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BILL

An Act to amend The Assessment Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The paragraph exempting Crown and Indian property is re-enacted as separate paragraphs.

As re-enacted, paragraph 1 adopts the wording of section 125 of *The British North America Act* which states: "No lands or property belonging to Canada or any Province shall be liable to taxation." By the re-enactment it is intended to reduce Crown exemptions to the minimum—whatever that may be.

Subsection 2. The present paragraph, which exempts public parks, is repealed as the subject-matter is covered in paragraph 9 of the present Act. The proposed paragraph 9 is new. It is self-explanatory.

Subsection 3. In an endeavour to clarify its meaning the present paragraph 10 is divided into two new paragraphs, 10 and 10a. It will be noted that the Canadian Red Cross Society and the St. John Ambulance Association are expressly mentioned as being entitled to the exemption provided by the paragraph.

BILL

An Act to amend The Assessment Act.

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

- 1.**—(1) Paragraph 1 of section 4 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 1, re-enacted.
1. Lands or property belonging to Canada or any Province. Lands of Canada, etc.
 - 1a. Property held in trust for a tribe or body of Indians, but not if occupied by a person who is not a member of a tribe or body of Indians. Indian lands.
- (2) Paragraph 9 of the said section 4 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 9, re-enacted.
9. Property used exclusively for the purposes of The Boy Scouts Association or The Canadian Girl Guides Association. Boy Scouts, Girl Guides.
- (3) Paragraph 10 of the said section 4 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 10, re-enacted.
10. Every industrial farm, house of industry, house of refuge, institution for the reformation of offenders or for the care of children, boys' and girls' home, or other similar institution conducted on philanthropic principles and not for the purpose of profit or gain, but only when the land is owned by the institution and occupied and used for the purposes of the institution. Industrial farms, etc.
 - 10a. Land of an incorporated charitable institution organized for the relief of the poor, Canadian Red Cross Society, St. John's Ambulance Association, or any similar incorporated institution conducted on philanthropic principles and not for the purpose of profit or gain, that is supported, in part at least, by Charitable institutions.

public funds, but only when the land is owned by the institution and occupied and used for the purposes of the institution.

Rev. Stat.,
c. 272, s. 4,
para. 22,
amended.

(4) The first four lines of paragraph 22 of the said section 4 are repealed and the following substituted therefor:

Woodlands.

22. One acre in ten acres of the total acreage of all farm lands in one municipality under a single ownership used for forestry purposes or being woodlands but not more than twenty acres in all, and when the total acreage consists of more than one separately assessed parcel, the assessor shall apply the exemption to each parcel in the ratio of the land used for forestry purposes or being woodlands in each parcel to the total acreage of the land so used.

Rev. Stat.,
c. 272,
amended.

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

Where
exemption
not to
apply.

4a. Notwithstanding the provisions of this or any other Act, land shall not be exempt from taxation if the land is occupied by a tenant and rent or any valuable consideration is paid in respect of such occupancy.

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. c,
amended.

3.—(1) Clause *c* of subsection 1 of section 8 of *The Assessment Act* is amended by inserting after the word “vessels” in the sixth line the words “or of an airline company”, so that the said clause shall now read as follows:

(c) Every person carrying on the business of a wholesale merchant, of an insurance company, a loan company or a trust company, as defined by this Act, or of an express company carrying on business on or in connection with a railway or steamboats or sailing or other vessels or of an airline company or of a land company, or of a loaning land corporation, or of a bank or a banker, or of any other financial business for a sum equal to seventy-five per centum of the said assessed value.

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. d,
amended.

(2) Clause *d* of subsection 1 of the said section 8 is amended by striking out the word “to” in the second line and inserting in lieu thereof the word “through”, so that the said clause shall now read as follows:

(d) Every person carrying on the business of selling or distributing goods, wares and merchandise through a chain of more than five retail stores or shops in Ontario, directly or indirectly, owned, controlled or operated by him, for a sum equal to seventy-five

Subsection 4. Great difficulty is experienced in interpreting the word "farm" in the present paragraph. As re-enacted it is hoped to remove this difficulty and also to encourage wooded areas to be maintained by increasing the exemption.

SECTION 2. This provision is new. It recognizes the principle that if the occupancy of land by a tenant produces revenue to the owner, taxes should be paid in respect of the land so occupied.

SECTION 3.—Subsection 1. Airline companies are added so as to make the same liable for business assessment.

Subsection 2. This amendment corrects an error in the language used to describe "chain stores".

