible in evidence in any court as *prima facie* proof of its contents without proof of the appointment or signature of the Superintendent or Registrar, as the case may be.

Exemptions

14. This Act does not apply to,

R.S.O. 1950,
cc. 183, 214,
187

(a) corporations registered under *The Insurance Act*, *The Loan and Trust Corporations Act* or *The Investment Contracts Act*;

1953-54,
c. 48 (Can.)

(b) banks under the *Bank Act* (Canada);

(c) credit unions;

1953, c. 19

(d) non-resident insurance companies loaning on the security of first mortgages or acquiring first mortgages of Ontario real estate by virtue of a licence in mortmain or under section 346 of *The Corporations Act, 1953*.

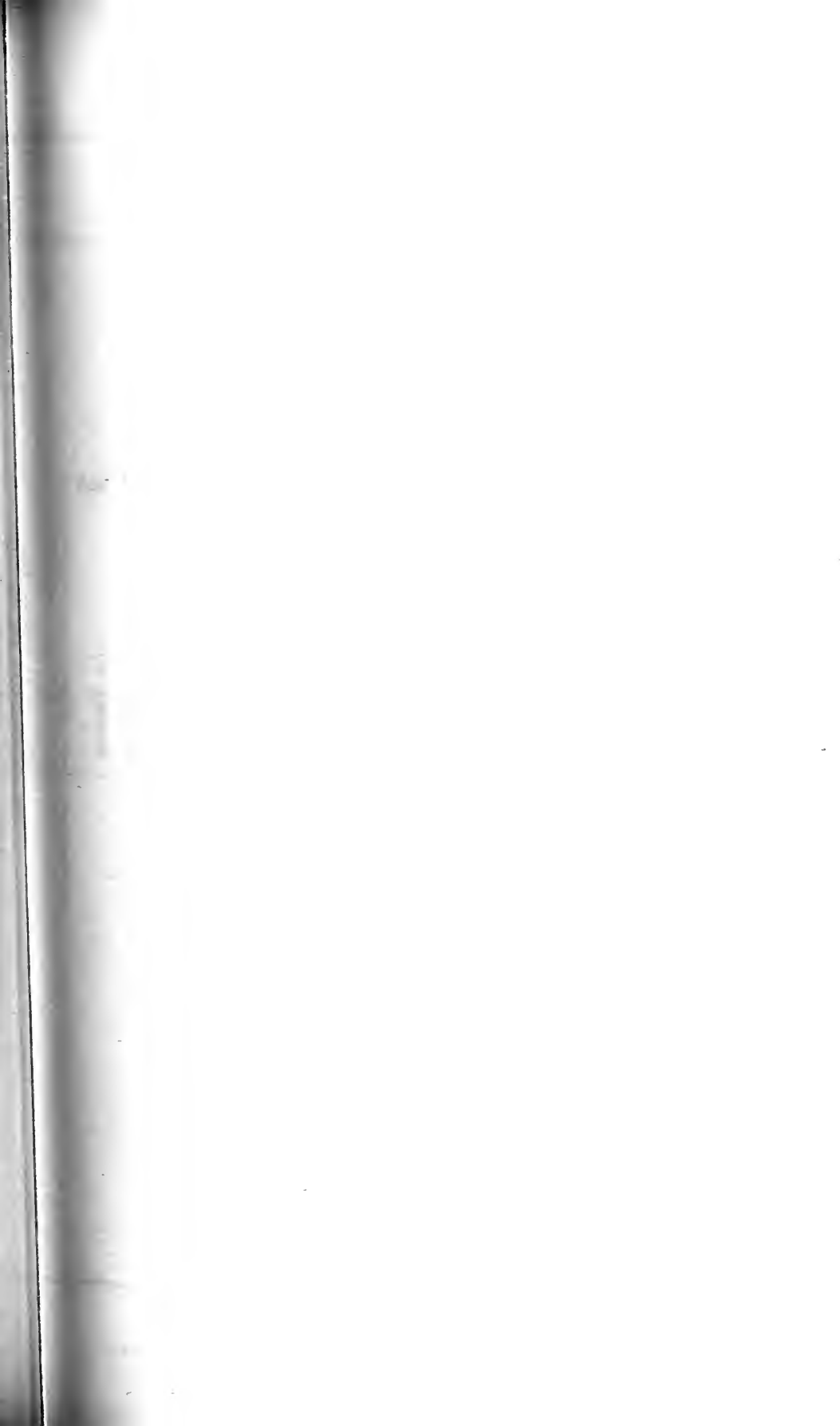
15. The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting persons or classes of persons from this Act in addition to those exempted under section 13;
- (b) respecting the method of registration;
- (c) prescribing the fee payable on application for registration, registration and renewal of registration;
- (d) requiring the keeping of such books and records as may be prescribed;
- (e) prescribing forms and providing for their use;
- (f) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

17. This Act may be cited as *The Mortgage Brokers Registration Act, 1960*. ^{Short title}





Registration of Mortgage Brokers

1st Reading

March 17th, 1960

2nd Reading

March 21st, 1960

3rd Reading

MR. ROBERTS

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

BILL 129

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to provide
for the Registration of Mortgage Brokers**

MR. ROBERTS



BILL 129

1960

An Act to provide for the Registration of Mortgage Brokers

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) "mortgage" has the same meaning as in *The Mortgages Act*; R.S.O. 1950,
c. 239
- (b) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages;
- (c) "person" means an individual, an association of individuals, a partnership or a corporation, and includes an agent of any of them;
- (d) "Registrar" means the registrar under *The Collection Agencies Act*; R.S.O. 1950,
c. 56
- (e) "Superintendent" means the Superintendent of Insurance.

2. The Registrar may exercise the powers and shall discharge the duties conferred or imposed upon him by this Act under the supervision of the Superintendent. Powers and
duties of
Registrar

3. The Registrar shall keep a register to be called "The Mortgage Brokers Register" in which he shall enter the name of every mortgage broker to whom registration is granted, the name under which the business is carried on and the address, or the addresses if more than one, at or from which the business is carried on. Register

Registration 4.—(1) The Superintendent shall grant registration under this Act to every applicant, except where he is of opinion, based on facts known to him, that so to do would not be in the public interest.

Review, appeal (2) Where the Superintendent refuses to grant registration, subsection 2 of section 10 and sections 11 and 12 apply *mutatis mutandis*.

Expiry of registration 5. Every registration expires on the 30th day of June in each year but may be renewed from year to year.

Prohibitions 6.—(1) No person shall,

- (a) carry on business as a mortgage broker unless he is registered under this Act;
- (b) carry on business as a mortgage broker otherwise than in his registered name or elsewhere than at or from his registered address.

Idem (2) No mortgage broker shall make or cause to be made any representation in writing that he is registered under this Act.

Offences (3) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for a first offence, or to a fine of not more than \$1,000 and to imprisonment for a term of not more than six months for any subsequent offence, or, being a corporation, is liable to a fine of not more than \$5,000 for any subsequent offence.

Information to Superintendent 7. Every registered broker shall furnish the Superintendent with such information respecting his mortgage transactions as the Superintendent requires.

Order to investigate 8.—(1) Where upon a statement made under oath it appears probable to the Superintendent that any person has,

1953-54,
c. 51 (Can.)

- (a) contravened this Act or the *Criminal Code* (Canada) in connection with his business as a mortgage broker; or
- (b) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage,

the Superintendent may appoint the Registrar or any other person to make such investigation as he deems expedient for the due administration of this Act and any such order shall determine and prescribe the scope of the investigation.

(2) For the purposes of any such investigation, the person appointed to make the investigation may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, advertisements, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person. Scope of investigation

(3) For the purposes of any such investigation, the person making the investigation is not bound by the rules of evidence and has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath, or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but, Power to summon witnesses and require production

(a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses do not apply;

(b) no person is entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;

(c) no person shall refuse to answer any question upon any ground of privilege, except that a solicitor shall not be required to disclose any communications between himself and his client; and

(d) no provisions of *The Evidence Act* exempt any bank or any officer or employee thereof from the operation of this section. R.S.O. 1950, c. 119

(4) The person appointed to make any such investigation may seize and take possession of any documents, records, securities or other property of the person whose affairs are being investigated that relate to any matter under investigation, but any person affected by such a seizure may, on notice, apply to a judge of the Supreme Court for an order exempting any document, record, security or other property so seized and the judge may make such order if he is of the opinion that the document, record, security or other property does not relate to the matter under investigation. Seizure of property

(5) Where any such investigation is ordered, the Superintendent may appoint an accountant or other expert to examine documents, records, properties and matters of the person whose affairs are being investigated. Accountant; other experts

Report of
investigation

(6) Every person appointed under subsection 1 or 5 shall report the result of his investigation or examination to the Superintendent.

Order to
hold or
refrain from
dealing with
funds

9.—(1) The Superintendent may,

- (a) where he is about to investigate or during or after the investigation of any person under section 8; or
- (b) where criminal proceedings or proceedings in respect of a contravention of this Act are about to be or have been instituted against any person that in the opinion of the Superintendent are connected with or arise out of a mortgage transaction,

in writing or by telegram direct any person having on deposit or under control or for safe keeping any funds or securities of the person referred to in clause *a* or *b*, to hold such funds or securities or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such funds or securities from any other person having any of them on deposit, under control or for safe keeping or to hold such funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act, 1953*, or the *Winding-up Act* (Canada), or until the Superintendent in writing revokes such direction or consents to release any particular fund or security from such direction, provided that in the case of a bank, loan or trust company the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
c. 14
R.S.O. 1950,
c. 190
1953, c. 19
R.S.C. 1952,
c. 296

Application
for
direction

(2) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any funds or security, or in case of a claim being made thereto by any person not named in the direction, may apply to a judge of the Supreme Court who may direct the disposition of such funds or security and may make such order as to costs as seems just.

Notice to
registrars
of deeds

(3) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Superintendent may in writing or by telegram notify any registrar of deeds or master of titles or any local master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, which notice shall be registered against the lands mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens* or a caution, save that the Superintendent may in writing revoke or modify the notice.

10.—(1) If a person registered under this Act has been found to have done any of the things mentioned in clauses *a* and *b* of subsection 1 of section 8 or if for any other reason the Superintendent is of opinion that his registration is not in the public interest, the Superintendent may suspend or cancel or refuse to renew his registration.

(2) Upon the suspension of, cancellation of or the refusal to renew a registration, the Registrar shall cause notice in writing thereof to be delivered to the person concerned.

11.—(1) Any person whose registration or right to registration is affected by a decision of the Superintendent may, by notice in writing served upon the Superintendent within thirty days after the delivery of the notice under section 10, request a hearing and review of the matter by the Superintendent.

(2) Where a hearing and review are requested, the Superintendent shall send a notice in writing to the person who requested the review notifying him of the time and place of the hearing.

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

(4) Upon a review, the Superintendent may confirm or revoke his former decision or may make any other decision he deem proper.

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

12.—(1) Where the Superintendent has reviewed a decision and given his decision upon the review, the person that requested the review may appeal to a justice of appeal of the Court of Appeal.

(2) Every appeal shall be by notice of motion served upon the Superintendent within thirty days after the delivery of the decision under subsection 5 of section 11, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Certificate
of Superin-
tendent

(3) The Superintendent shall certify to the Registrar of the Supreme Court,

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

Counsel

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

Order of
judge

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

Further
decision

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

Evidence

13. The production of a certificate purporting to be signed by the Superintendent or the Registrar is admissible in evidence in any court as *prima facie* proof of its contents without proof of the appointment or signature of the Superintendent or Registrar, as the case may be.

Exemptions

14. This Act does not apply to,

R.S.O. 1950,
cc. 183, 214,
187

(a) corporations registered under *The Insurance Act*, *The Loan and Trust Corporations Act* or *The Investment Contracts Act*;

1953-54,
c. 48 (Can.)

(b) banks under the *Bank Act* (Canada);

(c) credit unions;

1953, c. 19

(d) non-resident insurance companies loaning on the security of first mortgages or acquiring first mortgages of Ontario real estate by virtue of a licence in mortmain or under section 346 of *The Corporations Act, 1953*.

15. The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting persons or classes of persons from this Act in addition to those exempted under section 14;
- (b) respecting the method of registration;
- (c) prescribing the fee payable on application for registration, registration and renewal of registration;
- (d) requiring the keeping of such books and records as may be prescribed;
- (e) prescribing forms and providing for their use;
- (f) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

17. This Act may be cited as *The Mortgage Brokers Registration Act, 1960*. Short title





Registration of Mortgage Brokers

1st Reading

March 17th, 1960

2nd Reading

March 21st, 1960

3rd Reading

April 11th, 1960

MR. ROBERTS

BILL 130

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Mortgages Act

MR. ROBERTS

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

EXPLANATORY NOTE

The purpose of this Bill is to require full disclosure by a mortgagee to the mortgagor of the terms of the mortgage transaction.

See also Bill 129, *An Act to provide for the Registration of Mortgage Brokers*, and Bill 131, *An Act to amend The Unconscionable Transactions Relief Act*.

BILL 130

1960

An Act to amend The Mortgages Act

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

1. *The Mortgages Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 239,
amended

19b.—(1) In this section, “bonus” means a lump sum payment, but does not include interest. Interpretation

(2) Notwithstanding any agreement to the contrary, where in a mortgage transaction a bonus is taken by the mortgagee from the mortgagor in consideration of lending money on the security of real property, the amount of the bonus and cost of the mortgage, excluding solicitor’s fees, are not recoverable by the mortgagee or any assignee unless there has been full disclosure of the terms of the mortgage transaction evidenced by affidavits made by the mortgagee, his solicitor or agent, and by the mortgagor (Forms 2 and 3) attached to the mortgage on registration thereof. Disclosure
of terms
of trans-
action

(3) This section applies only to mortgage transactions with respect to, Application
of section

(a) land on which there is erected a one-family, two-family, three-family or four-family dwelling house in which the mortgagor resides; and

(b) land on which there is erected any building owned by the mortgagor in which he carries on a retail business or petty trade and that, in addition, contains one or two self-contained apartments in one of which apartments he resides; and

(c) farmland, which shall be deemed to include land used for general farming, dairying, fruit farming, market gardening, poultry raising or any other agricultural purpose and upon which the mortgagor resides.

R.S.O. 1950,
c. 239,
amended

2. *The Mortgages Act* is amended by adding thereto the following forms:

FORM 2

(Section 19b)

AFFIDAVIT TO BE MADE BY THE MORTGAGOR

PROVINCE OF

COUNTY OF

To WIT:

I, _____, of the _____ of _____, in the _____ (county or district) of _____,

MAKE OATH AND SAY THAT:

1. I am the mortgagor (or chargor) named in the within mortgage (or charge), hereinafter called the mortgage, and as such have knowledge of the facts hereinafter deposed to.

2. Before I signed the mortgage, the mortgagee, hereinafter called the lender, informed me that the particulars of the mortgage were as follows:

- (i) the amount of money I shall actually receive . . . \$
- (ii) the amount to be deducted by the lender to pay prior mortgages or encumbrances on the land . . \$
- (iii) the amount to be deducted by the lender to pay expenses incurred by or on behalf of the lender in connection with this mortgage—
 - Legal fees and disbursements \$
 - Brokerage fees or commission \$
- (iv) the amount of the bonus which I shall be obliged to pay to the lender which will not be advanced to me \$
- (v) the face amount of the mortgage which I will have to repay to the lender, which amount is the total of items (i) to (iv) inclusive \$
- (vi) the rate of interest which I shall be required to pay per annum _____ calculated on the amount set forth in clause (v) hereof, viz., the sum of \$ _____ is %
- (vii) the term of the mortgage is for a period of years with the last payment of the balance owing on the mortgage becoming due and payable on the day of _____

(viii) at the end of the term of the mortgage, provided I meet every payment called for under the mortgage, with the exception of the last payment, there will be due and owing the sum of..... \$

3. I have read this affidavit and fully understand the terms of the mortgage and my obligations thereunder.

SWORN, etc.

FORM 3

(Section 19b)

AFFIDAVIT TO BE MADE BY THE MORTGAGEE

PROVINCE OF

COUNTY OF

To Wit:

I, _____, of the _____ of _____, in the _____ (county or district) of _____,

MAKE OATH AND SAY THAT:

- 1. I am the mortgagee (or chargee) named in the within mortgage (or charge).
2. I have read the affidavit made by the mortgagor (or chargor), and the particulars of the mortgage (or charge) as set out therein are accurate and true in every respect.

SWORN, etc.

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

4. This Act may be cited as The Mortgages Amendment Act, 1960. Short title

1871
1872
1873
1874

1875
1876

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1880

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1884

1885
1886
1887
1888
1889
1890



The Mortgage Act

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

Mr. ROBERTS

BILL 131

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Unconscionable Transactions Relief Act**

MR. ROBERTS

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

EXPLANATORY NOTES

GENERAL. See also Bill 129, *An Act to provide for the Registration of Mortgage Brokers*, and Bill 130, *An Act to amend The Mortgages Act*.

SECTION 1. This amendment is designed to put beyond doubt that "money lent" as used in the Act includes a mortgage or charge on land.

SECTION 2. The clause is re-enacted in order to simplify the procedure and lessen the cost thereof.

BILL 131

1960

**An Act to amend
The Unconscionable Transactions Relief 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 Unconscionable Transactions Relief Act* is amended by adding at the end thereof "and includes a mortgage or charge on land", so that the clause shall read as follows: R.S.O. 1950,
c. 402, s. 1,
cl. e, ¶ 1,
amended

(e) "money lent" includes money advanced on account of any person in any transaction which, whatever its form may be, is substantially one of money-lending or securing the repayment of money so advanced and includes a mortgage or charge on land.

2. Clause *b* of section 3 of *The Unconscionable Transactions Relief Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 402, s. 3,
cl. b, ¶
re-enacted

(b) in an application by way of originating notice to a judge of the court by a debtor, notwithstanding any provision or agreement to the contrary and notwithstanding that the time for repayment of the loan or any instalment thereof has not arrived. in
application
by debtor

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

4. This Act may be cited as *The Unconscionable Transactions Relief Amendment Act, 1960*. Short title

The Unconscionable Transactions
Relief Act

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. ROBERTS

BILL 131

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Unconscionable Transactions Relief Act**

MR. ROBERTS

(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

GENERAL. See also Bill 129, *An Act to provide for the Registration of Mortgage Brokers*.

SECTION 1. This amendment is designed to put beyond doubt that "money lent" as used in the Act includes a mortgage on land.

SECTION 2. Complementary to section 3 of the Bill.

SECTION 3. This new section provides an alternative method under which debtors may seek relief from unconscionable transactions. It is more expeditious and less costly than seeking relief by way of an action.

**An Act to amend
The Unconscionable Transactions Relief 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 Unconscionable Transactions Relief Act* is amended by adding at the end thereof "and includes and has always included a mortgage within the meaning of *The Mortgages Act*", so that the clause shall read as follows:

R.S.O. 1950,
c. 402, s. 1,
cl. *e*,
amended

- (*e*) "money lent" includes money advanced on account of any person in any transaction which, whatever its form may be, is substantially one of money-lending or securing the repayment of money so advanced and includes and has always included a mortgage within the meaning of *The Mortgages Act*.

R.S.O. 1950,
c. 239

2. Clause *b* of section 3 of *The Unconscionable Transactions Relief Act* is amended by inserting after "action" in the first line "or proceeding", so that the clause shall read as follows:

R.S.O. 1950,
c. 402, s. 3,
cl. *b*,
amended

- (*b*) in an action or proceeding by the debtor notwithstanding any provision or agreement to the contrary, and notwithstanding that the time for repayment of the loan or any instalment thereof has not arrived.

in action
by debtor

3. *The Unconscionable Transactions Relief Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 402,
amended

- 3a.—(1) In addition to any right that a debtor may have under this or any other Act or otherwise in respect of money lent, he may apply for relief under this Act to a judge of the county or district court of the county or district in which he resides, and the judge on the application may exercise any of the powers of the court under section 2.

Relief by
way of
originating
notice in
county court

Removal of
proceedings
into
Supreme
Court

- (2) Where an application is made under subsection 1, the judge may, if he sees fit, at any time before disposing of the application, by order remove the proceedings into the Supreme Court.

Idem

- (3) When an order is made under subsection 2, the clerk of the county or district court shall forthwith transmit the papers in the case to the proper office of the Supreme Court in the county or district in which the application was made.

Idem

- (4) When the papers have been received in the proper office of the Supreme Court, the application is *ipso facto* removed into the Supreme Court and shall be heard and determined by a judge of the Supreme Court in chambers, and the judge on the application may exercise any of the powers of the court under section 2 or he may direct an issue.

Appeal

- (5) An appeal lies to the Court of Appeal from any order made under subsection 1 or 4.

Commence-
ment

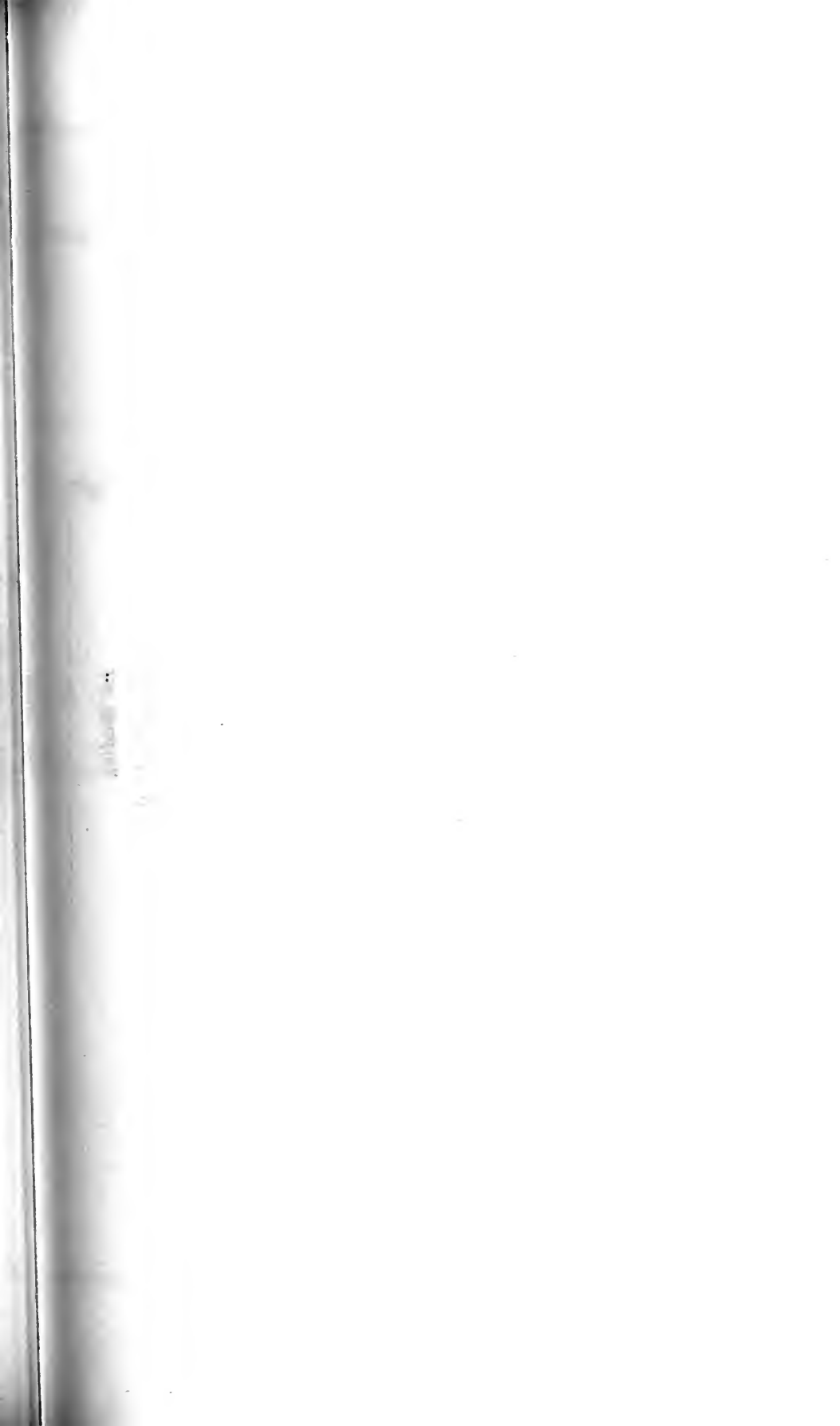
4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Unconscionable Transactions Relief Amendment Act, 1960*.







The Unconscionable Transactions
Relief Act

1st Reading

March 17th, 1960

2nd Reading

March 21st, 1960

3rd Reading

MR. ROBERTS

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

BILL 131

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Unconscionable Transactions Relief Act**

MR. ROBERTS

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



BILL 131

1960

An Act to amend The Unconscionable Transactions Relief 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 Unconscionable Transactions Relief Act* is amended by adding at the end thereof "and includes and has always included a mortgage within the meaning of *The Mortgages Act*", so that the clause shall read as follows:

- (*e*) "money lent" includes money advanced on account of any person in any transaction which, whatever its form may be, is substantially one of money-lending or securing the repayment of money so advanced and includes and has always included a mortgage within the meaning of *The Mortgages Act*.

R.S.O. 1950,
c. 239

2. Clause *b* of section 3 of *The Unconscionable Transactions Relief Act* is amended by inserting after "action" in the first line "or proceeding", so that the clause shall read as follows:

- (*b*) in an action or proceeding by the debtor notwithstanding any provision or agreement to the contrary, and notwithstanding that the time for repayment of the loan or any instalment thereof has not arrived.

in action
by debtor

3. *The Unconscionable Transactions Relief Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 402,
amended

- 3a.—(1) In addition to any right that a debtor may have under this or any other Act or otherwise in respect of money lent, he may apply for relief under this Act to a judge of the county or district court of the county or district in which he resides, and the judge on the application may exercise any of the powers of the court under section 2.

Relief by
way of
originating
notice in
county court

Removal of
proceedings
into
Supreme
Court

(2) Where an application is made under subsection 1, the judge may, if he sees fit, at any time before disposing of the application, by order remove the proceedings into the Supreme Court.

Idem

(3) When an order is made under subsection 2, the clerk of the county or district court shall forthwith transmit the papers in the case to the proper office of the Supreme Court in the county or district in which the application was made.

Idem

(4) When the papers have been received in the proper office of the Supreme Court, the application is *ipso facto* removed into the Supreme Court and shall be heard and determined by a judge of the Supreme Court in chambers, and the judge on the application may exercise any of the powers of the court under section 2 or he may direct an issue.

Appeal

(5) An appeal lies to the Court of Appeal from any order made under subsection 1 or 4.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Unconscionable Transactions Relief Amendment Act, 1960*.







The Unconscionable Transactions
Relief Act

1st Reading

March 17th, 1960

2nd Reading

March 21st, 1960

3rd Reading

April 11th, 1960

MR. ROBERTS

BILL 132

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Police Act

MR. ROBERTS

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

EXPLANATORY NOTE

Self-explanatory.

BILL 132

1960

An Act to amend The Police Act

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

1. Section 59 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 279, s. 59,
re-enacted

59. There shall be a police college to be known as the Ontario Police College for the training of members of police forces over which the Attorney General shall preside and have charge. Ontario
Police
College

2. This Act may be cited as *The Police Amendment Act*, Short title 1960 (No. 2). Short title

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. ROBERTS

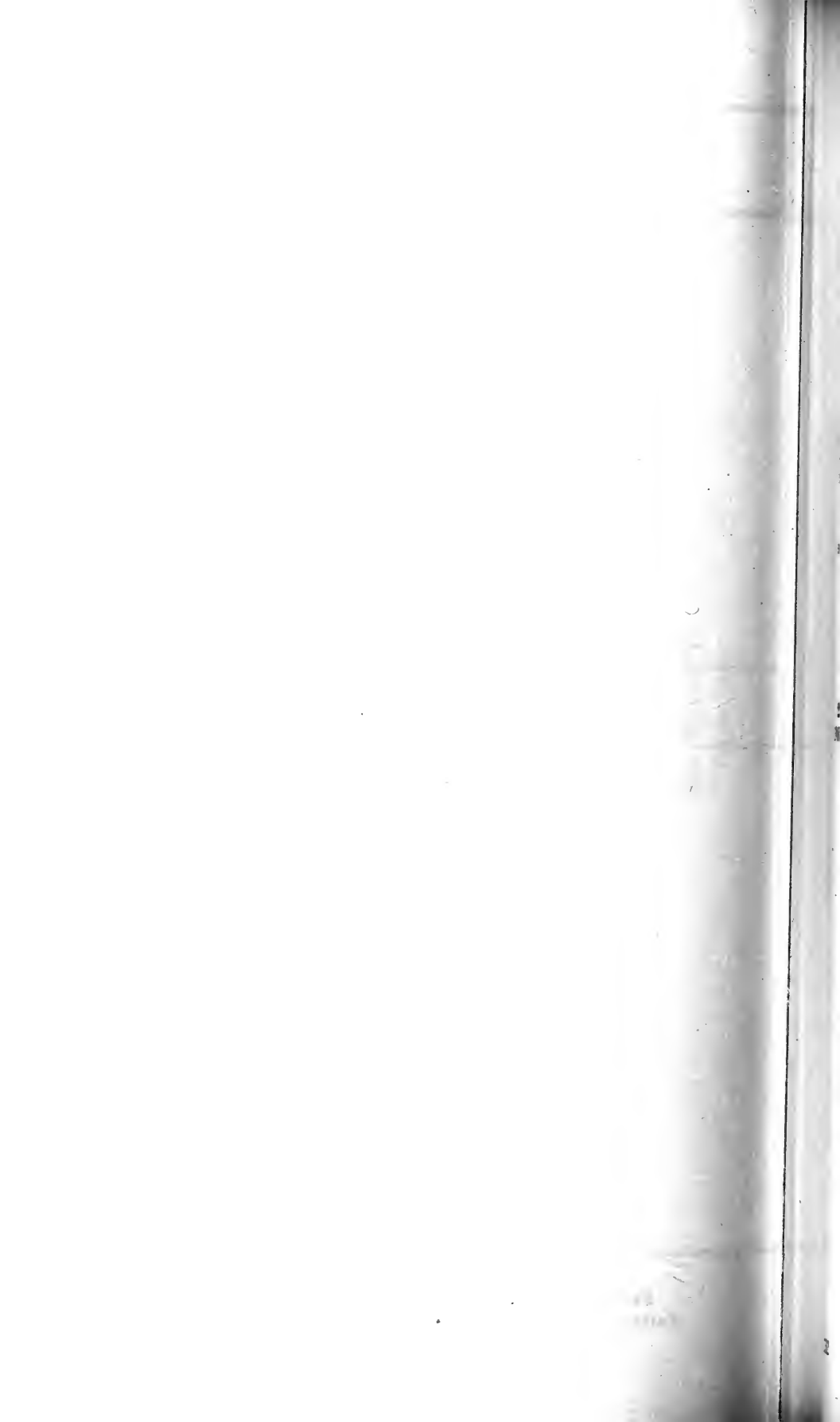
BILL 132

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Police Act

MR. ROBERTS

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



BILL 132

1960

An Act to amend The Police Act

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

1. Section 59 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 279, s. 59,
re-enacted

59. There shall be a police college to be known as the Ontario Police College for the training of members of police forces over which the Attorney General shall preside and have charge. Ontario
Police
College

2. This Act may be cited as *The Police Amendment Act*, Short title 1960 (No. 2).

1st Reading

March 17th, 1960

2nd Reading

March 21st, 1960

3rd Reading

March 25th, 1960

MR. ROBERTS

BILL 133

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Highway Improvement Act, 1957**

MR. CASS

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

EXPLANATORY NOTES

SECTION 1. Provision is made to exempt vehicles travelling on private roads in unorganized territory, that merely cross the King's Highway, from appropriate provisions of *The Highway Traffic Act*.

SECTION 2. Provision is made for the establishment of three new types of roads: tertiary roads, resource roads, and industrial roads.

**An Act to amend
The Highway Improvement Act, 1957**

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

1. *The Highway Improvement Act, 1957* is amended by ^{1957, c. 43,} adding thereto the following section: _{amended}

33a.—(1) In this section, “intersection” means the ^{Interpre-} part of the King’s Highway contained within the _{tation} prolongation or connection of the boundary lines of a private road that crosses the King’s Highway.

(2) The Lieutenant Governor in Council may make ^{Private} regulations designating provisions of *The Highway* ^{road,} *Traffic Act* or the regulations thereunder that shall ^{King’s High-} not apply in intersections in territory without ^{way inter-} municipal organization. ^{sections in} _{unorganized} ^{territory} _{R.S.O. 1950,} _{c. 167}

2. *The Highway Improvement Act, 1957* is amended by ^{1957, c. 43,} adding thereto the following Parts: _{amended}

PART IIIA

TERTIARY ROADS

39a.—(1) The Lieutenant Governor in Council may ^{Tertiary} designate an existing road in territory without muni- ^{roads,} cipal organization as a tertiary road and thereupon _{designation} the provisions of this Act and the regulations that apply to the King’s Highway, except sections 32 and 33, apply *mutatis mutandis* to such tertiary road.

(2) Subject to subsections 4 and 5, a tertiary road shall ^{maintenance} be maintained by the Department, but such main- tenance does not include the clearing or removal of snow therefrom or the application of chemicals or abrasives to the icy surfaces thereof.

liability
for
damages

- (3) No action shall be brought against the Crown for damages caused by the default of the Department in maintaining a tertiary road, and the Crown is not liable for any damage sustained by any person using a tertiary road.

snow
removal

- (4) The Minister may enter into an agreement with any person for the clearing or removal of snow from a tertiary road or the application of chemicals or abrasives to the icy surfaces thereof, and the agreement shall provide that not more than 50 per cent of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature.

maintenance
contribu-
tions

- (5) Where the Minister deems it desirable that persons who own land in territory without municipal organization in which a tertiary road is situate should elect road commissioners and maintain it under *The Statute Labour Act* or become incorporated under *The Municipal Act* or otherwise contribute to its maintenance, it shall not be maintained by the Department unless the interested persons enter into an agreement with the Minister for such maintenance, and the agreement shall provide that not more than 50 per cent of the cost of the work shall be paid out of moneys appropriated therefor by the Legislature.

R.S.O. 1950,
cc. 372, 243

PART IIIB

RESOURCE ROADS

Resource
roads,*
designation

- 39b.—(1) The Lieutenant Governor in Council may designate a tertiary road as a resource road.

Load
limits,
etc., do not
apply
R.S.O. 1950,
c. 167

- (2) Sections 19, 34, 35, 36 and 37 of *The Highway Traffic Act* do not apply to a resource road or to vehicles operated upon a resource road, as the case may be.

PART IIIC

INDUSTRIAL ROADS

Industrial
roads,
designation

- 39c.—(1) The Minister may designate as an industrial road a private road which he deems necessary for the development or operation of the lumbering, pulp or mining industry but which in his opinion should also be used by the public for road purposes other than those of the industry.

- (2) The Minister and the owner of an industrial road ^{maintenance} may enter into an agreement for the maintenance of the industrial road by the owner, and as long as the owner permits the public to use the industrial road the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost of maintenance as he deems requisite.
- (3) Notwithstanding any other Act, an industrial road ^{jurisdiction and control} remains a private road under the jurisdiction and control of the owner, but subject to the use of the public as described in subsections 1 and 2.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

4. This Act may be cited as *The Highway Improvement* ^{Short title} *Amendment Act, 1960 (No. 2)*.

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 57TH STREET
CHICAGO, ILL. 60637
62



The Highway Improvement Act, 1957

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

Mr. Cass

BILL 133

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Highway Improvement Act, 1957**

MR. CASS

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

**An Act to amend
The Highway Improvement Act, 1957**

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

1. *The Highway Improvement Act, 1957* is amended by ^{1957, c. 43,} adding thereto the following section: ^{amended}

33a.—(1) In this section, “intersection” means the ^{Interpre-} part of the King’s Highway contained within the ^{tation} prolongation or connection of the boundary lines of a private road that crosses the King’s Highway.

(2) The Lieutenant Governor in Council may make ^{Private} regulations designating provisions of *The Highway* ^{road,} *Traffic Act* or the regulations thereunder that shall ^{King’s High-} not apply in intersections in territory without ^{way inter-} municipal organization. ^{sections in} ^{unorganized} ^{territory} ^{R.S.O. 1950,} ^{c. 167}

2. *The Highway Improvement Act, 1957* is amended by ^{1957, c. 43,} adding thereto the following Parts: ^{amended}

PART IIIA

TERTIARY ROADS

39a.—(1) The Lieutenant Governor in Council may ^{Tertiary} designate an existing road in territory without ^{roads,} municipal organization as a tertiary road and thereupon ^{designation} the provisions of this Act and the regulations that apply to the King’s Highway, except sections 32 and 33, apply *mutatis mutandis* to such tertiary road.

(2) Subject to subsections 4 and 5, a tertiary road shall ^{maintenance} be maintained by the Department, but such maintenance does not include the clearing or removal of snow therefrom or the application of chemicals or abrasives to the icy surfaces thereof.

liability
for
damages

- (3) No action shall be brought against the Crown for damages caused by the default of the Department in maintaining a tertiary road, and the Crown is not liable for any damage sustained by any person using a tertiary road.

snow
removal

- (4) The Minister may enter into an agreement with any person for the clearing or removal of snow from a tertiary road or the application of chemicals or abrasives to the icy surfaces thereof, and the agreement shall provide that not more than 50 per cent of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature.

maintenance
contribu-
tions

- (5) Where the Minister deems it desirable that persons who own land in territory without municipal organization in which a tertiary road is situate should elect road commissioners and maintain it under *The Statute Labour Act* or become incorporated under *The Municipal Act* or otherwise contribute to its maintenance, it shall not be maintained by the Department unless the interested persons enter into an agreement with the Minister for such maintenance, and the agreement shall provide that not more than 50 per cent of the cost of the work shall be paid out of moneys appropriated therefor by the Legislature.

R.S.O. 1950,
cc. 372, 243

PART IIIB

RESOURCE ROADS

Resource
roads,
designation

- 39b.—(1) The Lieutenant Governor in Council may designate a tertiary road as a resource road.

Load
limits,
etc., do not
apply
R.S.O. 1950,
c. 167

- (2) Sections 19, 34, 35, 36 and 37 of *The Highway Traffic Act* do not apply to a resource road or to vehicles operated upon a resource road, as the case may be.

PART IIIC

INDUSTRIAL ROADS

Industrial
roads,
designation

- 39c.—(1) The Minister may designate as an industrial road a private road which he deems necessary for the development or operation of the lumbering, pulp or mining industry but which in his opinion should also be used by the public for road purposes other than those of the industry.

- (2) The Minister and the owner of an industrial road^{maintenance} may enter into an agreement for the maintenance of the industrial road by the owner, and as long as the owner permits the public to use the industrial road the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost of maintenance as he deems requisite.
- (3) Notwithstanding any other Act, an industrial road^{jurisdiction and control} remains a private road under the jurisdiction and control of the owner, but subject to the use of the public as described in subsections 1 and 2.

3. This Act comes into force on the day it receives Royal^{Commence-}
Assent^{ment}.

4. This Act may be cited as *The Highway Improvement*^{Short title}
Amendment Act, 1960 (No. 2).





An Act to amend
The Highway Improvement Act, 1957

1st Reading

March 17th, 1960

2nd Reading

March 28th, 1960

3rd Reading

April 1st, 1960

Mr. Cass

BILL 134

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Hospitals Tax Act

MR. ALLAN (Haldimand-Norfolk)

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

EXPLANATORY NOTE

The purpose of this Bill is to reduce the tax by 1 cent on prices of admission under 65 cents to places of amusement in municipalities having populations of 10,000 or more and to abolish the tax on prices of admission under 66 cents to places of amusement (other than drive-in theatres) situated in municipalities having populations of less than 10,000.

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. Subsection 1 of section 3 of *The Hospitals Tax Act*, as R.S.O. 1950, re-enacted by section 3 of *The Hospitals Tax Amendment Act, 1955*, is repealed and the following substituted therefor: c. 170, s. 3 (1955, c. 31, s. 3), subs. 1, re-enacted

- (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: Tax on admission to places of amusement

Price of Admission		Tax
More than 25 cents and not more than 34 cents	—	2 cents
" " 34 " " " " " "	48	" — 3 "
" " 48 " " " " " "	52	" — 4 "
" " 52 " " " " " "	61	" — 5 "
" " 61 " " " " " "	65	" — 6 "
" " 65 " " " " " "	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 1 cent.

- (1a) The tax imposed by subsection 1 on a price of admission less than 66 cents does not apply to the purchaser of admission to a place of amusement, other than a Class D theatre as defined in *The Theatres Act, 1953*, that is situated outside the Metropolitan Area within the meaning of *The Municipality of Metropolitan Toronto Act, 1953*, any city and any municipality that has a population of more than 10,000 as shown by its last revised assessment roll and that is designated by the regulations. Exception 1953, c. 104 1953, c. 73

R.S.O. 1950,
c. 170, s. 25,
amended

2. Section 25 of *The Hospitals Tax Act* is amended by adding thereto the following clause:

(cc) designating municipalities for the purposes of subsection 1a of section 3.

Commence-
ment

3. This Act comes into force on the 1st day of April, 1960.

Short title

4. This Act may be cited as *The Hospitals Tax Amendment Act, 1960*.





THE HOSPITALS TAX ACT

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 134

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Hospitals Tax Act

MR. ALLAN (Haldimand-Norfolk)

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



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. Subsection 1 of section 3 of *The Hospitals Tax Act*, as R.S.O. 1950, re-enacted by section 3 of *The Hospitals Tax Amendment Act, 1955*, is repealed and the following substituted therefor: c. 170, s. 3 (1955, c. 31, s. 3), subs. 1, re-enacted

- (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: Tax on admission to places of amusement

Price of Admission	Tax
More than 25 cents and not more than 34 cents	— 2 cents
" " 34 " " " " " " 48	" — 3 "
" " 48 " " " " " " 52	" — 4 "
" " 52 " " " " " " 61	" — 5 "
" " 61 " " " " " " 65	" — 6 "
" " 65 " " " " " " 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 1 cent.

- (1a) The tax imposed by subsection 1 on a price of admission less than 66 cents does not apply to the purchaser of admission to a place of amusement, other than a Class D theatre as defined in *The Theatres Act, 1953*, that is situated outside the Metropolitan Area within the meaning of *The Municipality of Metropolitan Toronto Act, 1953*, any city and any municipality that has a population of more than 10,000 as shown by its last revised assessment roll and that is designated by the regulations. Exception 1953, c. 104 1953, c. 73

R.S.O. 1950,
c. 170, s. 25,
amended

2. Section 25 of *The Hospitals Tax Act* is amended by adding thereto the following clause:

(cc) designating municipalities for the purposes of subsection 1a of section 3.

Commence-
ment

3. This Act comes into force on the 1st day of April, 1960.

Short title

4. This Act may be cited as *The Hospitals Tax Amendment Act, 1960*.





THE HOSPITALS TAX ACT

1st Reading

March 17th, 1960

2nd Reading

March 24th, 1960

3rd Reading

March 29th, 1960

MR. ALLAN (Haldimand-Norfolk)

BILL 135

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Financial Administration Act, 1954**

MR. ALLAN (Haldimand-Norfolk)

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

EXPLANATORY NOTE

Section 45 is re-enacted to enable loans to be made not only in the currency of the United States of America as at present but also in any other foreign currency.

BILL 135

1960

**An Act to amend
The Financial 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 45 of *The Financial Administration Act, 1954* <sup>1954, c. 30,
s. 45.</sup> is repealed and the following substituted therefor: ^{re-enacted}

45. Every Act heretofore or hereafter passed that authorizes the borrowing or raising by way of loan of a specific or maximum number of dollars or the issue of securities for a specific or maximum number of dollars in principal amount shall be deemed to authorize,

Loans in
foreign
currencies
authorized

- (a) the borrowing or raising by way of loan, in whole or in part, of the same number of dollars of the United States of America or the issue of securities, in whole or in part, for the same number of dollars of the United States of America in principal amount, as the case may be; and
- (b) the borrowing or raising by way of loan, in whole or in part, of an equivalent amount in the currency of any country other than Canada or the United States of America, or the issue of securities, in whole or in part, for an equivalent principal amount in the currency of any country other than Canada or the United States of America, as the case may be, calculated in each case in accordance with the nominal rate of exchange between the Canadian dollar and the currency concerned as quoted by any chartered bank in Canada as of any time on the business day next preceding the date on which the Lieutenant Governor in Council authorizes the raising of the loan or the issue of the securities.