Subsection 3. This amendment adds "builder", as doubt exists as to whether one who carries on the business of building houses is a contractor, which is the only relevant designation in the present clause.

Subsection 4. The effect of the amendment of the exclusionary clause is to make the machinery, plant and appliances of a utility other than telephone and telegraph companies assessable for business tax. As amended the clause will conform with the principle of paragraph 17 of section 4 of the Act, which is to allow an exemption only in the case of fixed machinery used for manufacturing or farming purposes.

per centum of the assessed value of the land occupied or used by him in such business for a distribution premises, storage or warehouse for such goods, wares and merchandise, or for an office used in connection with the said business.

(3) Clause *g* of subsection 1 of the said section 8 is amended by inserting after the word "contractor" in the fifth and sixth lines the word "builder", so that the said clause shall now read as follows: Rev. Stat., c. 272, s. 8, subs. 1, cl. g. amended.

- (g) Every person practising or carrying on business as a barrister, solicitor, notary public, conveyancer, physician, surgeon, oculist, aurist, medical electrician, dentist, veterinarian, civil, mining, consulting, mechanical or electrical engineer, surveyor, contractor, builder, advertising agent, private detective, employment agent, accountant, assignee, auditor, osteopath, chiropractor, massagist, architect and, subject to subsection 8, every person carrying on a financial or commercial business or any other business as agent, for a sum equal to fifty per centum of the said assessed value; but where a person belonging to any class mentioned in this clause occupies or uses land partly for the purposes of his business and partly as a residence thirty per centum of the assessed value of the land occupied or used by him shall for the purpose of the business assessment be taken to be the full assessed value of the land so occupied or used.

(4) Clause *l* of subsection 1 of the said section 8 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 8, subs. 1, cl. l, re-enacted.

- (l) Every person carrying on the business of a telegraph or telephone company, or of a transportation system, other than a transportation system owned or operated by or for a municipal corporation, or of the transmission of oil or water, or of steam, heat, gas, or electricity for the purposes of light, heat, or power, for a sum equal to twenty-five per centum of the assessed value of the land (not being a highway, lane, or other public communication or public place or water or private right-of-way), occupied or used by such person, exclusive of the value of any telegraph or telephone machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

Rev. Stat.,
c. 272,
amended.

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

Power of
township
to assess
on basis of
gross
receipts.

13a.—(1) Where in a township the density of population is not less than 150 of population to 500 acres, the council thereof may, subject to the approval of the Department, by by-law define such areas and declare the same to be police villages for the purposes of section 12, and each year thereafter so long as the by-law remains in force every telephone and telegraph company carrying on business in the areas shall be assessed therein on a gross receipts basis in the manner provided in section 12, except that in such case the company shall be assessed for forty-five per centum of the amount of the gross receipts from all equipment belonging to the company located within the areas.

Map of
areas to be
attached.

(2) Every by-law passed under subsection 1 shall have attached thereto a map showing clearly the boundaries of the areas.

Commence-
ment of
by-law.

(3) A by-law passed under subsection 1 shall come into force and effect on the 1st day of January in the year following the year in which it was approved by the Department.

Duty of
clerk.

(4) Upon the passing, amending or repealing of a by-law under subsection 1, the clerk shall forthwith transmit a copy thereof to the Provincial Secretary and to every telephone and telegraph company carrying on business in the areas defined in the by-law.

Return by
companies.

(5) Every telephone and telegraph company doing business in a township in which a by-law under this section is in force shall on or before the 1st day of March in each year transmit to the Provincial Secretary and to the clerk of the township a statement in writing signed by or on behalf of the company and verified in the manner prescribed in subsection 2 of section 13 showing the amount of the gross receipts of the company in the areas defined in the by-law for the year ending on the 31st day of December then last past.

Rev. Stat.,
c. 272,
amended.

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

Depart-
mental
rules.

23a. The Minister may, subject to the approval of the Lieutenant-Governor in Council, by regulation prescribe rules and the class of municipality to

SECTION 4. This section, which is new, will enable the council of a township to define areas similar in population and acreage to a police village as a police village for the purpose of section 12 so that the assessment of telephone and telegraph companies in such areas shall be on a gross receipts basis and not on a mileage basis. The percentage of the gross receipts assessable will be 45 per centum.

SECTION 5. This provision is new. It is similar in principle to the provision passed in 1944 with respect to county assessors. (*The Assessment Amendment Act, 1944*, s. 9, subs. 2).

SECTION 6. The present section is based on the premise that only cities and towns are divided into wards which is incorrect. As re-enacted "cities and towns" are deleted and "municipality divided into wards" substituted to cover all cases.

SECTION 7. The section as re-enacted conforms with the principle of the new section 4a of *The Assessment Act*, enacted by section 2 of this Bill.

SECTION 8.—Subsection 1. These two subsections set out the manner of making assessments and determining "actual value". The present subsections deal only with the matters to be considered in determining the value of buildings. In the new subsections new factors are set out, some applicable to land without buildings and some to land with buildings, which must be considered in each case.

which the rules shall apply for the guidance of assessors and every assessor affected thereby shall conduct himself in accordance therewith.

6. Section 35 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 35, re-enacted.

35. Except as otherwise provided, land shall be assessed in the municipality in which it lies, and in the case of a municipality divided into wards, in the ward in which it lies. Land,— where to be assessed.

7. Section 38 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 38, re-enacted.

38.—(1) The tenant of land owned by the Crown where rent or any valuable consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person. Assessment of Crown lands.

(2) The tenant of land held in trust for a tribe or body of Indians who is not a member of such tribe or body where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or held by any other person. Assessment of Indian lands.

(3) In addition to the liability of every person assessed under subsection 1 or 2 to pay the taxes assessed against the land, the interest in such land, if any, of every person other than the Crown and the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the lien given by section 99 and shall be liable to be sold or vested in the municipality for arrears of taxes. Tenants interests may be sold.

8.—(1) Subsections 2 and 3 of section 39 of *The Assessment Act* are repealed and the following substituted therefor: Rev. Stat., c. 272, s. 39, subs. 2, 3, re-enacted.

(2) In ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, revenue, normal sale value and any other circumstance affecting the value. Land without buildings.

(3) In assessing land having buildings thereon the value of the land and buildings shall be ascertained by Land with buildings.

giving consideration to present use, location, cost of replacement, normal rental value, normal sale value, and any other circumstance affecting the value, and the value of the buildings shall be the amount by which the value of the land is thereby increased, and the actual value of the land and the buildings so ascertained shall be set down separately in the columns of the assessment roll, and the assessment shall be the sum of such values.

Rev. Stat.,
c. 272, s. 39,
subs. 5,
repealed.

(2) Subsection 5 of the said section 39 is repealed.

Prospective
effect.

(3) This section shall have effect on and after the 1st day of January, 1947.

Rev. Stat.,
c. 272, s. 50,
subs. 3,
amended.

9.—(1) Subsection 3 of section 50 of *The Assessment Act* is amended by inserting after the word “shops” in the sixth line the words “garages, central heating and steam plants, power houses and ice houses”, so that the said subsection shall now read as follows:

Certain
railway
company
structures,
etc.,
assessable.

(3) Notwithstanding anything in this Act contained, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except stations, freight sheds, offices, warehouses, elevators, hotels, roundhouses and machine, repair and other shops, garages, central heating and steam plants, power houses and ice houses) shall not be assessed.

Rev. Stat.,
c. 272, s. 50,
subs. 5,
amended.

(2) Subsection 5 of the said section 50 is amended by adding at the end thereof the words “and business assessment in respect of hotels and restaurants operated by such company”, so that the said subsection shall now read as follows:

Exemption
from other
assessments.

(5) A railway company assessed under this section shall be exempt from assessment in any other manner for municipal purposes except for local improvements and business assessment in respect of hotels and restaurants operated by such company.

Exceptions.

Rev. Stat.,
c. 272, s. 52,
re-enacted.

10. Section 52 of *The Assessment Act* is repealed and the following substituted therefor:

Notice of
assessment.

52.—(1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 27, a notice (Form 4) of the sum or sums for

Subsection 2. This subsection, which deals with mineral land, is repealed in order that mineral land may be assessed at its actual value, even though this be less than agricultural land in the neighbourhood.

SECTION 9.—Subsection 1. The effect of this amendment will be to make garages, central heating plants, steam plants, power houses and ice houses of railway companies liable to taxation.

Subsection 2. The effect of this amendment will be to make hotels and restaurants operated by railway companies liable to business assessment.

SECTION 10. Under the section as re-enacted, the manner of delivery of the notice of assessment is simplified and made uniform in all municipalities.

SECTION 11. The effect of the repeal of this section (which provides the general rule as to when the assessment roll shall be completed) will be that all municipalities will be required to take the assessment one year and levy on it in the following year.