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 Financial Administration Amendment Act, 1960.*





The Financial Administration Act, 1954

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

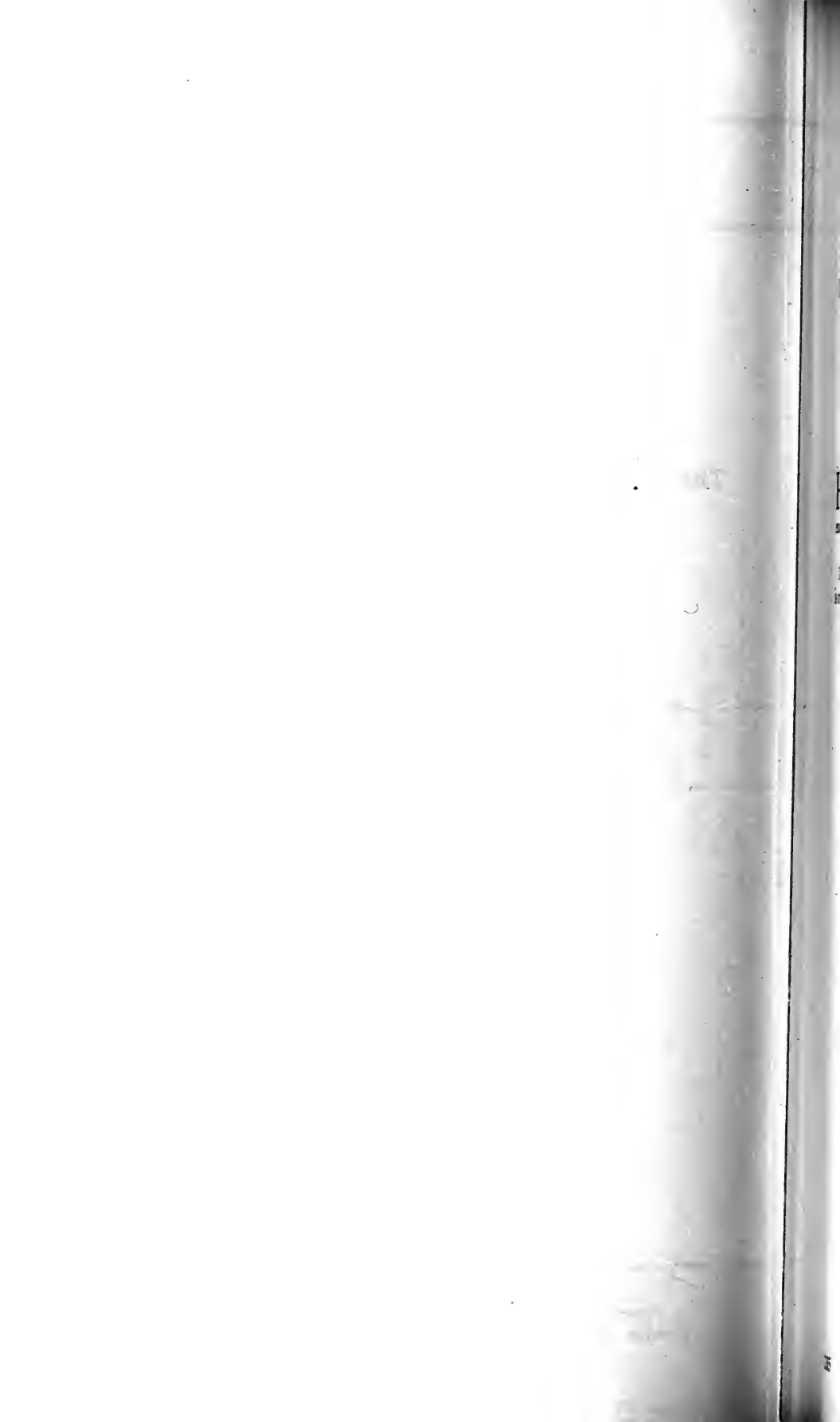
BILL 135

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Financial Administration Act, 1954**

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BILL 135

1960

**An Act to amend
The Financial 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 45 of *The Financial Administration Act, 1954* 1954, c. 30
s. 45,
re-enacted is repealed and the following substituted therefor:

45. Every Act heretofore or hereafter passed that Loans in
foreign
currencies
authorized authorizes the borrowing or raising by way of loan of a specific or maximum number of dollars or the issue of securities for a specific or maximum number of dollars in principal amount shall be deemed to authorize,

- (a) the borrowing or raising by way of loan, in whole or in part, of the same number of dollars of the United States of America or the issue of securities, in whole or in part, for the same number of dollars of the United States of America in principal amount, as the case may be; and
- (b) the borrowing or raising by way of loan, in whole or in part, of an equivalent amount in the currency of any country other than Canada or the United States of America, or the issue of securities, in whole or in part, for an equivalent principal amount in the currency of any country other than Canada or the United States of America, as the case may be, calculated in each case in accordance with the nominal rate of exchange between the Canadian dollar and the currency concerned as quoted by any chartered bank in Canada as of any time on the business day next preceding the date on which the Lieutenant Governor in Council authorizes the raising of the loan or the issue of the securities.

Commence-
ment

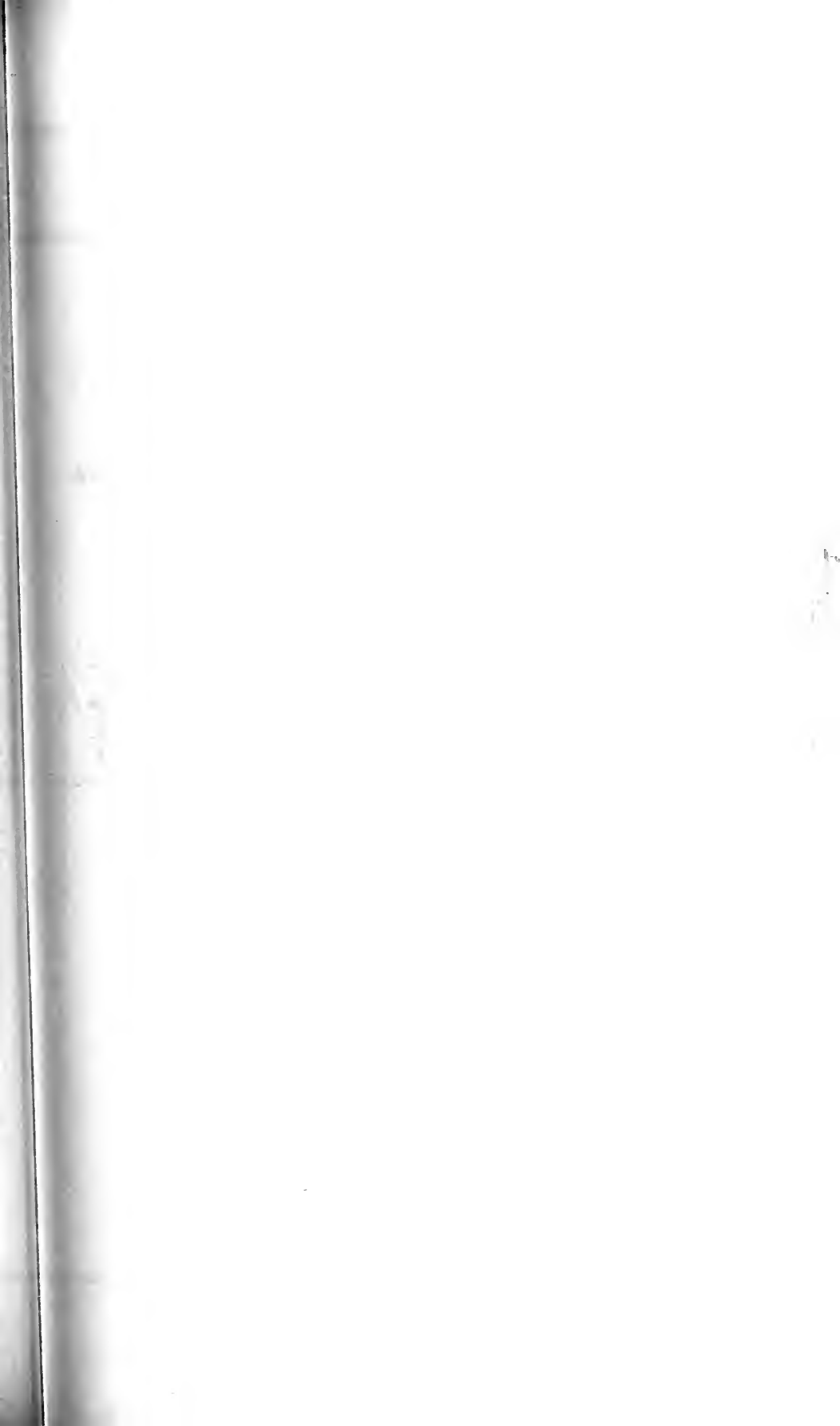
2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Financial Administration Amendment Act, 1960*.







An Act to amend
The Financial Administration Act, 1954

1st Reading

March 17th, 1960

2nd Reading

March 24th, 1960

3rd Reading

March 29th, 1960

MR. ALLAN (Haldimand-Norfolk)

BILL 136

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public]Service Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

SECTION 1. This provision will give statutory authority for the delegation of powers and duties of deputy ministers which in some circumstances is necessary from time to time in order that departments may function efficiently.

SECTION 2. This section is designed to remove doubts as to the establishment, jurisdiction, powers, duties, etc., of the grievance board that was established last October in order that it may function effectively.

BILL 136

1960

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 7 of *The Public Service Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 317, s. 7, amended

(1a) With the consent of his minister, a deputy minister may delegate in writing any of his powers or duties to any civil servant in his department. Delegation of powers, duties

2. Section 9 of *The Public Service Act*, as amended by section 2 of *The Public Service Amendment Act, 1958*, is further amended by adding thereto the following clauses: R.S.O. 1950, c. 317, s. 9, amended

(jj) prescribing procedures to be followed for hearing and dealing with grievances of such classes of persons in the public service as are designated, providing for the establishment of a grievance board to hear and deal with such grievances as are prescribed and prescribing the powers of the board including the power to call, swear and compel the attendance of witnesses;

(jjj) authorizing the Commission to hear and deal with such grievances as are prescribed of classes of persons designated under clause *jj* and prescribing the powers of the Commission for the purpose.

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 shall be deemed to have come into force on the 1st day of October, 1959. Idem

4. This Act may be cited as *The Public Service Amendment Act, 1960*. Short title

The Public Service Act

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 136

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Public Service Act

MR. ALLAN (Haldimand-Norfolk)

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



BILL 136

1960

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 7 of *The Public Service Act* is amended by adding thereto the following subsection: R.S.O. 1950.
c. 317, s. 7.
amended

(1a) With the consent of his minister, a deputy minister may delegate in writing any of his powers or duties to any civil servant in his department. Delegation
of powers,
duties

2. Section 9 of *The Public Service Act*, as amended by section 2 of *The Public Service Amendment Act, 1958*, is further amended by adding thereto the following clauses: R.S.O. 1950.
c. 317, s. 9.
amended

(jj) prescribing procedures to be followed for hearing and dealing with grievances of such classes of persons in the public service as are designated, providing for the establishment of a grievance board to hear and deal with such grievances as are prescribed and prescribing the powers of the board including the power to call, swear and compel the attendance of witnesses;

(jjj) authorizing the Commission to hear and deal with such grievances as are prescribed of classes of persons designated under clause *jj* and prescribing the powers of the Commission for the purpose.

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 2 shall be deemed to have come into force on the 1st day of October, 1959. Idem

4. This Act may be cited as *The Public Service Amendment Act, 1960*. Short title

The Public Service Act

1st Reading

March 17th, 1960

2nd Reading

March 24th, 1960

3rd Reading

March 29th, 1960

MR. ALAN (Haldimand-Norfolk)

BILL 137

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

The Public Service Superannuation Act, 1960

MR. ALLAN (Haldimand-Norfolk)

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

EXPLANATORY NOTE

The purpose of this Bill is to separate the legislation respecting the Civil Service Commission and the Public Service Superannuation Board.

This is accomplished by re-enacting Part II (Superannuation Fund) and Part III (Retirement Fund) of *The Public Service Act* as a self-contained Act.

The basic provisions are unchanged in principle throughout.

However, the language has been changed for clarity and to accord with present administrative practices.

The Public Service Superannuation Act, 1960

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 the Public Service Superannuation Board;
- (b) "child" includes adopted child and step-child;
- (c) "civil servant" has the same meaning as in *The Public Service Act*; R.S.O. 1950, c. 317
- (d) "contributor" in Part I means a civil servant who is appointed by the Lieutenant Governor in Council under *The Public Service Act* and a person in a class of persons to whom that Part is made applicable, and in Part II means a civil servant who is appointed for a period of one year;
- (e) "Crown" means the Crown in right of Ontario;
- (f) "Fund" in Part I means the Public Service Superannuation Fund, and in Part II means the Public Service Retirement Fund;
- (g) "Minister" means the member of the Executive Council who is designated by the Lieutenant Governor in Council as the Minister to whom the Board is responsible for the administration of this Act;
- (h) "Treasurer" means the Treasurer of Ontario. R.S.O. 1950, c. 317, s. 1 (1); 1959, c. 84, s. 1, amended.

- Board, continued **2.**—(1) The board known as the Public Service Superannuation Board is continued and shall consist of four members.
- Composition (2) The chairman of the Civil Service Commission is *ex officio* a member of the Board and the other three members shall be appointed by the Lieutenant Governor in Council, one of whom shall be the representative of the Civil Service Association of Ontario.
- Chairman (3) The Lieutenant Governor in Council may designate one of the members of the Board as chairman. 1959, c. 84, s. 3, *part*.
- Administration of Act **3.** The Board is responsible to the Minister for the administration of this Act. 1959, c. 84, s. 3, *part*.

PART I

SUPERANNUATION FUND

- Fund continued **4.**—(1) The fund known as the Public Service Superannuation Fund and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account are continued. R.S.O. 1950, c. 317, s. 12 (1).
- Composition of Fund (2) The Fund consists of the moneys paid in by contributors and the moneys credited to the Fund out of the Consolidated Revenue Fund or otherwise in accordance with law, less the moneys paid out under this Part. R.S.O. 1950, c. 317, s. 12 (3), *amended*.
- Records (3) The Treasurer shall keep records showing a separate account for each contributor to the Fund. R.S.O. 1950, c. 317, s. 12 (5), *amended*.
- Interest (4) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the commencement of the fiscal year. R.S.O. 1950, c. 317, s. 16, *amended*.
- Deficiency (5) If at any time the amount at the credit of the Fund is insufficient to meet the payments out of the Fund, the deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1950, c. 317, s. 17, *amended*.
- Contributions, current **5.** There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary and the amount so deducted shall be placed to his credit in the Fund. 1957, c. 102, s. 1, *part, amended*.

6.—(1) Every person,

Contribu-
tions in
respect of
past service

- (a) who becomes a contributor after the commencement of this Act; and
- (b) who was continuously in the service of the Crown up to the time he became a contributor; and
- (c) who gives notice in writing to the Board within six months after he becomes a contributor of his intention to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown; and
- (d) who pays, or agrees to pay by way of salary deductions, an amount equal to the amount that he would have paid if he had contributed to the Fund from the time he commenced his continuous non-contributory service with the Crown, together with interest at the rate of 3 per cent per annum upon such amount,

is, in reckoning the amount of any allowance or annuity payable to him, entitled to credit in the Fund for the period of service represented by the payments so made.

(2) Any contributor who is entitled under subsection 1 to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply *mutatis mutandis*, but no interval of time shall intervene between such part and the period in respect of which he contributes under section 5.

Idem.
part of
past service

(3) For the purposes of this section, the Board may determine the day on which any contributor commenced his continuous non-contributory service with the Crown. 1957, c. 102, s. 1, *part, amended*.

Commence-
ment of
continuous
service

7.—(1) A contributor who is granted leave of absence without salary shall within six months of the termination of the leave contribute to the Fund an amount equivalent to the amount he would have contributed if he had not been granted the leave and, where the leave,

Leave of
absence.
contribu-
tions

(a) exceeds one month; and

(b) is granted for a reason other than illness or pregnancy,

he shall within the same period of time contribute to the Fund an additional equivalent amount which shall be in lieu of the credits provided for in section 8.

Idem

(2) Where a contributor is granted leave of absence without salary for educational purposes, he may make the contributions mentioned in subsection 1, in which case the contributions shall be made within a period of time that is equivalent to or less than the period of the leave, or he may elect not to make such contributions, in which case he is not entitled to credit for the period of the leave. R.S.O. 1950, c. 317, s. 14, *amended*.

Government's contribution

8.—(1) Except as otherwise provided, where a contribution is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund.

Designated branches

(2) Where contributors are engaged in a branch of the civil service that has a special fund and the branch is designated for the purpose of this subsection by the Lieutenant Governor in Council, amounts equivalent to the contributions to the Fund of such contributors shall be credited or paid to the Fund out of the special fund of the branch in lieu of the credits to the Fund provided for in subsection 1.

Boards and commissions

(3) Where the Lieutenant Governor in Council designates a board or commission under section 27, amounts equivalent to the contributions to the Fund of contributors who are members of the permanent staff of the board or commission shall be paid into the Fund by the board or commission in lieu of the credits to the Fund provided for in subsection 1. R.S.O. 1950, c. 317, s. 15, *amended*.

Superannuation allowance, at 65

9.—(1) Every contributor who,

- (a) has attained the age of sixty-five years; and
- (b) has contributed to the Fund in respect of a period of fifteen or more years,

is entitled to a superannuation allowance upon his retirement.

at 70

(2) Notwithstanding subsection 1, every contributor who was more than fifty years of age on the 1st day of March, 1948, and who,

- (a) has attained the age of seventy years; and
- (b) has contributed to the Fund in respect of a period of fifteen or more years,

is entitled to a superannuation allowance upon his retirement.

- (3) Every contributor who, at 60
- (a) has attained the age of sixty years; and
 - (b) has contributed to the Fund in respect of a period of twenty-five or more years,

is entitled to a superannuation allowance upon his retirement.
R.S.O. 1950, c. 317, s. 18, *amended*.

- 10.**—(1) Every contributor who, Disability allowance
- (a) became a contributor at an age at which he could contribute to the Fund in respect of a period of fifteen years before attaining retirement age; and
 - (b) has contributed to the Fund in respect of a period of ten or more years; and
 - (c) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity; and
 - (d) is retired by the Lieutenant Governor in Council,

is entitled to a disability allowance. 1952, c. 88, s. 1, *amended*.

(2) The Board may at any time review the case of any Review person receiving a disability allowance and, if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Lieutenant Governor in Council who may direct that he be considered for re-employment.

(3) Where a person is offered re-employment under this Re-employment section, his disability allowance ceases whether or not he ^{ment} accepts the offer.

(4) Where a person does not accept the offer and the total amount of the allowance paid to him is less than the Where offer not accepted total amount of his contributions with interest at 3 per cent per annum, the amount of the difference shall be paid to him in monthly instalments or otherwise as he directs. R.S.O. 1950, c. 317, s. 19 (2-4), *amended*.

11.—(1) The amount of every annual superannuation and disability allowance shall be computed by dividing by 50 the Computation of allowances amount of the average annual salary of the contributor during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous service where the contributor has contributed to the Fund

in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1950, c. 317, s. 20 (1), *amended*.

Maximum and minimum superannuation allowance

(2) In no case shall the amount of an annual superannuation allowance be,

- (a) more than \$3,000 where any period of non-contributory service is included in the computation; or
- (b) less than \$600, except where \$600 is greater than 70 per cent of the contributor's average annual salary during the last three years of his service. R.S.O. 1950, c. 317, s. 20 (2); 1951, c. 74, s. 1, *amended*.

Maximum and minimum disability allowance

(3) In no case shall the amount of an annual disability allowance be,

- (a) more than \$3,000 where any period of non-contributory service is included in the computation; or
- (b) less than \$600, except that, where the contributor receives another disability allowance, grant, award or pension and his disability allowance under this Part is less than \$600, the amount of his disability allowance under this Part shall be such that he will receive a total of not less than \$600 from both sources. R.S.O. 1950, c. 317, s. 20 (3); 1951, c. 74, s. 1, *amended*.

Computation of part of year

(4) Where a computation under subsection 1 involves part of a year, the computation shall be made on a monthly basis, and

- (a) any part of a month less than fifteen days shall be disregarded; and
- (b) any part of a month not less than fifteen days shall be deemed to be a month. R.S.O. 1950, c. 317, s. 1 (2), *amended*.

Deferred annuities

12.—(1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed before he is sixty-five years of age and who is not entitled to an allowance under this Part is entitled to a deferred annuity.

Immediate annuities

(2) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed after he is sixty years of age and who is not entitled to an allowance under this Part is entitled to an immediate annuity.

(3) Every contributor who has contributed continuously ^{Idem} to the Fund in respect of ten or more years and who ceases to be employed after he is fifty years of age and before he is sixty years of age is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.

(4) Every former contributor who has a deferred annuity ^{Idem} is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.

(5) This section does not apply to any person who was ^{Idem} more than fifty years of age when his continuous service commenced. 1958, c. 89, s. 3, *part, amended*.

13.—(1) The amount of every deferred annuity shall be ^{Computation of deferred annuity} computed by dividing by 50 the amount of the average annual salary of the contributor during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous service where the contributor has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned.

(2) An annuity computed under subsection 1 shall be ^{Idem} reduced by 1 per cent for each whole year by which the number of years of service is less than twenty years.

(3) The amount of every immediate annuity shall be ^{Computation of immediate annuity} computed in the same manner as provided in subsections 1 and 2 except that the amount so determined shall be adjusted in accordance with the following table:

Age	Divisor
60	50
59	54
58	58
57	62
56	67
55	72
54	77
53	82
52	88
51	94
50	100

1958, c. 89, s. 3, *part, amended*.

Compu-
tation of
part of year

(4) Where a computation under subsection 1 involves part of a year, the computation shall be made on a monthly basis, and

(a) any part of a month less than fifteen days shall be disregarded; and

(b) any part of a month not less than fifteen days shall be deemed to be a month. *New.*

Widows and
children of
annuitants

14. Section 20 applies *mutatis mutandis* to the widow or child or children of an annuitant under section 12, except that the amount of the allowance shall be equal to one-half the value of the annuity. 1958, c. 89, s. 3, *part.*

Death of
annuitant

15. Except as provided in section 14, where an annuitant dies, an amount equal to the amount of his contributions to the Fund with interest at 3 per cent per annum, less the amount of the annuity paid to him, shall be paid to his personal representative. 1958, c. 89, s. 3, *part.*

Re-employ-
ment of
super-
annuate
R.S.O. 1950,
c. 317

16. Except as provided in *The Public Service Act*, where a person in receipt of a superannuation allowance is re-employed, payment thereof shall be suspended during the period of re-employment, but any period of re-employment during which such person is under the age of sixty-five years shall be added to the period of his prior employment and the allowance payable upon termination of his re-employment shall be re-calculated accordingly. R.S.O. 1950, c. 317, s. 23, *amended.*

Refunds

17.—(1) Where a contributor who has contributed to the Fund in respect of a period of less than three years resigns, or is dismissed, or dies leaving no widow and no child or children, an amount equal to the total of his contributions shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

Idem

(2) Where a contributor who has contributed to the Fund in respect of a period of three or more years resigns or is dismissed and is not entitled to or granted any allowance, or dies leaving no widow and no child or children, an amount equal to the total of his contributions with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be. R.S.O. 1950, c. 317, s. 24, *amended.*

Retirement
or death
before
super-
annuation

18. Where a contributor who,

(a) has attained retiring age is retired by the Lieutenant Governor in Council in circumstances under which he

is not entitled to a superannuation allowance or annuity; or

- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity is retired by the Lieutenant Governor in Council in circumstances under which he is not entitled to a disability allowance or annuity; or
- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or a child or children under the age of eighteen years,

twice the amount of his contributions to the Fund with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his widow or child or children, as the case may be. 1952, c. 88, s. 2, *amended*.

19. Except as provided in section 20, where a person who is in receipt of an allowance dies, an amount equal to the amount of his contributions, with interest at 3 per cent per annum, less the amount of the allowance paid to him, shall be paid to his personal representative. R.S.O. 1950, c. 317, s. 26, *amended*.

Death of person in receipt of allowance

20.—(1) Where a contributor who has contributed to the Fund in respect of a period of ten or more years, or a person to whom an allowance is being paid,

Allowance to widows, etc.

- (a) dies leaving a widow, an amount equal to,
 - (i) one-half of the allowance computed in the manner provided in section 11 but based on the deceased's employment to the time of his death, or
 - (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to his widow during her life or during her widowhood and, where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) dies leaving no widow but leaving a child or children under the age of eighteen years, an amount equal to,
 - (i) one-half of the allowance computed in the manner provided in section 11 but based on

the deceased's employment to the time of his death, or

- (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to the child or children until such age is attained.

Where payments less than contributions

(2) Where the payments made under subsection 1 or the amount of the allowance and any payments made under subsection 1, as the case may be, are less than the amount of the contributions of the deceased with interest at 3 per cent per annum, the amount of the difference shall be paid to his personal representative. R.S.O. 1950, c. 317, s. 27 (1, 2), *amended*.

Late marriages

(3) Subsection 1 does not apply to the widow of a contributor or of a person to whom an allowance was being paid, if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at 3 per cent per annum, less the total amount of the allowance paid to him, if any, shall be paid to his widow or child or children, as the case may be.

Where deceased is a widow

(4) Where the contributor or the person to whom an allowance was being paid was a widow, subsection 1 applies *mutatis mutandis* to her child or children. R.S.O. 1950, c. 317, s. 27 (3, 4), *amended*.

Payment monthly

21. Allowances and annuities shall be paid in monthly instalments. R.S.O. 1950, c. 317, s. 29, *amended*.

Sheriffs, persons engaged in administration of justice

22.—(1) This Part applies to,

- (a) every sheriff; and
(b) every person or class of persons connected with the administration of justice who or that are designated by the Lieutenant Governor in Council,

whether paid by fees or salary or partly by fees and partly by salary.

Computation of contributions

(2) Where a person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of *The Public Officers' Fees Act*, payable for the preceding year in respect of the office occupied by him and his allowance or annuity shall be computed accordingly. R.S.O. 1950, c. 317, s. 32.

R.S.O. 1950, c. 312

23.—(1) This Part applies to every registrar of deeds ^{Registrars of deeds} whether paid by fees or by salary and to the permanent staffs of their offices.

(2) Where a registrar of deeds is paid by fees, his contributions payable under this Part shall be computed upon the net income within the meaning of *The Registry Act* for the preceding year in respect of the office occupied by him, and his allowance or annuity shall be computed accordingly. ^{Computation of contributions and allowances R.S.O. 1950, c. 336}

(3) Where a registrar's income is supplemented under ^{Idem} section 108 of *The Registry Act*, the amount of such supplement shall not be included in arriving at his net income for the purpose of computing the amount of his contributions payable under this Part.

(4) Every registrar of deeds shall pay monthly to the Fund from the fees of his office an amount equal to the contributions in respect of present services that is due to the Fund by himself and by the members of the permanent staff of his office, and, where such fees are insufficient to pay such contributions, the balance shall be paid to the Fund from the Consolidated Revenue Fund. 1953, c. 91, s. 2. ^{Contributions to be paid monthly}

(5) Where a registrar of deeds or any of the members of the permanent staff of his office make payments to the Fund in respect of services performed by them before the 1st day of July, 1953, the registrar shall pay to the Fund from the fees of his office an amount equal to such payments, and, if such fees are insufficient to pay the whole of such amount, the balance shall be paid to the Fund from the Consolidated Revenue Fund, and thereupon the registrar and each of such members respectively are entitled to credit in the Fund for such period of past service as is fixed by the Board. 1954, c. 80, s. 1. ^{Past services}

24. This Part applies to every full-time magistrate. ^{Magistrates} R.S.O. 1950, c. 317, s. 34, *amended*.

25.—(1) This Part applies to every jailer and jail employee, other than a jail surgeon, who is employed full time on the permanent staff of a county or city jail, in respect of his service after the 30th day of June, 1948, except that the county or city, as the case may be, shall contribute to the Fund an amount equal to the contribution of the jailer or jail employee in lieu of the contribution out of the Consolidated Revenue Fund provided for in section 8, and shall also pay into the Fund the contribution deducted from the salary of the jailer or jail employee. ^{Jailers and jail employees}

Agreements
respecting
prior service

(2) The Board and the council of a county or city that has established a jail may, with the approval of the Lieutenant Governor in Council, enter into an agreement under which the jailer and jail employees and the municipality may pay into the Fund in respect of the service of such persons before the 1st day of July, 1948, and, where such an agreement is entered into and such payments are made, the jailer and jail employees are entitled to credit for the period of service represented by the payments made in reckoning the amount of allowances or annuities payable to them. R.S.O. 1950, c. 317, s. 33, *amended*.

Service
credits of
teachers
becoming
contributors

26.—(1) Every person who had been a contributor to the Teachers' Superannuation Fund and who was a contributor to the Public Service Superannuation Fund on the 1st day of July, 1953, and whose contributions and credits in the Teachers' Superannuation Fund have been transferred to the Public Service Superannuation Fund shall receive service credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years.

Transfer of
credits of
teachers
who become
contributors

(2) Where a person who was a contributor to the Teachers' Superannuation Fund becomes a contributor to the Public Service Superannuation Fund after the 1st day of July, 1953, an amount equal to his contributions and credits in the Teachers' Superannuation Fund with accumulated interest shall be transferred to the Public Service Superannuation Fund and thereupon he shall receive service credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years. 1953, c. 91, s. 3.

Contributors
becoming
teachers
R.S.O. 1950,
c. 384

(3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with interest at the rate of $4\frac{3}{4}$ per cent per annum, shall be transferred to the Teachers' Superannuation Fund. R.S.O. 1950, c. 317, s. 35 (7), *amended*.

Boards,
commissions

27. This Part applies to the permanent staff of any board or commission established under any Act of the Legislature that is designated by the Lieutenant Governor in Council. R.S.O. 1950, c. 317, s. 36, *amended*.

Arrange-
ment for
payment,
out of Fund
into another
superannua-
tion fund

28.—(1) Where a contributor becomes a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a

sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

(2) Where a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined. R.S.O. 1950, c. 317, s. 37, *amended*.

PART II

RETIREMENT FUND

29.—(1) The fund known as the Public Service Retirement Fund and the account in the books of the Treasurer known as the Public Service Retirement Fund Account are continued.

(2) The Fund consists of the moneys paid in by contributors under this Part and the amounts credited to it under subsection 4, less the moneys paid out under this Part.

(3) The Treasurer shall keep records showing a separate account for each contributor to the Fund.

(4) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 3 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the commencement of the fiscal year. 1952, c. 88, s. 3, *part, amended*.

30.—(1) This Part does not apply to any person who was appointed before the 1st day of July, 1952, unless he so elects in a writing delivered or sent to the Board.

(2) This Part does not apply to any person who is a contributor to the Teachers' Superannuation Fund unless he so elects in a writing delivered or sent to the Board, and, if he

so elects and in due course becomes a contributor within the meaning of Part I, his contributions to the Teachers' Superannuation Fund shall, for the purposes of Part I, be deemed to have ceased on the date on which his election to come under this Part becomes effective. 1952, c. 88, s. 3, *part*.

Contributions

31. There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary and the amount so deducted shall be placed to his credit in the Fund. 1952, c. 88, s. 3, *part, amended*.

Transfer to Public Service Superannuation Fund

32. Where a contributor under this Part becomes a contributor under Part I, the amount to his credit in the Public Service Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund and he is entitled to credit in the latter fund for a period equal to the period in respect of which he contributed to the former fund. 1952, c. 88, s. 3, *part, amended*.

Refunds

33.—(1) Where a contributor who has contributed to the Fund in respect of three years or less ceases to be a contributor or dies, the amount to his credit in the Fund shall be paid to him or to his personal representative, as the case may be.

Idem

(2) Where a contributor who has contributed to the Fund in respect of more than three years ceases to be a contributor or dies, the amount to his credit in the Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be. 1952, c. 88, s. 3, *part, amended*.

PART III

GENERAL

Custodian of Funds

34. The Treasurer is custodian of the Public Service Superannuation Fund and the Public Service Retirement Fund. R.S.O. 1950, c. 317, s. 12 (2); 1952, c. 88, s. 3, *part*.

Audit

35. The Public Service Superannuation Fund and the Public Service Retirement Fund shall be audited by the provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints, and the auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant Governor in Council and the report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1950, c. 317, ss. 12, 42 (5); 1952, c. 88, s. 3, *part, amended*.

36. Every payment out of the Public Service Superannuation Fund or the Public Service Retirement Fund shall be made by cheque of the Treasurer issued upon the requisition of the Board. R.S.O. 1950, c. 317, s. 28, *amended*; 1952, c. 88, s. 3, *part, amended*. ^{Payments out}

37. The interest of any person in the Public Service Superannuation Fund or the Public Service Retirement Fund or in any allowance, annuity, refund or other sum payable out of either fund is not subject to garnishment, attachment, seizure or other process of law and is not assignable. R.S.O. 1950, c. 317, s. 30; 1952, c. 88, s. 3, *part, amended*. ^{No attachment, etc.}

38. Where a person who leaves the service of the Crown is indebted to the Crown, the amount of such indebtedness shall be deducted from any payment to which he or his personal representative is entitled under this Act. R.S.O. 1950, c. 317, s. 31; 1952, c. 88, s. 3, *part, amended*. ^{Where person indebted to Crown}

39. Where a person dies in circumstances under which a refund under this Act is payable to his personal representative but there is no personal representative, the refund may be paid to such person as the Board determines. 1955, c. 68, ss. 3-5, *amended*. ^{Where no personal representative}

40.—(1) The Board shall make a report annually to the Minister containing such information as the Minister requires. ^{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. R.S.O. 1950, c. 317, s. 38, *amended*. ^{Idem}

41. The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. 1952, c. 88, s. 3, *part, amended*. ^{Cost of administration}

42. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations, ^{Regulations}

- (a) prescribing the proofs to be furnished as a condition to the payment of an allowance or an annuity;
- (b) prescribing the times at which and the manner in which contributions to the Public Service Superannuation Fund shall be made by any class of contributors with respect to which special circumstances exist;

- (c) determining the maximum number of years of contribution to the Public Service Superannuation Fund, the maximum amount of contribution to that Fund or the maximum salary on which contributions to that Fund shall be reckoned;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 317, s. 39, *amended*.

Existing
benefits

43. Nothing in this Act shall,

- (a) increase or decrease the amount of any allowance or annuity that was being paid under the predecessor of this Act when this Act comes into force; or
- (b) affect any right to any benefit created under any predecessor of this Act and, where there is any such right, the provisions of this Act apply *mutatis mutandis* thereto. R.S.O. 1950, c. 317, s. 41, *amended*.

R.S.O. 1950,
c. 317,
Pts. II, III;
1951, cc. 74,
83, s. 7;
1952, c. 88;
1953, c. 91;
1954, c. 80;
1955, c. 68;
1956, c. 74;
1957, c. 102;
1958, c. 89,
s. 3;
1959, c. 84,
ss. 3, 4,
repealed

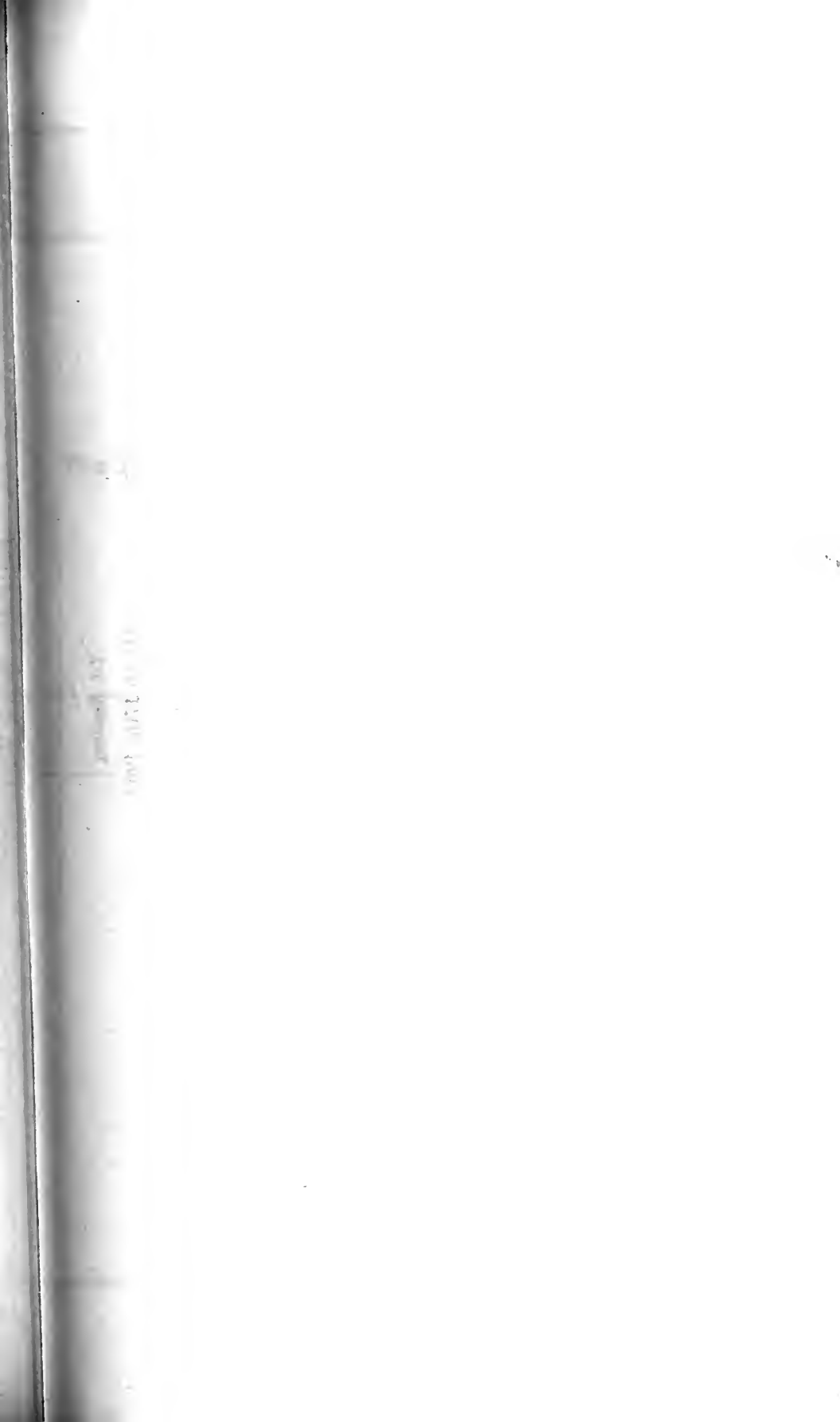
44. Parts II and III of *The Public Service Act, The Public Service Amendment Act, 1951*, section 7 of *The Statute Law Amendment Act, 1951, The Public Service Amendment Act, 1952, The Public Service Amendment Act, 1953, The Public Service Amendment Act, 1954, The Public Service Amendment Act, 1955, The Public Service Amendment Act, 1956, The Public Service Amendment Act, 1957*, section 3 of *The Public Service Amendment Act, 1958* and sections 3 and 4 of *The Public Service Amendment Act, 1959* are repealed.

Commence-
ment

45. This Act comes into force on the 1st day of April, 1960.

Short title

46. This Act may be cited as *The Public Service Superannuation Act, 1960*.



The Public Service Superannuation
Act, 1960

1st Reading

March 17th, 1960

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 137

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

The Public Service Superannuation Act, 1960

MR. ALLAN (Haldimand-Norfolk)



BILL 137

1960

The Public Service Superannuation Act, 1960

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 the Public Service Superannuation Board;
- (b) "child" includes adopted child and step-child;
- (c) "civil servant" has the same meaning as in *The Public Service Act*; R.S.O. 1950, c. 317
- (d) "contributor" in Part I means a civil servant who is appointed by the Lieutenant Governor in Council under *The Public Service Act* and a person in a class of persons to whom that Part is made applicable, and in Part II means a civil servant who is appointed for a period of one year;
- (e) "Crown" means the Crown in right of Ontario;
- (f) "Fund" in Part I means the Public Service Superannuation Fund, and in Part II means the Public Service Retirement Fund;
- (g) "Minister" means the member of the Executive Council who is designated by the Lieutenant Governor in Council as the Minister to whom the Board is responsible for the administration of this Act;
- (h) "Treasurer" means the Treasurer of Ontario. R.S.O. 1950, c. 317, s. 1 (1); 1959, c. 84, s. 1, *amended*.

Board, continued **2.**—(1) The board known as the Public Service Superannuation Board is continued and shall consist of four members.

Composition (2) The chairman of the Civil Service Commission is *ex officio* a member of the Board and the other three members shall be appointed by the Lieutenant Governor in Council, one of whom shall be the representative of the Civil Service Association of Ontario.

Chairman (3) The Lieutenant Governor in Council may designate one of the members of the Board as chairman. 1959, c. 84, s. 3, *part*.

Administration of Act **3.** The Board is responsible to the Minister for the administration of this Act. 1959, c. 84, s. 3, *part*.

PART I

SUPERANNUATION FUND

Fund continued **4.**—(1) The fund known as the Public Service Superannuation Fund and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account are continued. R.S.O. 1950, c. 317, s. 12 (1).

Composition of Fund (2) The Fund consists of the moneys paid in by contributors and the moneys credited to the Fund out of the Consolidated Revenue Fund or otherwise in accordance with law, less the moneys paid out under this Part. R.S.O. 1950, c. 317, s. 12 (3), *amended*.

Records (3) The Treasurer shall keep records showing a separate account for each contributor to the Fund. R.S.O. 1950, c. 317, s. 12 (5), *amended*.

Interest (4) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the commencement of the fiscal year. R.S.O. 1950, c. 317, s. 16, *amended*.

Deficiency (5) If at any time the amount at the credit of the Fund is insufficient to meet the payments out of the Fund, the deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1950, c. 317, s. 17, *amended*.

Contributions, current **5.** There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary and the amount so deducted shall be placed to his credit in the Fund. 1957, c. 102, s. 1, *part, amended*.

6.—(1) Every person,

- (a) who becomes a contributor after the commencement of this Act; and
- (b) who was continuously in the service of the Crown up to the time he became a contributor; and
- (c) who gives notice in writing to the Board within six months after he becomes a contributor of his intention to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown; and
- (d) who pays, or agrees to pay by way of salary deductions, an amount equal to the amount that he would have paid if he had contributed to the Fund from the time he commenced his continuous non-contributory service with the Crown, together with interest at the rate of 3 per cent per annum upon such amount,

Contributions in respect of past service

is, in reckoning the amount of any allowance or annuity payable to him, entitled to credit in the Fund for the period of service represented by the payments so made.

(2) Any contributor who is entitled under subsection 1 to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply *mutatis mutandis*, but no interval of time shall intervene between such part and the period in respect of which he contributes under section 5.

Idem, part of past service

(3) For the purposes of this section, the Board may determine the day on which any contributor commenced his continuous non-contributory service with the Crown. 1957, c. 102, s. 1, *part, amended*.

Commencement of continuous service

7.—(1) A contributor who is granted leave of absence without salary shall within six months of the termination of the leave contribute to the Fund an amount equivalent to the amount he would have contributed if he had not been granted the leave and, where the leave,

Leave of absence. contributions

- (a) exceeds one month; and
- (b) is granted for a reason other than illness or pregnancy,

he shall within the same period of time contribute to the Fund an additional equivalent amount which shall be in lieu of the credits provided for in section 8.

Idem

(2) Where a contributor is granted leave of absence without salary for educational purposes, he may make the contributions mentioned in subsection 1, in which case the contributions shall be made within a period of time that is equivalent to or less than the period of the leave, or he may elect not to make such contributions, in which case he is not entitled to credit for the period of the leave. R.S.O. 1950, c. 317, s. 14, *amended*.

Government's contribution

8.—(1) Except as otherwise provided, where a contribution is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund.

Designated branches

(2) Where contributors are engaged in a branch of the civil service that has a special fund and the branch is designated for the purpose of this subsection by the Lieutenant Governor in Council, amounts equivalent to the contributions to the Fund of such contributors shall be credited or paid to the Fund out of the special fund of the branch in lieu of the credits to the Fund provided for in subsection 1.

Boards and commissions

(3) Where the Lieutenant Governor in Council designates a board or commission under section 27, amounts equivalent to the contributions to the Fund of contributors who are members of the permanent staff of the board or commission shall be paid into the Fund by the board or commission in lieu of the credits to the Fund provided for in subsection 1. R.S.O. 1950, c. 317, s. 15, *amended*.

Superannuation allowance, at 65

9.—(1) Every contributor who,

- (a) has attained the age of sixty-five years; and
- (b) has contributed to the Fund in respect of a period of fifteen or more years,

is entitled to a superannuation allowance upon his retirement.

at 70

(2) Notwithstanding subsection 1, every contributor who was more than fifty years of age on the 1st day of March, 1948, and who,

- (a) has attained the age of seventy years; and
- (b) has contributed to the Fund in respect of a period of fifteen or more years,

is entitled to a superannuation allowance upon his retirement.

(3) Every contributor who, at 60

- (a) has attained the age of sixty years; and
- (b) has contributed to the Fund in respect of a period of twenty-five or more years,

is entitled to a superannuation allowance upon his retirement. R.S.O. 1950, c. 317, s. 18, *amended*.

10.—(1) Every contributor who, Disability allowance

- (a) became a contributor at an age at which he could contribute to the Fund in respect of a period of fifteen years before attaining retirement age; and
- (b) has contributed to the Fund in respect of a period of ten or more years; and
- (c) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity; and
- (d) is retired by the Lieutenant Governor in Council,

is entitled to a disability allowance. 1952, c. 88, s. 1, *amended*.

(2) The Board may at any time review the case of any ^{Review} person receiving a disability allowance and, if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Lieutenant Governor in Council who may direct that he be considered for re-employment.

(3) Where a person is offered re-employment under this ^{Re-employment} section, his disability allowance ceases whether or not he accepts the offer.

(4) Where a person does not accept the offer and the ^{Where offer not accepted} total amount of the allowance paid to him is less than the total amount of his contributions with interest at 3 per cent per annum, the amount of the difference shall be paid to him in monthly instalments or otherwise as he directs. R.S.O. 1950, c. 317, s. 19 (2-4), *amended*.

11.—(1) The amount of every annual superannuation and ^{Computation of allowances} disability allowance shall be computed by dividing by 50 the amount of the average annual salary of the contributor during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous service where the contributor has contributed to the Fund

in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1950, c. 317, s. 20 (1), *amended*.

Maximum and minimum superannuation allowance

(2) In no case shall the amount of an annual superannuation allowance be,

- (a) more than \$3,000 where any period of non-contributory service is included in the computation; or
- (b) less than \$600, except where \$600 is greater than 70 per cent of the contributor's average annual salary during the last three years of his service. R.S.O. 1950, c. 317, s. 20 (2); 1951, c. 74, s. 1, *amended*.

Maximum and minimum disability allowance

(3) In no case shall the amount of an annual disability allowance be,

- (a) more than \$3,000 where any period of non-contributory service is included in the computation; or
- (b) less than \$600, except that, where the contributor receives another disability allowance, grant, award or pension and his disability allowance under this Part is less than \$600, the amount of his disability allowance under this Part shall be such that he will receive a total of not less than \$600 from both sources. R.S.O. 1950, c. 317, s. 20 (3); 1951, c. 74, s. 1, *amended*.

Computation of part of year

(4) Where a computation under subsection 1 involves part of a year, the computation shall be made on a monthly basis, and

- (a) any part of a month less than fifteen days shall be disregarded; and
- (b) any part of a month not less than fifteen days shall be deemed to be a month. R.S.O. 1950, c. 317, s. 1 (2), *amended*.

Deferred annuities

12.—(1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed before he is sixty-five years of age and who is not entitled to an allowance under this Part is entitled to a deferred annuity.

Immediate annuities

(2) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed after he is sixty years of age and who is not entitled to an allowance under this Part is entitled to an immediate annuity.

(3) Every contributor who has contributed continuously ^{Idem} to the Fund in respect of ten or more years and who ceases to be employed after he is fifty years of age and before he is sixty years of age is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.

(4) Every former contributor who has a deferred annuity ^{Idem} is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.

(5) This section does not apply to any person who was ^{Idem} more than fifty years of age when his continuous service commenced. 1958, c. 89, s. 3, *part, amended*.

13.—(1) The amount of every deferred annuity shall be computed by dividing by 50 the amount of the average annual salary of the contributor during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous service where the contributor has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned. ^{Computation of deferred annuity}

(2) An annuity computed under subsection 1 shall be ^{Idem} reduced by 1 per cent for each whole year by which the number of years of service is less than twenty years.