See note to section 15 of this Bill.

The provisions of the section that must be retained are re-enacted as section 62 of the Act by section 17 of this Bill, thus placing these provisions in proper sequence.

SECTION 12. The words "in cities" are deleted in order that the section may apply to any municipality that is divided into wards.

See note to section 6 of this Bill.

SECTION 13.—Subsection 1. The amendment is designed to provide for the addition to the collector's roll of taxes payable in respect of land that had previously been assessed in part only, as well as land that had been completely omitted.

which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of such notice and the entry shall be *prima facie* evidence of such delivery.

- (2) When the person assessed is resident in the municipality, the notice shall be delivered by leaving the same at his residence or place of business or by mailing the same addressed to him at his residence or place of business. Delivery of notice,—
residents.
- (3) When the person assessed is not resident in the municipality, the notice shall be delivered by mailing the same addressed to him at his last known address. Non-residents.
- (4) When a person assessed furnishes the assessor with a notice in writing giving the address to which the notice of assessment may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice of assessment shall be so delivered and such notice shall stand until revoked in writing. Registered mail.

11. Section 53 of *The Assessment Act* and the heading immediately preceding the said section are repealed. Rev. Stat.,
c. 272, s. 53,
repealed.

12. Section 55 of *The Assessment Act* is amended by striking out the words "In cities" at the commencement thereof, so that the said section shall now read as follows: Rev. Stat.,
c. 272, s. 55,
amended.

55. Where the assessment is made by wards, in case any person removes from a ward before having been assessed therein into a ward for which the assessment roll has been completed, the assessor for the last mentioned ward may at any time before the 30th day of September amend the roll by entering therein the assessment of such person, and shall forthwith give to him the notice of assessment provided for by section 52, and the person so assessed shall be entitled to appeal to the county judge from the assessment within ten days from the time of giving such notice. Amendment of ward roll after completion.

13.—(1) Subsection 1 of section 57 of *The Assessment Act* is amended by inserting after the word "assessed" in the third line the words "in whole or in part" and by striking out the word "next" in the seventh line, so that the said subsection shall now read as follows: Rev. Stat.,
c. 272, s. 57,
subs. 1,
amended.

(1) If at any time it appears to any treasurer or other officer of the municipality that land liable to assess- Where land not assessed.

ment has not been assessed in whole or in part for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk of the municipality in any other manner, he shall enter such land on the collector's roll, or roll for non-residents, as the case may require, as well for the arrears of the preceding year or years, if any, as for the tax of the current year, and the valuation of the land shall be the average of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor for the current year to value the land, and it shall be the duty of the assessor to do so when required, and to certify the valuation, in writing, to the clerk.

Rev. Stat.,
c. 272, s. 57,
subs. 3,
amended.

(2) Subsection 3 of the said section 57 is amended by inserting after the word "person" in the fifth line the words "or any person assessed" and by striking out all the words after the word "revision" in the sixth line, so that the said subsection shall now read as follows:

Notice to
person
taxed;
right of
appeal.

(3) Where the clerk performs any of the duties required by this section he shall forthwith thereafter deliver to or send by registered letter post to the person so taxed a notice setting out the amount of the assessment and of the taxes entered on the roll, and such person or any person assessed shall have the right to appeal within ten days thereafter to the court of revision.

Retroactive
effect.

(3) This section shall be deemed to have had effect on and after the 1st day of January, 1946.

Rev. Stat.,
c. 272, s. 57a,
subs. 5 (1944,
c. 7, s. 7), re-
enacted.

14.—(1) Subsection 5 of section 57a of *The Assessment Act*, as enacted by section 7 of *The Assessment Amendment Act, 1944*, is repealed and the following substituted therefor:

Distrib-
ution.

(5) Where taxes are levied under this section, the amount thereof shall be distributed among the bodies that would have received the same had such taxes been levied in the usual way, in the same proportion as the levy of each of such bodies bears to the total levy, and in making such distribution each of such bodies shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

Treasurer's
statement.

(6) The treasurer making the distribution required by subsection 5 shall at the same time deliver to each of the bodies to which the distribution is made a state-

Subsection 2. The words added extend the right of appeal to any person assessed. The words at the end are struck out because they appear to limit further appeals, contrary to the intent. The rights of further appeal are set out in ss. 76, 84 and 85 of the Act.

SECTION 14. The new provisions are designed to ensure that taxes collected by additions to the roll will be distributed equitably among the bodies entitled thereto.

SECTION 15. This section of the Bill provides a uniform time for taking the assessment and revising the roll in all municipalities.

The effect will be that all municipalities will assess in one year and levy on such assessment in the following year.

SECTION 16. "Municipality" is substituted for "city" inasmuch as municipalities other than cities have wards.

SECTION 17. The sections repealed fix the period for taking the assessment in townships and allow counties to fix such period in towns, townships and villages. These matters are now covered in sections 59 and 60 of the Act as enacted by sections 15 and 16 of this Bill.

The new section 62 contains what it is necessary to retain of the present section 53 and puts it in a more logical position in the Act.

ment sufficient to enable such bodies to determine the correctness of the distribution.

(2) This section shall be deemed to have had effect on and after the 1st day of January, 1946. Retroactive effect.

15.—(1) Subsection 1 of section 59 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 59, subs. 1, re-enacted.

(1) In every municipality the assessment shall be taken between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk on the 1st day of October and the time for closing the court of revision shall be the 15th day of November and for the final return by the county judge, the 15th day of December and the assessment so made shall be the assessment on which the rate of taxation for the following year shall be fixed and levied. Time for taking the assessment and revising the roll.

(2) Subsection 3 of the said section 59 is repealed. Rev. Stat., c. 272, s. 60, subs. 3, re-pealed.

(3) Any municipality that made an assessment and levied taxes thereon in 1946 may instead of making a second assessment in 1946, pass a by-law not later than the 31st day of March, 1947, adopting for 1947 the assessment roll made and revised in 1946, and such roll shall be subject to revision in the manner provided in subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of this section, and shall have the same effect as if made under such subsection. Application.

16.—(1) Subsection 1 of section 60 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 60, subs. 1, re-enacted.

(1) The council of a municipality may by by-law fix prior and separate dates for the return of the roll of each ward, or each subdivision of a ward, as defined in the by-law. Taking assessment by wards.

(2) Subsection 6 of the said section 60 is amended by striking out the word "city" in the first line and inserting in lieu thereof the word "municipality." Rev. Stat., c. 272, s. 60 subs. 6, amended.

17. Sections 62 and 63 of *The Assessment Act* and the heading immediately preceding the said section 63 are repealed and the following substituted therefor: Rev. Stat., c. 272, ss. 62 and 63, re-enacted.

62.—(1) Upon completion of the assessment roll, the assessment commissioner or assessor shall attach thereto his affidavit or solemn affirmation. Affidavit to be attached to roll.

Making affidavit.

- (2) The affidavit or affirmation (Form 5) may be made before the clerk of the municipality, a justice of the peace having jurisdiction in the municipality, a commissioner for taking affidavits or a notary public.

Roll to be delivered to clerk.

- (3) The assessment commissioner or assessor shall on or before the day fixed for the return of the assessment roll deliver the same to the clerk of the municipality completed and added up, with the affidavit attached, and the clerk shall, immediately upon receipt of the roll, file it in his office, and it shall, during office hours, be open to inspection.

Omission to attach affidavit.

- (4) The omission to attach to the assessment roll the affidavit or solemn affirmation required by subsection 1 shall not invalidate the roll.

Rotary system.

63. Any municipality instead of ascertaining the values of all lands in the municipality every year may by by-law provide for a two-year or three-year rotary system of ascertaining such values under which the assessor shall ascertain in one year the values of lands in one-half of the municipality and in the following year the values in the other one-half, or in one year the values in one-third of the municipality and in the following year the values in a second one-third and in the following year the values in the third one-third, and in every case the values of lands not ascertained in the year shall be entered on the assessment roll at the values last ascertained.

Rev. Stat., c. 272, s. 65, amended.

18. Section 65 of *The Assessment Act* is amended by adding thereto the following subsection:

Additional courts of revision.

- (5) The council may from time to time divide the court of revision into two or more divisions, and in such case each division shall consist of one member to whom all the provisions of this section shall apply *mutatis mutandis*.

Rev. Stat., c. 272, s. 66, subs. 1 (1938, c. 37, s. 2, subs. 2), amended.

19. Subsection 1 of section 66 of *The Assessment Act*, as re-enacted by subsection 2 of section 2 of *The Statute Law Amendment Act, 1938*, is amended by adding at the end thereof the words "and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide", so that the said subsection shall now read as follows:

Constitution of court in municipalities other than cities.

- (1) In municipalities other than cities, the court of revision shall consist of five members appointed by the council of the municipality and such members

The new section 63 is self-explanatory. It provides for the so-called "rotary" system of ascertaining values for assessment purposes.