(3) The amount of every immediate annuity shall be computed in the same manner as provided in subsections 1 and 2 ^{Computation of immediate annuity} except that the amount so determined shall be adjusted in accordance with the following table:

Age	Divisor
60	50
59	54
58	58
57	62
56	67
55	72
54	77
53	82
52	88
51	94
50	100

1958, c. 89, s. 3, *part, amended*.

Compu-
tation of
part of year

(4) Where a computation under subsection 1 involves part of a year, the computation shall be made on a monthly basis, and

(a) any part of a month less than fifteen days shall be disregarded; and

(b) any part of a month not less than fifteen days shall be deemed to be a month. *New.*

Widows and
children of
annuitants

14. Section 20 applies *mutatis mutandis* to the widow or child or children of an annuitant under section 12, except that the amount of the allowance shall be equal to one-half the value of the annuity. 1958, c. 89, s. 3, *part.*

Death of
annuitant

15. Except as provided in section 14, where an annuitant dies, an amount equal to the amount of his contributions to the Fund with interest at 3 per cent per annum, less the amount of the annuity paid to him, shall be paid to his personal representative. 1958, c. 89, s. 3, *part.*

Re-employ-
ment of
super-
annuate
R.S.O. 1950,
c. 317

16. Except as provided in *The Public Service Act*, where a person in receipt of a superannuation allowance is re-employed, payment thereof shall be suspended during the period of re-employment, but any period of re-employment during which such person is under the age of sixty-five years shall be added to the period of his prior employment and the allowance payable upon termination of his re-employment shall be re-calculated accordingly. R.S.O. 1950, c. 317, s. 23, *amended.*

Refunds

17.—(1) Where a contributor who has contributed to the Fund in respect of a period of less than three years resigns, or is dismissed, or dies leaving no widow and no child or children, an amount equal to the total of his contributions shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

Idem

(2) Where a contributor who has contributed to the Fund in respect of a period of three or more years resigns or is dismissed and is not entitled to or granted any allowance, or dies leaving no widow and no child or children, an amount equal to the total of his contributions with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be. R.S.O. 1950, c. 317, s. 24, *amended.*

Retirement
or death
before
super-
annuation

18. Where a contributor who,

(a) has attained retiring age is retired by the Lieutenant Governor in Council in circumstances under which he

is not entitled to a superannuation allowance or annuity; or

- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity is retired by the Lieutenant Governor in Council in circumstances under which he is not entitled to a disability allowance or annuity; or
- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or a child or children under the age of eighteen years,

twice the amount of his contributions to the Fund with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his widow or child or children, as the case may be. 1952, c. 88, s. 2, *amended*.

19. Except as provided in section 20, where a person who is in receipt of an allowance dies, an amount equal to the amount of his contributions, with interest at 3 per cent per annum, less the amount of the allowance paid to him, shall be paid to his personal representative. R.S.O. 1950, c. 317, s. 26, *amended*.

Death of person in receipt of allowance

20.—(1) Where a contributor who has contributed to the Fund in respect of a period of ten or more years, or a person to whom an allowance is being paid,

Allowance to widows, etc.

- (a) dies leaving a widow, an amount equal to,
 - (i) one-half of the allowance computed in the manner provided in section 11 but based on the deceased's employment to the time of his death, or
 - (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to his widow during her life or during her widowhood and, where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) dies leaving no widow but leaving a child or children under the age of eighteen years, an amount equal to,
 - (i) one-half of the allowance computed in the manner provided in section 11 but based on

the deceased's employment to the time of his death, or

- (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to the child or children until such age is attained.

Where payments less than contributions

(2) Where the payments made under subsection 1 or the amount of the allowance and any payments made under subsection 1, as the case may be, are less than the amount of the contributions of the deceased with interest at 3 per cent per annum, the amount of the difference shall be paid to his personal representative. R.S.O. 1950, c. 317, s. 27 (1, 2), *amended*.

Late marriages

(3) Subsection 1 does not apply to the widow of a contributor or of a person to whom an allowance was being paid, if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at 3 per cent per annum, less the total amount of the allowance paid to him, if any, shall be paid to his widow or child or children, as the case may be.

Where deceased is a widow

(4) Where the contributor or the person to whom an allowance was being paid was a widow, subsection 1 applies *mutatis mutandis* to her child or children. R.S.O. 1950, c. 317, s. 27 (3, 4), *amended*.

Payment monthly

21. Allowances and annuities shall be paid in monthly instalments. R.S.O. 1950, c. 317, s. 29, *amended*.

Sheriffs, persons engaged in administration of justice

22.—(1) This Part applies to,

- (a) every sheriff; and
(b) every person or class of persons connected with the administration of justice who or that are designated by the Lieutenant Governor in Council,

whether paid by fees or salary or partly by fees and partly by salary.

Computation of contributions

(2) Where a person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of *The Public Officers' Fees Act*, payable for the preceding year in respect of the office occupied by him and his allowance or annuity shall be computed accordingly. R.S.O. 1950, c. 317, s. 32.

R.S.O. 1950, c. 312

23.—(1) This Part applies to every registrar of deeds ^{Registrars of deeds} whether paid by fees or by salary and to the permanent staffs of their offices.

(2) Where a registrar of deeds is paid by fees, his contributions payable under this Part shall be computed upon the net income within the meaning of *The Registry Act* for the preceding year in respect of the office occupied by him, and his allowance or annuity shall be computed accordingly. ^{Computation of contributions and allowances R.S.O. 1950, c. 336}

(3) Where a registrar's income is supplemented under ^{idem} section 108 of *The Registry Act*, the amount of such supplement shall not be included in arriving at his net income for the purpose of computing the amount of his contributions payable under this Part.

(4) Every registrar of deeds shall pay monthly to the Fund from the fees of his office an amount equal to the contributions in respect of present services that is due to the Fund by himself and by the members of the permanent staff of his office, and, where such fees are insufficient to pay such contributions, the balance shall be paid to the Fund from the Consolidated Revenue Fund. 1953, c. 91, s. 2. ^{Contributions to be paid monthly}

(5) Where a registrar of deeds or any of the members of the permanent staff of his office make payments to the Fund in respect of services performed by them before the 1st day of July, 1953, the registrar shall pay to the Fund from the fees of his office an amount equal to such payments, and, if such fees are insufficient to pay the whole of such amount, the balance shall be paid to the Fund from the Consolidated Revenue Fund, and thereupon the registrar and each of such members respectively are entitled to credit in the Fund for such period of past service as is fixed by the Board. 1954, c. 80, s. 1. ^{Past services}

24. This Part applies to every full-time magistrate. ^{Magistrates} R.S.O. 1950, c. 317, s. 34, *amended*.

25.—(1) This Part applies to every jailer and jail employee, other than a jail surgeon, who is employed full time ^{Jailers and jail employees} on the permanent staff of a county or city jail, in respect of his service after the 30th day of June, 1948, except that the county or city, as the case may be, shall contribute to the Fund an amount equal to the contribution of the jailer or jail employee in lieu of the contribution out of the Consolidated Revenue Fund provided for in section 8, and shall also pay into the Fund the contribution deducted from the salary of the jailer or jail employee.

Agreements
respecting
prior service

(2) The Board and the council of a county or city that has established a jail may, with the approval of the Lieutenant Governor in Council, enter into an agreement under which the jailer and jail employees and the municipality may pay into the Fund in respect of the service of such persons before the 1st day of July, 1948, and, where such an agreement is entered into and such payments are made, the jailer and jail employees are entitled to credit for the period of service represented by the payments made in reckoning the amount of allowances or annuities payable to them. R.S.O. 1950, c. 317, s. 33, *amended*.

Service
credits of
teachers
becoming
contributors

26.—(1) Every person who had been a contributor to the Teachers' Superannuation Fund and who was a contributor to the Public Service Superannuation Fund on the 1st day of July, 1953, and whose contributions and credits in the Teachers' Superannuation Fund have been transferred to the Public Service Superannuation Fund shall receive service credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years.

Transfer of
credits of
teachers
who become
contributors

(2) Where a person who was a contributor to the Teachers' Superannuation Fund becomes a contributor to the Public Service Superannuation Fund after the 1st day of July, 1953, an amount equal to his contributions and credits in the Teachers' Superannuation Fund with accumulated interest shall be transferred to the Public Service Superannuation Fund and thereupon he shall receive service credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years. 1953, c. 91, s. 3.

Contributors
becoming
teachers
R.S.O. 1950,
c. 384

(3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with interest at the rate of $4\frac{3}{4}$ per cent per annum, shall be transferred to the Teachers' Superannuation Fund. R.S.O. 1950, c. 317, s. 35 (7), *amended*.

Boards,
commissions

27. This Part applies to the permanent staff of any board or commission established under any Act of the Legislature that is designated by the Lieutenant Governor in Council. R.S.O. 1950, c. 317, s. 36, *amended*.

Arrange-
ment for
payment,
out of Fund
into another
superannua-
tion fund

28.—(1) Where a contributor becomes a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a

sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

(2) Where a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined. R.S.O. 1950, c. 317, s. 37, *amended*.

PART II

RETIREMENT FUND

29.—(1) The fund known as the Public Service Retirement Fund and the account in the books of the Treasurer known as the Public Service Retirement Fund Account are continued.

Retirement
Fund and
Retirement
Fund
Account
continued

(2) The Fund consists of the moneys paid in by contributors under this Part and the amounts credited to it under subsection 4, less the moneys paid out under this Part.

Composition

(3) The Treasurer shall keep records showing a separate account for each contributor to the Fund.

Records

(4) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 3 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the commencement of the fiscal year. 1952, c. 88, s. 3, *part, amended*.

Interest

30.—(1) This Part does not apply to any person who was appointed before the 1st day of July, 1952, unless he so elects in a writing delivered or sent to the Board.

Where Part
does not
apply

(2) This Part does not apply to any person who is a contributor to the Teachers' Superannuation Fund unless he so elects in a writing delivered or sent to the Board, and, if he

Idem

so elects and in due course becomes a contributor within the meaning of Part I, his contributions to the Teachers' Superannuation Fund shall, for the purposes of Part I, be deemed to have ceased on the date on which his election to come under this Part becomes effective. 1952, c. 88, s. 3, *part*.

Contributions

31. There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary and the amount so deducted shall be placed to his credit in the Fund. 1952, c. 88, s. 3, *part, amended*.

Transfer to Public Service Superannuation Fund

32. Where a contributor under this Part becomes a contributor under Part I, the amount to his credit in the Public Service Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund and he is entitled to credit in the latter fund for a period equal to the period in respect of which he contributed to the former fund. 1952, c. 88, s. 3, *part, amended*.

Refunds

33.—(1) Where a contributor who has contributed to the Fund in respect of three years or less ceases to be a contributor or dies, the amount to his credit in the Fund shall be paid to him or to his personal representative, as the case may be.

Idem

(2) Where a contributor who has contributed to the Fund in respect of more than three years ceases to be a contributor or dies, the amount to his credit in the Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be. 1952, c. 88, s. 3, *part, amended*.

PART III

GENERAL

Custodian of Funds

34. The Treasurer is custodian of the Public Service Superannuation Fund and the Public Service Retirement Fund. R.S.O. 1950, c. 317, s. 12 (2); 1952, c. 88, s. 3, *part*.

Audit

35. The Public Service Superannuation Fund and the Public Service Retirement Fund shall be audited by the provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints, and the auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant Governor in Council and the report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1950, c. 317, ss. 12, 42 (5); 1952, c. 88, s. 3, *part, amended*.



36. Every payment out of the Public Service Superannuation Fund or the Public Service Retirement Fund shall be made by cheque of the Treasurer issued upon the requisition of the Board. R.S.O. 1950, c. 317, s. 28, *amended*; 1952, c. 88, s. 3, *part, amended*. ^{Payments out}

37. The interest of any person in the Public Service Superannuation Fund or the Public Service Retirement Fund or in any allowance, annuity, refund or other sum payable out of either fund is not subject to garnishment, attachment, seizure or other process of law and is not assignable. R.S.O. 1950, c. 317, s. 30; 1952, c. 88, s. 3, *part, amended*. ^{No attachment, etc.}

38. Where a person who leaves the service of the Crown is indebted to the Crown, the amount of such indebtedness shall be deducted from any payment to which he or his personal representative is entitled under this Act. R.S.O. 1950, c. 317, s. 31; 1952, c. 88, s. 3, *part, amended*. ^{Where person indebted to Crown}

39. Where a person dies in circumstances under which a refund under this Act is payable to his personal representative but there is no personal representative, the refund may be paid to such person as the Board determines. 1955, c. 68, ss. 3-5, *amended*. ^{Where no personal representative}

40.—(1) The Board shall make a report annually to the Minister containing such information as the Minister requires. ^{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. R.S.O. 1950, c. 317, s. 38, *amended*. ^{Idem}

41. The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. 1952, c. 88, s. 3, *part, amended*. ^{Cost of administration}

42. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations, ^{Regulations}

- (a) prescribing the proofs to be furnished as a condition to the payment of an allowance or an annuity;
- (b) prescribing the times at which and the manner in which contributions to the Public Service Superannuation Fund shall be made by any class of contributors with respect to which special circumstances exist;

- (c) determining the maximum number of years of contribution to the Public Service Superannuation Fund, the maximum amount of contribution to that Fund or the maximum salary on which contributions to that Fund shall be reckoned;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 317, s. 39, *amended*.

Existing
benefits

43. Nothing in this Act shall,

- (a) increase or decrease the amount of any allowance or annuity that was being paid under the predecessor of this Act when this Act comes into force; or
- (b) affect any right to any benefit created under any predecessor of this Act and, where there is any such right, the provisions of this Act apply *mutatis mutandis* thereto. R.S.O. 1950, c. 317, s. 41, *amended*.

R.S.O. 1950, c. 317, Pts. II, III; 1951, cc. 74, 83, s. 7; 1952, c. 88; 1953, c. 91; 1954, c. 80; 1955, c. 68; 1956, c. 74; 1957, c. 102; 1958, c. 89, s. 3; 1959, c. 84, ss. 3, 4, repealed

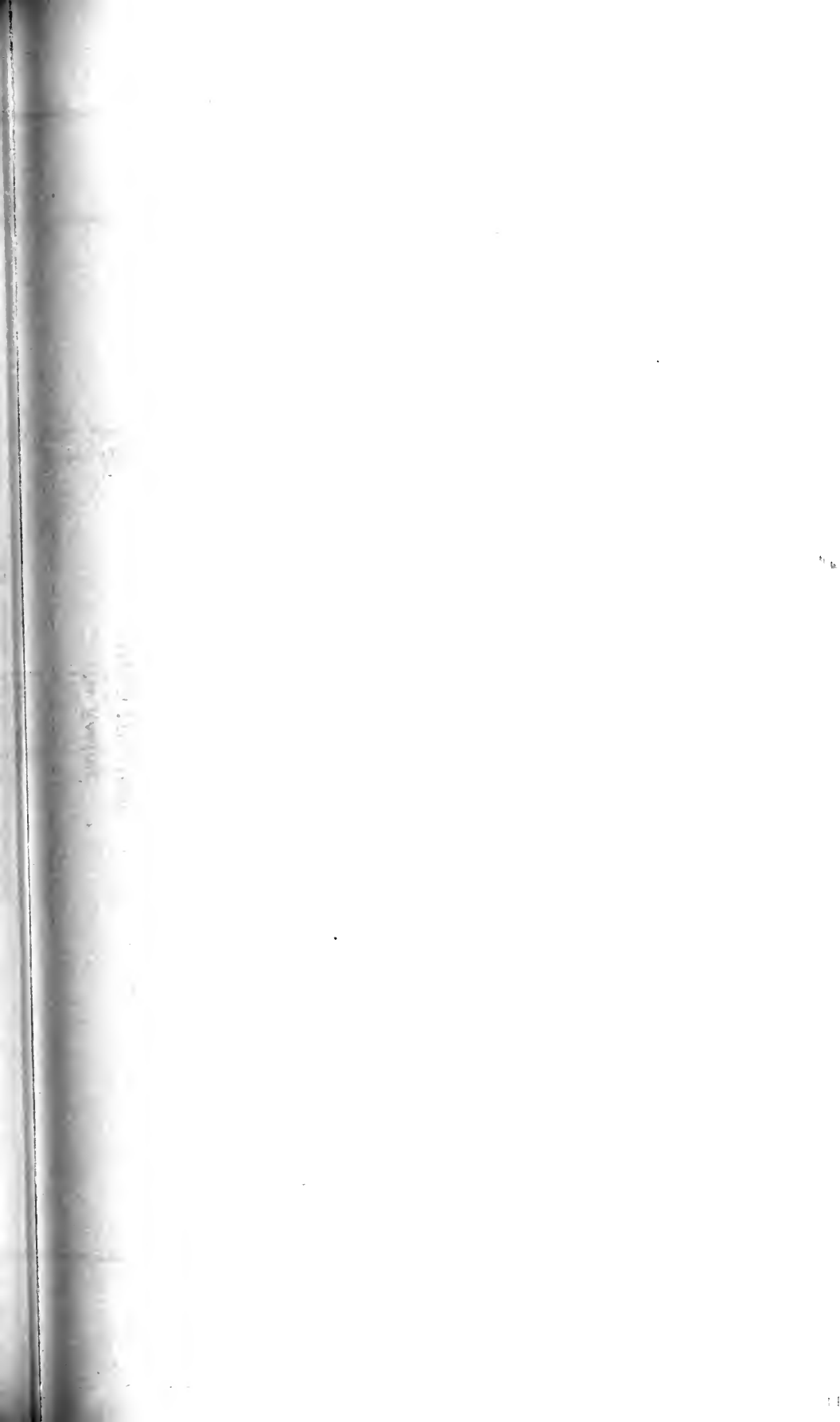
44. Parts II and III of *The Public Service Act*, *The Public Service Amendment Act, 1951*, section 7 of *The Statute Law Amendment Act, 1951*, *The Public Service Amendment Act, 1952*, *The Public Service Amendment Act, 1953*, *The Public Service Amendment Act, 1954*, *The Public Service Amendment Act, 1955*, *The Public Service Amendment Act, 1956*, *The Public Service Amendment Act, 1957*, section 3 of *The Public Service Amendment Act, 1958* and sections 3 and 4 of *The Public Service Amendment Act, 1959* are repealed.

Commence-
ment

45. This Act comes into force on the 1st day of April, 1960.

Short title

46. This Act may be cited as *The Public Service Superannuation Act, 1960*.



1st Reading

March 17th, 1960

2nd Reading

March 24th, 1960

3rd Reading

March 29th, 1960

MR. ALLAN (Haldimand-Norfolk)

BILL 138

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act respecting the Proposed International Bridge
over the St. Mary's River at Sault Ste. Marie**

MR. ALLAN (Haldimand-Norfolk)

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



BILL 138

1960

**An Act respecting the Proposed International
Bridge over the St. Mary's River
at Sault Ste. Marie**

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

1. The Treasurer of Ontario may purchase, acquire and hold, Treasurer authorized to purchase certain securities, etc.

- (a) securities issued by International Bridge Authority, a corporation created by Act No. 237 of the Public Acts of the State of Michigan for 1935;
- (b) the shares of St. Mary's River Bridge Company, a corporation created by chapter 64 of the Statutes of Canada, 1955;
- (c) the shares of The International Transit Company, Limited, a corporation created under *The Companies Act* of Ontario by letters patent dated the 22nd day of May, 1888.

and pay therefor out of the Consolidated Revenue Fund.

2. The Treasurer of Ontario may sell or otherwise dispose of any securities or shares purchased, acquired and held under section 1 and the proceeds of any such sale or other disposition shall be deposited to the credit of the Consolidated Revenue Fund. Sale of same securities, etc.

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

4. This Act may be cited as *The Sault Ste. Marie Bridge Act, 1960*. Short title

national Bridge over the St. Mary's River
at Sault Ste. Marie

1st Reading

March 22nd, 1960

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 138

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act respecting the Proposed International Bridge
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and pay therefor out of the Consolidated Revenue Fund.

2. The Treasurer of Ontario may sell or otherwise dispose of any securities or shares purchased, acquired and held under section 1 and the proceeds of any such sale or other disposition shall be deposited to the credit of the Consolidated Revenue Fund. Sale of same securities, etc.

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

4. This Act may be cited as *The Sault Ste. Marie Bridge Act, 1960*. Short title

Approved by the Board of Directors
National Bridge Over the St. Mary's River
at Sault Ste. Marie

1st Reading

March 22nd, 1960

2nd Reading

March 30th, 1960

3rd Reading

April 11th, 1960

MR. ALLAN (Haldimand-Norfolk)

BILL 139

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Sandwich, Windsor and Amherstburg
Railway Act, 1949**

MR. ALLAN (Haldimand-Norfolk)

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

EXPLANATORY NOTE

Self-explanatory.

BILL 139

1960

**An Act to amend
The Sandwich, Windsor and Amherstburg
Railway Act, 1949**

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

1. *The Sandwich, Windsor and Amherstburg Railway Act*, ^{1949, c. 91, amended} 1949 is amended by adding thereto the following section:

12a. Notwithstanding any other provision in this Act, ^{Refinancing of portion of railway company debt} the manner of payment of the sum of \$2,100,000 referred to in sections 3 and 5, the securities to be given therefor and the provisions for a sinking fund for the retirement of such debt may from time to time be varied or revised by the Treasurer of Ontario with the approval of the Lieutenant Governor in Council in such manner as he may determine and, without limiting the generality of the foregoing, the Treasurer of Ontario with like approval may provide for the prepayment by the railway company of the whole or any part of the said sum of \$2,100,000 or the interest thereon, or the establishment of a sinking fund providing for retirement thereof at an earlier date than is prescribed in section 5, and the Treasurer of Ontario is hereby authorized and directed to accept payment pursuant to the terms of any such arrangement, variation or revision.

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

3. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1960.* ^{Short title}

The Sandwiche, Windsor and Amherstburg
Railway Act, 1949

1st Reading

March 22nd, 1960

2nd Reading

3rd Reading

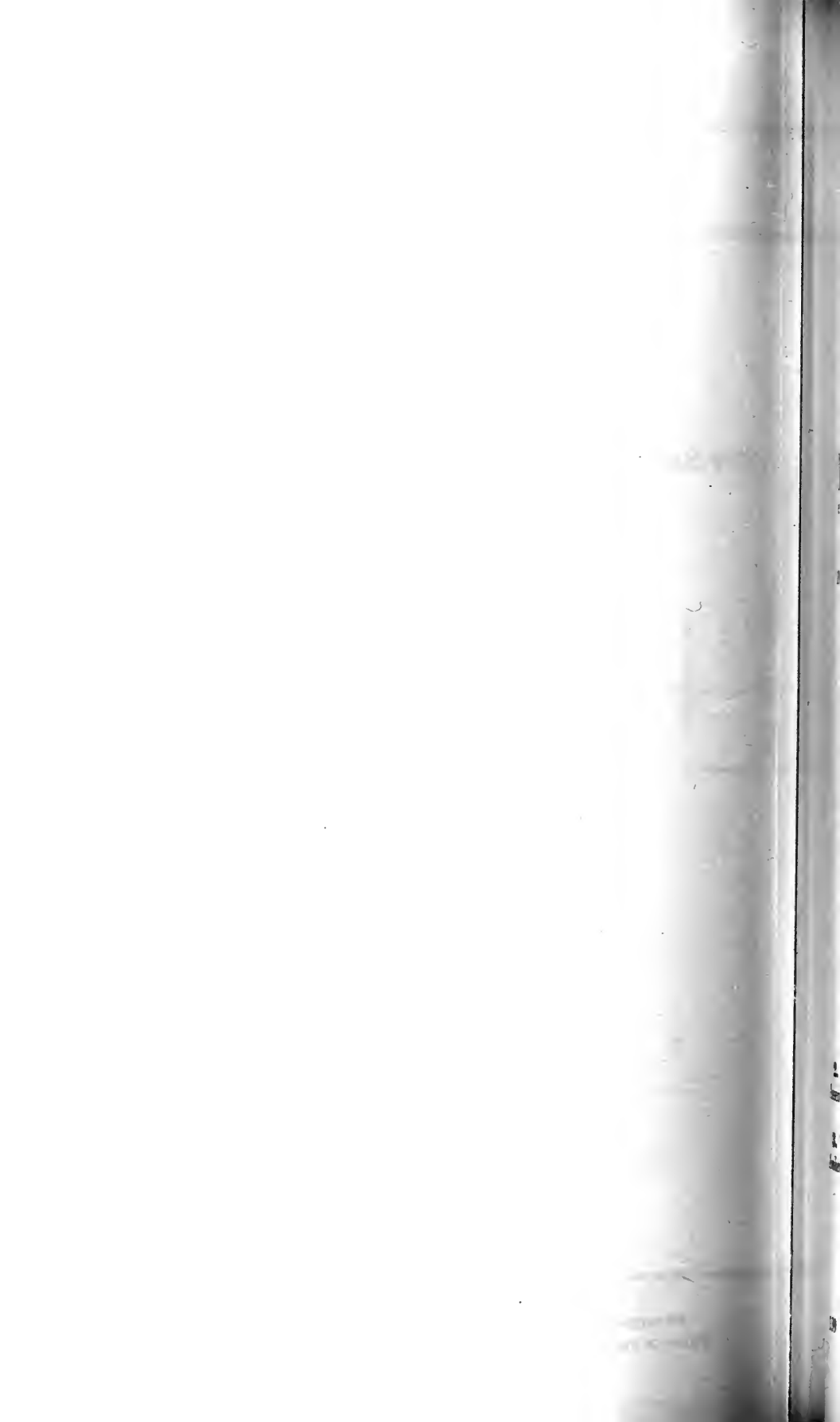
Mr. ATLAN (Haldimand-Norfolk)

BILL 139

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Sandwich, Windsor and Amherstburg
Railway Act, 1949**

MR. ALLAN (Haldimand-Norfolk)



BILL 139

1960

**An Act to amend
The Sandwich, Windsor and Amherstburg
Railway Act, 1949**

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

1. *The Sandwich, Windsor and Amherstburg Railway Act*, ^{1949, c. 91,} amended 1949 is amended by adding thereto the following section:

12a. Notwithstanding any other provision in this Act, the manner of payment of the sum of \$2,100,000^{Refinancing of portion of railway company debt} referred to in sections 3 and 5, the securities to be given therefor and the provisions for a sinking fund for the retirement of such debt may from time to time be varied or revised by the Treasurer of Ontario with the approval of the Lieutenant Governor in Council in such manner as he may determine and, without limiting the generality of the foregoing, the Treasurer of Ontario with like approval may provide for the prepayment by the railway company of the whole or any part of the said sum of \$2,100,000 or the interest thereon, or the establishment of a sinking fund providing for retirement thereof at an earlier date than is prescribed in section 5, and the Treasurer of Ontario is hereby authorized and directed to accept payment pursuant to the terms of any such arrangement, variation or revision.

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

3. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1960*. ^{Short title}

An Act to amend
The Sandwich, Windsor and Amherstburg
Railway Act, 1949

1st Reading

March 22nd, 1960

2nd Reading

March 28th, 1960

3rd Reading

April 1st, 1960

MR. ALAN (Haldimand-Norfolk)

BILL 140

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Municipal Act

MR. WARRENDER

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

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that joint administration of planning comes under *The Planning Act, 1955* and not *The Municipal Act*. The reference to planning is, therefore, deleted from the provisions authorizing the creation of inter-urban areas.

SECTION 2—Subsection 1. The amendment is for clarification only and deletes the reference to annual elections so that the provision will also refer to elections held biennially.

An Act to amend The Municipal Act

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

1. Subsection 1 of section 24 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out "planning" in the sixth line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 24
(1954, c. 56,
s. 1),
subs. 1.
amended

- (1) Upon the application of a municipality as defined in *The Department of Municipal Affairs Act* for the creation of an area consisting of the applicant municipality or a part thereof and one or more other municipalities or parts thereof for the joint administration therein of education, fire protection, police protection, highways, sewers, sewage disposal, garbage disposal, public health including hospitals and hospitalization, welfare including unemployment relief, parks or any public utility as defined by *The Department of Municipal Affairs Act*, the Municipal Board may by order on such terms as it deems expedient create such area or a greater or smaller area for any or all of such purposes.

Power to
create inter-
urban
administra-
tive areas
R.S.O. 1950,
c. 96

2.—(1) Subsection 2 of section 56 of *The Municipal Act* is amended by striking out "annual" in the fifth line and inserting in lieu thereof "next ensuing", so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 56,
subs. 2,
amended

- (2) In any municipality in which under this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the next ensuing municipal election is to be held shall be eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of

Ineligibility
of member
whose term
of office
has not
expired to
qualify for
another
office unless
he resigns
his present
office

nomination filed his resignation from the office which he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid.

R.S.O. 1950, c. 243, s. 56, subs. 3, cl. e, amended (2) Clause *e* of subsection 3 of the said section 56 is amended by striking out "highway or of any work" in the third line and inserting in lieu thereof "work, other than a highway", so that the clause shall read as follows:

(e) of his having been appointed and paid for his services as commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation.

R.S.O. 1950, c. 243, s. 95^a (1955, c. 48, s. 13), subs. 1, amended 3.—(1) Subsection 1 of section 95^a of *The Municipal Act*, as enacted by section 13 of *The Municipal Amendment Act, 1955*, is amended by inserting after "papers" in the fourth line "in such form as the by-law prescribes", so that the subsection shall read as follows:

Composite ballot papers authorized

(1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers in such form as the by-law prescribes which shall contain the names of the candidates for each office arranged alphabetically in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

R.S.O. 1950, c. 243, s. 95^a (1955, c. 48, s. 13), subs. 4, repealed

(2) Subsection 4 of the said section 95^a is repealed.

R.S.O. 1950, c. 243, s. 133, amended

4. Section 133 of *The Municipal Act* is amended by adding thereto the following subsection:

Opening of box where documents placed in box in error

(2) Where the documents referred to in subsection 1 are in error placed in the ballot box or where the statement cannot be interpreted by the returning officer, the returning officer may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the returning officer.

R.S.O. 1950, c. 243, s. 170, subs. 5, amended

5. Subsection 5 of section 170 of *The Municipal Act* is amended by striking out "annual" in the fifth line, so that the subsection shall read as follows:

Subsection 2. The amendment is for clarification only and is complementary to an amendment to section 420 made in 1958 which provides that a member of the council of a county, village or township may be appointed a commissioner, etc., of any work, other than a highway, undertaken by the municipality.

SECTION 3. Section 95a authorizes the use of composite ballot papers and subsection 4 requires that they conform as closely as possible to the separate ballot papers. The amendments authorize the form of composite ballot papers to be prescribed in the by-law providing therefor.

SECTION 4. Self-explanatory.

SECTION 5. The reference to annual election is deleted so that the provision will also refer to biennial elections.

SECTION 6. Self-explanatory.

- (5) Where the seat of a member of council is rendered vacant by reason of the filing of the resignation mentioned in subsection 2 of section 56, the vacancy shall not be filled in the manner provided in section 168 or 169, but the seat shall remain vacant until the next ensuing election when it shall be filled in the manner provided by this Act or any special Act which may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office.

Vacancies
not requiring
a by-election

6. *The Municipal Act* is amended by adding thereto the following sections:

R.S.O. 1950,
c. 243,
amended

227a.—(1) Notwithstanding any general or special Act, in townships having a population of more than 45,000, the council may pass a by-law providing that there shall be an executive committee consisting of,

Executive
committee
in townships

- (a) the head of council; and
- (b) where,
 - (i) the deputy reeve is elected at large, the deputy reeve, or
 - (ii) there is more than one deputy reeve, a deputy reeve to be elected to the committee by council; and
- (c) one councillor to be elected to the committee by council or, where there is no deputy reeve, two councillors to be elected to the committee by council; and
- (d) where there are more than fifteen members of council, one additional member of council to be elected to the committee by council.

- (2) A by-law passed under subsection 1 shall be passed not later than the 1st day of November in any year and shall take effect when the council is organized following the next municipal election after the by-law is passed and no such by-law shall be repealed until at least six years have elapsed from the time it first took effect, and no repealing by-law shall be passed later than the 1st day of November in any year.

By-law
establishing
executive
committee,
effective
date

- Term of office (3) The members of the executive committee elected to the committee by council shall hold office for one year and until their respective successors are elected.
- Vacancies (4) If any vacancy occurs in the office of a member elected to the executive committee by council, the vacancy shall be filled by election by council in accordance with subsection 1, and the person elected to fill the vacancy shall hold office for the unexpired term of office of his predecessor.
- Travelling expenses, etc. (5) The members of an executive committee shall be entitled to be reimbursed for any reasonable travelling or other expenses necessarily incurred and paid by them in the performance of their powers and duties.
- Absence or vacancy in office of head of council (6) During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the executive committee.
- Quorum (7) Two members of the executive committee shall form a quorum and the head of council, if present, shall preside at all meetings.
- Application of ss. 226, 227 (8) Subsections 9, 10, 11, 13, 14, 15 and 19 of section 226 and subsections 9, 10, 11, 12 and 13 of section 227 shall apply to this section as if the executive committee were acting in the place of a board of control.
- Amendment or repeal of by-law (9) Except by a vote of three-fourths of all the members of the council, no by-law passed under subsection 1 shall be amended or repealed.
- Salaries of members of executive committee 227b. The council of any township having an executive committee may by by-law fix the salaries of the members of the committee, other than the head of council, and the salaries so fixed together with the annual allowance paid for being a member of the council under subsection 1 of section 418 or the total daily remuneration for attendance at meetings of the council and of its committees under subsection 1 of section 417 shall not exceed in the total,
 - (a) where the population of a township is less than 100,000, a sum not exceeding \$2,500 per annum;
 - (b) where the population of a township is 100,000 or more but less than 150,000, a sum not exceeding \$3,500 per annum;



SECTION 7. Self-explanatory.

SECTION 8. The limit of \$2,500 presently imposed on retirement allowances payable to municipal employees with at least 20 years continuous service is removed.

- (c) where the population of a township is 150,000 or more but less than 200,000, a sum not exceeding \$4,500 per annum;
- (d) where the population of a township is 200,000 or more but less than 300,000, a sum not exceeding \$6,000 per annum; and
- (e) where the population of a township is 300,000 or more, a sum not exceeding \$8,500 per annum.

7. Section 247 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 243, s. 247,
re-enacted

247.—(1) The auditor of a municipality has right-of-access at all reasonable hours to all books, records, documents, accounts and vouchers of the municipality or any local board thereof, and is entitled to require from the members of council and local boards and from the officers of the municipality and its local boards such information and explanation as in his opinion may be necessary to enable him to carry out such duties as are prescribed by the Department. Right of
access, etc.

(2) The auditor may require any person to give evidence on oath touching any of such matters and for such purpose has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Auditor
may take
evidence on
oath
R.S.O. 1950,
c. 308

(3) The auditor is entitled to attend any meeting of members of council or any local board of the municipality and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. Auditor
may attend
meetings

8. Subsection 1 of section 257 of *The Municipal Act*, as re-enacted by subsection 1 of section 24 of *The Municipal Amendment Act, 1955*, is amended by striking out "or \$2,500" in the eighteenth line, so that the subsection shall read as follows: R.S.O. 1950,
c. 243, s. 257,
subs. 1
(1955, c. 48,
s. 24,
subs. 1),
amended

(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who, Retirement
allowances
R.S.O. 1950
c. 96

(a) is retired because of age; or

(b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service.

R.S.O. 1950,
c. 243, s. 299
(1952, c. 63,
s. 11),
subs. 3,
amended

9. Subsection 3 of section 299 of *The Municipal Act*, as re-enacted by section 11 of *The Municipal Amendment Act, 1952*, is amended by adding at the end thereof "and sections 70 to 72 of *The Ontario Municipal Board Act* apply *mutatis mutandis* with respect to such approval", so that the subsection shall read as follows:

Approval of
Municipal
Board

(3) No by-law for the borrowing and raising of money or the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed finally until approved by the Municipal Board and sections 70 to 72 of *The Ontario Municipal Board Act* apply *mutatis mutandis* with respect to such approval.

R.S.O. 1950,
c. 262

R.S.O. 1950,
c. 243, s. 300,
subs. 2
(1957, c. 76,
s. 14,
subs. 1),
amended

10.—(1) Subsection 2 of section 300 of *The Municipal Act*, as re-enacted by subsection 1 of section 14 of *The Municipal Amendment Act, 1957 (No. 2)*, is amended by adding thereto the following clauses:

(ff) agreements respecting policing of the whole or any part of a municipality by the Ontario Provincial Police Force under section 51 of *The Police Act*;

.

(kk) agreements for a term not exceeding five years respecting the provision, maintenance or hiring of an ambulance by a board of health under section 28 of *The Public Health Act* when such agreement has been approved by the council of the corporation;

R.S.O. 1950,
c. 306

.

R.S.O. 1950,
c. 281

(q) agreements under *The Power Commission Act* with The Hydro-Electric Power Commission of Ontario on its behalf or on behalf of Her Majesty in right of Ontario.

SECTION 9. The amendment authorizes the Ontario Municipal Board to impose conditions with respect to approvals of borrowing by-laws expressed in sterling or U.S. dollars.

SECTION 10—Subsections 1 and 2. The projects for which a municipal corporation is not deemed to incur a debt the payment of which is not provided for in the estimates and therefore do not require the assent of the electors or approval of the Ontario Municipal Board are listed in subsection 2 of section 300.

The amendments add the provisions in the new clauses *ff*, *kk*, *q* and *r* to this list.

Subsection 3. The amendment authorizes a municipality to make grants in aid of the Royal Botanical Gardens without the assent of the electors.

SECTION 11. The provision permitting the mechanical reproduction of signatures on a debenture of local municipalities of not less than 50,000 population is extended to all municipalities.

SECTION 12. The definition of land in the provisions dealing with the acquisition of land and compensation therefor is repealed. This definition is unnecessary as land is defined in the interpretation provisions of section 1 of the Act.

SECTION 13. The amendment is to make it clear that a county may provide a county court house or county jail in any municipality within the county.

(2) Subsection 2 of the said section 300 is further amended by adding thereto the following clause:

R.S.O. 1950,
c. 243, s. 300,
subs. 2
(1957, c. 76,
s. 14,
subs. 1),
amended

- (r) agreements respecting matters of employment of officers, servants and employees of the corporation or a local board thereof.

(3) Clause *b* of subsection 3 of the said section 300, as re-enacted by subsection 2 of section 10 of *The Municipal Amendment Act, 1959*, is amended by inserting after "29" in the second line "34a", so that the clause shall read as follows:

R.S.O. 1950,
c. 243, s. 300,
subs. 3
(1959, c. 62,
s. 10,
subs. 2),
cl. b,
amended

- (b) for providing money for any of the purposes mentioned in paragraph 13a, 29, 34a, 48, 51a, 51b, 52 or 53 of section 386, or in subclause ii or iii of clause *b* of section 387, or in paragraph 63, 84, 85 or 86 of subsection 1 of section 388; or

11. Subsection 3 of section 333 of *The Municipal Act*, as re-enacted by section 18 of *The Municipal Amendment Act, 1957 (No. 2)*, is amended by striking out "In a local municipality having a population of not less than 50,000", in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 333,
subs. 3
(1957, c. 76,
s. 18),
amended

- (3) The signature of the head of the council of the corporation to all debentures or other like instruments issued by the corporation may be written or engraved, lithographed, printed or otherwise mechanically reproduced and, if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written or engraved, lithographed, printed or otherwise mechanically reproduced.

Execution
of
debentures

12. Clause *c* of section 344 of *The Municipal Act* is repealed.

R.S.O. 1950,
c. 243, s. 344,
cl. c,
repealed

13. Subsection 2 of section 367 of *The Municipal Act* is amended by inserting after "within" in the first line "any municipality in the county including", so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 367,
subs. 2,
amended

- (2) The corporation of a county may acquire land within any municipality in the county including a city or separated town, whether such city or separated town is the county town or not, for the purpose of erecting and may erect thereon a court house, a jail and buildings for use as a county hall and for offices for the county officials.

County
acquiring
land in
city or
separated
town

R.S.O. 1950,
c. 243, s. 377,
re-enacted

14. Section 377 of *The Municipal Act* is repealed and the following substituted therefor:

City to
have voice
in improve-
ments in
excess of
\$10,000

376a. Where a city is required to contribute towards the cost of enlarging, improving or repairing a court house or jail and the cost thereof will be in excess of \$10,000, the city shall have a voice in determining whether or not such enlargement, improvement or repair should be made or another court house or jail should be erected.

Arbitration
on site and
advisability
of improve-
ments in
excess of
\$10,000

377. Unless the councils of the county and city agree, the site of the court house or jail, or whether or not any enlargement, improvement or repair of the court house or jail should be made or another court house or jail erected under section 376a, shall be determined by arbitration.

R.S.O. 1950,
c. 243, s. 386,
amended

15.—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

Providing
for deter-
mination of
disputes
under
agreements

6a. For providing in any agreement that may be lawfully made with another municipality that any dispute arising out of such agreement may be determined by the Ontario Municipal Board as sole arbitrator.

R.S.O. 1950,
c. 243, s. 386,
par. 29,
amended

(2) Paragraph 29 of the said section 386, as amended by subsection 1 of section 15 of *The Municipal Amendment Act, 1952* and subsection 2 of section 20 of *The Municipal Amendment Act, 1957 (No. 2)*, is further amended by adding thereto the following clause:

(a) Granting aid for the purposes of this paragraph shall be deemed to include and to have always included granting money or land in aid.

R.S.O. 1950,
c. 243, s. 386,
amended

(3) The said section 386 is further amended by adding thereto the following paragraphs:

Aid to art
galleries

31a. For granting money or land in aid of any art gallery in the municipality or in an adjacent municipality operated on a non-profit basis for the advancement of culture and for the benefit of the public, upon such terms and conditions as the council deems expedient.

Aid to
Royal
Botanical
Gardens

34a. For granting aid to the Royal Botanical Gardens.

SECTION 14. Under existing legislation a city has no voice in determining the advisability of making extensive additions or repairs to an existing court house or jail notwithstanding the fact that these could constitute for all practical purposes the erection of a new court house or jail. This amendment will give the city a voice in such matters.

SECTION 15—Subsection 1. This amendment is complementary to an amendment to *The Ontario Municipal Board Act* conferring jurisdiction on the Municipal Board in such matters.

Subsection 2. The amendment is to make it clear that the granting of aid to hospitals includes the granting of money or land in aid.

Subsection 3. Self-explanatory.

Subsection 4. The amendment removes employees of municipally-operated hospitals from the pension provisions of *The Municipal Act* to permit a province-wide hospital employees' pension plan.

Subsection 5. The amendment authorizes municipalities with the approval of the Department of Municipal Affairs to expend moneys for such purposes.

46b. For placing or permitting any person, under such conditions as may be agreed upon, to erect transit system shelters on the untravelled portion of a highway under its jurisdiction.

(4) Subclause ii of clause a of paragraph 48 of the said section 386, as re-enacted by section 4 of *The Municipal Amendment Act, 1958 (No. 2)*, is amended by adding at the end thereof "but does not include a hospital established under any general or special Act and operated by a municipal corporation", so that the subclause shall read as follows:

R.S.O. 1950,
c. 243, s. 386,
par. 48
(1958, c. 65,
s. 4), cl. a,
subcl. ii,
amended

(ii) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof, but does not include a hospital established under any general or special Act and operated by a municipal corporation.

(5) Paragraph 53 of the said section 386, as amended by subsection 8 of section 20 of *The Municipal Amendment Act, 1954*, subsection 5 of section 37 of *The Municipal Amendment Act, 1955*, subsection 2 of section 14 of *The Municipal Amendment Act, 1956* and subsection 4 and 5 of section 28 of *The Municipal Amendment Act, 1958*, is further amended by inserting after "stadia" in the seventh line "museums, including public historical museums, zoological or other gardens, natural history collections, observatories or works of art", so that the paragraph, exclusive of the clauses, shall read as follows:

R.S.O. 1950,
c. 243, s. 386,
par. 53,
amended

53. Notwithstanding any general or special Act, subject to the approval of the Department, for acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, museums, including public historical museums, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement within or outside the municipality which may or may not be in

Special
undertakings

commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

R.S.O. 1950,
c. 243, s. 387,
cl. b,
subcls. ii,
iii,
re-enacted

16. Subclauses ii and iii of clause *b* of section 387 of *The Municipal Act* are repealed and the following substituted therefor:

- (ii) for the establishment and maintenance of emergency measures civil defence organizations, and
- (iii) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality.

R.S.O. 1950,
c. 243, s. 388,
subs. 1,
par. 91b
(1956, c. 50,
s. 15,
subs. 6),
cl. b,
amended

17.—(1) Clause *b* of paragraph 91*b* of subsection 1 of section 388 of *The Municipal Act*, as enacted by subsection 6 of section 15 of *The Municipal Amendment Act, 1956*, is amended by striking out “\$10” in the sixth line and inserting in lieu thereof “\$20”, so that the clause shall read as follows:

Licence
fees

- (*b*) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month.

R.S.O. 1950,
c. 243, s. 388,
subs. 1,
amended

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

Pedestrian
ways or
malls

- 107*a*. Subject to the approval of the Minister of Transport, to establish all or any part of any street solely or principally as a way for the use of pedestrians and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods as may be specified.

Attaching
of things
to property
of public
utility

- 118*a*. For prohibiting or regulating the nailing or otherwise attaching of anything or the causing of anything to be so nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in subclause ii of clause *a* of paragraph 48 of section 386.

SECTION 16. The amendments to section 387 will permit municipalities to make expenditures for civil defence purposes and to establish civil defence organizations and contribute to their maintenance.

SECTION 17—Subsection 1. This paragraph provides for the licensing of trailers located other than in a trailer camp for thirty days or longer in any area. The fee that may be charged for every month or portion of a month is limited to \$10 per month. This amendment allows up to \$20 a month being imposed for a trailer licence.

Subsection 2. The new paragraph 107*a* would permit the councils of all local municipalities to establish what is known as pedestrian malls.

The new paragraph 118*a* is self-explanatory.

SECTION 18. This amendment provides the permissive authority for a county council to pay the costs of the valuation of losses and a portion of losses occasioned by farmers when their live stock are attacked by rabies.

SECTION 19—Subsection 1. The amendment is to make it clear that the licensing of vendors of milk and milk products does not come within the provisions authorizing the licensing of hawkers and pedlars. *The Milk Industry Act, 1957* contains specific authority for the licensing of such vendors.

Subsection 2 and 3. The authority of municipalities to license and govern employment agencies is repealed. Subsection 3 is to make it clear that all by-laws passed under such authority are repealed. The amendment is complementary to *The Employment Agencies Act, 1960*.