SECTION 18. This subsection, which is new, is designed for large municipalities where at the present time delays in dealing with assessment appeals are unavoidable because of the fact that only one court consisting of one member can hear such appeals.

SECTION 19. Self-explanatory.

SECTION 20.—Subsection 1. The words added provide an alternative means of effecting service.

Subsection 2. The period intervening between the completion of the required notice and the sitting of the court of revision is extended from six to ten days.

Subsection 3. The time within which a person whose name is added to the roll as being the right person to be assessed may appeal is extended from six to ten days.

Subsection 4. The repeal of this subsection, which provides for the duties of the court of revision and the final revision of the roll to be completed before July 1st, is complementary to sections 15 and 16 of this Bill.

Subsection 5. Self-explanatory. It is new.

other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

20.—(1) Subsection 12 of section 73 of *The Assessment Act* Rev. Stat., c. 272, s. 73, subs. 12, amended. is amended by adding at the end thereof the words “or sent by mail addressed thereto”, so that the said subsection shall now read as follows:

(12) If the person resides or has a place of business in Manner of service. the municipality, the clerk shall cause the notice to be left at the person’s residence or place of business or sent by mail addressed thereto.

(2) Subsection 14 of the said section 73 is amended by Rev. Stat., c. 272, s. 73, subs. 14, amended. striking out the word “six” in the third line and inserting in lieu thereof the word “ten”, so that the said subsection shall now read as follows:

(14) Every notice hereby required whether by publication, When notice to be completed. advertisement, letter, or otherwise shall be completed at least ten days before the sitting of the court, and the clerk shall certify to the court, at the first day of its sitting, the notices which have been so completed.

(3) Subsection 17 of the said section 73 is amended by Rev. Stat., c. 272, s. 73, subs. 17, amended. striking out the word “four” in the tenth line and inserting in lieu thereof the word “ten”, so that the said subsection shall now read as follows:

(17) In other cases, the court, after hearing the complainant, and the assessor, or assessors, and any evidence adduced, and, if deemed desirable, the person complained against, shall determine the matter, and confirm or amend the roll accordingly, and the court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed, and in all cases which come before the court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent ten days’ notice of such assessment, within which time he must appeal to the court if he objects thereto. Proceedings in other cases.

(4) Subsection 21 of the said section 73 is repealed. Rev. Stat., c. 272, s. 73, subs. 21, repealed.

(5) The said section 73 is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 73, amended.

Notice of
decision.

- (24) When the decision of the court of revision is reserved at the hearing and is subsequently given, the clerk shall forthwith cause notice of the decision to be given by registered mail to the persons to whom notice of the hearing was given.

Rev. Stat.,
c. 272, s. 76,
subs. 2,
amended.

21. Subsection 2 of section 76 of *The Assessment Act* is amended by striking out the word "five" where it occurs in the fifth and eighth lines respectively and inserting in lieu thereof the word "ten", and by inserting after the word "court" in the ninth line the words "or in case the decision of the court is reserved, then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73", so that the said subsection shall now read as follows:

Service of
notice of
appeal.

- (2) Subject to the provisions of sections 59 to 63, and to the provisions of any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within ten days after the date herein limited for the closing of the court of revision, or in case the court shall sit to hear appeals after the said date, then within ten days after the closing of the court, or in case the decision of the court is reserved, then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge.

Rev. Stat.,
c. 272, s. 83,
re-enacted.

22. Section 83 of *The Assessment Act* is repealed and the following substituted therefor:

When
decision
reserved.

- 83.—(1) When the decision of the judge is reserved at the hearing and is subsequently given, the clerk shall forthwith cause notice of the decision to be given by registered mail to the persons to whom notice of the hearing was given.

Judge's
decision
final.

- (2) Except as provided in section 84, the decision of the judge shall be final.

Rev. Stat.,
c. 272, s. 84,
subs. 1,
re-enacted.

23.—(1) Subsection 1 of section 84 of *The Assessment Act* is repealed and the following substituted therefor:

Appeals
to Municipal
Board.

- (1) In the case of the assessment of a telephone company or where a person is assessed to an amount aggregating in a municipality in territory without county organization \$5,000 or upwards or in any other municipality \$10,000 or upwards, such company or person, the municipal corporation, the assessor or

SECTION 21. The time within which an appeal may be taken from the decision of the court of revision to the county judge is extended from five to ten days, and where the decision is reserved, a similar time for appeal is provided.

SECTION 22. This provision is new. It is self-explanatory.

SECTION 23.—Subsection 1. Subsection 1 as re-enacted will enable appeals where large amounts are involved to be taken direct from the court of revision to the Municipal Board, thus avoiding the intermediate appeal to the county judge.

Also the required amount of assessment is reduced from \$10,000 to \$5,000 in unorganized territory and from \$40,000 to \$10,000 in organized territory.

The provision as to telephone companies is unchanged. At present it forms part of section 83 of the Act.

Subsection 2. Subsections 3 and 4 are re-enacted to conform with the amendment to subsection 1 and to simplify the procedures on an appeal to the Board having in mind the fact that a municipal corporation or the assessor may now be an appellant.

SECTION 24. Assessment rolls are made up for "calendar" years rather than for "financial" years. The word "financial" is confusing and therefore is deleted. "Year", without an adjective, means a calendar year (*The Interpretation Act*, s. 32, cl. 20).

assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board or where no appeal is taken to the county judge, may appeal direct from the decision of the court of revision to the Ontario Municipal Board.

(2) Subsections 3 and 4 of the said section 84 are repealed and the following substituted therefor: Rev. Stat., c. 272, s. 84, subs. 3, 4, re-enacted.

(3) Except as provided in subsections 4 and 4a, sections 76 to 83 and sections 85 and 86 shall apply to appeals taken under subsection 1 or 2, and on such appeals the Board shall have the powers and duties of a county judge under the said sections. Provisions applicable to appeals; powers of Board.

(4) A notice of appeal to the Board under this section shall be sent by registered mail to the secretary thereof within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved, within twenty-one days after notice thereof has been given by the clerk under subsection 24 of section 73 or subsection 1 of section 83, as the case may be. Notice of appeal.

(4a) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal. Notice of hearing.

24. Subsection 1 of section 90 of *The Assessment Act*, as amended by section 10 of *The Assessment Amendment Act, 1944*, is further amended by striking out the word "financial" in the fourth line, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 90, subs. 1, amended.

(1) The council of every county shall, yearly, and not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding year, for the purpose of ascertaining whether the valuations of real property made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between them; Annual examination of assessment rolls by county councils for purpose of equalization.

but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

Rev. Stat.,
c. 272, s. 91,
para. 6,
re-enacted.

25.—(1) Paragraph 6 of section 91 of *The Assessment Act*, as re-enacted by subsection 2 of section 4 of *The Assessment Amendment Act, 1943*, is repealed and the following substituted therefor:

Remuneration.

6. The county judge or the persons appointed to form a court shall be paid such remuneration and travelling and other expenses as the Lieutenant-Governor in Council may determine to be borne and paid as directed by the county judge or court, as the case may be.

Other expenses.

6a. The fees of the stenographic reporter, if any, and any other expenses incidental to the hearing of the appeal shall be borne and paid as directed by the county judge or the court, as the case may be.

Retroactive effect.

(2) This section shall be deemed to have had effect on and after the 1st day of July, 1943.

Rev. Stat.,
c. 272, s. 113,
subs. 2,
re-enacted.

26.—(1) Subsection 2 of section 113 of *The Assessment Act* is repealed and the following substituted therefor:

Penalty for non-payment of taxes.

(2) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one-half of one per centum on the first day of default and on the first day of each period of not less than thirty days thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Rev. Stat.,
c. 272,
s. 113,
subs. 3,
repealed.

(2) Subsection 3 of the said section 113 is repealed.

Rev. Stat.,
c. 272,
s. 113,
subs. 4,
re-enacted.

(3) Subsection 4 of the said section 113 is repealed and the following substituted therefor:

Discount for payment in advance.

(4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and to allow a discount on any taxes so paid in advance not exceeding one-half of one per centum for payment within the period of not less than thirty days prior to the day fixed for payment and a similar discount for such similar period prior thereto, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made.

SECTION 25. The paragraphs provide for the payment of the expenses incurred in an appeal from an equalization by-law. The new paragraphs are much more explicit than the present provisions, and are retroactive so as to remove any doubt as to cases already heard.

SECTION 26.—Subsection 1. The words deleted are unnecessary as the subject of discounts for payment of taxes in advance of the due date is fully covered in subsection 4 of section 113 of the Act.

The subsection as re-enacted provides for a penalty for non-payment of taxes on the due date and provides that the penalty must be spread out over the balance of the year at a rate not exceeding one-half of one per centum for each period of thirty days or more of default.