SECTION 20. The new paragraph authorizes the passing of by-laws in local municipalities to license and regulate non-resident transient photographers.

SECTION 21. The section is re-enacted for the purposes of clarification.

18. Section 402 of *The Municipal Act* is amended by adding thereto the following paragraph: R.S.O. 1950, c. 243, s. 402, amended

1a. For granting aid to owners of cattle, horses, goats, sheep or swine for losses caused by rabies, not in excess of the following rates for each animal: Aid for animal losses due to rabies

cattle.....	\$250
horses.....	100
goats.....	40
sheep.....	40
swine.....	40

19.—(1) Clause *a* of paragraph 1 of subsection 1 of section 410 of *The Municipal Act* is amended by adding “or” at the end of subclause *v* and by adding thereto the following subclause: R.S.O. 1950, c. 243, s. 410, subs. 1, par. 1, cl. *a*, amended

(vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.

(2) Paragraph 5 of subsection 1 of the said section 410 is repealed. R.S.O. 1950, c. 243, s. 410, subs. 1, par. 5, repealed

(3) Every by-law that was passed under paragraph 5 of subsection 1 of section 410 of *The Municipal Act* that is in force on the day *The Employment Agencies Act, 1960* comes into force is repealed. Employment agency by-laws repealed

20. Section 412 of *The Municipal Act*, as amended by section 28 of *The Municipal Amendment Act, 1954*, is further amended by adding thereto the following paragraph: R.S.O. 1950, c. 243, s. 412, amended

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards. Licensing non-resident transient photographers

21. Section 421 of *The Municipal Act*, as re-enacted by section 44 of *The Municipal Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 243, s. 421 (1955, c. 48, s. 44), re-enacted

421. The council of any municipality may pay for or towards, Expenses for entertaining guests and for travelling on civic business

(a) the reception or entertainment of persons of distinction or the celebration of events or matters of international interest or importance; and

(b) the travelling and other expenses of the members of council and of the officers and servants

of the municipality in the performance of their duties outside the municipality as councillors, officers or servants a sum not exceeding in any one year,

(i) in the case of a local municipality having a population of,

not less than 500,000.....	\$50,000
not less than 200,000.....	30,000
not less than 100,000.....	20,000
not less than 50,000.....	10,000
not less than 20,000.....	3,000
not less than 10,000.....	2,000
less than 10,000.....	1,000

(ii) in the case of a county..... 2,500

and such sums do not include expenditures made under paragraphs 8, 9, 10, 11 and 11a of section 386 or expenditures for travelling and other expenses of the officers and servants of the municipality while travelling on normal business of the municipality within or outside the municipality, but do include expenses of appointed and elected officials attending other conventions and receptions.

R.S.O. 1950, c. 243, s. 448a (1959, c. 62, s. 24), re-enacted

22. Section 448a of *The Municipal Act*, as enacted by section 24 of *The Municipal Amendment Act, 1959*, is repealed and the following substituted therefor:

Notice of excavating to owner of utility works

448a. Where digging, trenching or excavating with mechanical equipment upon a highway by a municipality or any person entitled so to do may interfere with a gas pipe line, telephone line, works for the distribution and supply of electrical power, water mains or sewers, the municipality shall, except in an emergency or unless otherwise agreed between the municipality and the owner of such works, at least twenty-four hours before the work is to be commenced, notify the owner of the works that such digging, trenching or excavating is to be done.

R.S.O. 1950, c. 243, s. 483, subs. 4, amended

23. Subsection 4 of section 483 of *The Municipal Act* is amended by adding thereto the following clause:

(i) prohibiting the attaching of any object or thing to a tree located on any highway or public place, except with the consent of an officer of the municipality named in the by-law, notwithstanding that such attachment would not injure or destroy the tree.

SECTION 22. In 1959 provision was made requiring notice of excavating on highways to be given to gas companies only. The section as re-enacted extends the requirement to include electricity lines, telephone lines, water and sewer.

SECTION 23. The amendment authorizes by-laws prohibiting the attaching of any object to trees whether or not such attachment would injure the trees.

SECTION 24. The present form requires white lettering on a black background. To reduce the expense, the form substituted will require the printing to be on a white background.

24. Form 4 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 243,
Form 4,
re-enacted

FORM 4

(Section 95(2))

BALLOT PAPER FOR CITIES
OF NOT LESS THAN 200,000 POPULATION

FORM FOR MAYOR AND CONTROLLERS

CITY OF TORONTO Municipal Elections , 19 Ward No. Polling Subdivision No. FOR MAYOR	ALLAN Charles Allan, Merchant.
	BROWN William Brown, Banker.

FORM FOR ALDERMEN

CITY OF TORONTO Municipal Elections , 19 Ward No. Polling Subdivision No. FOR ALDERMAN	ARGO James Argo, Gentleman.
	BAKER Samuel Baker, Baker.
	DUNCAN Robert Duncan, Printer.
	ROBINSON Archibald Robinson, Butcher.

Expenditures
for 1959
authorized

25. For the purposes of expenditures for the year 1959 made under section 421 of *The Municipal Act*, a municipality shall be deemed to have had the authority to expend twice the amount authorized for the municipality under that section.

Commence-
ment

26.—(1) This Act, except subsection 2 of section 10, subsection 4 of section 15 and sections 18 and 21, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 10 shall be deemed to have come into force on the 27th day of March, 1958.

Idem

(3) Subsection 4 of section 15 shall come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(4) Section 18 shall be deemed to have come into force on the 1st day of April, 1958.

Idem

(5) Section 21 shall be deemed to have come into force on the 1st day of January, 1960.

Short title

27. This Act may be cited as *The Municipal Amendment Act, 1960*.

SECTION 25. The section is to provide for expenses of municipalities in relation to the visit of Her Majesty the Queen.

1st Reading

March 22nd, 1960.

2nd Reading

3rd Reading

MR. WARRENDER

BILL 140

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Municipal Act

MR. WARRENDER

(Reprinted as amended by the Committee on Municipal Law)

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

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that joint administration of planning comes under *The Planning Act, 1955* and not *The Municipal Act*. The reference to planning is, therefore, deleted from the provisions authorizing the creation of inter-urban areas.

SECTION 2. The amendment is to make it clear that townships in metropolitan areas have the same powers as townships in counties with regard to the composition of council.

An Act to amend The Municipal Act

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

1. Subsection 1 of section 24 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out "planning" in the sixth line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 24
(1954, c. 56,
s. 1),
subs. 1,
amended

- (1) Upon the application of a municipality as defined in *The Department of Municipal Affairs Act* for the creation of an area consisting of the applicant municipality or a part thereof and one or more other municipalities or parts thereof for the joint administration therein of education, fire protection, police protection, highways, sewers, sewage disposal, garbage disposal, public health including hospitals and hospitalization, welfare including unemployment relief, parks or any public utility as defined by *The Department of Municipal Affairs Act*, the Municipal Board may by order on such terms as it deems expedient create such area or a greater or smaller area for any or all of such purposes.

Power to
create inter-
urban
administra-
tive areas
R.S.O. 1950,
c. 96

2. Subsection 5 of section 53 of *The Municipal Act*, as enacted by section 2 of *The Municipal Amendment Act, 1951*, is amended by striking out "in a county and" in the first and second lines and by striking out "instead of being composed as provided in subsection 3" in the third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 53,
subs. 5
(1951, c. 53,
s. 2),
amended

- (5) The council of a village or township divided into wards may by by-law provide that thereafter the council shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000.

Alternative
composition
where wards

R.S.O. 1950,
c. 243, s. 56,
subs. 2,
amended

3.—(1) Subsection 2 of section 56 of *The Municipal Act* is amended by striking out “annual” in the fifth line and inserting in lieu thereof “next ensuing”, so that the subsection shall read as follows:

Ineligibility
of member
whose term
of office
has not
expired to
qualify for
another
office unless
he resigns
his present
office

(2) In any municipality in which under this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the next ensuing municipal election is to be held shall be eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of nomination filed his resignation from the office which he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid.

R.S.O. 1950,
c. 243, s. 56,
subs. 3, cl. e,
amended

(2) Clause *e* of subsection 3 of the said section 56 is amended by striking out “highway or of any work” in the third line and inserting in lieu thereof “work, other than a highway”, so that the clause shall read as follows:

(*e*) of his having been appointed and paid for his services as commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation.

R.S.O. 1950,
c. 243, s. 95^a
(1955, c. 48,
s. 13),
subs. 1,
amended

4.—(1) Subsection 1 of section 95^a of *The Municipal Act*, as enacted by section 13 of *The Municipal Amendment Act, 1955*, is amended by inserting after “papers” in the fourth line “in such form as the by-law prescribes”, so that the subsection shall read as follows:

Composite
ballot
papers
authorized

(1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers in such form as the by-law prescribes which shall contain the names of the candidates for each office arranged alphabetically in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

R.S.O. 1950,
c. 243, s. 95^a
(1955, c. 48,
s. 13),
subs. 4,
repealed

(2) Subsection 4 of the said section 95^a is repealed.

R.S.O. 1950,
c. 243, s. 133,
amended

5. Section 133 of *The Municipal Act* is amended by adding thereto the following subsection:

Opening of
box where
documents
placed in
box in
error

(2) Where the documents referred to in subsection 1 are in error placed in the ballot box or where the statement cannot be interpreted by the returning officer,

SECTION 3—Subsection 1. The amendment is for clarification only and deletes the reference to annual elections so that the provision will also refer to elections held biennially.

Subsection 2. The amendment is for clarification only and is complementary to an amendment to section 420 made in 1958 which provides that a member of the council of a county, village or township may be appointed a commissioner, etc., of any work, other than a highway, undertaken by the municipality.

SECTION 4. Section 95a authorizes the use of composite ballot papers and subsection 4 requires that they conform as closely as possible to the separate ballot papers. The amendments authorize the form of composite ballot papers to be prescribed in the by-law providing therefor.

SECTION 5. Self-explanatory.

SECTION 6. The reference to annual election is deleted so that the provision will also refer to biennial elections.

SECTION 7. Self-explanatory

the returning officer may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the returning officer.

6. Subsection 5 of section 170 of *The Municipal Act* is amended by striking out "annual" in the fifth line, so that the subsection shall read as follows: R.S.O. 1950, c. 243, s. 170, subs. 5, amended

(5) Where the seat of a member of council is rendered vacant by reason of the filing of the resignation mentioned in subsection 2 of section 56, the vacancy shall not be filled in the manner provided in section 168 or 169, but the seat shall remain vacant until the next ensuing election when it shall be filled in the manner provided by this Act or any special Act which may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office. Vacancies not requiring a by-election

7. *The Municipal Act* is amended by adding thereto the following sections: R.S.O. 1950, c. 243, amended

227a.—(1) Notwithstanding any general or special Act, in townships having a population of more than 45,000, the council may pass a by-law providing that there shall be an executive committee consisting of, Executive committee in townships

(a) the head of council; and

(b) where,

(i) the deputy reeve is elected at large, the deputy reeve, or

(ii) there is more than one deputy reeve, a deputy reeve to be elected to the committee by council; and

(c) one councillor to be elected to the committee by council or, where there is no deputy reeve, two councillors to be elected to the committee by council; and

(d) where there are more than fifteen members of council, one additional member of council to be elected to the committee by council.

(2) A by-law passed under subsection 1 shall be passed not later than the 1st day of November in any year and shall take effect when the council is organized following the next municipal election after the by-law is passed and no such by-law shall be repealed By-law establishing executive committee, effective date

until at least six years have elapsed from the time it first took effect, and no repealing by-law shall be passed later than the 1st day of November in any year.

Term of office

- (3) The members of the executive committee elected to the committee by council shall hold office for one year and until their respective successors are elected.

Vacancies

- (4) If any vacancy occurs in the office of a member elected to the executive committee by council, the vacancy shall be filled by election by council in accordance with subsection 1, and the person elected to fill the vacancy shall hold office for the unexpired term of office of his predecessor.

Travelling expenses, etc.

- (5) The members of an executive committee shall be entitled to be reimbursed for any reasonable travelling or other expenses necessarily incurred and paid by them in the performance of their powers and duties.

Absence or vacancy in office of head of council

- (6) During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the executive committee.

Quorum

- (7) Two members of the executive committee shall form a quorum and the head of council, if present, shall preside at all meetings.

Application of ss. 226, 227

- (8) Subsections 9, 10, 11, 13, 14, 15 and 19 of section 226 and subsections 9, 10, 11, 12 and 13 of section 227 shall apply to this section as if the executive committee were acting in the place of a board of control.

Amendment or repeal of by-law

- (9) Except by a vote of three-fourths of all the members of the council, no by-law passed under subsection 1 shall be amended or repealed.

Salaries of members of executive committee

- 227b. The council of any township having an executive committee may by by-law fix the salaries of the members of the committee, other than the head of council, and the salaries so fixed together with the annual allowance paid for being a member of the council under subsection 1 of section 418 or the total daily remuneration for attendance at meetings of the council and of its committees under subsection 1 of section 417 shall not exceed in the total,

- (a) where the population of a township is less than 100,000, a sum not exceeding \$2,500 per annum;
- (b) where the population of a township is 100,000 or more but less than 150,000, a sum not exceeding \$3,500 per annum;



SECTION 8. Self-explanatory.

SECTION 9. The limit of \$2,500 presently imposed on retirement allowances payable to municipal employees with at least 20 years continuous service is removed.

- (c) where the population of a township is 150,000 or more but less than 200,000, a sum not exceeding \$4,500 per annum;
- (d) where the population of a township is 200,000 or more but less than 300,000, a sum not exceeding \$6,000 per annum; and
- (e) where the population of a township is 300,000 or more, a sum not exceeding \$8,500 per annum.

8. Section 247 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 243, s. 247,
re-enacted

- 247.—(1) The auditor of a municipality has right-of-access at all reasonable hours to all books, records, documents, accounts and vouchers of the municipality or any local board thereof, and is entitled to require from the members of council and local boards and from the officers of the municipality and its local boards such information and explanation as in his opinion may be necessary to enable him to carry out such duties as are prescribed by the Department. Right of
access, etc.
- (2) The auditor may require any person to give evidence on oath touching any of such matters and for such purpose has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Auditor
may take
evidence on
oath
R.S.O. 1950,
c. 308
- (3) The auditor is entitled to attend any meeting of members of council or any local board of the municipality and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. Auditor
may attend
meetings

9. Subsection 1 of section 257 of *The Municipal Act*, as re-enacted by subsection 1 of section 24 of *The Municipal Amendment Act, 1955*, is amended by striking out "or \$2,500" in the eighteenth line, so that the subsection shall read as follows: R.S.O. 1950,
c. 243, s. 257,
subs. 1
(1955, c. 48,
s. 24,
subs. 1),
amended

- (1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who, Retirement
allowances
R.S.O. 1950,
c. 96

- (a) is retired because of age; or
- (b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service.

R.S.O. 1950,
c. 243, s. 299
(1952, c. 63,
s. 11),
subs. 3,
amended

10. Subsection 3 of section 299 of *The Municipal Act*, as re-enacted by section 11 of *The Municipal Amendment Act, 1952*, is amended by adding at the end thereof "and sections 70 to 72 of *The Ontario Municipal Board Act* apply *mutatis mutandis* with respect to such approval", so that the subsection shall read as follows:

Approval of
Municipal
Board

- (3) No by-law for the borrowing and raising of money or the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed finally until approved by the Municipal Board and sections 70 to 72 of *The Ontario Municipal Board Act* apply *mutatis mutandis* with respect to such approval.

R.S.O. 1950,
c. 262

R.S.O. 1950,
c. 243, s. 300,
subs. 2
(1957, c. 76,
s. 14,
subs. 1),
amended

11.—(1) Subsection 2 of section 300 of *The Municipal Act*, as re-enacted by subsection 1 of section 14 of *The Municipal Amendment Act, 1957 (No. 2)*, is amended by adding thereto the following clauses:

- (ff) agreements respecting policing of the whole or any part of a municipality by the Ontario Provincial Police Force under section 51 of *The Police Act*;

- (kk) agreements for a term not exceeding five years respecting the provision, maintenance or hiring of an ambulance by a board of health under section 28 of *The Public Health Act* when such agreement has been approved by the council of the corporation;

R.S.O. 1950,
c. 306

R.S.O. 1950,
c. 281

- (q) agreements under *The Power Commission Act* with The Hydro-Electric Power Commission of Ontario on its behalf or on behalf of Her Majesty in right of Ontario.

SECTION 10. The amendment authorizes the Ontario Municipal Board to impose conditions with respect to approvals of borrowing by-laws expressed in sterling or U.S. dollars.

SECTION 11—Subsections 1 and 2. The projects for which a municipal corporation is not deemed to incur a debt the payment of which is not provided for in the estimates and therefore do not require the assent of the electors or approval of the Ontario Municipal Board are listed in subsection 2 of section 300.

The amendments add the provisions in the new clauses *ff*, *kk*, *q* and *r* to this list.

Subsection 3. The amendment authorizes a municipality to make grants in aid of the Royal Botanical Gardens without the assent of the electors.

SECTION 12. The provision permitting the mechanical reproduction of signatures on a debenture of local municipalities of not less than 50,000 population is extended to all municipalities.

SECTION 13. The definition of land in the provisions dealing with the acquisition of land and compensation therefor is repealed. This definition is unnecessary as land is defined in the interpretation provisions of section 1 of the Act.

SECTION 14. The amendment is to make it clear that a county may provide a county court house or county jail in any municipality within the county.

(2) Subsection 2 of the said section 300 is further amended by adding thereto the following clause:

R.S.O. 1950, c. 243, s. 300, subs. 2 (1957, c. 76, s. 14, subs. 1), amended

(r) agreements respecting matters of employment of officers, servants and employees of the corporation or a local board thereof.

(3) Clause b of subsection 3 of the said section 300, as re-enacted by subsection 2 of section 10 of *The Municipal Amendment Act, 1959*, is amended by inserting after "29" in the second line "34a", so that the clause shall read as follows:

R.S.O. 1950, c. 243, s. 300, subs. 3 (1959, c. 62, s. 10, subs. 2), cl. b, amended

(b) for providing money for any of the purposes mentioned in paragraph 13a, 29, 34a, 48, 51a, 51b, 52 or 53 of section 386, or in subclause ii or iii of clause b of section 387, or in paragraph 63, 84, 85 or 86 of subsection 1 of section 388; or

.

12. Subsection 3 of section 333 of *The Municipal Act*, as re-enacted by section 18 of *The Municipal Amendment Act, 1957 (No. 2)*, is amended by striking out "In a local municipality having a population of not less than 50,000", in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1950, c. 243, s. 333, subs. 3 (1957, c. 76, s. 18), amended

(3) The signature of the head of the council of the corporation to all debentures or other like instruments issued by the corporation may be written or engraved, lithographed, printed or otherwise mechanically reproduced and, if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written or engraved, lithographed, printed or otherwise mechanically reproduced.

Execution of debentures

13. Clause c of section 344 of *The Municipal Act* is repealed.

R.S.O. 1950, c. 243, s. 34, cl. c, repealed

14. Subsection 2 of section 367 of *The Municipal Act* is amended by inserting after "within" in the first line "any municipality in the county including", so that the subsection shall read as follows:

R.S.O. 1950, c. 243, s. 367, subs. 2, amended

(2) The corporation of a county may acquire land within any municipality in the county including a city or separated town, whether such city or separated town is the county town or not, for the purpose of erecting and may erect thereon a court house, a jail and buildings for use as a county hall and for offices for the county officials.

County acquiring land in city or separated town

R.S.O. 1950, c. 243, s. 377, re-enacted **15.** Section 377 of *The Municipal Act* is repealed and the following substituted therefor:

City to have voice in improvements in excess of \$10,000

376a. Where a city or separated town is required to contribute towards the cost of enlarging, improving or repairing a court house or jail and the cost thereof will be in excess of \$10,000, the city and separated town shall have a voice in determining whether or not such enlargement, improvement or repair should be made or another court house or jail erected.

Arbitration on site and advisability of improvements in excess of \$10,000

377. Unless the councils of the county and city and separated town agree, the site of the court house or jail, or whether or not any enlargement, improvement or repair of the court house or jail should be made or another court house or jail erected under section 376a, shall be determined by arbitration under The Arbitration Act.

R.S.O. 1950, c. 20

R.S.O. 1950, c. 243, s. 386, amended

16.—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

Providing for determination of disputes under agreements

6a. For providing in any agreement that may be lawfully made with another municipality that any dispute arising out of such agreement may be determined by the Ontario Municipal Board as sole arbitrator.

R.S.O. 1950, c. 243, s. 386, par. 29, amended

(2) Paragraph 29 of the said section 386, as amended by subsection 1 of section 15 of *The Municipal Amendment Act, 1952* and subsection 2 of section 20 of *The Municipal Amendment Act, 1957 (No. 2)*, is further amended by adding thereto the following clause:

(a) Granting aid for the purposes of this paragraph shall be deemed to include and to have always included granting money or land in aid.

R.S.O. 1950, c. 243, s. 386, amended

(3) The said section 386 is further amended by adding thereto the following paragraphs:

Aid to art galleries

31a. For granting money or land in aid of any art gallery in the municipality or in an adjacent municipality operated on a non-profit basis for the advancement of culture and for the benefit of the public, upon such terms and conditions as the council deems expedient.

Aid to Royal Botanical Gardens

34a. For granting aid to the Royal Botanical Gardens.

SECTION 15. Under existing legislation a city has no voice in determining the advisability of making extensive additions or repairs to an existing court house or jail notwithstanding the fact that these could constitute for all practical purposes the erection of a new court house or jail. This amendment will give the city a voice in such matters.

SECTION 16—Subsection 1. This amendment is complementary to an amendment to *The Ontario Municipal Board Act* conferring jurisdiction on the Municipal Board in such matters.

Subsection 2. The amendment is to make it clear that the granting of aid to hospitals includes the granting of money or land in aid.

Subsection 3. Self-explanatory.

Subsection 4. The amendment removes employees of municipally-operated hospitals from the pension provisions of *The Municipal Act* to permit a province-wide hospital employees' pension plan.

Subsection 5. The amendment authorizes municipalities with the approval of the Department of Municipal Affairs to expend moneys for such purposes.

46c. For placing or permitting any person, under such conditions as may be agreed upon, to erect transit system shelters on the untravelled portion of a highway under its jurisdiction.

(4) Subclause ii of clause a of paragraph 48 of the said section 386, as re-enacted by section 4 of *The Municipal Amendment Act, 1958 (No. 2)*, is amended by adding at the end thereof "but does not include a hospital established under any general or special Act and operated by a municipal corporation", so that the subclause shall read as follows:

Transit
system
shelters

R.S.O. 1950,
c. 243, s. 386,
par. 48
(1958, c. 65,
s. 4), cl. a,
subcl. ii,
amended

(ii) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof, but does not include a hospital established under any general or special Act and operated by a municipal corporation.

(5) Paragraph 53 of the said section 386, as amended by subsection 8 of section 20 of *The Municipal Amendment Act, 1954*, subsection 5 of section 37 of *The Municipal Amendment Act, 1955*, subsection 2 of section 14 of *The Municipal Amendment Act, 1956* and subsection 4 and 5 of section 28 of *The Municipal Amendment Act, 1958*, is further amended by inserting after "stadia" in the seventh line "museums, including public historical museums, zoological or other gardens, natural history collections, observatories or works of art", so that the paragraph, exclusive of the clauses, shall read as follows:

R.S.O. 1950,
c. 243, s. 386,
par. 53,
amended

53. Notwithstanding any general or special Act, subject to the approval of the Department, for acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, museums, including public historical museums, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement within or outside the municipality which may or may not be in

Special
undertakings

commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

R.S.O. 1950, c. 243, s. 387, cl. b, subcls. ii, iii, re-enacted

17. Subclauses ii and iii of clause *b* of section 387 of *The Municipal Act* are repealed and the following substituted therefor:

- (ii) for the establishment and maintenance of emergency measures civil defence organizations, and
- (iii) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality.

R.S.O. 1950, c. 243, s. 388, subs. 1, par. 91b (1956, c. 50, s. 15, subs. 6), cl. b, amended

18.—(1) Clause *b* of paragraph 91b of subsection 1 of section 388 of *The Municipal Act*, as enacted by subsection 6 of section 15 of *The Municipal Amendment Act, 1956*, is amended by striking out "\$10" in the sixth line and inserting in lieu thereof "\$20", so that the clause shall read as follows:

Licence fees

- (b) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month.

R.S.O. 1950, c. 243, s. 388, subs. 1, amended

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

Pedestrian ways or malls

- 107a. Subject to the approval of the Minister of Transport, to establish all or any part of any street solely or principally as a way for the use of pedestrians and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods as may be specified.

Attaching of things to property of public utility

- 118a. For prohibiting or regulating the nailing or otherwise attaching of anything or the causing of anything to be so nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in subclause ii of clause *a* of paragraph 48 of section 386.

SECTION 17. The amendments to section 387 will permit municipalities to make expenditures for civil defence purposes and to establish civil defence organizations and contribute to their maintenance.

SECTION 18—Subsection 1. This paragraph provides for the licensing of trailers located other than in a trailer camp for thirty days or longer in any area. The fee that may be charged for every month or portion of a month is limited to \$10 per month. This amendment allows up to \$20 a month being imposed for a trailer licence.

Subsection 2. The new paragraph 107a would permit the councils of all local municipalities to establish what is known as pedestrian malls.

The new paragraph 118a is self-explanatory.

SECTION 19. This amendment provides the permissive authority for a county council to pay the costs of the valuation of losses and a portion of losses occasioned by farmers when their live stock are attacked by rabies.

SECTION 20—Subsection 1. The amendment is to make it clear that the licensing of vendors of milk and milk products does not come within the provisions authorizing the licensing of hawkers and pedlars. *The Milk Industry Act, 1957* contains specific authority for the licensing of such vendors.

Subsection 2 and 3. The authority of municipalities to license and govern employment agencies is repealed. Subsection 3 is to make it clear that all by-laws passed under such authority are repealed. The amendment is complementary to *The Employment Agencies Act, 1960*.

SECTION 21. The new paragraph authorizes the passing of by-laws in local municipalities to license and regulate non-resident transient photographers.

SECTION 22. The section is re-enacted for the purposes of clarification.

19. Section 402 of *The Municipal Act* is amended by adding thereto the following paragraph: R.S.O. 1950,
c. 243, s. 402,
amended

1a. For granting aid to owners of cattle, horses, goats, sheep or swine for losses caused by rabies, not in excess of the following rates for each animal: Aid for
animal
losses due
to rabies

cattle.....	\$250
horses.....	100
goats.....	40
sheep.....	40
swine.....	40

20.—(1) Clause a of paragraph 1 of subsection 1 of section 410 of *The Municipal Act* is amended by adding “or” at the end of subclause v and by adding thereto the following subclause: R.S.O. 1950,
c. 243, s. 410,
subs. 1,
par. 1, cl. a,
amended

(vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.

(2) Paragraph 5 of subsection 1 of the said section 410 is repealed. R.S.O. 1950,
c. 243, s. 410,
subs. 1,
par. 5,
repealed

(3) Every by-law that was passed under paragraph 5 of subsection 1 of section 410 of *The Municipal Act* that is in force on the day *The Employment Agencies Act, 1960* comes into force is repealed. Employment
agency
by-laws
repealed

21. Section 412 of *The Municipal Act*, as amended by section 28 of *The Municipal Amendment Act, 1954*, is further amended by adding thereto the following paragraph: R.S.O. 1950,
c. 243, s. 412,
amended

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards. Licensing
non-resident
transient
photo-
graphers

22. Section 421 of *The Municipal Act*, as re-enacted by section 44 of *The Municipal Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 243, s. 421
(1955, c. 48,
s. 44),
re-enacted

421. The council of any municipality may pay for or towards, Expenses
for enter-
taining
guests
and for
travelling
on civic
business

(a) the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance; and

(b) the travelling and other expenses of the members of council and of the officers and servants

of the municipality in the performance of their duties outside the municipality as councillors, officers or servants a sum not exceeding in any one year,

(i) in the case of a local municipality having a population of,

not less than 500,000.....	\$50,000
not less than 200,000.....	30,000
not less than 100,000.....	20,000
not less than 50,000.....	10,000
not less than 20,000.....	3,000
not less than 10,000.....	2,000
less than 10,000.....	1,000

(ii) in the case of a county..... 2,500

and such sums do not include expenditures made under paragraphs 8, 9, 10, 11 and 11a of section 386 or expenditures for travelling and other expenses of the officers and servants of the municipality while travelling on normal business of the municipality within or outside the municipality, but do include expenses of appointed and elected officials attending other conventions and receptions.

R.S.O. 1950,
c. 243,
s. 448a
(1959, c. 62,
s. 24),
re-enacted

23. Section 448a of *The Municipal Act*, as enacted by section 24 of *The Municipal Amendment Act, 1959*, is repealed and the following substituted therefor:

Notice of
excavating
to owner
of utility
works

448a. Where digging, trenching or excavating with mechanical equipment upon a highway by a municipality or any person entitled so to do may interfere with a gas pipe line, telephone line, works for the distribution and supply of electrical power, water mains or sewers, the municipality shall, except in an emergency or unless otherwise agreed between the municipality and the owner of such works, at least twenty-four hours before the work is to be commenced, notify the owner of the works that such digging, trenching or excavating is to be done.

R.S.O. 1950,
c. 243, s. 483,
subs. 4,
amended

24. Subsection 4 of section 483 of *The Municipal Act* is amended by adding thereto the following clause:

(i) prohibiting the attaching of any object or thing to a tree located on any highway or public place, except with the consent of an officer of the municipality named in the by-law, notwithstanding that such attachment would not injure or destroy the tree.

SECTION 23. In 1959 provision was made requiring notice of excavating on highways to be given to gas companies only. The section as re-enacted extends the requirement to include electricity lines, telephone lines, water and sewer.

SECTION 24. The amendment authorizes by-laws prohibiting the attaching of any object to trees whether or not such attachment would injure the trees.

SECTION 25. The present form requires white lettering on a black background. To reduce the expense, the form substituted will require the printing to be on a white background.

- Expenditures for 1959 authorized** **26.** For the purposes of expenditures for the year 1959 made under section 421 of *The Municipal Act*, a municipality shall be deemed to have had the authority to expend twice the amount authorized for the municipality under that section.
- Commencement** **27.**—(1) This Act, except subsection 2 of section 11, subsection 4 of section 16 and sections 19 and 22, comes into force on the day it receives Royal Assent.
- Idem** (2) Subsection 2 of section 11 shall be deemed to have come into force on the 27th day of March, 1958.
- Idem** (3) Subsection 4 of section 16 shall come into force on a day to be named by the Lieutenant Governor by his proclamation.
- Idem** (4) Section 19 shall be deemed to have come into force on the 1st day of April, 1958.
- Idem** (5) Section 22 shall be deemed to have come into force on the 1st day of January, 1960.
- Short title** **28.** This Act may be cited as *The Municipal Amendment Act, 1960*.

SECTION 26. The section is to provide for expenses of municipalities in relation to the visit of Her Majesty the Queen.

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1868

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1870

Amherst, N.Y.

1st Reading

March 22nd, 1960

2nd Reading

March 28th, 1960

3rd Reading

MR. WARRENDER

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

BILL 140

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Municipal Act

MR. WARRENDER

TORONTO
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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



An Act to amend The Municipal Act

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

1. Subsection 1 of section 24 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out "planning" in the sixth line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 24
(1954, c. 56,
s. 1),
subs. 1,
amended

(1) Upon the application of a municipality as defined in *The Department of Municipal Affairs Act* for the creation of an area consisting of the applicant municipality or a part thereof and one or more other municipalities or parts thereof for the joint administration therein of education, fire protection, police protection, highways, sewers, sewage disposal, garbage disposal, public health including hospitals and hospitalization, welfare including unemployment relief, parks or any public utility as defined by *The Department of Municipal Affairs Act*, the Municipal Board may by order on such terms as it deems expedient create such area or a greater or smaller area for any or all of such purposes.

Power to
create inter-
urban
administra-
tive areas
R.S.O. 1950,
c. 96

2. Subsection 5 of section 53 of *The Municipal Act*, as enacted by section 2 of *The Municipal Amendment Act, 1951*, is amended by striking out "in a county and" in the first and second lines and by striking out "instead of being composed as provided in subsection 3" in the third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 53,
subs. 5
(1951, c. 53,
s. 2),
amended

(5) The council of a village or township divided into wards may by by-law provide that thereafter the council shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000.

Alternative
composition
where wards

R.S.O. 1950,
c. 243, s. 56,
subs. 2,
amended

3.—(1) Subsection 2 of section 56 of *The Municipal Act* is amended by striking out “annual” in the fifth line and inserting in lieu thereof “next ensuing”, so that the subsection shall read as follows:

Ineligibility
of member
whose term
of office
has not
expired to
qualify for
another
office unless
he resigns
his present
office

(2) In any municipality in which under this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the next ensuing municipal election is to be held shall be eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of nomination filed his resignation from the office which he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid.

R.S.O. 1950,
c. 243, s. 56,
subs. 3, cl. e,
amended

(2) Clause *e* of subsection 3 of the said section 56 is amended by striking out “highway or of any work” in the third line and inserting in lieu thereof “work, other than a highway”, so that the clause shall read as follows:

(*e*) of his having been appointed and paid for his services as commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation.

R.S.O. 1950,
c. 243, s. 95^a
(1955, c. 48,
s. 13),
subs. 1,
amended

4.—(1) Subsection 1 of section 95^a of *The Municipal Act*, as enacted by section 13 of *The Municipal Amendment Act, 1955*, is amended by inserting after “papers” in the fourth line “in such form as the by-law prescribes”, so that the subsection shall read as follows:

Composite
ballot
papers
authorized

(1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers in such form as the by-law prescribes which shall contain the names of the candidates for each office arranged alphabetically in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

R.S.O. 1950,
c. 243, s. 95^a
(1955, c. 48,
s. 13),
subs. 4,
repealed

(2) Subsection 4 of the said section 95^a is repealed.

R.S.O. 1950,
c. 243, s. 133,
amended

5. Section 133 of *The Municipal Act* is amended by adding thereto the following subsection:

Opening of
box where
documents
placed in
box in

(2) Where the documents referred to in subsection 1 are in error placed in the ballot box or where the statement cannot be interpreted by the returning officer,

the returning officer may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the returning officer.

6. Subsection 5 of section 170 of *The Municipal Act* is amended by striking out "annual" in the fifth line, so that the subsection shall read as follows: R.S.O. 1950, c. 243, s. 170, subs. 5, amended

- (5) Where the seat of a member of council is rendered vacant by reason of the filing of the resignation mentioned in subsection 2 of section 56, the vacancy shall not be filled in the manner provided in section 168 or 169, but the seat shall remain vacant until the next ensuing election when it shall be filled in the manner provided by this Act or any special Act which may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office. Vacancies not requiring a by-election

7. *The Municipal Act* is amended by adding thereto the following sections: R.S.O. 1950, c. 243, amended

227a.—(1) Notwithstanding any general or special Act, in townships having a population of more than 45,000, the council may pass a by-law providing that there shall be an executive committee consisting of, Executive committee in townships

- (a) the head of council; and
- (b) where,
 - (i) the deputy reeve is elected at large, the deputy reeve, or
 - (ii) there is more than one deputy reeve, a deputy reeve to be elected to the committee by council; and
- (c) one councillor to be elected to the committee by council or, where there is no deputy reeve, two councillors to be elected to the committee by council; and
- (d) where there are more than fifteen members of council, one additional member of council to be elected to the committee by council.

- (2) A by-law passed under subsection 1 shall be passed not later than the 1st day of November in any year and shall take effect when the council is organized following the next municipal election after the by-law is passed and no such by-law shall be repealed By-law establishing executive committee, effective date

until at least six years have elapsed from the time it first took effect, and no repealing by-law shall be passed later than the 1st day of November in any year.

Term of office

- (3) The members of the executive committee elected to the committee by council shall hold office for one year and until their respective successors are elected.

Vacancies

- (4) If any vacancy occurs in the office of a member elected to the executive committee by council, the vacancy shall be filled by election by council in accordance with subsection 1, and the person elected to fill the vacancy shall hold office for the unexpired term of office of his predecessor.

Travelling expenses, etc.

- (5) The members of an executive committee shall be entitled to be reimbursed for any reasonable travelling or other expenses necessarily incurred and paid by them in the performance of their powers and duties.

Absence or vacancy in office of head of council

- (6) During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the executive committee.

Quorum

- (7) Two members of the executive committee shall form a quorum and the head of council, if present, shall preside at all meetings.

Application of ss. 226, 227

- (8) Subsections 9, 10, 11, 13, 14, 15 and 19 of section 226 and subsections 9, 10, 11, 12 and 13 of section 227 shall apply to this section as if the executive committee were acting in the place of a board of control.

Amendment or repeal of by-law

- (9) Except by a vote of three-fourths of all the members of the council, no by-law passed under subsection 1 shall be amended or repealed.

Salaries of members of executive committee

227b. The council of any township having an executive committee may by by-law fix the salaries of the members of the committee, other than the head of council, and the salaries so fixed together with the annual allowance paid for being a member of the council under subsection 1 of section 418 or the total daily remuneration for attendance at meetings of the council and of its committees under subsection 1 of section 417 shall not exceed in the total,

- (a) where the population of a township is less than 100,000, a sum not exceeding \$2,500 per annum;
- (b) where the population of a township is 100,000 or more but less than 150,000, a sum not exceeding \$3,500 per annum;

- (c) where the population of a township is 150,000 or more but less than 200,000, a sum not exceeding \$4,500 per annum;
- (d) where the population of a township is 200,000 or more but less than 300,000, a sum not exceeding \$6,000 per annum; and
- (e) where the population of a township is 300,000 or more, a sum not exceeding \$8,500 per annum.

8. Section 247 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 243, s. 247,
re-enacted

247.—(1) The auditor of a municipality has right-of-access at all reasonable hours to all books, records, documents, accounts and vouchers of the municipality or any local board thereof, and is entitled to require from the members of council and local boards and from the officers of the municipality and its local boards such information and explanation as in his opinion may be necessary to enable him to carry out such duties as are prescribed by the Department. Right of
access, etc.

(2) The auditor may require any person to give evidence on oath touching any of such matters and for such purpose has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Auditor
may take
evidence on
oath
R.S.O. 1950,
c. 308

(3) The auditor is entitled to attend any meeting of members of council or any local board of the municipality and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. Auditor
may attend
meetings

9. Subsection 1 of section 257 of *The Municipal Act*, as re-enacted by subsection 1 of section 24 of *The Municipal Amendment Act, 1955*, is amended by striking out "or \$2,500" in the eighteenth line, so that the subsection shall read as follows: R.S.O. 1950,
c. 243, s. 257,
subs. 1
(1955, c. 48,
s. 24,
subs. 1),
amended

(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who, Retirement
allowances
R.S.O. 1950,
c. 96

- (a) is retired because of age; or
- (b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service.

R.S.O. 1950,
c. 243, s. 299
(1952, c. 63,
s. 11),
subs. 3,
amended

10. Subsection 3 of section 299 of *The Municipal Act*, as re-enacted by section 11 of *The Municipal Amendment Act, 1952*, is amended by adding at the end thereof "and sections 70 to 72 of *The Ontario Municipal Board Act* apply *mutatis mutandis* with respect to such approval", so that the subsection shall read as follows:

Approval of
Municipal
Board

- (3) No by-law for the borrowing and raising of money or the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed finally until approved by the Municipal Board and sections 70 to 72 of *The Ontario Municipal Board Act* apply *mutatis mutandis* with respect to such approval.

R.S.O. 1950,
c. 262

R.S.O. 1950,
c. 243, s. 300,
subs. 2
(1957, c. 76,
s. 14,
subs. 1),
amended

11.—(1) Subsection 2 of section 300 of *The Municipal Act*, as re-enacted by subsection 1 of section 14 of *The Municipal Amendment Act, 1957 (No. 2)*, is amended by adding thereto the following clauses:

- (ff) agreements respecting policing of the whole or any part of a municipality by the Ontario Provincial Police Force under section 51 of *The Police Act*;

.

- (kk) agreements for a term not exceeding five years respecting the provision, maintenance or hiring of an ambulance by a board of health under section 28 of *The Public Health Act* when such agreement has been approved by the council of the corporation;

.

R.S.O. 1950,
c. 306

R.S.O. 1950,
c. 231

- (q) agreements under *The Power Commission Act* with The Hydro-Electric Power Commission of Ontario on its behalf or on behalf of Her Majesty in right of Ontario.

(2) Subsection 2 of the said section 300 is further amended by adding thereto the following clause:

R.S.O. 1950,
c. 243, s. 300,
subs. 2
(1957, c. 76,
s. 14,
subs. 1),
amended

- (r) agreements respecting matters of employment of officers, servants and employees of the corporation or a local board thereof.

(3) Clause *b* of subsection 3 of the said section 300, as re-enacted by subsection 2 of section 10 of *The Municipal Amendment Act, 1959*, is amended by inserting after "29" in the second line "34a", so that the clause shall read as follows:

R.S.O. 1950,
c. 243, s. 300,
subs. 3
(1959, c. 62,
s. 10,
subs. 2),
cl. b,
amended

- (b) for providing money for any of the purposes mentioned in paragraph 13a, 29, 34a, 48, 51a, 51b, 52 or 53 of section 386, or in subclause ii or iii of clause *b* of section 387, or in paragraph 63, 84, 85 or 86 of subsection 1 of section 388; or

12. Subsection 3 of section 333 of *The Municipal Act*, as re-enacted by section 18 of *The Municipal Amendment Act, 1957 (No. 2)*, is amended by striking out "In a local municipality having a population of not less than 50,000", in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 333,
subs. 3
(1957, c. 76,
s. 18),
amended

- (3) The signature of the head of the council of the corporation to all debentures or other like instruments issued by the corporation may be written or engraved, lithographed, printed or otherwise mechanically reproduced and, if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written or engraved, lithographed, printed or otherwise mechanically reproduced.

Execution
of
debentures

13. Clause *c* of section 344 of *The Municipal Act* is repealed.

R.S.O. 1950,
c. 243, s. 34,
cl. c,
repealed

14. Subsection 2 of section 367 of *The Municipal Act* is amended by inserting after "within" in the first line "any municipality in the county including", so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 367,
subs. 2,
amended

- (2) The corporation of a county may acquire land within any municipality in the county including a city or separated town, whether such city or separated town is the county town or not, for the purpose of erecting and may erect thereon a court house, a jail and buildings for use as a county hall and for offices for the county officials.

County
acquiring
land in
city or
separated
town

R.S.O. 1950, c. 243, s. 377, re-enacted **15.** Section 377 of *The Municipal Act* is repealed and the following substituted therefor:

City to have voice in improvements in excess of \$10,000

376a. Where a city or separated town is required to contribute towards the cost of enlarging, improving or repairing a court house or jail and the cost thereof will be in excess of \$10,000, the city and separated town shall have a voice in determining whether or not such enlargement, improvement or repair should be made or another court house or jail erected.

Arbitration on site and advisability of improvements in excess of \$10,000

377. Unless the councils of the county and city and separated town agree, the site of the court house or jail, or whether or not any enlargement, improvement or repair of the court house or jail should be made or another court house or jail erected under section 376a, shall be determined by arbitration under *The Arbitration Act*.

R.S.O. 1950, c. 20

R.S.O. 1950, c. 243, s. 386, amended **16.**—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

Providing for determination of disputes under agreements

6a. For providing in any agreement that may be lawfully made with another municipality that any dispute arising out of such agreement may be determined by the Ontario Municipal Board as sole arbitrator.

R.S.O. 1950, c. 243, s. 386, par. 29, amended

(2) Paragraph 29 of the said section 386, as amended by subsection 1 of section 15 of *The Municipal Amendment Act, 1952* and subsection 2 of section 20 of *The Municipal Amendment Act, 1957 (No. 2)*, is further amended by adding thereto the following clause:

(a) Granting aid for the purposes of this paragraph shall be deemed to include and to have always included granting money or land in aid.

R.S.O. 1950, c. 243, s. 386, amended

(3) The said section 386 is further amended by adding thereto the following paragraphs:

Aid to art galleries

31a. For granting money or land in aid of any art gallery in the municipality or in an adjacent municipality operated on a non-profit basis for the advancement of culture and for the benefit of the public, upon such terms and conditions as the council deems expedient.

.

Aid to Royal Botanical Gardens

34a. For granting aid to the Royal Botanical Gardens.

.

46c. For placing or permitting any person, under such conditions as may be agreed upon, to erect transit system shelters on the untravelled portion of a highway under its jurisdiction.

(4) Subclause ii of clause a of paragraph 48 of the said section 386, as re-enacted by section 4 of *The Municipal Amendment Act, 1958 (No. 2)*, is amended by adding at the end thereof "but does not include a hospital established under any general or special Act and operated by a municipal corporation", so that the subclause shall read as follows:

Transit system shelters

R.S.O. 1950, c. 243, s. 386, par. 48 (1958, c. 65, s. 4), cl. a, subcl. ii, amended

(ii) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof, but does not include a hospital established under any general or special Act and operated by a municipal corporation.

(5) Paragraph 53 of the said section 386, as amended by subsection 8 of section 20 of *The Municipal Amendment Act, 1954*, subsection 5 of section 37 of *The Municipal Amendment Act, 1955*, subsection 2 of section 14 of *The Municipal Amendment Act, 1956* and subsection 4 and 5 of section 28 of *The Municipal Amendment Act, 1958*, is further amended by inserting after "stadia" in the seventh line "museums, including public historical museums, zoological or other gardens, natural history collections, observatories or works of art", so that the paragraph, exclusive of the clauses, shall read as follows:

R.S.O. 1950, c. 243, s. 386, par. 53, amended

53. Notwithstanding any general or special Act, subject to the approval of the Department, for acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, museums, including public historical museums, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement within or outside the municipality which may or may not be in

Special undertakings

commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

R.S.O. 1950,
c. 243, s. 387,
cl. b,
subcls. ii,
iii,
re-enacted

17. Subclauses ii and iii of clause *b* of section 387 of *The Municipal Act* are repealed and the following substituted therefor:

- (ii) for the establishment and maintenance of emergency measures civil defence organizations, and
- (iii) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality.

R.S.O. 1950,
c. 243, s. 388,
subs. 1,
par. 91b
(1956, c. 50,
s. 15,
subs. 6),
cl. b,
amended

18.—(1) Clause *b* of paragraph 91b of subsection 1 of section 388 of *The Municipal Act*, as enacted by subsection 6 of section 15 of *The Municipal Amendment Act, 1956*, is amended by striking out "\$10" in the sixth line and inserting in lieu thereof "\$20", so that the clause shall read as follows:

Licence
fees

- (b) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month.

R.S.O. 1950,
c. 243, s. 388,
subs. 1,
amended

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

Pedestrian
ways or
mails

- 107a. Subject to the approval of the Minister of Transport, to establish all or any part of any street solely or principally as a way for the use of pedestrians and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods as may be specified.

Attaching
of things
to property
of public
utility

- 118a. For prohibiting or regulating the nailing or otherwise attaching of anything or the causing of anything to be so nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in subclause ii of clause *a* of paragraph 48 of section 386.

19. Section 402 of *The Municipal Act* is amended by adding thereto the following paragraph: R.S.O. 1950,
c. 243, s. 402,
amended

1a. For granting aid to owners of cattle, horses, goats, sheep or swine for losses caused by rabies, not in excess of the following rates for each animal: Aid for
animal
losses due
to rabies

cattle.....	\$250
horses.....	100
goats.....	40
sheep.....	40
swine.....	40

20.—(1) Clause *a* of paragraph 1 of subsection 1 of section 410 of *The Municipal Act* is amended by adding “or” at the end of subclause *v* and by adding thereto the following subclause: R.S.O. 1950,
c. 243, s. 410,
subs. 1,
par. 1, cl. *a*,
amended

(vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.

(2) Paragraph 5 of subsection 1 of the said section 410 is repealed. R.S.O. 1950,
c. 243, s. 410,
subs. 1,
par. 5,
repealed

(3) Every by-law that was passed under paragraph 5 of subsection 1 of section 410 of *The Municipal Act* that is in force on the day *The Employment Agencies Act, 1960* comes into force is repealed. Employment
agency
by-laws
repealed

21. Section 412 of *The Municipal Act*, as amended by section 28 of *The Municipal Amendment Act, 1954*, is further amended by adding thereto the following paragraph: R.S.O. 1950,
c. 243, s. 412,
amended

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards. Licensing
non-resident
transient
photo-
graphers

22. Section 421 of *The Municipal Act*, as re-enacted by section 44 of *The Municipal Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 243, s. 421
(1955, c. 48,
s. 44),
re-enacted

421. The council of any municipality may pay for or towards, Expenses
for enter-
taining
guests
and for
travelling
on civic
business

(a) the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance; and

(b) the travelling and other expenses of the members of council and of the officers and servants

of the municipality in the performance of their duties outside the municipality as councillors, officers or servants a sum not exceeding in any one year,

(i) in the case of a local municipality having a population of,

not less than 500,000.....	\$50,000
not less than 200,000.....	30,000
not less than 100,000.....	20,000
not less than 50,000.....	10,000
not less than 20,000.....	3,000
not less than 10,000.....	2,000
less than 10,000.....	1,000

(ii) in the case of a county..... 2,500

and such sums do not include expenditures made under paragraphs 8, 9, 10, 11 and 11a of section 386 or expenditures for travelling and other expenses of the officers and servants of the municipality while travelling on normal business of the municipality within or outside the municipality, but do include expenses of appointed and elected officials attending other conventions and receptions.

R.S.O. 1950,
c. 243,
s. 448a
(1959, c. 62,
s. 24),
re-enacted

23. Section 448a of *The Municipal Act*, as enacted by section 24 of *The Municipal Amendment Act, 1959*, is repealed and the following substituted therefor:

Notice of
excavating
to owner
of utility
works

448a. Where digging, trenching or excavating with mechanical equipment upon a highway by a municipality or any person entitled so to do may interfere with a gas pipe line, telephone line, works for the distribution and supply of electrical power, water mains or sewers, the municipality shall, except in an emergency or unless otherwise agreed between the municipality and the owner of such works, at least twenty-four hours before the work is to be commenced, notify the owner of the works that such digging, trenching or excavating is to be done.

R.S.O. 1950,
c. 243, s. 483,
subs. 4,
amended

24. Subsection 4 of section 483 of *The Municipal Act* is amended by adding thereto the following clause:

(i) prohibiting the attaching of any object or thing to a tree located on any highway or public place, except with the consent of an officer of the municipality named in the by-law, notwithstanding that such attachment would not injure or destroy the tree.

25. Form 4 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 243, Form 4, re-enacted

FORM 4

(Section 95(2))

BALLOT PAPER FOR CITIES
OF NOT LESS THAN 200,000 POPULATION

FORM FOR MAYOR AND CONTROLLERS

<p>CITY OF TORONTO Municipal Elections , 19 Ward No. Polling Subdivision No. FOR MAYOR</p>	<p>ALLAN Charles Allan, Merchant.</p>
	<p>BROWN William Brown, Banker.</p>

FORM FOR ALDERMEN

<p>CITY OF TORONTO Municipal Elections , 19 Ward No. Polling Subdivision No. FOR ALDERMAN</p>	<p>ARGO James Argo, Gentleman.</p>
	<p>BAKER Samuel Baker, Baker.</p>
	<p>DUNCAN Robert Duncan, Printer.</p>
	<p>ROBINSON Archibald Robinson, Butcher.</p>

- Expenditures for 1959 authorized** **26.** For the purposes of expenditures for the year 1959 made under section 421 of *The Municipal Act*, a municipality shall be deemed to have had the authority to expend twice the amount authorized for the municipality under that section.
- Commencement** **27.**—(1) This Act, except subsection 2 of section 11, subsection 4 of section 16 and sections 19 and 22, comes into force on the day it receives Royal Assent.
- Idem** (2) Subsection 2 of section 11 shall be deemed to have come into force on the 27th day of March, 1958.
- Idem** (3) Subsection 4 of section 16 shall come into force on a day to be named by the Lieutenant Governor by his proclamation.
- Idem** (4) Section 19 shall be deemed to have come into force on the 1st day of April, 1958.
- Idem** (5) Section 22 shall be deemed to have come into force on the 1st day of January, 1960.
- Short title** **28.** This Act may be cited as *The Municipal Amendment Act, 1960*.







The Municipal Act

1st Reading

March 22nd, 1960

2nd Reading

March 28th, 1960

3rd Reading

April 11th, 1960

MR. WARRENDER

BILL 141

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Ontario Water Resources Commission Act, 1957**

MR. WARRENDER

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

EXPLANATORY NOTES

SECTION 1. The new section requires the Commission to make annual payments to local municipalities with respect to water and sewage projects owned and operated by the Commission in such municipalities in lieu of taxes, on the same basis as public utilities under section 39 of *The Assessment Act*.

SECTION 2. Sections 47 and 47a are new. They are designed to facilitate prosecutions for contraventions of the Act and the regulations.

**An Act to amend The Ontario
Water Resources Commission Act, 1957**

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

1. *The Ontario Water Resources Commission Act, 1957* is ^{1957, c. 88,} amended by adding thereto the following section: ^{amended}

45a. For the purposes of section 39 of *The Assessment Act*, the Commission, with respect to any project in a city, town, village or township, shall be deemed a commission under clause *a* of subsection 1 of that section and the project shall be deemed a public utility under clause *b* of subsection 1 of that section. ^{Annual payments to municipalities in lieu of taxes R.S.O. 1950, c. 24}

2. Section 47 of *The Ontario Water Resources Commission Act, 1957* is repealed and the following substituted therefor: ^{1957, c. 88, s. 47, re-enacted}

47. An information in respect of any contravention of this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. ^{Multiple informations}

47a. In any prosecution under this Act or the regulations or in any proceeding in the Supreme Court under this Act, the production of a certificate or report of an analyst of the Commission as to the analysis, ingredients or quality of any water or of any material, whether liquid, gaseous or solid or of any combination thereof, of any water is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. ^{Certificate of analyst as evidence}

Sewage
disposal

47b. If an industrial or commercial enterprise makes arrangements for sewage disposal which are deemed unsatisfactory by the commission, or makes no arrangements for sewage disposal, the Commission may require such industrial or commercial enterprise to install, construct or arrange such sewage treatment facilities or additional sewage treatment facilities as the Commission deems necessary, and to maintain, keep in repair and operate such facilities in such manner and to such extent as may be directed from time to time by the Commission.

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 Ontario Water Resources Commission Amendment Act, 1960*.

Section 47b is new. It is designed as a pollution-control measure.





An Act to amend
The Ontario Water Resources
Commission Act, 1957

1st Reading

March 22nd, 1960

2nd Reading

3rd Reading

MR. WARRENDER

BILL 141

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Ontario Water Resources Commission Act, 1957**

MR. WARRENDER

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

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

EXPLANATORY NOTES

SECTION 1. The new section requires the Commission to make annual payments to local municipalities with respect to water and sewage projects owned and operated by the Commission in such municipalities in lieu of taxes, on the same basis as public utilities under section 39 of *The Assessment Act*.

SECTION 2. Sections 47 and 47a are new. They are designed to facilitate prosecutions for contraventions of the Act and the regulations.

BILL 141

1960

An Act to amend The Ontario Water Resources Commission Act, 1957

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

1. *The Ontario Water Resources Commission Act, 1957* is ^{1957, c. 88,} amended by adding thereto the following section: _{amended}

45a. For the purposes of section 39 of *The Assessment Act*, the Commission, with respect to any project in a city, town, village or township, shall be deemed a commission under clause *a* of subsection 1 of that section and the project shall be deemed a public utility under clause *b* of subsection 1 of that section. ^{Annual payments to municipalities in lieu of taxes R.S.O. 1950, c. 24}

2. Section 47 of *The Ontario Water Resources Commission Act, 1957* is repealed and the following substituted therefor: ^{1957, c. 88, s. 47, re-enacted}

47. An information in respect of any contravention of this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. ^{Multiple informations}

47a. In any prosecution under this Act or the regulations or in any proceeding in the Supreme Court under this Act, the production of a certificate or report of an analyst of the Commission as to the analysis, ingredients or quality of any water or of any material, whether liquid, gaseous or solid or of any combination thereof, of any water is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. ^{Certificate of analyst as evidence}

Sewage disposal

47b. If an industrial or commercial enterprise makes arrangements for sewage disposal that are deemed unsatisfactory by the Commission, or makes no arrangements for sewage disposal, the Commission, with the approval of the Minister, may require such industrial or commercial enterprise to install, construct or arrange such sewage treatment facilities or additional sewage treatment facilities as the Commission deems necessary, and to maintain, keep in repair and operate such facilities in such manner and to such extent as may be directed from time to time by the Commission.

Commencement

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

Idem

(2) Section 1 comes into force on the 1st day of January, 1961.

Short title

4. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1960*.

Section 47b is new. It is designed as a pollution-control measure.

SECTION 3. Section 1 of the Bill will require the Commission to make annual payments to local municipalities, with respect to water and sewage projects owned by the Commission, in lieu of taxes on the same basis as public utilities.

As the Commission has not taken these payments into consideration in setting its estimates and in preparing its charges to the municipalities in relation to any of its projects, this provision should not be effective until the 1st day of January, 1961.

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(continued from page 100)

AN ACT TO AMEND
The Ontario Water Resources
Commission Act, 1957

1st Reading

March 22nd, 1960

2nd Reading

March 28th, 1960

3rd Reading

MR. WARRENDER

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

BILL 141

**1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960**

**An Act to amend
The Ontario Water Resources Commission Act, 1957**

MR. WARRENDER

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



BILL 141

1960

An Act to amend The Ontario Water Resources Commission Act, 1957

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

1. *The Ontario Water Resources Commission Act, 1957* is ^{1957, c. 88,} amended by adding thereto the following section: _{amended}

45a. For the purposes of section 39 of *The Assessment Act*, the Commission, with respect to any project in a city, town, village or township, shall be deemed a commission under clause *a* of subsection 1 of that section and the project shall be deemed a public utility under clause *b* of subsection 1 of that section. ^{Annual payments to municipalities in lieu of taxes R.S.O. 1950, c. 24}

2. Section 47 of *The Ontario Water Resources Commission Act, 1957* is repealed and the following substituted therefor: ^{1957, c. 88, s. 47,} re-enacted

47. An information in respect of any contravention of this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. ^{Multiple informations}

47a. In any prosecution under this Act or the regulations or in any proceeding in the Supreme Court under this Act, the production of a certificate or report of an analyst of the Commission as to the analysis, ingredients or quality of any water or of any material, whether liquid, gaseous or solid or of any combination thereof, of any water is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. ^{Certificate of analyst as evidence}

Sewage
disposal

47b. If an industrial or commercial enterprise makes arrangements for sewage disposal that are deemed unsatisfactory by the Commission, or makes no arrangements for sewage disposal, the Commission, with the approval of the Minister, may require such industrial or commercial enterprise to install, construct or arrange such sewage treatment facilities or additional sewage treatment facilities as the Commission deems necessary, and to maintain, keep in repair and operate such facilities in such manner and to such extent as may be directed from time to time by the Commission.

Commence-
ment

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

Idem

(2) Section 1 comes into force on the 1st day of January, 1961.

Short title

4. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1960*.







An Act to amend
The Ontario Water Resources
Commission Act, 1957

1st Reading

March 22nd, 1960

2nd Reading

March 28th, 1960

3rd Reading

April 11th, 1960

MR. WARRENDER

BILL 142

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Municipality of Metropolitan Toronto Act, 1953**

MR. WARRENDER

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

EXPLANATORY NOTES

SECTION 1. The new sections 86*b* and 86*c* authorize the Metropolitan Council to regulate speed limits on metropolitan roads and in metropolitan parks.

The new section 86*d* is self-explanatory.

BILL 142

1960

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. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73,
amended by adding thereto the following sections: amended

86b.—(1) The Metropolitan Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any metropolitan road or any portion of a metropolitan road than is prescribed in subsection 1 of section 28 of *The Highway Traffic Act*, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour. Speed limits on metropolitan roads R.S.O. 1950, c. 167

(2) No by-law passed under subsection 1 shall become effective until approved by the Department of Transport and the metropolitan roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under *The Highway Traffic Act*. Approval of by-laws

86c. The Metropolitan Council may by by-law prescribe the rate of speed for motor vehicles driven on lands vested in the Metropolitan Corporation under Part XIII in accordance with subsection 2 of section 28 of *The Highway Traffic Act*. Speed limits in metropolitan parks

86d. The Metropolitan Council may by by-law empower the council of any area municipality to lease or license the use of untravelled surface portions of metropolitan roads within those portions of the area municipality zoned for commercial or industrial purposes to the owners or occupants of property abutting on such roads to be used solely for the parking of vehicles. Use of untravelled portions of metropolitan roads for parking

1953, c. 73,
amended

2. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Sick benefit
plan
R.S.O. 1950,
cc. 183, 285

104a.—(1) The Commission may provide by contract with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act* or with a corporation to be known as the Toronto Transit Commission Sick Benefit Association, to be established subject to Part VI of *The Corporations Act, 1953*, for weekly sick-pay, special service, medical and surgical benefits for employees or any class thereof of the Commission and their wives or husbands and dependent children and retired employees in accordance with this section and for contributing toward the cost thereof.

1953, c. 19

Commission
contributions

(2) No contract under subsection 1 shall authorize contributions by the Commission in excess of the total of those made by the employees.

Idem

(3) The Commission shall only make contributions in respect of,

(a) regular employees who have been employed for at least sixty days with the Commission and their wives or husbands and dependent children;

(b) retired employees who reside in Ontario and who elect to continue the benefits,

and shall not make contributions in respect of temporary or seasonal employees or dependants of regular employees other than wives or husbands and dependent children.

Special
benefits
for other
dependants

(4) Special service and medical and surgical benefits may be provided for dependants other than wives or husbands and dependent children of regular employees, and for dependants of retired employees, who so elect, provided the cost thereof shall be borne by such employees.

Sick-pay
benefits

(5) Sick-pay benefits shall not be provided for other than active regular employees of the Commission.

Greater
sick-pay on
election of
employee

(6) Weekly sick-pay in an amount greater than may be provided under the other provisions of this section may be provided for such employees who elect to bear the excess cost of such greater sick-pay.

SECTION 2. The new section empowers the Toronto Transit Commission to provide sick-pay and medical and surgical benefits for its employees and retired employees and dependants in accordance with the provisions of the section. The section also validates the benefits heretofore provided and contributions made by the Toronto Transit Commission and the former Toronto Transportation Commission.



SECTION 3. Self-explanatory.

SECTION 4—Subsection 1. The amendment is to clarify the special legislative grant payable to the local boards of education in the Metropolitan Area.

(7) The Commission may assume the cost of the administration of the benefits provided under this section. Administration costs

(8) The sick-pay, special service and medical and surgical benefits provided or to be provided before the 1st day of January, 1961, and contributions made in relation thereto by the Toronto Transportation Commission, the Toronto Transit Commission, the Toronto Transportation Commission Sick Benefit Association and the Toronto Transit Commission Sick Benefit Association are hereby confirmed and declared to be legal and valid. Benefits validated

3. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section: 1953, c. 73, amended

112b.—(1) So long as the lands and easements heretofore or hereafter acquired by the Metropolitan Corporation for the right-of-way of the extension to the rapid transit system of the Commission known as the Bloor-Danforth-University Avenue Subway are owned by the Metropolitan Corporation and used by the Commission for the purpose of the Subway, such lands and easements and any buildings and structures thereon so owned and used are exempt from business and real property taxation and the Commission is not liable for payments in lieu thereof under section 39 of *The Assessment Act*. Tax exemption re Bloor-Danforth-University Subway
R.S.O. 1950, c. 24

(2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway nor to concessions operated, rented or leased in any such buildings or structures. Application

(3) The exemption provided by subsection 1 shall be deemed to be an exemption from taxation provided by section 4 of *The Assessment Act*. Deemed exemption under R.S.O. 1950, c. 24, s. 4

4.—(1) Subsection 2 of section 128 of *The Municipality of Metropolitan Toronto Act, 1953*, as re-enacted by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1958*, is repealed and the following substituted therefor: 1953, c. 73, s. 128 (1958, c. 68, s. 9), subs. 2, re-enacted

(2) The general legislative grants in respect of an expenditure by a board of education from its current funds approved by the Minister for, General legislative grants payable to boards of education

(a) night schools;

(b) text books and reference books;

- (c) milk for consumption by pupils;
- (d) membership fees paid to a trustee organization;
- (e) the construction of junior kindergartens not approved by the school board; and
- (f) school buses and transportation of pupils,

shall be paid to the board of education that made the expenditure for these goods and services.

1953, c. 73,
s. 128
(1958, c. 68,
s. 9),
amended

(2) The said section 128 is amended by adding thereto the following subsections:

Change in
maintenance
assistance
payments
on change
in use of
property

- (4) Where a board of education transfers property from the use for which it was designated and an adjustment is made in the approved cost for legislative grant purposes, the school board shall reduce or increase the maintenance assistance payment to the board of education by the amount of the reduction or increase in the legislative grant payable as a result of such transfer.

Deduction
from main-
tenance
assistance
payments

- (5) The school board shall reduce the maintenance assistance payment for each board of education by the amount that is deducted from the legislative grants for payment to the Teachers' Superannuation Fund on behalf of the teachers employed by that board of education.

1953, c. 73,
s. 175j
(1956, c. 53,
s. 18),
subs. 1,
amended

5.—(1) Subsection 1 of section 175j of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by striking out "Metropolitan Board" in the first line and inserting in lieu thereof "Metropolitan Council, on the recommendation of the Metropolitan Board", so that the subsection shall read as follows:

Pensions

- (1) The Metropolitan Council, on the recommendation of the Metropolitan Board, shall provide such pension plan for the chief constable, constables and other police officers who are members of the Metropolitan Police Force, as the Minister may approve, and may provide for the incorporation of the plan of any area municipality and the Toronto Police Benefit Fund with the plan established under this section, and may provide for the transfer of the interests of such members who were in the service of the police

Subsection 2. This amendment provides the necessary adjustment in legislative grants where school property is transferred from its original use to another use.

The amendment also provides that the amount deducted from legislative grants and paid into the Teachers' Superannuation Fund, in respect of teachers employed by a board, is to be deducted from the maintenance assistance payments to such board.

SECTION 5. The amendments are to clarify the position of the Metropolitan Council in establishing the Metropolitan Police pension plan.

Subsections 3a and 3b provide protection of benefits accrued to December 31st, 1956, under the respective pension plans of the area municipalities for the police officers of the area municipalities who have become members of the Metropolitan Police Force.

Subsections 3c to 3f give the Metropolitan Council authority, subject to the approval of the Minister of Municipal Affairs, to establish and provide funds to meet past service benefits of Metropolitan Police officers on the same basis as is now in effect for future service and thereby remove the present inequalities which arise from differences between the pension plans of the various area municipalities of which these officers were members up to January 1st, 1957.

force of an area municipality from the Toronto Police Benefit Fund and from the pension plan of any area municipality to the pension plan established under this section.

(2) The said section 175*j* is amended by adding thereto the following subsections: 1953, c. 73, s. 175*j* (1956, c. 53, s. 18), amended

(3*a*) Every chief constable, constable and other police officer of the police force of an area municipality who has become a member of the Metropolitan Police Force pursuant to subsection 1 of section 175*h*, or his beneficiaries, shall be entitled on termination of his services with the Metropolitan Police Force to all benefits accrued up to the 31st day of December, 1956, under the pension plan of the area municipality, and his employment by and service with the Metropolitan Police Force shall be deemed to be employment by and service with the police force of the area municipality for the purpose of determining eligibility for any such accrued benefits. Accrued benefits under area municipality pension plan

(3*b*) An area municipality shall be liable to pay benefits accrued up to the 31st day of December, 1956, under subsection 3*a* only to the extent that such benefits exceed the benefits provided for services before the 1st day of January, 1957, in the pension plan established under this section. Area municipality liability

(3*c*) Subject to the approval of the Minister, the Metropolitan Council, on the recommendation of the Metropolitan Board, may by by-law provide benefits under the pension plan established under this section with respect to services performed prior to the 1st day of January, 1957, by the chief constables, constables and other police officers of the police forces of the area municipalities who have become members of the Metropolitan Police Force under subsection 1 of section 175*h* on a basis not less favourable than the basis required by subsection 2 for services after that date, and in such event the Metropolitan Council may, for such purpose, determine, Provision of benefits for past services

- (*a*) the extent to which the provisions of subsections 3 and 7 shall continue to apply;
- (*b*) the payments to be made to such pension plan by each area municipality; and
- (*c*) the assets to be assigned or transferred under subsection 6.

Idem (3d) The benefits authorized by subsection 3c may be provided for such chief constables, constables and other police officers whose services with the Metropolitan Police Force were terminated by retirement with immediate pension benefits or by death after the 1st day of January, 1957, and before the date a by-law passed under subsection 3c becomes effective.

Payments of area municipalities on deferred basis (3e) Any payments required to be made by an area municipality under subsection 3c other than assets transferred or assigned may, with the consent of the Metropolitan Council, be on a deferred basis and raised in a subsequent year or years and any such payments shall be deemed to be current expenditures.

Additional payments by Metropolitan Corporation (3f) Any additional payments required to be made by the Metropolitan Corporation to provide the benefits authorized by subsection 3c may be on a deferred basis and raised in a subsequent year or years and shall be deemed to be current expenditures.

1953, c. 73, s. 175t (1956, c. 53, s. 18), amended **6.** Section 175t of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by adding thereto the following subsection:

Chairman and quorum (3) The Licensing Commission shall elect a chairman and may elect a vice-chairman, and a majority of the members of the Licensing Commission constitutes a quorum.

1953, c. 73, s. 175u (1956, c. 53, s. 18), subs. 2, amended **7.—(1)** Subsection 2 of section 175u of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by inserting after "licensing" in the fifth line "revoking of a licence", so that the subsection shall read as follows:

Idem (2) The Metropolitan Council, by reference to the provisions of any Act, may by by-law authorize the Licensing Commission to exercise the powers of any area municipality or board of commissioners of police with respect to the licensing, revoking of a licence, regulating, governing, prohibiting or limiting of any trade, calling, business or occupation or the person carrying on or engaged in it and upon being so authorized the Licensing Commission may exercise such powers.

SECTION 6. The amendment provides specifically for the appointment of a chairman and vice-chairman and provides for the quorum of the Licensing Commission in the same manner as for boards of police commissioners.

SECTION 7—Subsection 1. The amendment is to make it clear that the powers of area municipalities to license that were conferred on the Licensing Commission included all the powers of an area municipality with respect to licensing including power to revoke.

Subsection 2. Self-explanatory.

SECTION 8—Subsection 1. This amendment gives the Metropolitan Corporation powers similar to those enjoyed by other municipalities in respect of subdivision agreements.

Subsection 2. The subsection is to make it clear that the Metropolitan Corporation always had authority to enter into agreements re subdivision plans.

SECTION 9. This amendment is similar to an amendment to *The Municipal Act* in 1959. It provides that the portion of the unconditional grants in relation to indigent hospitalization shall be used to reduce general taxation whereas the balance of unconditional grants can only be used for the benefit of residential and farm properties.

(2) The said section 175u is amended by adding thereto the following subsections:

1953, c. 73,
s. 175*
(1956, c. 53,
s. 18),
amended

(3) The Metropolitan Council may pass by-laws for licensing and regulating builders and building contractors carrying on the business of constructing, altering or enlarging buildings and other structures in the Metropolitan Area and for revoking any such licence, and sections 263 and 264 of *The Municipality of Metropolitan Toronto Act* shall apply to such by-laws in the same manner as by-laws passed by the council of a municipality.

Licensing
of builders
and building
contractors

R.S.O. 1950,
c. 243

(4) The Metropolitan Council may by by-law authorize the Licensing Commission to exercise the powers of the Metropolitan Council in subsection 3 and upon being so authorized the Licensing Commission may exercise such powers.

Licensing
Commission
may be
authorized
to license
builders,
etc.

8.—(1) Section 180 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 40 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is further amended by inserting after "23" in the amendment of 1957 "26", so that subsection 1 of the said section shall read as follows:

1953, c. 73,
s. 180,
amended

(1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 19, 21 to 23, 26, 28 and 29 of *The Planning Act, 1955*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act, 1955* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area.

Application
of 1955,
c. 61 to
Metro-
politan Cor-
poration

(2) The said section 180 is further amended by adding thereto the following subsection:

1953, c. 73,
s. 180,
amended

(2) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

Agreements
re plans of
subdivision

9. Subsection 3 of section 190a of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 46 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is amended by inserting after "under" in the eleventh line "section 6 of", so that the subsection shall read as follows:

1953, c. 73,
s. 190a
(1957, c. 81,
s. 46),
subs. 3,
amended

(3) The amount to be raised in each year by levy on the total assessment under clause *b* of subsection 1 shall

Residential
properties

be a sum equal to the proportion of the total of the sums to be levied against the area municipalities under section 190 that the total assessment under clause *b* of subsection 1 bears to the total assessment for real property and business assessment in the Metropolitan Area according to the last revised assessment rolls less the amount of the estimated revenue from payments to be received in that year by the Metropolitan Corporation under section 6 of *The Municipal Unconditional Grants Act, 1953*.

1953, c. 72

1953, c. 73,
s. 193,
subs. 5,
re-enacted

10. Subsection 5 of section 193 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Bonds,
debentures,
etc.,
trustee
investments
R.S.O. 1950,
c. 400

- (5) Bonds, debentures and other evidences of indebtedness of the Metropolitan Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

1953, c. 73,
s. 197,
subs. 19
(1955, c. 50,
s. 21,
subs. 2),
amended

11. Subsection 19 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by subsection 2 of section 21 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is amended by striking out "3" in the fourth line and inserting in lieu thereof "3½", so that the subsection shall read as follows:

Principal
levies

- (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 3½ 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.

1953, c. 73,
s. 214,
subs. 7
(1955, c. 50,
s. 24),
re-enacted

12. Subsection 7 of section 214 of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 24 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is repealed and the following substituted therefor:

Civil
defence

- (7) By-laws may be passed by the Metropolitan Council,
- (a) for the establishment and maintenance of emergency measures civil defence organizations; and
 - (b) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality.

SECTION 10. The subsection is re-enacted to make it clear that The Municipality of Metropolitan Toronto is a municipal corporation for the purposes of investment of funds as provided in section 26 of *The Trustee Act*.

SECTION 11. The limit in estimating earnings capitalized yearly from moneys in a sinking fund when computing the amount to be raised in each year to pay the sinking fund debentures is increased from 3 per cent to 3½ per cent.

SECTION 12. The amendment is to make the powers of the Metropolitan Council with regard to civil defence the same as those of municipalities, as proposed in Bill 140, *An Act to amend The Municipal Act*.

SECTION 13. All sections self-explanatory.

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13. *The Municipality of Metropolitan Toronto Act, 1953* is ^{1953, c. 73,} amended by adding thereto the following sections:

- 214*h.* The Metropolitan Council may make a grant to ^{Grant to} the national fund for the University of Toronto in ^{University} the amount of \$2,400,000 to be paid in ten annual ^{of Toronto} instalments commencing in the year 1960.
- 214*i.* The Metropolitan Council may make a grant to the ^{Grant to} New Brunswick Fishermen's Disaster Fund in the ^{New} amount of \$10,000. ^{Brunswick}
^{Fishermen's}
^{Disaster}
^{Fund}
- 214*j.* The Metropolitan Council may make a grant to- ^{Grant to} wards the cost of constructing a home for senior ^{Pentecostal} citizens by the Pentecostal Benevolent Association ^{Benevolent} of Ontario in the amount of \$70,000. ^{Association}
- 214*k.* The Metropolitan Council may make a grant to- ^{Grant to} wards the cost of constructing a new Fred Victor ^{Fred Victor} Mission in the amount of \$70,000. ^{Mission}
- 214*l.* The Metropolitan Council may make grants to the ^{Grants to} Salvation Army, ^{Salvation}
^{Army}
- (a) in an amount not exceeding \$15,000 towards the cost of acquiring premises located at 314 George Street, Toronto; and
- (b) in an amount not exceeding \$55,000 towards the cost of the reconstruction of the Rehabilitation Hostel located at 516 Richmond Street West, Toronto.

14.—(1) This Act, except sections 4, 5, 6 and 9, comes ^{Commence-} into force on the day it receives Royal Assent. ^{ment}

(2) Sections 5 and 6 shall be deemed to have come into ^{Idem} force on the 1st day of January, 1957.

(3) Section 9 shall be deemed to have come into force on ^{Idem} the 1st day of January, 1959.

(4) Section 4 shall be deemed to have come into force on ^{Idem} the 1st day of January, 1960.

15. This Act may be cited as *The Municipality of Metro-* ^{Short title} *politan Toronto Amendment Act, 1960.*

An Act to amend
The Municipality of Metropolitan
Toronto Act, 1953

1st Reading

March 22nd, 1960

2nd Reading

3rd Reading

MR. WARRENDER

BILL 142

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Municipality of Metropolitan Toronto Act, 1953**

MR. WARRENDER

(Reprinted as amended by the Committee on Municipal Law)

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

EXPLANATORY NOTES

SECTION 1. The new sections 86*b* and 86*c* authorize the Metropolitan Council to regulate speed limits on metropolitan roads and in metropolitan parks.

The new section 86*d* is self-explanatory.

BILL 142

1960

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. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73, amended by adding thereto the following sections: amended

86b.—(1) The Metropolitan Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any metropolitan road or any portion of a metropolitan road than is prescribed in subsection 1 of section 28 of *The Highway Traffic Act*, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour. Speed limits on metropolitan roads R.S.O. 1950, c. 167

(2) No by-law passed under subsection 1 shall become effective until approved by the Department of Transport and the metropolitan roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under *The Highway Traffic Act*. Approval of by-laws

86c. The Metropolitan Council may by by-law prescribe the rate of speed for motor vehicles driven on lands vested in the Metropolitan Corporation under Part XIII in accordance with subsection 2 of section 28 of *The Highway Traffic Act*. Speed limits in metropolitan parks

86d. The Metropolitan Council may by by-law empower the council of any area municipality to lease or license the use of untravelled surface portions of metropolitan roads within those portions of the area municipality zoned for commercial or industrial purposes to the owners or occupants of property abutting on such roads to be used solely for the parking of vehicles. Use of untravelled portions of metropolitan roads for parking

1953, c. 73,
amended

2. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Sick benefit
plan
R.S.O. 1950,
cc. 183, 285

104a.—(1) The Commission may provide by contract with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act* or with a corporation to be known as the Toronto Transit Commission Sick Benefit Association, to be established subject to Part VI of *The Corporations Act, 1953*, for weekly sick-pay, special service, medical and surgical benefits for employees or any class thereof of the Commission and their wives or husbands and dependent children and retired employees in accordance with this section and for contributing toward the cost thereof.

1953, c. 19

Commission
contributions

(2) No contract under subsection 1 shall authorize contributions by the Commission in excess of the total of those made by the employees.

Idem

(3) The Commission shall only make contributions in respect of,

(a) regular employees who have been employed for at least sixty days with the Commission and their wives or husbands and dependent children;

(b) retired employees who reside in Ontario and who elect to continue the benefits,

and shall not make contributions in respect of temporary or seasonal employees or dependants of regular employees other than wives or husbands and dependent children.

Special
benefits
for other
dependants

(4) Special service and medical and surgical benefits may be provided for dependants other than wives or husbands and dependent children of regular employees, and for dependants of retired employees, who so elect, provided the cost thereof shall be borne by such employees.

Sick-pay
benefits

(5) Sick-pay benefits shall not be provided for other than active regular employees of the Commission.

Greater
sick-pay on
election of
employee

(6) Weekly sick-pay in an amount greater than may be provided under the other provisions of this section may be provided for such employees who elect to bear the excess cost of such greater sick-pay.

SECTION 2. The new section empowers the Toronto Transit Commission to provide sick-pay and medical and surgical benefits for its employees and retired employees and dependants in accordance with the provisions of the section. The section also validates the benefits heretofore provided and contributions made by the Toronto Transit Commission and the former Toronto Transportation Commission.

SECTION 3. Self-explanatory.

SECTION 4. This subsection will spread the cost of educating certain wards of a Children's Aid Society over Metropolitan Toronto in the same manner as similar children are the responsibility of the Metropolitan Separate School Board.

(7) The Commission may assume the cost of the administration of the benefits provided under this section. Administration costs

(8) The sick-pay, special service and medical and surgical benefits provided or to be provided before the 1st day of January, 1961, and contributions made in relation thereto by the Toronto Transportation Commission, the Toronto Transit Commission, the Toronto Transportation Commission Sick Benefit Association and the Toronto Transit Commission Sick Benefit Association are hereby confirmed and declared to be legal and valid. Benefits validated

3. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section: 1953, c. 73, amended

112b.—(1) So long as the lands and easements heretofore or hereafter acquired by the Metropolitan Corporation for the right-of-way of the extension to the rapid transit system of the Commission known as the Bloor-Danforth-University Avenue Subway are owned by the Metropolitan Corporation and used by the Commission for the purpose of the Subway, such lands and easements and any buildings and structures thereon so owned and used are exempt from business and real property taxation and the Commission is not liable for payments in lieu thereof under section 39 of *The Assessment Act*. Tax exemption re Bloor-Danforth-University Subway
R.S.O. 1950, c. 24

(2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway nor to concessions operated, rented or leased in any such buildings or structures. Application

(3) The exemption provided by subsection 1 shall be deemed to be an exemption from taxation provided by section 4 of *The Assessment Act*. Deemed exemption under R.S.O. 1950, c. 24, s. 4

4. Section 125 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1957* and section 7 of *The Municipality of Metropolitan Toronto Amendment Act, 1958*, is further amended by adding thereto the following subsection: 1953, c. 73, s. 125, amended

(7) Where a child, who is a ward of the Children's Aid Society or whose mother is his sole support, has the right to attend a public or secondary school in the Wards of Children's Aid Society, etc.

Metropolitan Area and does attend a public or secondary school in an area municipality, the School Board shall pay to the board of education of the area municipality a maintenance assistance payment and, notwithstanding any other Act, the net cost of education of such child less the amount of such maintenance assistance payment.

1953, c. 73,
s. 128
(1958, c. 68,
s. 9), subs. 2,
re-enacted

5.—(1) Subsection 2 of section 128 of *The Municipality of Metropolitan Toronto Act, 1953*, as re-enacted by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1958*, is repealed and the following substituted therefor:

General
legislative
grants
payable to
boards of
education

(2) The general legislative grants in respect of an expenditure by a board of education from its current funds approved by the Minister for,

- (a) night schools;
- (b) text books and reference books;
- (c) milk for consumption by pupils;
- (d) membership fees paid to a trustee organization;
- (e) the construction of junior kindergartens not approved by the school board; and
- (f) school buses and transportation of pupils,

shall be paid to the board of education that made the expenditure for these goods and services.

1953, c. 73,
s. 128
(1958, c. 68,
s. 9),
amended

(2) The said section 128 is amended by adding thereto the following subsections:

Change in
maintenance
assistance
payments
on change
in use of
property

(4) Where a board of education transfers property from the use for which it was designated and an adjustment is made in the approved cost for legislative grant purposes, the school board shall reduce or increase the maintenance assistance payment to the board of education by the amount of the reduction or increase in the legislative grant payable as a result of such transfer.

Deduction
from main-
tenance
assistance
payments

(5) The school board shall reduce the maintenance assistance payment for each board of education by the amount that is deducted from the legislative grants for payment to the Teachers' Superannuation Fund on behalf of the teachers employed by that board of education.

SECTION 5—Subsection 1. The amendment is to clarify the special legislative grant payable to the local boards of education in the Metropolitan Area.

Subsection 2. This amendment provides the necessary adjustment in legislative grants where school property is transferred from its original use to another use.

The amendment also provides that the amount deducted from legislative grants and paid into the Teachers' Superannuation Fund, in respect of teachers employed by a board, is to be deducted from the maintenance assistance payments to such board.

SECTION 6. The amendments are to clarify the position of the Metropolitan Council in establishing the Metropolitan Police pension plan.

Subsections 3a and 3b provide protection of benefits accrued to December 31st, 1956, under the respective pension plans of the area municipalities for the police officers of the area municipalities who have become members of the Metropolitan Police Force.

Subsections 3c to 3f give the Metropolitan Council authority, subject to the approval of the Minister of Municipal Affairs, to establish and provide funds to meet past service benefits of Metropolitan Police officers on the same basis as is now in effect for future service and thereby remove the present inequalities which arise from differences between the pension plans of the various area municipalities of which these officers were members up to January 1st, 1957.

6.—(1) Subsection 1 of section 175j of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by striking out "Metropolitan Board" in the first line and inserting in lieu thereof "Metropolitan Council, on the recommendation of the Metropolitan Board", so that the subsection shall read as follows:

1953, c. 73,
s. 175j
(1956, c. 53,
s. 18),
subs. 1,
amended

(1) The Metropolitan Council, on the recommendation of the Metropolitan Board, shall provide such pension plan for the chief constable, constables and other police officers who are members of the Metropolitan Police Force, as the Minister may approve, and may provide for the incorporation of the plan of any area municipality and the Toronto Police Benefit Fund with the plan established under this section, and may provide for the transfer of the interests of such members who were in the service of the police force of an area municipality from the Toronto Police Benefit Fund and from the pension plan of any area municipality to the pension plan established under this section.

Pensions

(2) The said section 175j is amended by adding thereto the following subsections:

1953, c. 73,
s. 175j
(1956, c. 53,
s. 18),
amended

(3a) Every chief constable, constable and other police officer of the police force of an area municipality who has become a member of the Metropolitan Police Force pursuant to subsection 1 of section 175h, or his beneficiaries, shall be entitled on termination of his services with the Metropolitan Police Force to all benefits accrued up to the 31st day of December, 1956, under the pension plan of the area municipality, and his employment by and service with the Metropolitan Police Force shall be deemed to be employment by and service with the police force of the area municipality for the purpose of determining eligibility for any such accrued benefits.

Accrued
benefits
under area
municipality
pension plan

(3b) An area municipality shall be liable to pay benefits accrued up to the 31st day of December, 1956, under subsection 3a only to the extent that such benefits exceed the benefits provided for services before the 1st day of January, 1957, in the pension plan established under this section.

Area
municipality
liability

(3c) Subject to the approval of the Minister, the Metropolitan Council, on the recommendation of the Metropolitan Board, may by by-law provide benefits

Provision
of benefits
for past
services

under the pension plan established under this section with respect to services performed prior to the 1st day of January, 1957, by the chief constables, constables and other police officers of the police forces of the area municipalities who have become members of the Metropolitan Police Force under subsection 1 of section 175*h* on a basis not less favourable than the basis required by subsection 2 for services after that date, and in such event the Metropolitan Council, with the like approval, may, for such purpose, determine,

- (a) the extent to which the provisions of subsections 3 and 7 shall continue to apply;
- (b) the payments to be made to such pension plan by each area municipality; and
- (c) the assets to be assigned or transferred under subsection 6.

Idem

- (3*d*) The benefits authorized by subsection 3*c* may be provided for such chief constables, constables and other police officers whose services with the Metropolitan Police Force were terminated by retirement with immediate pension benefits or by death after the 1st day of January, 1957, and before the date a by-law passed under subsection 3*c* becomes effective.

Payments of area municipalities on deferred basis

- (3*e*) Any payments required to be made by an area municipality under subsection 3*c* other than assets transferred or assigned may, with the consent of the Metropolitan Council, be on a deferred basis and raised in a subsequent year or years and any such payments shall be deemed to be current expenditures.

Additional payments by Metropolitan Corporation

- (3*f*) Any additional payments required to be made by the Metropolitan Corporation to provide the benefits authorized by subsection 3*c* may be on a deferred basis and raised in a subsequent year or years and shall be deemed to be current expenditures.

1953, c. 73,
s. 175*t*
(1956, c. 53,
s. 18),
amended

7. Section 175*t* of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by adding thereto the following subsection:

Chairman and quorum

- (3) The Licensing Commission shall elect a chairman and may elect a vice-chairman, and a majority of the members of the Licensing Commission constitutes a quorum.

SECTION 7. The amendment provides specifically for the appointment of a chairman and vice-chairman and provides for the quorum of the Licensing Commission in the same manner as for boards of police commissioners.

SECTION 8. The amendment is to make it clear that the powers of area municipalities to license that were conferred on the Licensing Commission included all the powers of an area municipality with respect to licensing including power to revoke.

SECTION 9—Subsection 1. This amendment gives the Metropolitan Corporation powers similar to those enjoyed by other municipalities in respect of subdivision agreements.

Subsection 2. The subsection is to make it clear that the Metropolitan Corporation always had authority to enter into agreements re subdivision plans.

SECTION 10. This amendment is similar to an amendment to *The Municipal Act* in 1959. It provides that the portion of the unconditional grants in relation to indigent hospitalization shall be used to reduce general taxation whereas the balance of unconditional grants can only be used for the benefit of residential and farm properties.

8. Subsection 2 of section 175u of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by inserting after "licensing" in the fifth line "revoking of a licence", so that the subsection shall read as follows:

- (2) The Metropolitan Council, by reference to the provisions of any Act, may by by-law authorize the Licensing Commission to exercise the powers of any area municipality or board of commissioners of police with respect to the licensing, revoking of a licence, regulating, governing, prohibiting or limiting of any trade, calling, business or occupation or the person carrying on or engaged in it and upon being so authorized the Licensing Commission may exercise such powers.

9.—(1) Section 180 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 40 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is further amended by inserting after "23" in the amendment of 1957 "26", so that subsection 1 of the said section shall read as follows:

- (1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 19, 21 to 23, 26, 28 and 29 of *The Planning Act, 1955*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act, 1955* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area.

(2) The said section 180 is further amended by adding thereto the following subsection:

- (2) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

10. Subsection 3 of section 190a of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 46 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is amended by inserting after "under" in the eleventh line "section 6 of", so that the subsection shall read as follows:

- (3) The amount to be raised in each year by levy on the total assessment under clause b of subsection 1 shall

be a sum equal to the proportion of the total of the sums to be levied against the area municipalities under section 190 that the total assessment under clause *b* of subsection 1 bears to the total assessment for real property and business assessment in the Metropolitan Area according to the last revised assessment rolls less the amount of the estimated revenue from payments to be received in that year by the Metropolitan Corporation under section 6 of *The Municipal Unconditional Grants Act, 1953*.

1953, c. 72

1953, c. 73,
s. 193,
subs. 5,
re-enacted

11. Subsection 5 of section 193 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Bonds,
debentures,
etc.,
trustee
investments
R.S.O. 1950,
c. 400

- (5) Bonds, debentures and other evidences of indebtedness of the Metropolitan Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

1953, c. 73,
s. 197,
subs. 19
(1955, c. 50,
s. 21,
subs. 2),
amended

12. Subsection 19 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by subsection 2 of section 21 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is amended by striking out "3" in the fourth line and inserting in lieu thereof "3½", so that the subsection shall read as follows:

Principal
levies

- (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 3½ 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.

1953, c. 73,
s. 214,
subs. 7
(1955, c. 50,
s. 24),
re-enacted

13. Subsection 7 of section 214 of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 24 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is repealed and the following substituted therefor:

Civil
defence

- (7) By-laws may be passed by the Metropolitan Council,
- (a) for the establishment and maintenance of emergency measures civil defence organizations; and
 - (b) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality.

SECTION 11. The subsection is re-enacted to make it clear that The Municipality of Metropolitan Toronto is a municipal corporation for the purposes of investment of funds as provided in section 26 of *The Trustee Act*.

SECTION 12. The limit in estimating earnings capitalized yearly from moneys in a sinking fund when computing the amount to be raised in each year to pay the sinking fund debentures is increased from 3 per cent to $3\frac{1}{2}$ per cent.

SECTION 13. The amendment is to make the powers of the Metropolitan Council with regard to civil defence the same as those of municipalities, as proposed in Bill 140, *An Act to amend The Municipal Act*.

SECTION 14. All sections self-explanatory.

14. *The Municipality of Metropolitan Toronto Act, 1953* is ^{1953, c. 73,} amended by adding thereto the following sections:

- 214h. The Metropolitan Council may make a grant to the national fund for the University of Toronto in the amount of \$2,400,000 to be paid in ten annual instalments commencing in the year 1960. Grant to University of Toronto
- 214i. The Metropolitan Council may make a grant to the New Brunswick Fishermen's Disaster Fund in the amount of \$10,000. Grant to New Brunswick Fishermen's Disaster Fund
- 214j. The Metropolitan Council may make a grant towards the cost of constructing a home for senior citizens by the Pentecostal Benevolent Association of Ontario in the amount of \$70,000. Grant to Pentecostal Benevolent Association
- 214k. The Metropolitan Council may make a grant towards the cost of constructing a new Fred Victor Mission in the amount of \$70,000. Grant to Fred Victor Mission
- 214l. The Metropolitan Council may make grants to the Salvation Army, Grants to Salvation Army
- (a) in an amount not exceeding \$15,000 towards the cost of acquiring premises located at 314 George Street, Toronto; and
- (b) in an amount not exceeding \$55,000 towards the cost of the reconstruction of the Rehabilitation Hostel located at 516 Richmond Street West, Toronto.

15.—(1) This Act, except sections 4, 5, 6, 7 and 10, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 6 and 7 shall be deemed to have come into force on the 1st day of January, 1957. Idem

(3) Section 10 shall be deemed to have come into force on the 1st day of January, 1959. Idem

(4) Section 5 shall be deemed to have come into force on the 1st day of January, 1960. Idem

(5) Section 4 comes into force on the 1st day of July, 1960. Idem

16. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1960*. Short title

An Act to amend
The Municipality of Metropolitan
Toronto Act, 1953

1st Reading

March 22nd, 1960

2nd Reading

March 28th, 1960

3rd Reading

MR. WARRENDER

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

BILL 142

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Municipality of Metropolitan Toronto Act, 1953**

MR. WARRENDER

TORONTO
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THE END

BILL 142

1960

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1. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following sections: 1953, c. 73,
amended

86b.—(1) The Metropolitan Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any metropolitan road or any portion of a metropolitan road than is prescribed in subsection 1 of section 28 of *The Highway Traffic Act*, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour. Speed
limits on
metropolitan
roads
R.S.O. 1950,
c. 167

(2) No by-law passed under subsection 1 shall become effective until approved by the Department of Transport and the metropolitan roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under *The Highway Traffic Act*. Approval
of by-laws

86c. The Metropolitan Council may by by-law prescribe the rate of speed for motor vehicles driven on lands vested in the Metropolitan Corporation under Part XIII in accordance with subsection 2 of section 28 of *The Highway Traffic Act*. Speed limits
in metro-
politan parks

86d. The Metropolitan Council may by by-law empower the council of any area municipality to lease or license the use of untravelled surface portions of metropolitan roads within those portions of the area municipality zoned for commercial or industrial purposes to the owners or occupants of property abutting on such roads to be used solely for the parking of vehicles. Use of
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2. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Sick benefit
plan
R.S.O. 1950,
cc. 183, 285

104a.—(1) The Commission may provide by contract with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act* or with a corporation to be known as the Toronto Transit Commission Sick Benefit Association, to be established subject to Part VI of *The Corporations Act, 1953*, for weekly sick-pay, special service, medical and surgical benefits for employees or any class thereof of the Commission and their wives or husbands and dependent children and retired employees in accordance with this section and for contributing toward the cost thereof.

1953, c. 19

Commission
contributions

(2) No contract under subsection 1 shall authorize contributions by the Commission in excess of the total of those made by the employees.

Idem

(3) The Commission shall only make contributions in respect of,

(a) regular employees who have been employed for at least sixty days with the Commission and their wives or husbands and dependent children;

(b) retired employees who reside in Ontario and who elect to continue the benefits,

and shall not make contributions in respect of temporary or seasonal employees or dependants of regular employees other than wives or husbands and dependent children.

Special
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(4) Special service and medical and surgical benefits may be provided for dependants other than wives or husbands and dependent children of regular employees, and for dependants of retired employees, who so elect, provided the cost thereof shall be borne by such employees.

Sick-pay
benefits

(5) Sick-pay benefits shall not be provided for other than active regular employees of the Commission.

Greater
sick-pay on
election of
employee

(6) Weekly sick-pay in an amount greater than may be provided under the other provisions of this section may be provided for such employees who elect to bear the excess cost of such greater sick-pay.

- (7) The Commission may assume the cost of the administration of the benefits provided under this section. Administration costs
- (8) The sick-pay, special service and medical and surgical benefits provided or to be provided before the 1st day of January, 1961, and contributions made in relation thereto by the Toronto Transportation Commission, the Toronto Transit Commission, the Toronto Transportation Commission Sick Benefit Association and the Toronto Transit Commission Sick Benefit Association are hereby confirmed and declared to be legal and valid. Benefits validated

3. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section: 1953, c. 73, amended

- 112b.—(1) So long as the lands and easements heretofore or hereafter acquired by the Metropolitan Corporation for the right-of-way of the extension to the rapid transit system of the Commission known as the Bloor-Danforth-University Avenue Subway are owned by the Metropolitan Corporation and used by the Commission for the purpose of the Subway, such lands and easements and any buildings and structures thereon so owned and used are exempt from business and real property taxation and the Commission is not liable for payments in lieu thereof under section 39 of *The Assessment Act*. Tax exemption re Bloor-Danforth-University Subway
R.S.O. 1950, c. 24
- (2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway nor to concessions operated, rented or leased in any such buildings or structures. Application
- (3) The exemption provided by subsection 1 shall be deemed to be an exemption from taxation provided by section 4 of *The Assessment Act*. Deemed exemption under
R.S.O. 1950, c. 24, s. 4

4. Section 125 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1957* and section 7 of *The Municipality of Metropolitan Toronto Amendment Act, 1958*, is further amended by adding thereto the following subsection: 1953, c. 73, s. 125, amended

- (7) Where a child, who is a ward of the Children's Aid Society or whose mother is his sole support, has the right to attend a public or secondary school in the Wards of Children's Aid Society, etc.

Metropolitan Area and does attend a public or secondary school in an area municipality, the School Board shall pay to the board of education of the area municipality a maintenance assistance payment and, notwithstanding any other Act, the net cost of education of such child less the amount of such maintenance assistance payment.

1953, c. 73,
s. 128
(1958, c. 68,
s. 9), subs. 2,
re-enacted

5.—(1) Subsection 2 of section 128 of *The Municipality of Metropolitan Toronto Act, 1953*, as re-enacted by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1958*, is repealed and the following substituted therefor:

General
legislative
grants
payable to
boards of
education

(2) The general legislative grants in respect of an expenditure by a board of education from its current funds approved by the Minister for,

- (a) night schools;
- (b) text books and reference books;
- (c) milk for consumption by pupils;
- (d) membership fees paid to a trustee organization;
- (e) the construction of junior kindergartens not approved by the school board; and
- (f) school buses and transportation of pupils,

shall be paid to the board of education that made the expenditure for these goods and services.

1953, c. 73,
s. 128
(1958, c. 68,
s. 9),
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(2) The said section 128 is amended by adding thereto the following subsections:

Change in
maintenance
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(4) Where a board of education transfers property from the use for which it was designated and an adjustment is made in the approved cost for legislative grant purposes, the school board shall reduce or increase the maintenance assistance payment to the board of education by the amount of the reduction or increase in the legislative grant payable as a result of such transfer.

Deduction
from main-
tenance
assistance
payments

(5) The school board shall reduce the maintenance assistance payment for each board of education by the amount that is deducted from the legislative grants for payment to the Teachers' Superannuation Fund on behalf of the teachers employed by that board of education.

6.—(1) Subsection 1 of section 175j of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by striking out “Metropolitan Board” in the first line and inserting in lieu thereof “Metropolitan Council, on the recommendation of the Metropolitan Board”, so that the subsection shall read as follows:

- (1) The Metropolitan Council, on the recommendation of the Metropolitan Board, shall provide such pension plan for the chief constable, constables and other police officers who are members of the Metropolitan Police Force, as the Minister may approve, and may provide for the incorporation of the plan of any area municipality and the Toronto Police Benefit Fund with the plan established under this section, and may provide for the transfer of the interests of such members who were in the service of the police force of an area municipality from the Toronto Police Benefit Fund and from the pension plan of any area municipality to the pension plan established under this section.

(2) The said section 175j is amended by adding thereto the following subsections:

- (3a) Every chief constable, constable and other police officer of the police force of an area municipality who has become a member of the Metropolitan Police Force pursuant to subsection 1 of section 175h, or his beneficiaries, shall be entitled on termination of his services with the Metropolitan Police Force to all benefits accrued up to the 31st day of December, 1956, under the pension plan of the area municipality, and his employment by and service with the Metropolitan Police Force shall be deemed to be employment by and service with the police force of the area municipality for the purpose of determining eligibility for any such accrued benefits.
- (3b) An area municipality shall be liable to pay benefits accrued up to the 31st day of December, 1956, under subsection 3a only to the extent that such benefits exceed the benefits provided for services before the 1st day of January, 1957, in the pension plan established under this section.
- (3c) Subject to the approval of the Minister, the Metropolitan Council, on the recommendation of the Metropolitan Board, may by by-law provide benefits

under the pension plan established under this section with respect to services performed prior to the 1st day of January, 1957, by the chief constables, constables and other police officers of the police forces of the area municipalities who have become members of the Metropolitan Police Force under subsection 1 of section 175*h* on a basis not less favourable than the basis required by subsection 2 for services after that date, and in such event the Metropolitan Council, with the like approval, may, for such purpose, determine,

- (a) the extent to which the provisions of subsections 3 and 7 shall continue to apply;
- (b) the payments to be made to such pension plan by each area municipality; and
- (c) the assets to be assigned or transferred under subsection 6.

Idem

- (3*d*) The benefits authorized by subsection 3*c* may be provided for such chief constables, constables and other police officers whose services with the Metropolitan Police Force were terminated by retirement with immediate pension benefits or by death after the 1st day of January, 1957, and before the date a by-law passed under subsection 3*c* becomes effective.

Payments of area municipalities on deferred basis

- (3*e*) Any payments required to be made by an area municipality under subsection 3*c* other than assets transferred or assigned may, with the consent of the Metropolitan Council, be on a deferred basis and raised in a subsequent year or years and any such payments shall be deemed to be current expenditures.

Additional payments by Metropolitan Corporation

- (3*f*) Any additional payments required to be made by the Metropolitan Corporation to provide the benefits authorized by subsection 3*c* may be on a deferred basis and raised in a subsequent year or years and shall be deemed to be current expenditures.

1953, c. 73, s. 175*f*
(1956, c. 53, s. 18),
amended

7. Section 175*t* of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by adding thereto the following subsection:

Chairman and quorum

- (3) The Licensing Commission shall elect a chairman and may elect a vice-chairman, and a majority of the members of the Licensing Commission constitutes a quorum.

8. Subsection 2 of section 175u of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by inserting after "licensing" in the fifth line "revoking of a licence", so that the subsection shall read as follows:

- (2) The Metropolitan Council, by reference to the provisions of any Act, may by by-law authorize the Licensing Commission to exercise the powers of any area municipality or board of commissioners of police with respect to the licensing, revoking of a licence, regulating, governing, prohibiting or limiting of any trade, calling, business or occupation or the person carrying on or engaged in it and upon being so authorized the Licensing Commission may exercise such powers.

9.—(1) Section 180 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 40 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is further amended by inserting after "23" in the amendment of 1957 "26", so that subsection 1 of the said section shall read as follows:

- (1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 19, 21 to 23, 26, 28 and 29 of *The Planning Act, 1955*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act, 1955* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area.

(2) The said section 180 is further amended by adding thereto the following subsection:

- (2) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

10. Subsection 3 of section 190a of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 46 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is amended by inserting after "under" in the eleventh line "section 6 of", so that the subsection shall read as follows:

- (3) The amount to be raised in each year by levy on the total assessment under clause *b* of subsection 1 shall

be a sum equal to the proportion of the total of the sums to be levied against the area municipalities under section 190 that the total assessment under clause *b* of subsection 1 bears to the total assessment for real property and business assessment in the Metropolitan Area according to the last revised assessment rolls less the amount of the estimated revenue from payments to be received in that year by the Metropolitan Corporation under section 6 of *The Municipal Unconditional Grants Act, 1953*.

1953, c. 72

1953, c. 73,
s. 193,
subs. 5,
re-enacted

11. Subsection 5 of section 193 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Bonds,
debentures,
etc.,
trustee
investments
R.S.O. 1950,
c. 400

- (5) Bonds, debentures and other evidences of indebtedness of the Metropolitan Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

1953, c. 73,
s. 197,
subs. 19
(1955, c. 50,
s. 21,
subs. 2),
amended

12. Subsection 19 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by subsection 2 of section 21 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is amended by striking out "3" in the fourth line and inserting in lieu thereof "3½", so that the subsection shall read as follows:

Principal
levies

- (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 3½ 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.

1953, c. 73,
s. 214,
subs. 7
(1955, c. 50,
s. 24),
re-enacted

13. Subsection 7 of section 214 of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 24 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is repealed and the following substituted therefor:

Civil
defence

- (7) By-laws may be passed by the Metropolitan Council,
- (a) for the establishment and maintenance of emergency measures civil defence organizations; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality.

14. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following sections: 1953, c. 73, amended

- 214*h.* The Metropolitan Council may make a grant to the national fund for the University of Toronto in the amount of \$2,400,000 to be paid in ten annual instalments commencing in the year 1960. Grant to University of Toronto
- 214*i.* The Metropolitan Council may make a grant to the New Brunswick Fishermen's Disaster Fund in the amount of \$10,000. Grant to New Brunswick Fishermen's Disaster Fund
- 214*j.* The Metropolitan Council may make a grant towards the cost of constructing a home for senior citizens by the Pentecostal Benevolent Association of Ontario in the amount of \$70,000. Grant to Pentecostal Benevolent Association
- 214*k.* The Metropolitan Council may make a grant towards the cost of constructing a new Fred Victor Mission in the amount of \$70,000. Grant to Fred Victor Mission
- 214*l.* The Metropolitan Council may make grants to the Salvation Army. Grants to Salvation Army
- (a) in an amount not exceeding \$15,000 towards the cost of acquiring premises located at 314 George Street, Toronto; and
- (b) in an amount not exceeding \$55,000 towards the cost of the reconstruction of the Rehabilitation Hostel located at 516 Richmond Street West, Toronto.

15.—(1) This Act, except sections 4, 5, 6, 7 and 10, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 6 and 7 shall be deemed to have come into force on the 1st day of January, 1957. Idem

(3) Section 10 shall be deemed to have come into force on the 1st day of January, 1959. Idem

(4) Section 5 shall be deemed to have come into force on the 1st day of January, 1960. Idem

(5) Section 4 comes into force on the 1st day of July, 1960. Idem

16. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1960*. Short title

An Act to amend
The Municipality of Metropolitan
Toronto Act, 1953

1st Reading

March 22nd, 1960

2nd Reading

March 28th, 1960

3rd Reading

April 11th, 1960

MR. WARRENDER

BILL 143

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Trustee Act

MR. ROBERTS

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

EXPLANATORY NOTE

This new section will enable the Supreme Court to authorize trustees to invest up to 35 per cent of a trust fund in the stated classes of corporation bonds and stocks.

An Act to amend The Trustee Act

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

1. *The Trustee Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 400,
amended

26a.—(1) In addition to the investments authorized by section 26, the Supreme Court may, if it thinks fit, by order authorize a trustee holding trust money for investment to invest such moneys in the following classes of investments, but only if the investment is in other respects reasonable and proper and is made in accordance with subsections 2, 3 and 4: Other
investments
authorized
by S.C.O.

1. bonds, debentures, debenture stock or other securities of any corporation incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such corporation or other assets of such corporation of the classes mentioned in this section or in section 26; bonds
secured
by trust
deed
2. bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity; provincial
subsidy
bonds

corporation
securities

(3) bonds, debentures or other evidences of indebtedness of a corporation that has paid,

(a) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(b) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

preferred
shares

4. preferred shares of a corporation that has paid,

(a) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(b) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

common
shares

5. fully paid common shares of a corporation that, in each year of a period of seven years ended less than one year before the date of investment, has paid a dividend upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid.

Limitation

(2) No investment shall be made under this section that, at the time of making such investment, would cause the aggregate market value of the investments made under this section to exceed 35 per cent of the market value at that time of the whole trust estate,

and, if in any estate or trust the trustee has retained, under the authority of the trust instrument, investments that had been acquired by the testator or settlor and that come within any of the classes authorized by this section, such investments shall be deemed to have been made under this section.

(3) No sale or other liquidation of any investment made under this section shall be required solely because of any change in the ratio between the market value of such investments and the market value of the whole trust estate.

(4) In determining market values for the purpose of this section, a trustee may rely upon published market quotations as to those investments for which such quotations are available, and upon such valuations of other investments as in his judgment seem fair and reasonable according to available information.

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

3. This Act may be cited as *The Trustee Amendment Act, 1960*.





An Act to amend The Trustee Act

1st Reading

March 22nd, 1960

2nd Reading

3rd Reading

MR. ROBERTS

BILL 143

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Trustee Act

MR. ROBERTS

TORONTO
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An Act to amend The Trustee Act

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

1. *The Trustee Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 400,
amended

26a.—(1) In addition to the investments authorized by section 26, the Supreme Court may, if it thinks fit, by order authorize a trustee holding trust money for investment to invest such moneys in the following classes of investments, but only if the investment is in other respects reasonable and proper and is made in accordance with subsections 2, 3 and 4: Other
investments
authorized
by S.C.O.

1. bonds, debentures, debenture stock or other securities of any corporation incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such corporation or other assets of such corporation of the classes mentioned in this section or in section 26; bonds
secured
by trust
deed
2. bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity; provincial
subsidy
bonds

(3) bonds, debentures or other evidences of indebtedness of a corporation that has paid,

(a) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(b) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

4. preferred shares of a corporation that has paid,

(a) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(b) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

5. fully paid common shares of a corporation that, in each year of a period of seven years ended less than one year before the date of investment, has paid a dividend upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid.

(2) No investment shall be made under this section that, at the time of making such investment, would cause the aggregate market value of the investments made under this section to exceed 35 per cent of the market value at that time of the whole trust estate,

corporation
securities

preferred
shares

common
shares

Limitation

and, if in any estate or trust the trustee has retained, under the authority of the trust instrument, investments that had been acquired by the testator or settlor and that come within any of the classes authorized by this section, such investments shall be deemed to have been made under this section.

- (3) No sale or other liquidation of any investment made under this section shall be required solely because of any change in the ratio between the market value of such investments and the market value of the whole trust estate. ^{Change in market values}
- (4) In determining market values for the purpose of this section, a trustee may rely upon published market quotations as to those investments for which such quotations are available, and upon such valuations of other investments as in his judgment seem fair and reasonable according to available information. ^{Market values}

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

3. This Act may be cited as *The Trustee Amendment Act*, Short title 1960. ^{Short title}





An Act to amend The Trustee Act

1st Reading

March 22nd, 1960

2nd Reading

March 28th, 1960

3rd Reading

April 1st, 1960

MR. ROBERTS

BILL 144

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Planning Act, 1955

MR. WARRENDER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. At present, a municipality can only construct buildings in a redevelopment area. The amendment authorizes the repair, rehabilitation and improvement of existing buildings.

SECTION 3. Self-explanatory.

An Act to amend 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. Clause *e* of section 1 of *The Planning Act, 1955* is amended by striking out "Planning and Development" in the first and second lines and inserting in lieu thereof "Municipal Affairs", so that the clause shall read as follows:

(e) "Minister" means Minister of Municipal Affairs.

2. Clause *a* of subsection 8 of section 20 of *The Planning Act, 1955* is amended by inserting after "construct" in the first line "repair, rehabilitate or improve", so that the clause shall read as follows:

(a) construct, repair, rehabilitate or improve 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.

3. *The Planning Act, 1955* is amended by adding thereto the following sections:

20a. A municipality, with the approval of the Minister, may enter into an agreement with any governmental authority, or any agency thereof created by statute, for the carrying out of studies relating to the physical condition of the municipality or any part thereof.

20b. The Minister, with the approval of the Lieutenant Governor in Council, may enter into an agreement with a municipality and a municipality may enter into such an agreement with the Minister providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the redevelopment of a redevelopment area as defined in section 20.

1955, c. 61, s. 27b (1959, c. 71, s. 5), subs. 1, amended

4. Subsection 1 of section 27b of *The Planning Act, 1955*, as enacted by section 5 of *The Planning Amendment Act, 1959*, is amended by adding thereto the following paragraph:

Supervision of erection of public buildings

23. For requiring that public buildings to be erected, constructed or altered in the municipality be designed by and the specifications therefor be prescribed by and the erection, construction and alteration thereof be controlled and supervised by a member or licensee of the Ontario Association of Architects under *The Architects Act* or a civil engineer who is a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*.

R.S.O. 1950, cc. 21, 292

Interpretation

(a) In this paragraph, "public buildings" means arenas, armouries, amusement park structures, bleachers, bowling alleys, churches, club buildings, community halls, court rooms, curling rinks, dance halls, exhibition buildings, grandstands, gymnasiums, libraries, lodge rooms, museums, passenger stations and depots, recreation piers, reviewing stands, schools, skating rinks, stadia, swimming pool buildings and structures, theatres and other buildings and structures that are to be used or offered for use as places of public assembly.

By-laws amending or repealing zoning by-laws not invalid due to lack of approval of Ontario Municipal Board before passing
R.S.O. 1950, c. 243

5.—(1) A by-law repealing or amending a by-law passed under section 390 of *The Municipal Act* or a predecessor of that section is not invalid and shall be deemed never to have been invalid solely because of the lack of approval by the Ontario Municipal Board prior to the passing thereof by the municipal council.

Application

(2) Subsection 1 does not apply to a by-law that never at any time received approval by the Ontario Municipal Board and does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation or proceedings commenced on or before the 23rd day of March, 1960.

Commencement

6.—(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 April, 1960.

Short title

7. This Act may be cited as *The Planning Amendment Act, 1960*.

SECTION 4. This new provision enables municipalities to ensure that public buildings, as defined, are erected or altered under competent professional advice and supervision.

SECTION 5. This section is designed to overcome the effect of the decision of the Supreme Court of Canada in the Township of Scarborough vs. Bondi subject to any rights heretofore acquired.





An Act to amend
The Planning Act, 1955

1st Reading

March 23rd, 1960

2nd Reading

3rd Reading

MR. WARRENDER

BILL 144

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Planning Act, 1955

MR. WARRENDER

TORONTO
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An Act to amend 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. Clause *e* of section 1 of *The Planning Act, 1955* is ^{1955, c. 61,} amended by striking out "Planning and Development" in ^{s. 1, cl. *e*,} the first and second lines and inserting in lieu thereof "Municipal Affairs", so that the clause shall read as follows:

(*e*) "Minister" means Minister of Municipal Affairs.

2. Clause *a* of subsection 8 of section 20 of *The Planning Act, 1955* is amended by inserting after "construct" in the ^{1955, c. 61,} first line "repair, rehabilitate or improve", so that the clause ^{s. 20, subs. 8,} shall read as follows: ^{amended}

(*a*) construct, repair, rehabilitate or improve 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.

3. *The Planning Act, 1955* is amended by adding thereto ^{1955, c. 61,} the following sections: ^{amended}

20*a*. A municipality, with the approval of the Minister, ^{Agreements} may enter into an agreement with any governmental ^{re special} authority, or any agency thereof created by statute, ^{studies} for the carrying out of studies relating to the physical condition of the municipality or any part thereof.

20*b*. The Minister, with the approval of the Lieutenant ^{Agreements} Governor in Council, may enter into an agreement ^{for grants} with a municipality and a municipality may enter ^{in aid of} into such an agreement with the Minister providing ^{redevelop-} for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the redevelopment of a redevelopment area as defined in section 20.

1955, c. 61, s. 27b
(1959, c. 71, s. 5), subs. 1, amended

4. Subsection 1 of section 27b of *The Planning Act, 1955*, as enacted by section 5 of *The Planning Amendment Act, 1959*, is amended by adding thereto the following paragraph:

Supervision of erection of public buildings

23. For requiring that public buildings to be erected, constructed or altered in the municipality be designed by and the specifications therefor be prescribed by and the erection, construction and alteration thereof be controlled and supervised by a member or licensee of the Ontario Association of Architects under *The Architects Act* or a civil engineer who is a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*.

R.S.O. 1950, cc. 21, 292

Interpretation

- (a) In this paragraph, "public buildings" means arenas, armouries, amusement park structures, bleachers, bowling alleys, churches, club buildings, community halls, court rooms, curling rinks, dance halls, exhibition buildings, grandstands, gymnasiums, libraries, lodge rooms, museums, passenger stations and depots, recreation piers, reviewing stands, schools, skating rinks, stadia, swimming pool buildings and structures, theatres and other buildings and structures that are to be used or offered for use as places of public assembly.

By-laws amending or repealing zoning by-laws not invalid due to lack of approval of Ontario Municipal Board before passing
R.S.O. 1950, c. 243

5.—(1) A by-law repealing or amending a by-law passed under section 390 of *The Municipal Act* or a predecessor of that section is not invalid and shall be deemed never to have been invalid solely because of the lack of approval by the Ontario Municipal Board prior to the passing thereof by the municipal council.

Application

(2) Subsection 1 does not apply to a by-law that never at any time received approval by the Ontario Municipal Board and does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation or proceedings commenced on or before the 23rd day of March, 1960.

Commencement

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

Idem

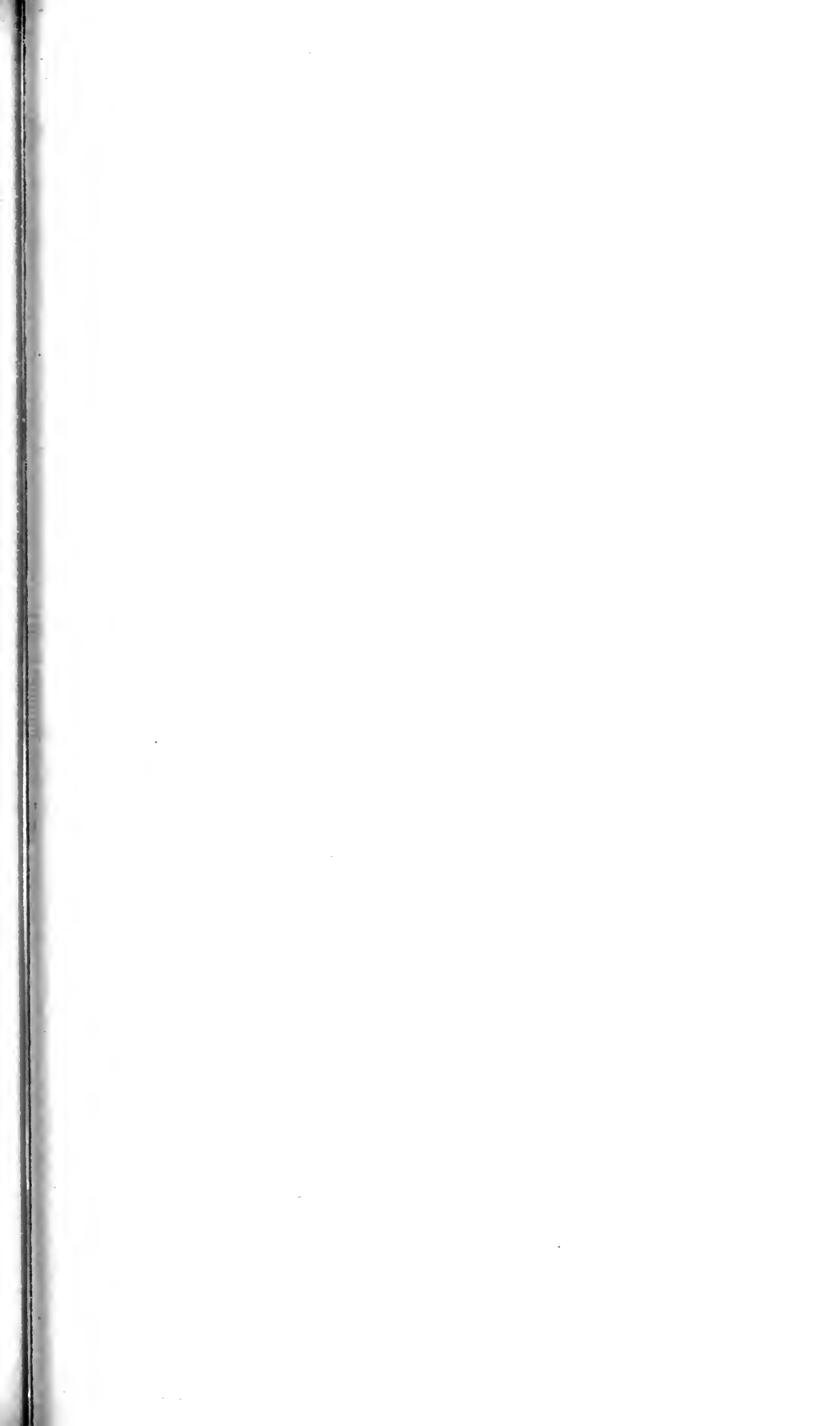
(2) Section 1 shall be deemed to have come into force on the 1st day of April, 1960.

Short title

7. This Act may be cited as *The Planning Amendment Act, 1960*.



THE UNIVERSITY OF CHICAGO PRESS



An Act to amend
The Planning Act, 1955

1st Reading

March 23rd, 1960

2nd Reading

March 28th, 1960

3rd Reading

April 11th, 1960

MR. WARRENDER

BILL 145

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The General Welfare Assistance Act, 1958**

MR. CECILE

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

EXPLANATORY NOTE

The term "supplementary allowance" is replaced by "supplementary aid" to agree with the terminology used in the current agreement between Canada and the Province.

BILL 145

1960

**An Act to amend
The General Welfare Assistance Act, 1958**

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

1. Clause *h* of section 1 of *The General Welfare Assistance Act, 1958* is amended by striking out "allowance" in the first line and inserting in lieu thereof "aid", so that the clause shall read as follows:

1958, c. 33,
s. 1, cl. *h*,
amended

(*h*) "supplementary aid" means assistance that may be paid to a recipient of a governmental benefit.

2. Section 8 of *The General Welfare Assistance Act, 1958* is amended by striking out "allowances" in the second line and inserting in lieu thereof "aid", so that the section shall read as follows:

1958, c. 33,
s. 8,
amended

8. A municipality or the Province may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits.

Power to
provide
assistance
by way of
supple-
mentary aid

3. Clause *g* of section 9 of *The General Welfare Assistance Act, 1958* is amended by striking out "allowances" in the first and second lines and inserting in lieu thereof "aid" and by striking out "they are" in the fourth line and inserting in lieu thereof "it is", so that the clause shall read as follows:

1958, c. 33,
s. 9, cl. *g*,
amended

(*g*) providing for the payment of supplementary aid to recipients of governmental benefits, prescribing the circumstances under which and by whom it is payable, and providing for contributions to or reimbursement of amounts expended therefor and prescribing the maximum amounts or percentages thereof.

4. Subsection 5 of section 9a of *The General Welfare Assistance Act, 1958*, as enacted by section 2 of *The General Welfare Assistance Amendment Act, 1959*, is amended by

1958, c. 33,
s. 9a (1959,
c. 41, s. 2),
subs. 5,
amended

striking out "allowances" in the third line and inserting in lieu thereof "aid", so that the subsection shall read as follows:

Supple-
mentary aid

(5) The council of a band that is approved for the purposes of this Act may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits who reside on the reserve of the band.

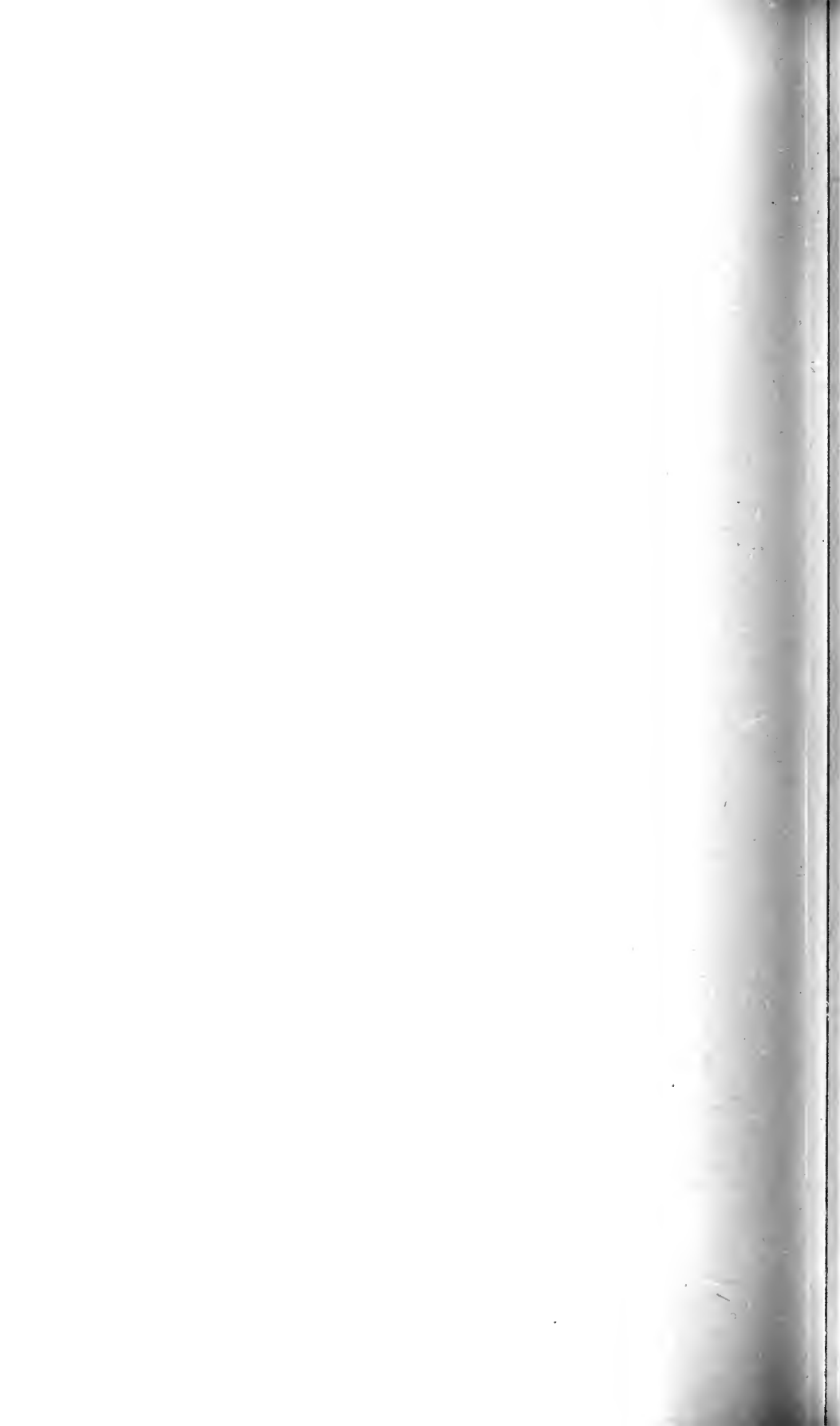
Commence-
ment

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

Short title

6. This Act may be cited as *The General Welfare Assistance Amendment Act, 1960*.







An Act to amend
The General Welfare Assistance Act, 1958

1st Reading

March 23rd, 1960

2nd Reading

3rd Reading

MR. CECILE

BILL 145

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The General Welfare Assistance Act, 1958**

MR. CECILE

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



BILL 145

1960

**An Act to amend
The General Welfare Assistance Act, 1958**

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

1. Clause *h* of section 1 of *The General Welfare Assistance Act, 1958* is amended by striking out "allowance" in the first line and inserting in lieu thereof "aid", so that the clause shall read as follows:

(*h*) "supplementary aid" means assistance that may be paid to a recipient of a governmental benefit.

2. Section 8 of *The General Welfare Assistance Act, 1958* is amended by striking out "allowances" in the second line and inserting in lieu thereof "aid", so that the section shall read as follows:

8. A municipality or the Province may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits.

3. Clause *g* of section 9 of *The General Welfare Assistance Act, 1958* is amended by striking out "allowances" in the first and second lines and inserting in lieu thereof "aid" and by striking out "they are" in the fourth line and inserting in lieu thereof "it is", so that the clause shall read as follows:

(*g*) providing for the payment of supplementary aid to recipients of governmental benefits, prescribing the circumstances under which and by whom it is payable, and providing for contributions to or reimbursement of amounts expended therefor and prescribing the maximum amounts or percentages thereof.

4. Subsection 5 of section 9*a* of *The General Welfare Assistance Act, 1958*, as enacted by section 2 of *The General Welfare Assistance Amendment Act, 1959*, is amended by

striking out "allowances" in the third line and inserting in lieu thereof "aid", so that the subsection shall read as follows:

Supple-
mentary aid

- (5) The council of a band that is approved for the purposes of this Act may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits who reside on the reserve of the band.

Commence-
ment

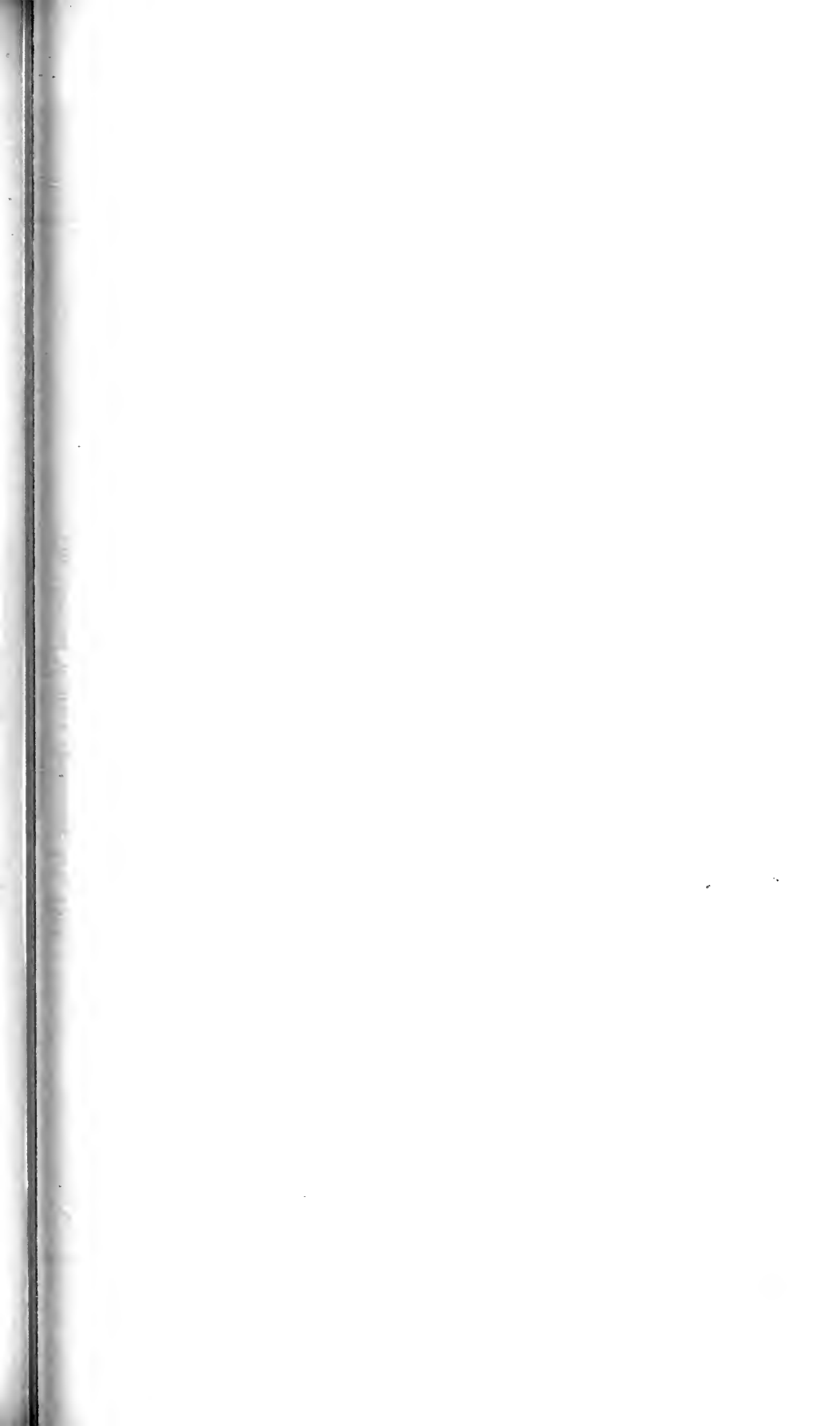
5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The General Welfare Assistance Amendment Act, 1960*.







An Act to amend
The General Welfare Assistance Act, 1958

1st Reading

March 23rd, 1960

2nd Reading

March 28th, 1960

3rd Reading

April 1st, 1960

MR. CECILE

BILL 146

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to provide for Portable Pensions

MR. MACDONALD

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

EXPLANATORY NOTE

The purpose of the Bill is to require that where an employee leaves his employment his entitlement under a pension plan does not lapse but is portable.

An Act to provide for Portable Pensions

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) "Department" means the Department of Insurance of Ontario;
- (b) "employee" includes an employed person whether remunerated by salary, wage or commission, a director or officer and an agent who acts on a substantially full-time basis for his principal;
- (c) "pension" means a periodic payment to an employee upon his retirement from active employment;
- (d) "pension plan" means any plan applying to three or more employees regularly employed in Ontario by the same employer and providing for pensions to the employees, whether such plan is financed by contributions of an employer or by contributions of employees or by contributions of an employer and employees jointly;
- (e) "Superintendent" means the Superintendent of Insurance of Ontario and includes the Deputy Superintendent of Insurance.

2.—(1) Every pension plan instituted after the date on which this Act comes into force shall comply with the following requirements: Require-
ments for
new pension
plans

- 1. Every employee in the unit of employment to which the pension plan applies shall be eligible for inclusion in the plan after a specified period, not exceeding one year, from the commencement of his employment.

2. The rights accruing from all contributions made under the pension plan in respect of any employee, whether made by himself or by an employer, shall be fully vested in him immediately upon his inclusion in the plan.
3. Where an employee's employment is terminated, the rights vested in him shall be available to him in a pension starting immediately or at some specified date in the future.
4. Where the pension plan is terminated, the rights vested in each employee shall be available to him in a pension starting immediately or at some specified date in the future.
5. The amount of the pension benefits shall be in accordance with a specified formula which shall not be discriminatory in its operation.
6. Provision satisfactory to the Superintendent shall be made to ensure the financial soundness of the pension plan and full protection of the rights vested in each employee.

Existing
pension
plans

(2) Every pension plan instituted before the date on which this Act comes into force shall, within one year of the said date, comply with the requirements of subsection 1.

Filing of
plans

3.—(1) A true copy of every pension plan shall be filed with the Department within three months after the plan is instituted or, in the case of a pension plan instituted before the date on which this Act comes into force, within three months after the said date.

Report of
changes

(2) A report on every pension plan showing any changes made in the terms of the plan and such information regarding its operations as is required by the regulations shall be filed with the Department on or before the 31st day of March in every year in such manner and in such form as are prescribed by the regulations.

Additional
information

(3) Where the Superintendent is satisfied that any information or report filed under this section is inadequate, he may direct in writing that additional information be filed with the Department within such time as appears to him to be reasonable.

Direction to
revise plans

4.—(1) Where the Superintendent is satisfied that any pension plan or the operation thereof does not comply with

this Act or the regulations, he may direct in writing that necessary revisions be made in the terms or operation of the plan within such time as appears to him to be reasonable.

(2) Where a direction is lawfully made by the Superintendent under this section or section 3, every person to whom it is issued shall comply with it within the time specified therein. ^{Compliance with direction of Superintendent}

5. Every person who institutes, operates or administers a pension plan that does not comply with this Act or the regulations or who fails to comply with any direction lawfully made by the Superintendent or otherwise fails to comply with this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine not exceeding \$10 in the case of an individual and not exceeding \$100 in the case of a corporation for each day or part thereof during which such offence continues. ^{Penalty}

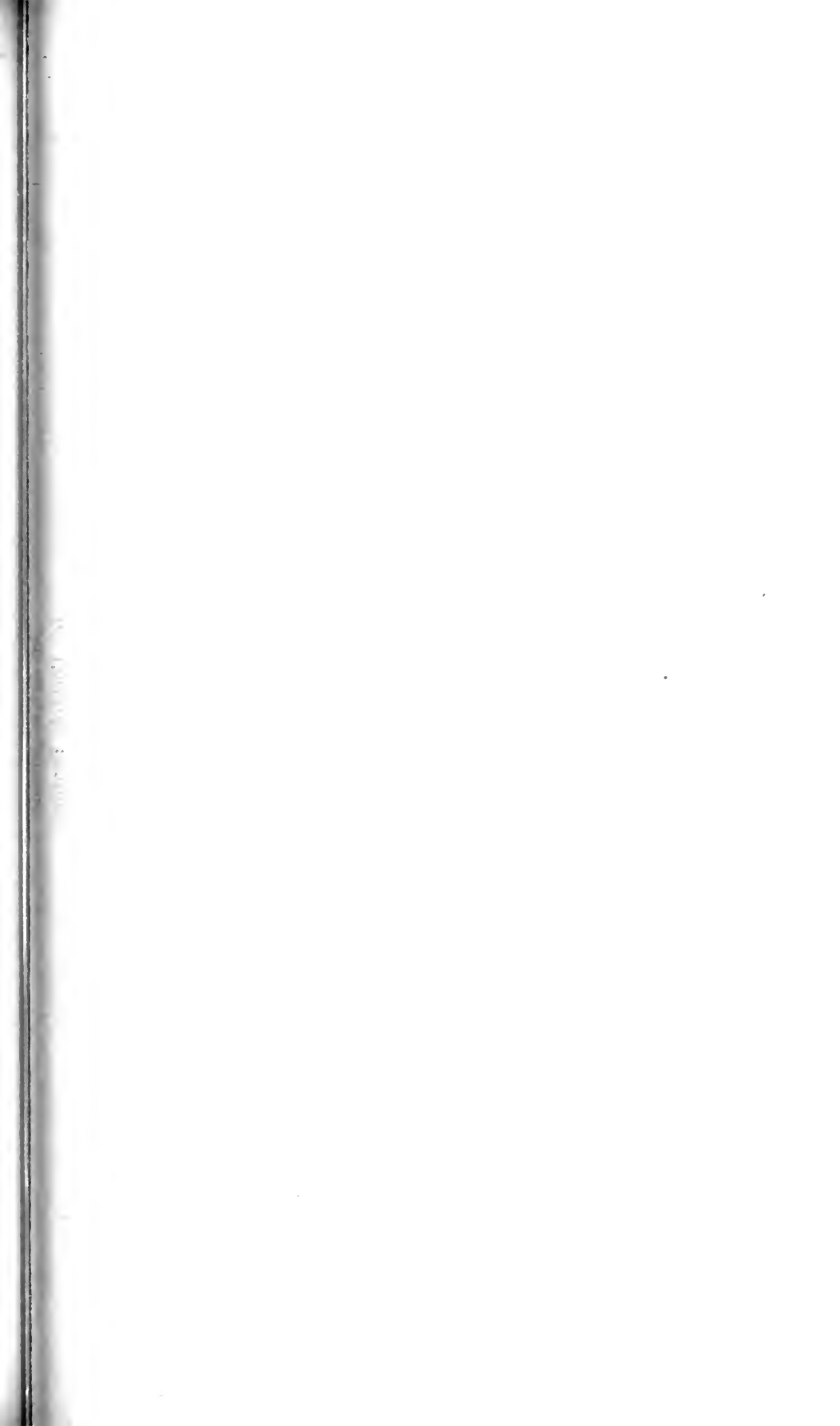
6. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) prescribing the manner in which copies of pension plans and reports thereon are filed with the Department and the forms therefor;
- (b) prescribing the information to be contained in reports regarding the operation of pension plans;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

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

8. This Act may be cited as *The Portable Pensions Act*, ^{Short title} 1960.

THE UNIVERSITY OF CHICAGO PRESS



An Act to provide
for Portable Pensions

1st Reading

March 24th, 1960

2nd Reading

3rd Reading

MR. MACDONALD

BILL 147

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to authorize the Raising of Money on
the Credit of the Consolidated Revenue Fund**

MR. ALLAN (Haldimand-Norfolk)

194
194

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

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

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act*, 1954, c. 30, 1954 for the purpose of such payment, shall not exceed in the aggregate \$150,000,000.

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act*, 1954 and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

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 Ontario Loan Act, 1960*.







An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

March 28th, 1960

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 147

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to authorize the Raising of Money on
the Credit of the Consolidated Revenue Fund**

MR. ALLAN (Haldimand-Norfolk)

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



An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

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

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act*, 1954, c. 30 1954 for the purpose of such payment, shall not exceed in the aggregate \$150,000,000. ^{Loans up to \$150,000,000 authorized}

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. ^{Idem}

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act*, 1954 and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. ^{Idem 1954, c. 30}

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 Ontario Loan Act, 1960*.







An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

March 28th, 1960

2nd Reading

March 30th, 1960

3rd Reading

April 1st, 1960

MR. ALLAN (Haldimand-Norfolk)

BILL 148

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Crown Agency Act, 1959**

MR. BRYDEN

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

EXPLANATORY NOTE

The amendment ensures that the Act does not affect the relations between the agencies to which the Act applies and their employees.

BILL 148

1960

**An Act to amend
The Crown Agency Act, 1959**

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

1. *The Crown Agency Act, 1959* is amended by adding <sup>1959, c. 22,
amended</sup> thereto the following section:
 - 3a. This Act shall not be construed or applied to affect <sup>Employees
not</sup> the relations between any Crown agency and its ^{affected} employees or to exclude any Crown agency or its employees from the application of *The Labour Relations Act*. <sup>R.S.O. 1950,
c. 194</sup>
2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.
3. This Act may be cited as *The Crown Agency Amendment Act, 1960*. ^{Short title}

An Act to amend
The Crown Agency Act, 1959

1st Reading

March 28th, 1960

2nd Reading

3rd Reading

MR. BRYDEN

BILL 149

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act respecting the Members of the Assembly

MR. FROST

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

EXPLANATORY NOTE

The purpose of this Bill is to establish a contributory pension plan for members of the Assembly, ministers of the Crown, and their widows.

The arrangement is as follows:

SECTION 1. Interpretation.

SECTION 2. Administration.

SECTION 3. Application.

SECTIONS 4-7. Members.

SECTIONS 8-11. Ministers.

SECTION 12. Widows.

SECTIONS 13, 14. Refunds.

SECTIONS 15-21. Miscellaneous.

BILL 149

1960

An Act respecting the Members of the Assembly

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 an allowance under this Act;
- (b) "indemnity" has the same meaning as in *The Legis-* R.S.O. 1950,
lative Assembly Act; c. 202
- (c) "member" means a member of the Assembly;
- (d) "minister" means a member of the Executive Council and includes for the purposes of this Act the Leader of the Opposition;
- (e) "salary" means,
 - (i) the annual salary paid to a minister under *The Executive Council Act*, or R.S.O. 1950,
c. 121
 - (ii) the additional indemnity of the Leader of the Opposition authorized by *The Legislative Assembly Act*;
- (f) "service" means service as a member or as a minister, as the case may be, for which indemnity or salary was paid;
- (g) "Treasurer" means the Treasurer of Ontario.

2. This Act shall be administered by the Treasurer.

Adminis-
tration of
Act

3. This Act applies to every member and to every Minister.

Application
of Act

4.—(1) There shall be deducted from the indemnity payable to a member an amount equal to 6 per cent thereof as such member's contribution under this Act.

Current con-
tributions,
members

Maximum contributions, members

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the indemnity of a member after the total amount contributed by him is sufficient to provide an allowance equal to the amount of his indemnity.

Previous service, member's election

5.—(1) A member may, within ninety days from the coming into force of this Act or from the day upon which the Assembly first is in session after he becomes a member, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a member, but the period or periods shall be chosen retrogressively from the date of such election.

Establishment of credit, members

(2) A member who elects to contribute in respect of a period of previous service as a member or a minister or both shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a member or a minister or both had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment payments, members

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a member who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

Eligibility for allowance, members

6.—(1) A member who has contributed in respect of ten or more years of service and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a member provided that, where he is otherwise eligible for an allowance but has not attained the age of fifty-five years, he may elect to take either an allowance under subsection 2 at age fifty-five or an immediate allowance of a reduced amount under subsection 3.

Calculation of allowance at age 55, members

(2) The amount of such annual allowance shall be an amount equal to 75 per cent of the total of his contributions as a member, but the amount of his allowance shall not exceed the amount of his indemnity.

Calculation of allowance under age 55, members

(3) Where a former member who is otherwise eligible for an allowance but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 2 and then shall be reduced actuarially in accordance with the prescribed tables.

7.—(1) An allowance under section 6 shall be suspended while the person entitled thereto, Discontin-
uance of
allowance,
members

(a) is a member;

(b) is employed in the public service of Ontario;

(c) renders services of any kind the remuneration for which is paid out of the Consolidated Revenue Fund;
or

(d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act, 1959*. 1959, c. 22

(2) Where a person whose allowance has been suspended under clause a of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 6 having regard to any additional service as a member performed while his allowance was suspended. Recalcula-
tion of
allowance,
members

8.—(1) There shall be deducted from the salary payable to a minister an amount equal to 6 per cent thereof as such minister's contribution under this Act. Current con-
tributions,
ministers

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the salary of a minister after the total amount contributed by him is sufficient to provide an allowance equal to one-half the annual salary of a minister having charge of a department. Maximum
contribu-
tions,
ministers

9.—(1) A minister may, within ninety days from the coming into force of this Act or from the day upon which he becomes a minister, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a minister, but the period or periods shall be chosen retrogressively from the date of such election. Previous
service,
minister's
election

(2) A minister who elects to contribute in respect of a period of previous service as a minister shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a minister had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made. Establish-
ment of
credit,
ministers

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection. Instalment
payments,
ministers

Idem

(4) Where a minister who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

Eligibility for allowance, ministers

10.—(1) A minister who has contributed under section 8 or 9 and who has contributed in respect of ten or more years of service as a member and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a minister and a member provided that, where he is otherwise eligible for an allowance but has not attained the age of fifty-five years, he may elect to take either an allowance under subsection 2 at age fifty-five or an immediate allowance of a reduced amount under subsection 3.

Calculation of allowance at age 55, ministers

(2) The amount of such annual allowance shall be an amount equal to 75 per cent of the total of his contributions as a minister, but the amount of his allowance shall not exceed one-half of the salary of a minister having charge of a department.

Calculation of allowance under age 55, ministers

(3) Where a former member and minister who is otherwise eligible for an allowance but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 2 and then shall be reduced actuarially in accordance with the prescribed tables.

Discontinuance of allowance, ministers

11.—(1) An allowance under section 10 shall be suspended while the person entitled thereto,

- (a) is a member;
- (b) is employed in the public service of Ontario;
- (c) renders services of any kind the remuneration for which is paid out of the Consolidated Revenue Fund; or
- (d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act, 1959*.

1959, c. 22

Recalculation of allowance, ministers

(2) Where a person whose allowance has been suspended under clause *a* of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 10 having regard to any additional contributory service as a minister performed while his allowance was suspended.

Widow's allowance

12.—(1) Where a person,

- (a) who is in receipt of an allowance;

- (b) who is entitled to an allowance; or
- (c) whose allowance has been suspended under section 7 or 11,

dies leaving a widow, an allowance equal to one-half of the allowance that the person was receiving at the date of his death or to which he was entitled or which was suspended and recalculated under section 7 or 11, as the case may be, shall be paid to his widow during her lifetime or widowhood.

(2) Subsection 1 does not apply to the widow of a person ^{Exception} if she married him after he attained the age of sixty-five years or after he was in receipt of an allowance.

13.—(1) A person who makes contributions under this Act ^{Refunds} and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, his personal representative is entitled to the same refund.

(2) Where a person who is in receipt of an allowance dies ^{Idem} and no person becomes entitled to an allowance under section 12, his personal representative is entitled to a refund equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death.

14. A person who has received a refund under subsection 1 ^{Reinstatement after refund} of section 13 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid.

15. All contributions and interest received under this Act ^{Payments into and out of Consolidated Revenue Fund} shall be credited to the Consolidated Revenue Fund and all payments of allowances and refunds and interest are a charge against the Consolidated Revenue Fund.

16.—(1) The Treasurer shall establish in the Consolidated ^{Special account} Revenue Fund an account to be known as the Legislative Assembly Retirement Allowances Account in which shall be entered all receipts and disbursements under this Act.

(2) The Treasurer shall pay annually from the Consolidated ^{Annual payments into special account} Revenue Fund into the Legislative Assembly Retirement Allowances Account such sum as the Lieutenant Governor in Council directs to assist in defraying the cost of allowances under this Act.

Application
of 1960,
c.
s. 37

17. Section 37 of *The Public Service Superannuation Act, 1960* applies *mutatis mutandis* to any moneys payable to any person under this Act.

Recipients of
allowances,
etc., not
disqualified
R.S.O. 1950,
c. 202

18. Notwithstanding anything in *The Legislative Assembly Act* or any other Act, the application of this Act to a person does not render him ineligible as a member of the Assembly or disqualify him from sitting and voting therein.

Regulations

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

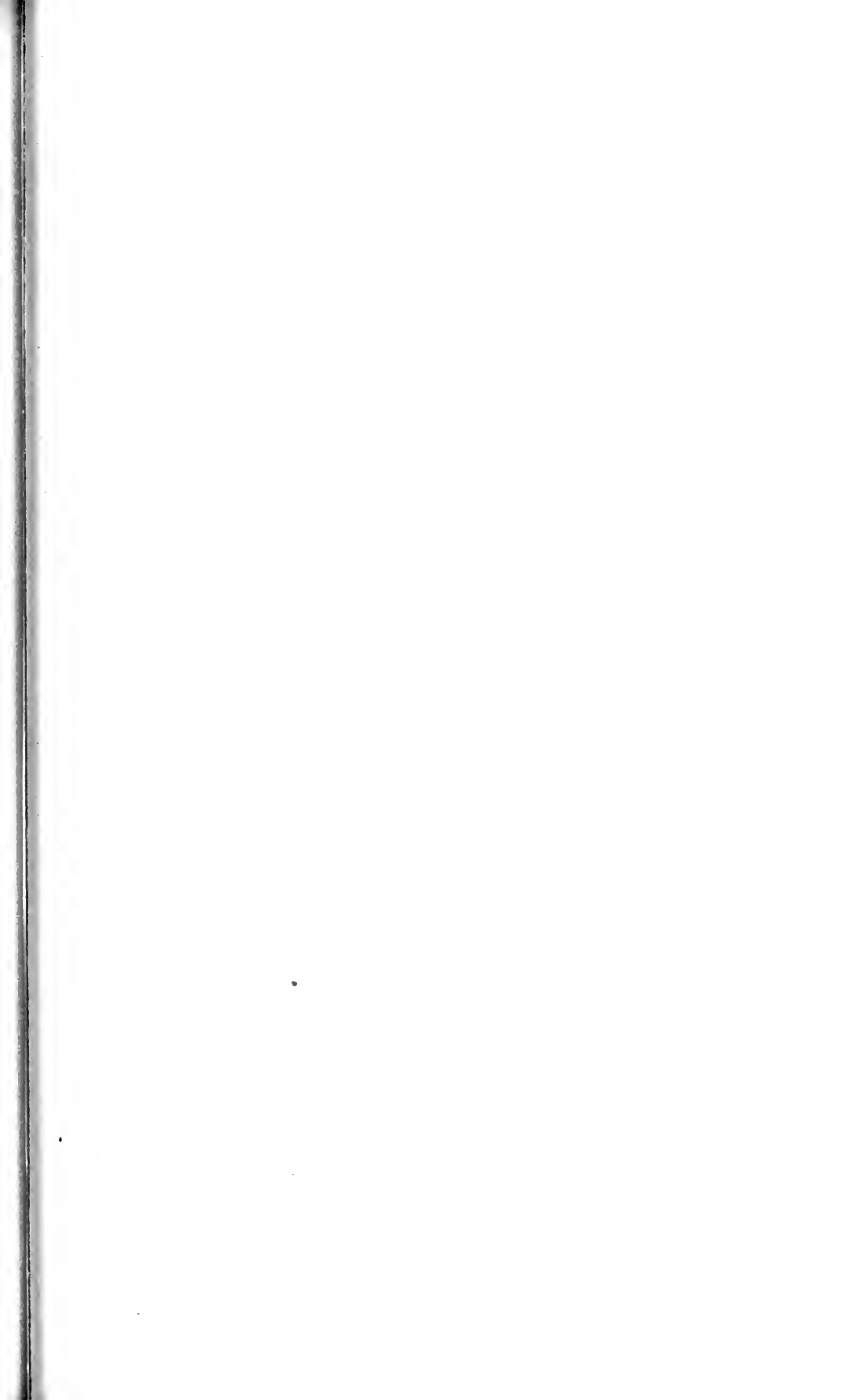
- (a) respecting the manner and times of payment of instalments under subsection 3 of section 5 and subsection 3 of section 9;
- (b) prescribing tables for the purposes of subsection 3 of section 6 and subsection 3 of section 10;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

20. This Act shall be deemed to have come into force on the 1st day of April, 1960.

Short title

21. This Act may be cited as *The Legislative Assembly Retirement Allowances Act, 1960*.







An Act respecting the
Members of the Assembly

1st Reading

March 31st, 1960

2nd Reading

3rd Reading

MR. FROST

BILL 149

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act respecting the Members of the Assembly

MR. FROST

(Reprinted with recommendations by the Select Committee)

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

EXPLANATORY NOTE

The purpose of this Bill is to establish a contributory pension plan for members of the Assembly, ministers of the Crown, and their widows.

The arrangement is as follows:

SECTION 1. Interpretation.

SECTION 2. Administration.

SECTION 3. Application.

SECTIONS 4-7. Members.

SECTIONS 8-11. Ministers.

SECTION 12. Widows.

SECTIONS 13, 14. Refunds.

SECTIONS 15-21. Miscellaneous.

An Act respecting the Members of the Assembly

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 an allowance under this Act;
- (b) "indemnity" has the same meaning as in *The Legislative Assembly Act*; R.S.O. 1950,
c. 202
- (c) "member" means a member of the Assembly;
- (d) "minister" means a member of the Executive Council, and includes for the purposes of this Act the Speaker, the Leader of the Opposition and any member who was formerly a member of the Executive Council, the Speaker or the Leader of the Opposition;
- (e) "salary" means,
 - (i) the annual salary paid to a minister under *The Executive Council Act*, or R.S.O. 1950,
c. 121
 - (ii) the additional indemnity of the Speaker or the Leader of the Opposition authorized by *The Legislative Assembly Act*;
- (f) "service" means service as a member or as a minister, as the case may be, for which indemnity or salary was paid;
- (g) "Treasurer" means the Treasurer of Ontario.

2. This Act shall be administered by the Treasurer.

Adminis-
tration of
Act

3. This Act applies to every member and to every minister.

Application
of Act

4.—(1) There shall be deducted from the indemnity payable to a member an amount equal to 6 per cent thereof as such member's contribution under this Act. Current con-
tributions,
members

Maximum
con-
tributions,
members

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the indemnity of a member after the total amount contributed by him is sufficient to provide an allowance equal to the amount of his indemnity.

Previous
service,
member's
election

5.—(1) A member may, within ninety days from the coming into force of this Act or from the day upon which the Assembly first is in session after he becomes a member, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a member, but the period or periods shall be chosen retrogressively from the date of such election.

Establi-
shment of
credit,
members

(2) A member who elects to contribute in respect of a period of previous service as a member shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a member had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment
payments,
members

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a member who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

Eligibility
for allow-
ance,
members

6.—(1) A member who has contributed in respect of ten or more years of service and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a member provided that, where he is otherwise eligible for an allowance but has not attained the age of fifty-five years, he may elect to take either an allowance under subsection 2 at age fifty-five or an immediate allowance of a reduced amount under subsection 3.

Calculation
of allowance
at age 55,
members

(2) The amount of such annual allowance shall be an amount equal to 75 per cent of the total of his contributions as a member, but the amount of his allowance shall not exceed the amount of his indemnity.

Calculation
of allowance
under age 55,
members

(3) Where a former member who is otherwise eligible for an allowance but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 2 and then shall be reduced actuarially in accordance with the prescribed tables.

7.—(1) An allowance under section 6 shall be suspended while the person entitled thereto, Discontin-
uance of
allowance,
members

(a) is a member;

(b) is employed in the public service of Ontario;

(c) renders services of any kind the remuneration for which is paid out of the Consolidated Revenue Fund;
or

(d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act, 1959*. 1959, c. 22

(2) Where a person whose allowance has been suspended under clause *a* of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 6 having regard to any additional service as a member performed while his allowance was suspended. Recalcula-
tion of
allowance,
members

8.—(1) There shall be deducted from the salary payable to a minister an amount equal to 6 per cent thereof as such minister's contribution under this Act. Current con-
tributions,
ministers

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the salary of a minister after the total amount contributed by him is sufficient to provide an allowance equal to one-half the annual salary of a minister having charge of a department. Maximum
contribu-
tions,
ministers

9.—(1) A minister may, within ninety days from the coming into force of this Act or from the day upon which he becomes a minister, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a minister, but the period or periods shall be chosen retrogressively from the date of such election. Previous
service,
minister's
election

(2) A minister who elects to contribute in respect of a period of previous service as a minister shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a minister had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made. Establish-
ment of
credit,
ministers

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection. Instalment
payments,
ministers

Idem

(4) Where a minister who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

Eligibility for allowance, ministers

10.—(1) A minister who has contributed under section 8 or 9 and who has contributed in respect of ten or more years of service as a member and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a minister and a member provided that, where he is otherwise eligible for an allowance but has not attained the age of fifty-five years, he may elect to take either an allowance under subsection 2 at age fifty-five or an immediate allowance of a reduced amount under subsection 3.

Calculation of allowance at age 55, ministers

(2) The amount of such annual allowance shall be an amount equal to 75 per cent of the total of his contributions as a minister, but the amount of his allowance shall not exceed one-half of the salary of a minister having charge of a department.

Calculation of allowance under age 55, ministers

(3) Where a former member and minister who is otherwise eligible for an allowance but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 2 and then shall be reduced actuarially in accordance with the prescribed tables.

Discontinuance of allowance, ministers

11.—(1) An allowance under section 10 shall be suspended while the person entitled thereto,

- (a) is a member;
- (b) is employed in the public service of Ontario;
- (c) renders services of any kind the remuneration for which is paid out of the Consolidated Revenue Fund; or
- (d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act, 1959*.

1959, c. 22

Recalculation of allowance, ministers

(2) Where a person whose allowance has been suspended under clause *a* of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 10 having regard to any additional contributory service as a minister performed while his allowance was suspended.

Widow's allowance

12.—(1) Where a person,

- (a) who is in receipt of an allowance;

- (b) who is entitled to an allowance; or
- (c) whose allowance has been suspended under section 7 or 11,

dies leaving a widow, an allowance equal to one-half of the allowance that the person was receiving at the date of his death or to which he was entitled or which was suspended and recalculated under section 7 or 11, as the case may be, shall be paid to his widow during her lifetime or widowhood.

(2) Subsection 1 does not apply to the widow of a person if she married him after he attained the age of sixty-five years or after he was in receipt of an allowance. Exception

13.—(1) A person who makes contributions under this Act and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, his personal representative is entitled to the same refund. Refunds

(2) Where a person who is in receipt of an allowance dies and no person becomes entitled to an allowance under section 12, his personal representative is entitled to a refund equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death. Idem

14. A person who has received a refund under subsection 1 of section 13 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid. Reinstatement after refund

15. All contributions and interest received under this Act shall be credited to the Consolidated Revenue Fund and all payments of allowances and refunds and interest are a charge against the Consolidated Revenue Fund. Payments into and out of Consolidated Revenue Fund

16.—(1) The Treasurer shall establish in the Consolidated Revenue Fund an account to be known as the Legislative Assembly Retirement Allowances Account in which shall be entered all receipts and disbursements under this Act. Special account

(2) The Treasurer shall pay annually from the Consolidated Revenue Fund into the Legislative Assembly Retirement Allowances Account such sum as the Lieutenant Governor in Council directs to assist in defraying the cost of allowances under this Act. Annual payments into special account

Application
of 1960,
c.
s. 37

17. Section 37 of *The Public Service Superannuation Act, 1960* applies *mutatis mutandis* to any moneys payable to any person under this Act.

Recipients of
allowances,
etc., not
disqualified
R.S.O. 1950,
c. 202

18. Notwithstanding anything in *The Legislative Assembly Act* or any other Act, the application of this Act to a person does not render him ineligible as a member of the Assembly or disqualify him from sitting and voting therein.

Regulations

19. The Lieutenant Governor in Council may make regulations,

- (a) respecting the manner and times of payment of instalments under subsection 3 of section 5 and subsection 3 of section 9;
- (b) prescribing tables for the purposes of subsection 3 of section 6 and subsection 3 of section 10;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

20. This Act shall be deemed to have come into force on the 1st day of April, 1960.

Short title

21. This Act may be cited as *The Legislative Assembly Retirement Allowances Act, 1960*.







An Act respecting the
Members of the Assembly

1st Reading

March 31st, 1960

2nd Reading

3rd Reading

Mr. FROST

*(Reprinted with recommendations by
the Select Committee)*

BILL 149

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act respecting the Members of the Assembly

MR. FROST

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

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

EXPLANATORY NOTE

The purpose of this Bill is to establish a contributory pension plan for members of the Assembly, ministers of the Crown, and their widows.

The arrangement is as follows:

- SECTION 1. Interpretation.
- SECTION 2. Administration.
- SECTION 3. Application.
- SECTIONS 4-7. Members.
- SECTIONS 8-11. Ministers.
- SECTION 12. Widows.
- SECTIONS 13, 14. Refunds.
- SECTIONS 15-21. Miscellaneous.

BILL 149

1960

An Act respecting the Members of the Assembly

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 an allowance under this Act;
- (b) "indemnity" has the same meaning as in *The Legislative Assembly Act*; R.S.O. 1950,
c. 202
- (c) "member" means a member of the Assembly;
- (d) "minister" means a member of the Executive Council, and includes for the purposes of this Act the Speaker, the Leader of the Opposition and any member who was formerly a member of the Executive Council, the Speaker or the Leader of the Opposition;
- (e) "salary" means,
 - (i) the annual salary paid to a minister under *The Executive Council Act*, or R.S.O. 1950,
c. 121
 - (ii) the additional indemnity of the Speaker or the Leader of the Opposition authorized by *The Legislative Assembly Act*;
- (f) "service" means service as a member or as a minister, as the case may be, for which indemnity or salary was paid;
- (g) "Treasurer" means the Treasurer of Ontario.

2. This Act shall be administered by the Treasurer.

Adminis-
tration of
Act

3. This Act applies to every member and to every minister.

Application
of Act

4.—(1) There shall be deducted from the indemnity payable to a member an amount equal to 6 per cent thereof as such member's contribution under this Act. Current con-
tributions,
as members

Maximum contributions, members

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the indemnity of a member after the total amount contributed by him is sufficient to provide an allowance equal to the amount of his indemnity.

Previous service, member's election

5.—(1) A member may, within ninety days from the coming into force of this Act or from the day upon which the Assembly first is in session after he becomes a member, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a member, but the period or periods shall be chosen retrogressively from the date of such election.

Establishment of credit, members

(2) A member who elects to contribute in respect of a period of previous service as a member shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a member had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment payments, members

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a member who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

Eligibility for allowance, members

6.—(1) A member who has contributed in respect of ten or more years of service and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a member provided that, where he is otherwise eligible for an allowance but has not attained the age of fifty-five years, he may elect to take either an allowance under subsection 2 at age fifty-five or an immediate allowance of a reduced amount under subsection 3.

Calculation of allowance under age 55, members

(2) The amount of such annual allowance shall be an amount equal to 75 per cent of the total of his contributions as a member, but the amount of his allowance shall not exceed the amount of his indemnity.

Calculation of allowance under age 55, members

(3) Where a former member who is otherwise eligible for an allowance but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 2 and then shall be reduced actuarially in accordance with the prescribed tables.

7.—(1) An allowance under section 6 shall be suspended while the person entitled thereto, Discontin-
uance of
allowance,
members

(a) is a member of the Assembly, the House of Commons of Canada or the Senate of Canada;

(b) is employed in the public service of Ontario;

(c) holds an office of any kind the remuneration for which is paid out of the Consolidated Revenue Fund; or

(d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act, 1959*. 1959, c. 22

(2) Where a person whose allowance has been suspended under clause a of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 6 having regard to any additional service as a member performed while his allowance was suspended. Recalcula-
tion of
allowance,
members

8.—(1) There shall be deducted from the salary payable to a minister an amount equal to 6 per cent thereof as such minister's contribution under this Act. Current con-
tributions,
ministers

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the salary of a minister after the total amount contributed by him is sufficient to provide an allowance equal to one-half the annual salary of a minister having charge of a department. Maximum
contribu-
tions,
ministers

9.—(1) A minister may, within ninety days from the coming into force of this Act or from the day upon which he becomes a minister, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a minister, but the period or periods shall be chosen retrogressively from the date of such election. Previous
service,
minister's
election

(2) A minister who elects to contribute in respect of a period of previous service as a minister shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a minister had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made. Establish-
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credit,
ministers

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection. Instalment
payments,
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Idem

(4) Where a minister who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

Eligibility for allowance, ministers

10.—(1) A minister who has contributed under section 8 or 9 and who has contributed in respect of ten or more years of service as a member and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a minister and a member provided that, where he is otherwise eligible for an allowance but has not attained the age of fifty-five years, he may elect to take either an allowance under subsection 2 at age fifty-five or an immediate allowance of a reduced amount under subsection 3.

Calculation of allowance at age 55, ministers

(2) The amount of such annual allowance shall be an amount equal to 75 per cent of the total of his contributions as a minister, but the amount of his allowance shall not exceed one-half of the salary of a minister having charge of a department.

Calculation of allowance under age 55, ministers

(3) Where a former member and minister who is otherwise eligible for an allowance but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 2 and then shall be reduced actuarially in accordance with the prescribed tables.

Discontinuance of allowance, ministers

11.—(1) An allowance under section 10 shall be suspended while the person entitled thereto,

- (a) is a member of the Assembly, the House of Commons of Canada or the Senate of Canada;
- (b) is employed in the public service of Ontario;
- (c) holds an office of any kind the remuneration for which is paid out of the Consolidated Revenue Fund; or
- (d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act, 1959*.

1959, c. 22

Recalculation of allowance, ministers

(2) Where a person whose allowance has been suspended under clause *a* of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 10 having regard to any additional contributory service as a minister performed while his allowance was suspended.

Widow's allowance

12.—(1) Where a person,

- (a) who is in receipt of an allowance;

- (b) who is entitled to an allowance; or
- (c) whose allowance has been suspended under section 7 or 11,

dies leaving a widow, an allowance equal to one-half of the allowance that the person was receiving at the date of his death or to which he was entitled or which was suspended and recalculated under section 7 or 11, as the case may be, shall be paid to his widow during her lifetime or widowhood.

(2) Subsection 1 does not apply to the widow of a person ^{Exception} if she married him after he attained the age of sixty-five years or after he was in receipt of an allowance.

13.—(1) A person who makes contributions under this Act ^{Refunds} and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, his personal representative is entitled to the same refund.

(2) Where a person who is in receipt of an allowance dies ^{Idem} and no person becomes entitled to an allowance under section 12, his personal representative is entitled to a refund equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death.

14. A person who has received a refund under subsection 1 ^{Reinstatement after refund} of section 13 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid.

15. All contributions and interest received under this Act ^{Payments into and out of Consolidated Revenue Fund} shall be credited to the Consolidated Revenue Fund and all payments of allowances and refunds and interest are a charge against the Consolidated Revenue Fund.

16.—(1) The Treasurer shall establish in the Consolidated ^{Special account} Revenue Fund an account to be known as the Legislative Assembly Retirement Allowances Account in which shall be entered all receipts and disbursements under this Act.

(2) The Treasurer shall pay annually from the Consolidated ^{Annual payments into special account} Revenue Fund into the Legislative Assembly Retirement Allowances Account such sum as the Lieutenant Governor in Council directs to assist in defraying the cost of allowances under this Act.

Application
of 1960,
c. 37
s. 37

17. Section 37 of *The Public Service Superannuation Act, 1960* applies *mutatis mutandis* to any moneys payable to any person under this Act.

Recipients of
allowances,
etc., not
disqualified
R.S.O. 1950,
c. 202

18. Notwithstanding anything in *The Legislative Assembly Act* or any other Act, the application of this Act to a person does not render him ineligible as a member of the Assembly or disqualify him from sitting and voting therein.

Teachers'
rights not
affected
R.S.O. 1950,
c. 384

19. Notwithstanding subclause xii of clause *d* of section 1 of *The Teachers' Superannuation Act*, this Act does not affect the rights of a member under *The Teachers' Superannuation Act*.

Regulations

20. The Lieutenant Governor in Council may make regulations,

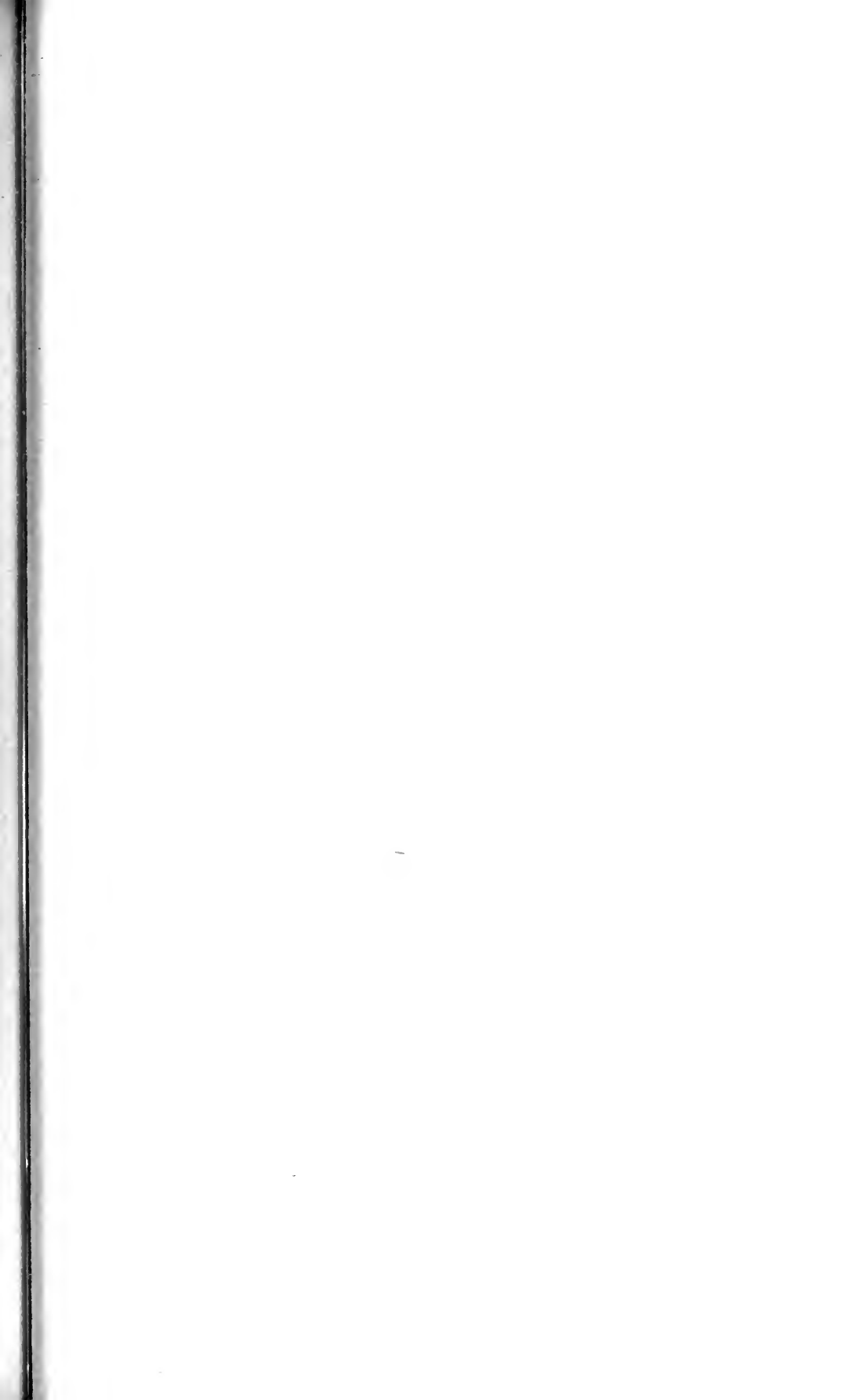
- (a) respecting the manner and times of payment of instalments under subsection 3 of section 5 and subsection 3 of section 9;
- (b) prescribing tables for the purposes of subsection 3 of section 6 and subsection 3 of section 10;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

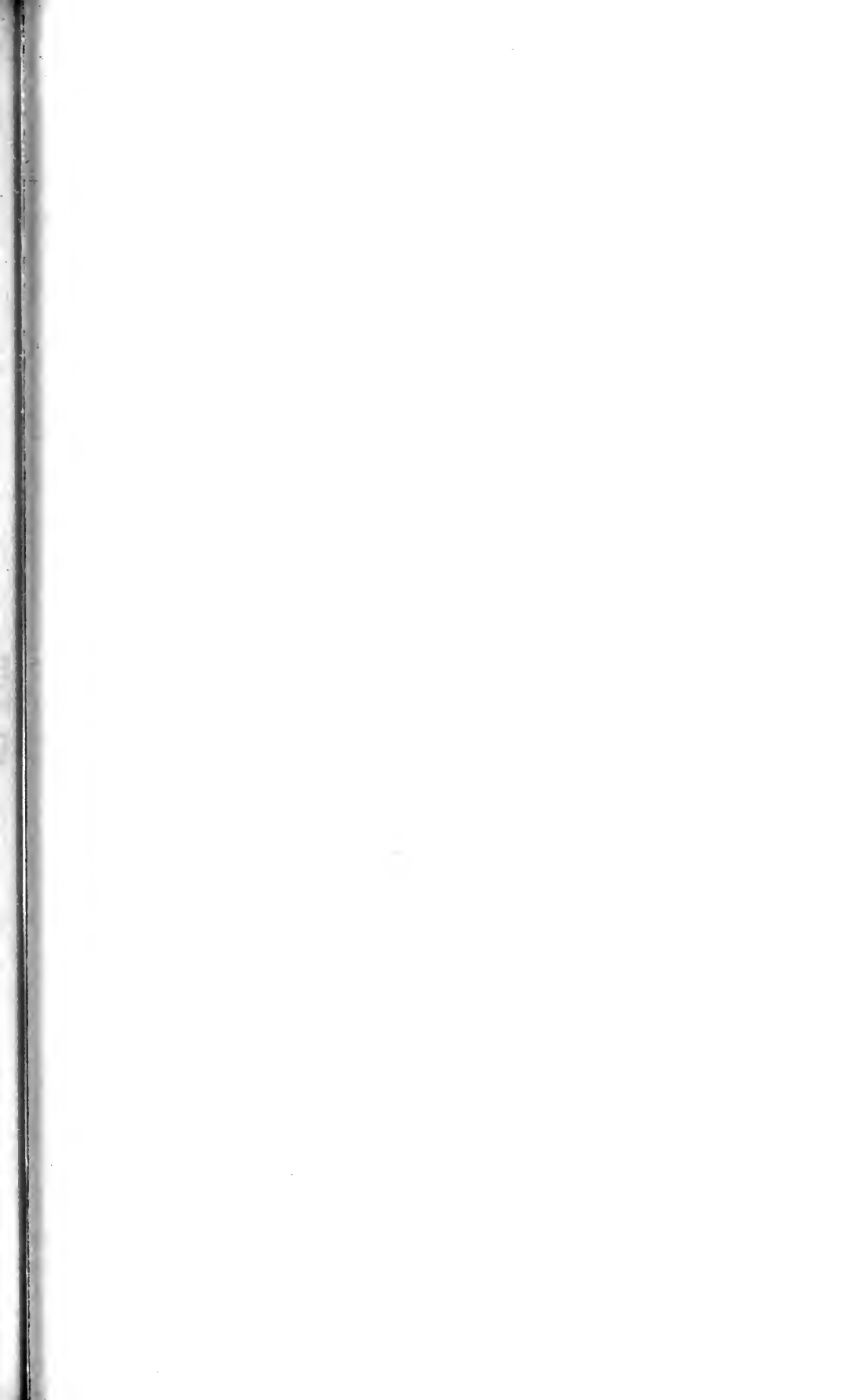
21. This Act shall be deemed to have come into force on the 1st day of April, 1960.

Short title

22. This Act may be cited as *The Legislative Assembly Retirement Allowances Act, 1960*.







An Act respecting the
Members of the Assembly

1st Reading

March 31st, 1960

2nd Reading

April 8th, 1960

3rd Reading

MR. FROST

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

BILL 149

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act respecting the Members of the Assembly

MR. FROST

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

1. In this Act,

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- (a) "allowance" means an allowance under this Act;
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c. 202
- (c) "member" means a member of the Assembly;
- (d) "minister" means a member of the Executive Council, and includes for the purposes of this Act the Speaker, the Leader of the Opposition and any member who was formerly a member of the Executive Council, the Speaker or the Leader of the Opposition;
- (e) "salary" means,
 - (i) the annual salary paid to a minister under *The Executive Council Act*, or R.S.O. 1950,
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 - (ii) the additional indemnity of the Speaker or the Leader of the Opposition authorized by *The Legislative Assembly Act*;
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4.—(1) There shall be deducted from the indemnity payable to a member an amount equal to 6 per cent thereof as such member's contribution under this Act. Current con-
tributions,
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con-
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(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the indemnity of a member after the total amount contributed by him is sufficient to provide an allowance equal to the amount of his indemnity.

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5.—(1) A member may, within ninety days from the coming into force of this Act or from the day upon which the Assembly first is in session after he becomes a member, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a member, but the period or periods shall be chosen retrogressively from the date of such election.

Establish-
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credit,
members

(2) A member who elects to contribute in respect of a period of previous service as a member shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a member had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment
payments,
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(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a member who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

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(c) holds an office of any kind the remuneration for which is paid out of the Consolidated Revenue Fund; or

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(2) Where a person whose allowance has been suspended under clause a of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 6 having regard to any additional service as a member performed while his allowance was suspended. Recalcula-
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9.—(1) A minister may, within ninety days from the coming into force of this Act or from the day upon which he becomes a minister, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a minister, but the period or periods shall be chosen retrogressively from the date of such election. Previous
service,
minister's
election

(2) A minister who elects to contribute in respect of a period of previous service as a minister shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a minister had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made. Establish-
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(4) Where a minister who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

Eligibility for allowance, ministers

10.—(1) A minister who has contributed under section 8 or 9 and who has contributed in respect of ten or more years of service as a member and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a minister and a member provided that, where he is otherwise eligible for an allowance but has not attained the age of fifty-five years, he may elect to take either an allowance under subsection 2 at age fifty-five or an immediate allowance of a reduced amount under subsection 3.

Calculation of allowance at age 55, ministers

(2) The amount of such annual allowance shall be an amount equal to 75 per cent of the total of his contributions as a minister, but the amount of his allowance shall not exceed one-half of the salary of a minister having charge of a department.

Calculation of allowance under age 55, ministers

(3) Where a former member and minister who is otherwise eligible for an allowance but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 2 and then shall be reduced actuarially in accordance with the prescribed tables.

Discontinuance of allowance, ministers

11.—(1) An allowance under section 10 shall be suspended while the person entitled thereto,

- (a) is a member of the Assembly, the House of Commons of Canada or the Senate of Canada;
- (b) is employed in the public service of Ontario;
- (c) holds an office of any kind the remuneration for which is paid out of the Consolidated Revenue Fund; or
- (d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act, 1959*.

1959, c. 22

Recalculation of allowance, ministers

(2) Where a person whose allowance has been suspended under clause *a* of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 10 having regard to any additional contributory service as a minister performed while his allowance was suspended.

Widow's allowance

12.—(1) Where a person,

- (a) who is in receipt of an allowance;

- (b) who is entitled to an allowance; or
 (c) whose allowance has been suspended under section 7 or 11,

dies leaving a widow, an allowance equal to one-half of the allowance that the person was receiving at the date of his death or to which he was entitled or which was suspended and recalculated under section 7 or 11, as the case may be, shall be paid to his widow during her lifetime or widowhood.

(2) Subsection 1 does not apply to the widow of a person if she married him after he attained the age of sixty-five years or after he was in receipt of an allowance. ^{Exception}

13.—(1) A person who makes contributions under this Act and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, his personal representative is entitled to the same refund. ^{Refunds}

(2) Where a person who is in receipt of an allowance dies and no person becomes entitled to an allowance under section 12, his personal representative is entitled to a refund equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death. ^{Idem}

14. A person who has received a refund under subsection 1 of section 13 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid. ^{Reinstatement after refund}

15. All contributions and interest received under this Act shall be credited to the Consolidated Revenue Fund and all payments of allowances and refunds and interest are a charge against the Consolidated Revenue Fund. ^{Payments into and out of Consolidated Revenue Fund}

16.—(1) The Treasurer shall establish in the Consolidated Revenue Fund an account to be known as the Legislative Assembly Retirement Allowances Account in which shall be entered all receipts and disbursements under this Act. ^{Special account}

(2) The Treasurer shall pay annually from the Consolidated Revenue Fund into the Legislative Assembly Retirement Allowances Account such sum as the Lieutenant Governor in Council directs to assist in defraying the cost of allowances under this Act. ^{Annual payments into special account}

Application
of 1960,
c.
s. 37

17. Section 37 of *The Public Service Superannuation Act, 1960* applies *mutatis mutandis* to any moneys payable to any person under this Act.

Recipients of
allowances,
etc., not
disqualified
R.S.O. 1950,
c. 202

18. Notwithstanding anything in *The Legislative Assembly Act* or any other Act, the application of this Act to a person does not render him ineligible as a member of the Assembly or disqualify him from sitting and voting therein.

Teachers'
rights not
affected
R.S.O. 1950,
c. 384

19. Notwithstanding subclause xii of clause *d* of section 1 of *The Teachers' Superannuation Act*, this Act does not affect the rights of a member under *The Teachers' Superannuation Act*.

Regulations

20. The Lieutenant Governor in Council may make regulations,

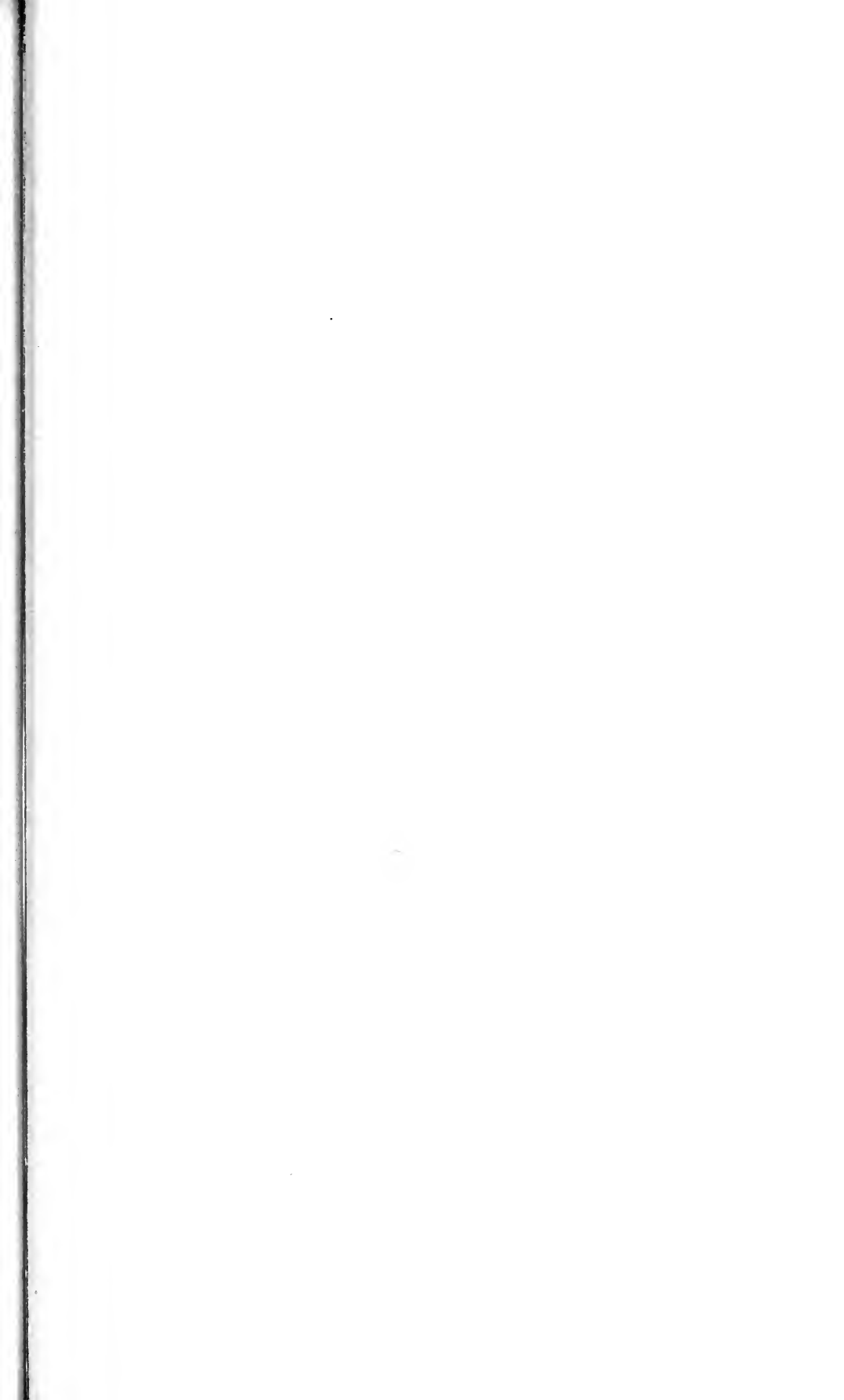
- (a) respecting the manner and times of payment of instalments under subsection 3 of section 5 and subsection 3 of section 9;
- (b) prescribing tables for the purposes of subsection 3 of section 6 and subsection 3 of section 10;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

21. This Act shall be deemed to have come into force on the 1st day of April, 1960.

Short title

22. This Act may be cited as *The Legislative Assembly Retirement Allowances Act, 1960*.







An Act respecting the
Members of the Assembly

1st Reading

March 31st, 1960

2nd Reading

April 8th, 1960

3rd Reading

April 11th, 1960

MR. FROST

BILL 150

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Legislative Assembly Act

MR. FROST

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

EXPLANATORY NOTE

This Bill fixes: (1) a member's indemnity at \$5,000 per annum and his allowance for expenses at \$2,000 per annum, effective June 11, 1959; (2) a minister without portfolio's expenses of representation at \$1,000 per annum, effective April 1, 1960; (3) the Leader of the Opposition's additional indemnity at \$12,000 per annum (but eliminates his additional allowance for expenses of \$2,000 per annum), effective April 1, 1960; (4) the additional indemnity of the Chairman of the Committees of the Whole House at \$2,000 per annum, effective June 11, 1959.

BILL 150

1960

**An Act to amend
The Legislative Assembly Act**

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

1.—(1) Clause *a* of subsection 1 of section 60 of *The Legislative Assembly Act*, as amended by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1956*, is further amended by striking out "\$3,600" in the amendment of 1956 and inserting in lieu thereof "\$5,000", so that the clause shall read as follows:

(a) an indemnity at the rate of \$5,000 per annum; and

(2) Clause *b* of subsection 1 of the said section 60, as amended by subsection 2 of section 1 of *The Legislative Assembly Amendment Act, 1956*, is further amended by striking out "\$1,800" in the amendment of 1956 and inserting in lieu thereof "\$2,000", so that the clause shall read as follows:

(b) an allowance for expenses at the rate of \$2,000 per annum.

(3) Subsection 4 of the said section 60, as re-enacted by section 8 of *The Legislative Assembly Amendment Act, 1954* and amended by subsection 3 of section 1 of *The Legislative Assembly Amendment Act, 1956*, is further amended by striking out "\$125" in the amendment of 1956 and inserting in lieu thereof "\$150", so that the subsection shall read as follows:

(4) Notwithstanding subsection 3, each member on his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$150 per month, that has accrued at the time the request is made.

R.S.O. 1950, c. 202, s. 60a, subs. 2 (1959, c. 51, s. 1), amended

2. Subsection 2 of section 60a of *The Legislative Assembly Act*, as enacted by section 1 of *The Legislative Assembly Amendment Act, 1959*, is amended by striking out "\$900" in the seventh line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows:

Idem

- (2) In addition to his indemnity and allowance for expenses as a member, there shall be paid to every minister of the Crown without portfolio, other than the minister without portfolio who is a member of The Hydro-Electric Power Commission of Ontario, an allowance for the expenses of representation at the rate of \$1,000 per annum.

R.S.O. 1950, c. 202, s. 61, subs. 1, cl. b, re-enacted

3.—(1) Clause *b* of subsection 1 of section 61 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

- (b) to the Leader of the Opposition an indemnity at the rate of \$12,000 per annum.

R.S.O. 1950, c. 202, s. 61, subs. 4 (1954, c. 44, s. 9), amended

(2) Subsection 4 of the said section 61, as re-enacted by section 9 of *The Legislative Assembly Amendment Act, 1954*, is amended by striking out "or the Leader of the Opposition" in the first and second lines, so that the subsection shall read as follows:

advances

- (4) Notwithstanding subsection 3, the Speaker upon his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$140 per month, that has accrued at the time the request is made.

R.S.O. 1950, c. 202, s. 62, subs. 1, amended

4. Subsection 1 of section 62 of *The Legislative Assembly Act* is amended by striking out "\$1,000" in the third line and inserting in lieu thereof "\$2,000", so that the subsection shall read as follows:

Chairman of Committees of the Whole, indemnity

- (1) In addition to his indemnity as a member, the Chairman of the Committees of the Whole House shall be paid an indemnity of \$2,000 for each session.

Commencement

5.—(1) Sections 1 and 4 shall be deemed to have come into force on the 11th day of June, 1959.

Idem

(2) Sections 2 and 3 shall be deemed to have come into force on the 1st day of April, 1960.

Short title

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1960*.





An Act to amend
The Legislative Assembly Act

1st Reading

March 31st, 1960

2nd Reading

3rd Reading

MR. FROST

BILL 150

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Legislative Assembly Act

MR. FROST

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



BILL 150

1960

**An Act to amend
The Legislative Assembly Act**

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

1.—(1) Clause *a* of subsection 1 of section 60 of *The Legislative Assembly Act*, as amended by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1956*, is further amended by striking out “\$3,600” in the amendment of 1956 and inserting in lieu thereof “\$5,000”, so that the clause shall read as follows:

R.S.O. 1950,
c. 202, s. 60,
subs. 1,
cl. *a*,
amended

(a) an indemnity at the rate of \$5,000 per annum; and

.

(2) Clause *b* of subsection 1 of the said section 60, as amended by subsection 2 of section 1 of *The Legislative Assembly Amendment Act, 1956*, is further amended by striking out “\$1,800” in the amendment of 1956 and inserting in lieu thereof “\$2,000”, so that the clause shall read as follows:

R.S.O. 1950,
c. 202, s. 60,
subs. 1,
cl. *b*,
amended

(b) an allowance for expenses at the rate of \$2,000 per annum.

(3) Subsection 4 of the said section 60, as re-enacted by section 8 of *The Legislative Assembly Amendment Act, 1954* and amended by subsection 3 of section 1 of *The Legislative Assembly Amendment Act, 1956*, is further amended by striking out “\$125” in the amendment of 1956 and inserting in lieu thereof “\$150”, so that the subsection shall read as follows:

R.S.O. 1950,
c. 202, s. 60,
subs. 4
(1954, c. 44,
s. 8),
amended

(4) Notwithstanding subsection 3, each member on his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$150 per month, that has accrued at the time the request is made.

R.S.O. 1950,
c. 202, s. 60a,
subs. 2 (1959,
c. 51, s. 1),
amended

2. Subsection 2 of section 60a of *The Legislative Assembly Act*, as enacted by section 1 of *The Legislative Assembly Amendment Act, 1959*, is amended by striking out "\$900" in the seventh line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows:

Idem

(2) In addition to his indemnity and allowance for expenses as a member, there shall be paid to every minister of the Crown without portfolio, other than the minister without portfolio who is a member of The Hydro-Electric Power Commission of Ontario, an allowance for the expenses of representation at the rate of \$1,000 per annum.

R.S.O. 1950,
c. 202, s. 61,
subs. 1,
cl. b,
re-enacted

3.—(1) Clause *b* of subsection 1 of section 61 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

(b) to the Leader of the Opposition an indemnity at the rate of \$12,000 per annum.

R.S.O. 1950,
c. 202, s. 61,
subs. 4
(1954, c. 44,
s. 9),
amended

(2) Subsection 4 of the said section 61, as re-enacted by section 9 of *The Legislative Assembly Amendment Act, 1954*, is amended by striking out "or the Leader of the Opposition" in the first and second lines, so that the subsection shall read as follows:

advances

(4) Notwithstanding subsection 3, the Speaker upon his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$140 per month, that has accrued at the time the request is made.

R.S.O. 1950,
c. 202, s. 62,
subs. 1,
amended

4. Subsection 1 of section 62 of *The Legislative Assembly Act* is amended by striking out "\$1,000" in the third line and inserting in lieu thereof "\$2,000", so that the subsection shall read as follows:

Chairman
of Com-
mittees
of the
Whole
House,
indemnity

(1) In addition to his indemnity as a member, the Chairman of the Committees of the Whole House shall be paid an indemnity of \$2,000 for each session.

Commence-
ment

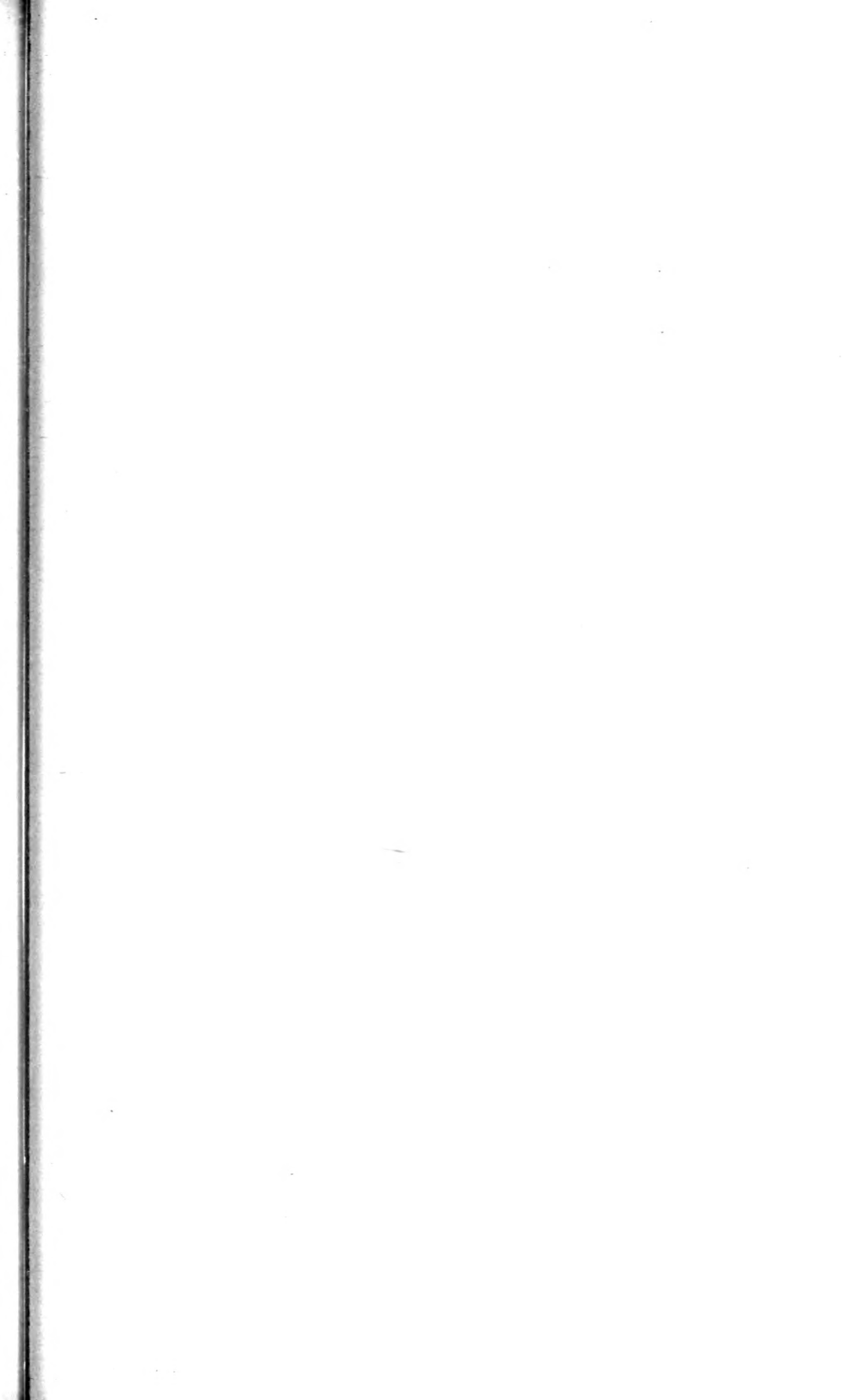
5.—(1) Sections 1 and 4 shall be deemed to have come into force on the 11th day of June, 1959.

Idem

(2) Sections 2 and 3 shall be deemed to have come into force on the 1st day of April, 1960.

Short title

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1960*.







An Act to amend
The Legislative Assembly Act

1st Reading

March 31st, 1960

2nd Reading

April 8th, 1960

3rd Reading

April 11th, 1960

MR. FROST

BILL 151

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Executive Council Act

MR. FROST

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

EXPLANATORY NOTE

This Bill increases the salaries of ministers in charge of departments from \$10,000 per annum to \$12,000 per annum and of ministers without portfolio from \$1,800 per annum to \$2,500 per annum effective April 1, 1960.

BILL 151

1960

**An Act to amend
The Executive Council 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 3 of *The Executive Council Act* is amended by striking out “\$10,000” in the second line and inserting in lieu thereof “\$12,000”, so that the subsection shall read as follows: R.S.O. 1950, c. 121, s. 3, subs. 1, amended

(1) The annual salary of every minister having charge of a department shall be \$12,000. Salaries of ministers of departments

(2) Subsection 2a of the said section 3, as enacted by section 1 of *The Executive Council Amendment Act, 1959*, is amended by striking out “\$1,800” in the fourth line and inserting in lieu thereof “\$2,500”, so that the subsection shall read as follows: R.S.O. 1950, c. 121, s. 3, subs. 2a (1959, c. 33, s. 1), amended

(2a) The annual salary of every minister without portfolio, other than the minister without portfolio who is a member of The Hydro-Electric Power Commission of Ontario, shall be \$2,500. Salaries of ministers without portfolio

2. This Act shall be deemed to have come into force on the 1st day of April, 1960. Commencement

3. This Act may be cited as *The Executive Council Amendment Act, 1960*. Short title

An Act to amend
The Executive Council Act

1st Reading

March 31st, 1960

2nd Reading

3rd Reading

MR. FROST

BILL 151

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act to amend The Executive Council Act

MR. FROST



BILL 151

1960

**An Act to amend
The Executive Council 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 3 of *The Executive Council Act* is amended by striking out “\$10,000” in the second line and inserting in lieu thereof “\$12,000”, so that the subsection shall read as follows: R.S.O. 1950, c. 121, s. 3, subs. 1, amended

(1) The annual salary of every minister having charge of a department shall be \$12,000. Salaries of ministers of departments

(2) Subsection 2a of the said section 3, as enacted by section 1 of *The Executive Council Amendment Act, 1959*, is amended by striking out “\$1,800” in the fourth line and inserting in lieu thereof “\$2,500”, so that the subsection shall read as follows: R.S.O. 1950, c. 121, s. 3, subs. 2a (1959, c. 33, s. 1), amended

(2a) The annual salary of every minister without portfolio, other than the minister without portfolio who is a member of The Hydro-Electric Power Commission of Ontario, shall be \$2,500. Salaries of ministers without portfolio

2. This Act shall be deemed to have come into force on the 1st day of April, 1960. Commencement

3. This Act may be cited as *The Executive Council Amendment Act, 1960*. Short title

An Act to amend
The Executive Council Act

1st Reading

March 31st, 1960

2nd Reading

April 8th, 1960

3rd Reading

April 11th, 1960

MR. FROST

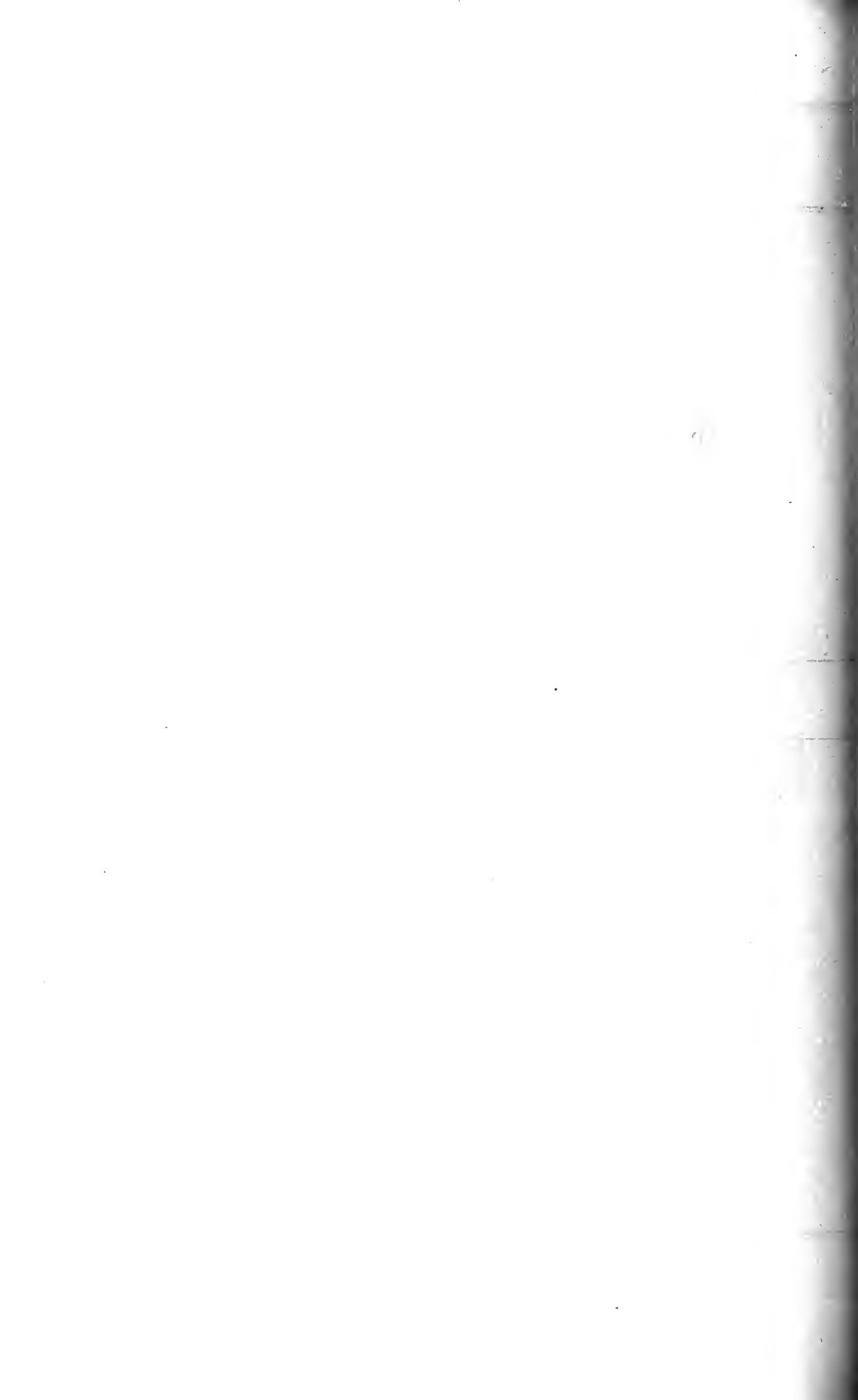
BILL 152

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act respecting Louis Pierre Cecile

MR. ROBERTS

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



An Act respecting Louis Pierre Cecile

WHEREAS The Hydro-Electric Power Commission of ^{Preamble} Ontario is acquiring in the name of Her Majesty the Queen for the Quebec Hydro-Electric Commission's Carillon power development certain lands in the Township of East Hawkesbury in implementation of the agreement set out as Appendix A to *The Ottawa River Water Powers Act, 1943*; and ^{1943, c. 21} whereas among the lands being so acquired is a certain lot, more particularly described in the Schedule, in which Louis Pierre Cecile, member of the Assembly for the Electoral District of Prescott, has an interest; and whereas it is expedient to enact a measure to enable the said member to receive compensation for his interest in the said lot without thereby jeopardizing his seat in the Assembly;

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

1. Louis Pierre Cecile, member of the Assembly for the ^{Right to accept} Electoral District of Prescott, is hereby authorized to receive ^{compensation} from The Hydro-Electric Power Commission of Ontario the ^{for ex-} sum of money hereafter determined as compensation for his ^{propriated} interest in a certain lot in the Township of East Hawkesbury, more particularly described in the Schedule, that is being expropriated by the Commission under *The Power Commission Act*, and his seat in the Assembly shall not thereby be vacated ^{R.S.O. 1950, c. 281} nor shall he thereby be rendered ineligible as a member of the Assembly or to sit or vote therein.

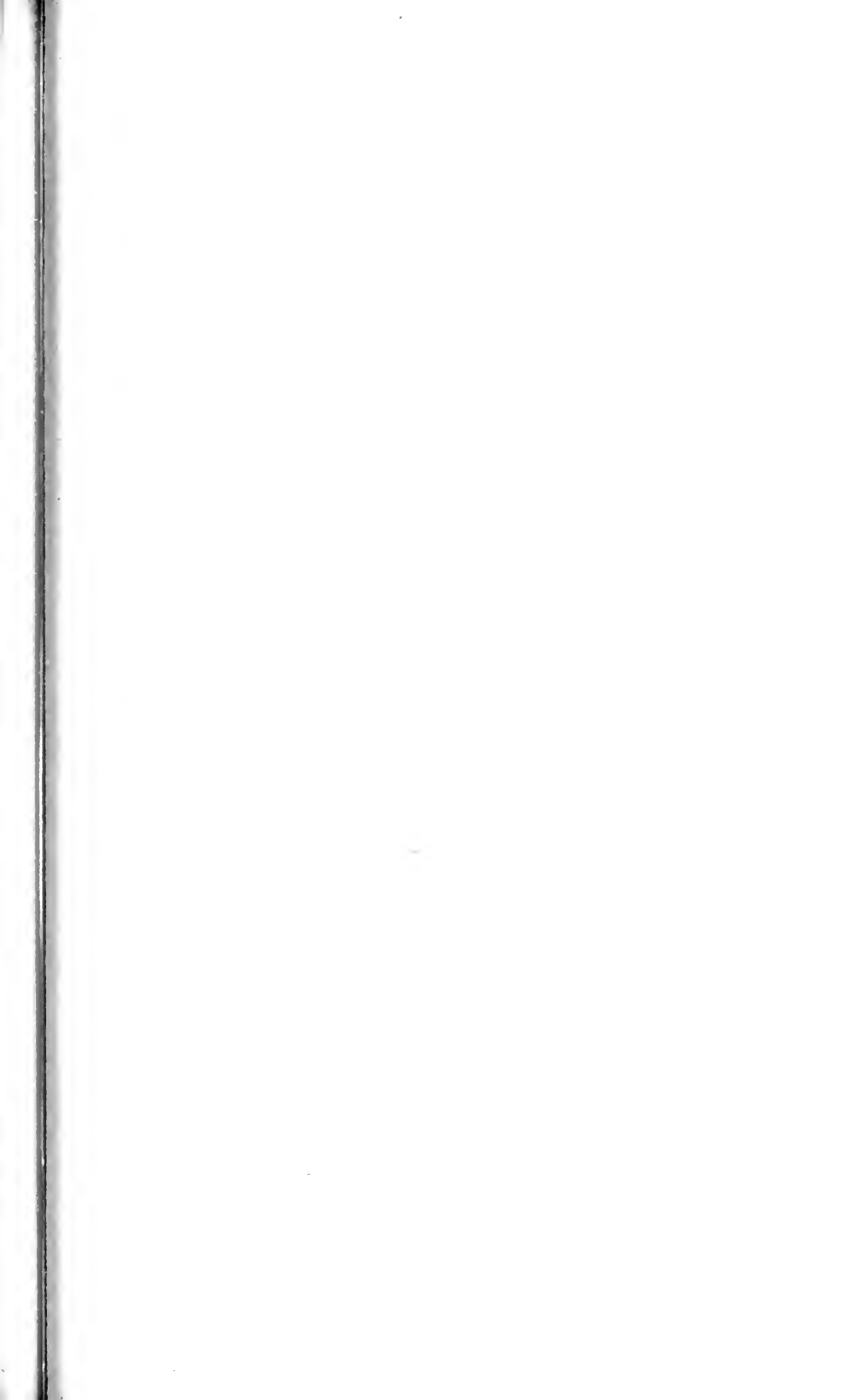
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Louis P. Cecile Act, 1960*. ^{Short title}

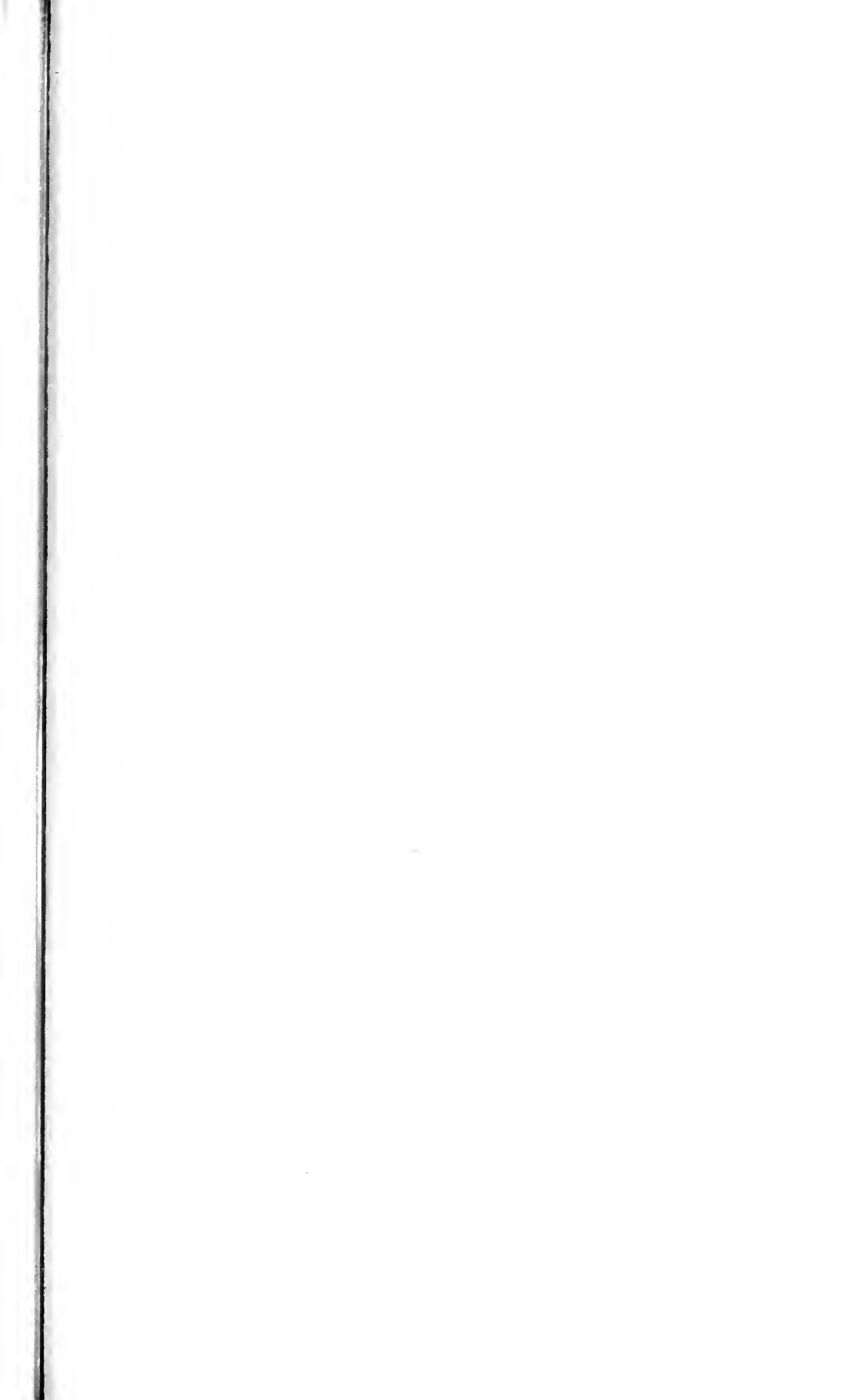
SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Hawkesbury in the County of Prescott and Province of Ontario, being composed of a part of Lot No. 2 in the first concession of the aforesaid Township of East Hawkesbury being more particularly described as follows: As Lot No. 8 on a Plan of said Lot No. 2 prepared by J. B. Lewis, O.L.S., dated the 18th day of July, 1895, and numbered on said Plan as No. 8 and bounded on the North by the Highway leading from Hawkesbury to Pointe Fortune, on the east by Lot No. 7 and on the west by Lot No. 9 being one hundred and sixty-one feet three inches (161' 3") in depth by fifty feet three inches (50' 3") in width being the Lot conveyed to Henri Gibeault by deed registered in the Registry Office for the County of Prescott as No. 12675; Reserving therefrom a certain part of said Lot in front thereof sold and conveyed to the Provincial Highway for widening their road.

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BILL 152

An Act respecting Louis Pierre Cecile

1st Reading

March 31st, 1960

2nd Reading

3rd Reading

MR. ROBERTS

BILL 152

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act respecting Louis Pierre Cecile

MR. ROBERTS

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



BILL 152

1960

An Act respecting Louis Pierre Cecile

WHEREAS The Hydro-Electric Power Commission of ^{Preamble} Ontario is acquiring in the name of Her Majesty the Queen for the Quebec Hydro-Electric Commission's Carillon power development certain lands in the Township of East Hawkesbury in implementation of the agreement set out as Appendix A to *The Ottawa River Water Powers Act, 1943*; and ^{1943, c. 21} whereas among the lands being so acquired is a certain lot, more particularly described in the Schedule, in which Louis Pierre Cecile, member of the Assembly for the Electoral District of Prescott, has an interest; and whereas it is expedient to enact a measure to enable the said member to receive compensation for his interest in the said lot without thereby jeopardizing his seat in the Assembly;

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

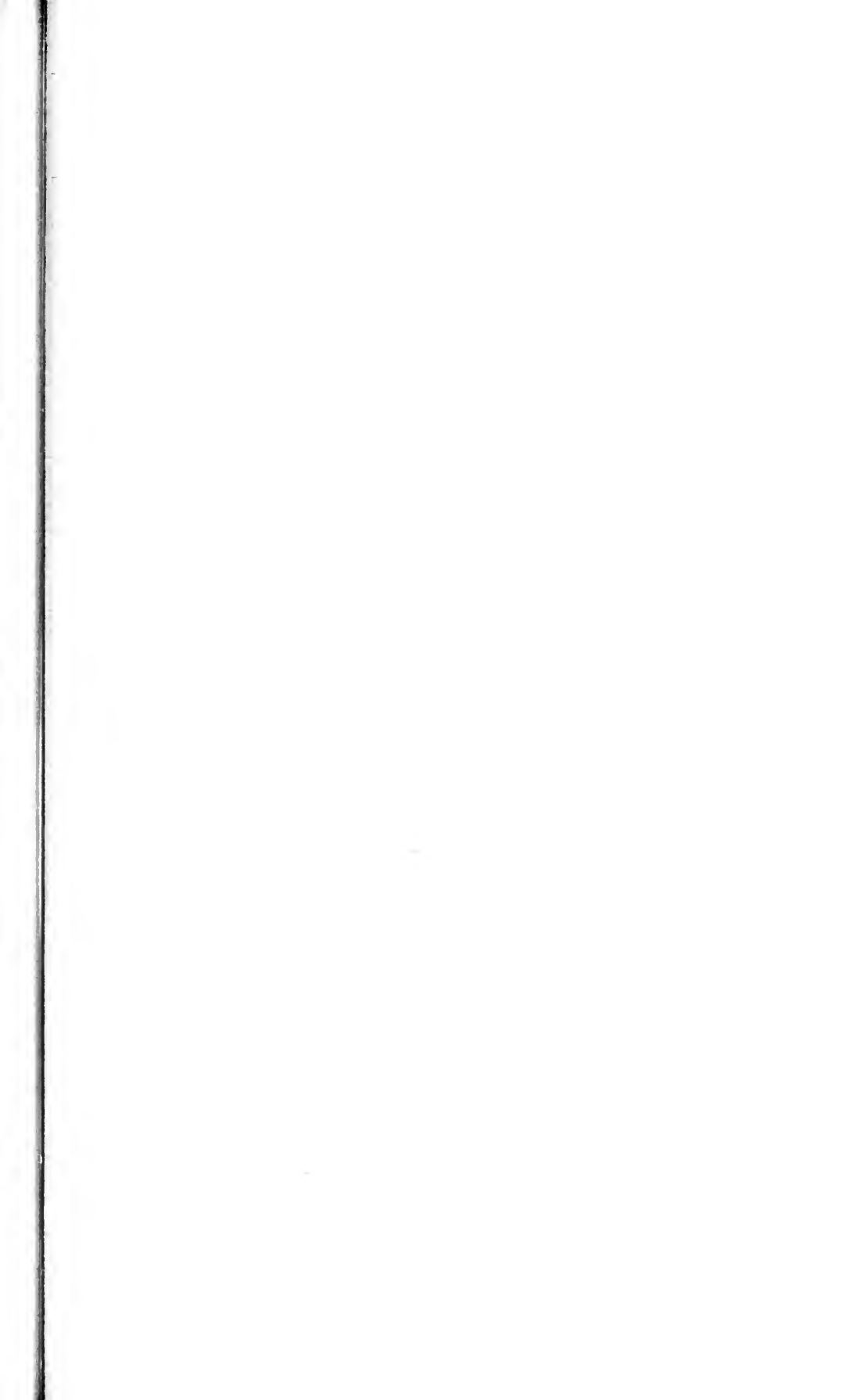
1. Louis Pierre Cecile, member of the Assembly for the Electoral District of Prescott, is hereby authorized to receive ^{Right to accept compensation for expropriated land} from The Hydro-Electric Power Commission of Ontario the sum of money hereafter determined as compensation for his interest in a certain lot in the Township of East Hawkesbury, more particularly described in the Schedule, that is being expropriated by the Commission under *The Power Commission Act*, and his seat in the Assembly shall not thereby be vacated ^{R.S.O. 1950, c. 281} nor shall he thereby be rendered ineligible as a member of the Assembly or to sit or vote therein.

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

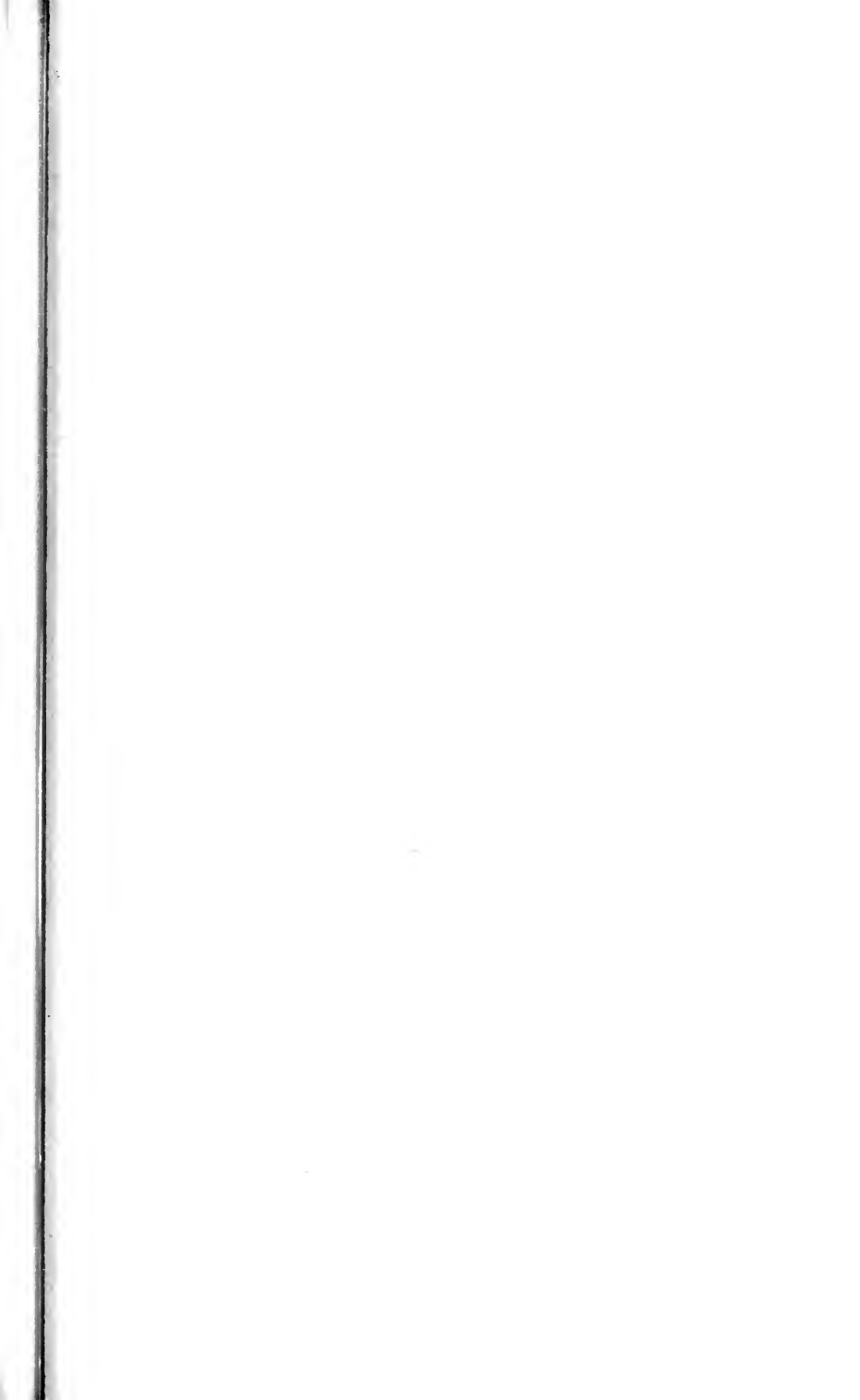
3. This Act may be cited as *The Louis P. Cecile Act, 1960*. ^{Short title}

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Hawkesbury in the County of Prescott and Province of Ontario, being composed of a part of Lot No. 2 in the first concession of the aforesaid Township of East Hawkesbury being more particularly described as follows: As Lot No. 8 on a Plan of said Lot No. 2 prepared by J. B. Lewis, O.L.S., dated the 18th day of July, 1895, and numbered on said Plan as No. 8 and bounded on the North by the Highway leading from Hawkesbury to Pointe Fortune, on the east by Lot No. 7 and on the west by Lot No. 9 being one hundred and sixty-one feet three inches (161' 3") in depth by fifty feet three inches (50' 3") in width being the Lot conveyed to Henri Gibeault by deed registered in the Registry Office for the County of Prescott as No. 12675; Reserving therefrom a certain part of said Lot in front thereof sold and conveyed to the Provincial Highway for widening their road.







An Act respecting Louis Pierre Cecile

1st Reading

March 31st, 1960

2nd Reading

April 5th, 1960

3rd Reading

April 11th, 1960

MR. ROBERTS

BILL 153

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Elevators and Lifts Act, 1953**

MR. DALEY

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

EXPLANATORY NOTE

The effect of the provision now repealed was to exempt the City of Toronto from the Act.

The purpose of this Bill is to bring the City of Toronto under the Act in the same way and to the same extent as all other municipalities.

BILL 153

1960

**An Act to amend
The Elevators and Lifts Act, 1953**

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

1. Subsection 2 of section 6 of *The Elevators and Lifts Act, 1953* is repealed. 1953, c. 33,
s. 6, subs. 2,
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment
3. This Act may be cited as *The Elevators and Lifts Amendment Act, 1960*. Short title

An Act to amend
The Elevators and Lifts Act, 1953

1st Reading

March 31st, 1960

2nd Reading

3rd Reading

MR. DALRY

BILL 153

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**An Act to amend
The Elevators and Lifts Act, 1953**

MR. DALEY

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



BILL 153

1960

**An Act to amend
The Elevators and Lifts Act, 1953**

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

1. Subsection 2 of section 26 of *The Elevators and Lifts Act, 1953* is repealed. 1953, c. 33,
s. 26, subs. 2,
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment
3. This Act may be cited as *The Elevators and Lifts Amendment Act, 1960*. Short title

An Act to amend
The Elevators and Lifts Act, 1953

1st Reading

March 31st, 1960

2nd Reading

April 5th, 1960

3rd Reading

April 11th, 1960

MR. DALEY

BILL 154

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

**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, 1960, and
the 31st day of March, 1961**

MR. ALLAN (Haldimand-Norfolk)



BILL 154

1960

**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, 1960, and the 31st day
of March, 1961**

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
John Keiller Mackay, 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, 1960, and for the fiscal
year ending the 31st day of March, 1961, and for other
purposes connected with the public service; may it therefore
please Your Majesty that it be enacted and it is hereby
enacted by the Queen's Most Excellent Majesty, by and with
the advice and consent of the Legislative Assembly of the
Province of Ontario, as follows:

1. In addition to the sum of \$833,468,000 granted by *The* \$8,238,000
granted for
fiscal year
1959-60
Supply Act, 1959, there may be paid out of the Consolidated
Revenue Fund a sum not exceeding in the whole \$8,238,000
to be applied towards defraying the several charges and
expenses of the public service, not otherwise provided for,
from the 1st day of April, 1959, to the 31st day of March,
1960, as set forth in Schedule A to this Act, and such sum
shall be paid and applied only in accordance with the votes
and items of the supplementary estimates upon which such
schedule is based.

2. There may be paid out of the Consolidated Revenue \$879,485,400
granted for
fiscal year
1960-61
Fund a sum not exceeding in the whole \$879,485,400 to be
applied towards defraying the several charges and expenses
of the public service, not otherwise provided for, from the 1st
day of April, 1960, to the 31st day of March, 1961, as set

forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounting for expenditure **3.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

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

Short title **5.** This Act may be cited as *The Supply Act, 1960*.

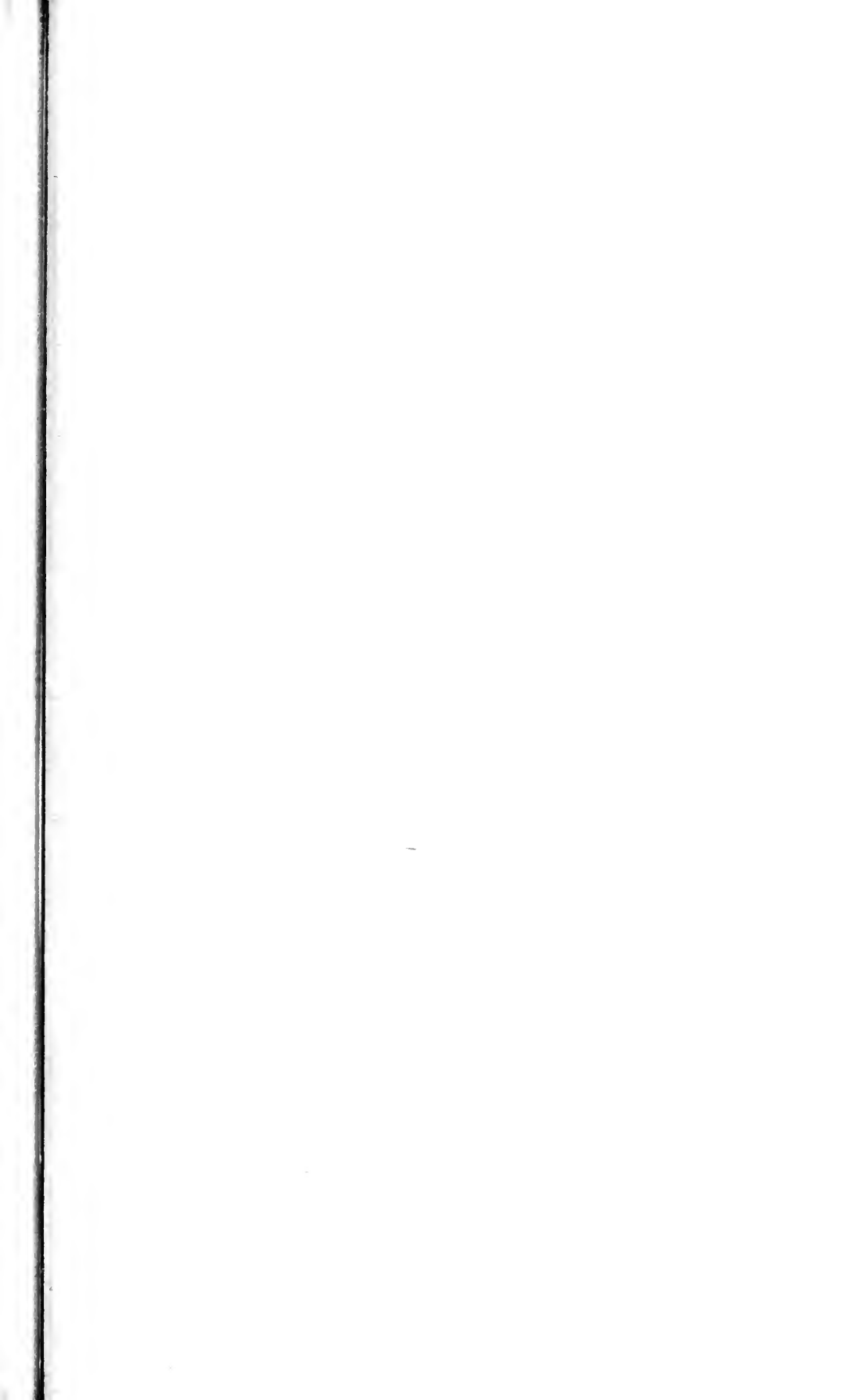
SCHEDULE A

Education Department.....	\$ 1,175,000
Health Department.....	6,063,000
Treasury Department.....	1,000,000
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	\$ 8,238,000
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SCHEDULE B

Agriculture Department.....	\$ 16,640,000
Attorney-General's Department.....	21,987,000
Economics Department.....	400,000
Education Department.....	219,846,000
Energy Resources Department.....	612,000
Health Department.....	92,195,000
Highways Department.....	251,478,000
Insurance Department.....	415,000
Labour Department.....	14,090,000
Lands and Forests Department.....	24,365,000
Lieutenant-Governor's Office.....	21,000
Mines Department.....	3,200,000
Municipal Affairs Department.....	72,677,000
Planning and Development Department.....	13,685,000
Prime Minister's Office.....	162,000
Provincial Auditor's Office.....	435,000
Provincial Secretary's Department.....	3,572,400
Public Welfare Department.....	60,736,000
Public Works Department.....	55,575,000
Reform Institutions Department.....	16,881,000
Transport Department.....	4,690,000
Travel and Publicity Department.....	1,940,000
Treasury Department.....	3,883,000
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	\$879,485,400
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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, 1960, and the 31st day of March, 1961

1st Reading

April 12th, 1960

2nd Reading

April 12th, 1960

3rd Reading

April 12th, 1960

Mr. ALAN (Haldimand-Norfolk)