Subsection 2. Subsection 3 of section 113 is no longer required as its subject matter is now contained in subsection 2. It is therefore repealed.

Subsection 3. This subsection, which deals with the discounts allowable for payment of taxes in advance of the due date is amended to correspond in principle with the charges payable for non-payment of taxes on the due date as contained in the new subsection 2 of section 113 of the Act.

SECTION 27. The amendment alters the punctuation in order to make it clear that the collector as well as the treasurer may have an agent to levy taxes by distress.

SECTION 28. Under the section as re-enacted the collector's agent may advertise the sale. Formerly this could be done by the collector only.

SECTION 29. This provision is new. It is necessary because the present section 125 of the Act provides that applications to the court of revision for abatement or refund of taxes on business assessment must be for taxes levied in the year in which the application is made.

(4) This section shall have effect on and after the 1st day of January, 1947, and subsections 2 and 4 of section 113 of *The Assessment Act* as re-enacted by this section shall apply to every municipality, notwithstanding the provisions of any special Act heretofore passed. Prospective effect; application.

27. Subsection 1 of section 114 of *The Assessment Act* is amended by striking out the comma after the word "or" where it appears for the second time in the fourth line and by inserting a comma after the word "collector" where it appears for the first time in the fourth line and after the word "treasurer" in the fifth line, so that the first seven lines of the said subsection shall now read as follows: Rev. Stat., c. 272, s. 114, subs. 1, amended.

- (1) Subject to the provisions of section 113, in case taxes which are a lien on land remain unpaid for fourteen days after demand or notice made or given pursuant to section 109, 111, or 113, the collector, or where there is no collector, the treasurer, may by himself or his agent (subject to the exemptions and provisoes hereafter in this section mentioned), levy the same with costs by distress,— Distress and sale for taxes which are a charge on land.

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28. Section 116 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 116, re-enacted.

116. The collector or his agent shall, by advertisement posted up in at least three public places in the municipality or where there are wards in the ward wherein the sale of goods and chattels distrained is to be made, give at least six days' notice of the time and place of the sale, and of the name of the person whose property is to be sold, and, at the time named in the notice, the collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to realize the amount of the taxes and costs. Public notice of sale to be given, and in what manner.

29. Section 124 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 124, amended.

(3a) Where the assessment of business is made and levied upon in the same year, it shall not be necessary for the council to levy rates on the whole rateable property according to the last revised assessment roll, but may levy the rates before the completion of the separate roll of business assessment and for the purpose of fixing the rates, may estimate the amount of business assessment that will be entered on such separate roll, in which case a notice of business assessment need not be delivered, but upon Where council may estimate amount of business assessment.

delivery of the tax bill all the rights of appeal provided in the case of assessments shall apply to the business assessment upon which the taxes mentioned in the tax bill were levied and any person assessed for business under this subsection shall be liable for the taxes levied in respect thereof.

Rev. Stat.,
c. 272, s. 136,
repealed.

30. Section 136 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 138,
repealed.

31. Section 138 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 147,
subs. 1,
re-enacted.

32.—(1) Subsection 1 of section 147 of *The Assessment Act* is repealed and the following substituted therefor:

(1) The treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid, interest at the rate of one-half of one per centum per month for each month or fraction thereof from the 31st day of December in the year in which such taxes are levied until such taxes are paid.

Interest
on tax
arrears.

Rev. Stat.,
c. 272,
s. 147,
subs. 4,
repealed.

(2) Subsection 4 of the said section 147 is repealed.

Application

(3) Subsection 1 of section 147 of *The Assessment Act* as re-enacted by this section shall apply to every municipality, notwithstanding the provisions of any special Act heretofore passed.

Rev. Stat.,
c. 272, s. 148,
amended.

33. Section 148 of *The Assessment Act* is amended by striking out all the words after the word "sale" in the fourth line, so that the said section shall now read as follows:

What lands
may be
sold.

148. The treasurer shall not sell any lands for taxes which have not been included in the list furnished by him pursuant to section 134 to the clerks of the municipalities in the month of January preceding the sale.

Rev. Stat.,
c. 272, s. 161,
subs. 2,
amended.

34.—(1) Subsection 2 of section 161 of *The Assessment Act* is amended by striking out all the words after the word "taxes" in the thirteenth line and inserting in lieu thereof the words "and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3", so that the said subsection shall now read as follows:

SECTION 30. The repeal of this section is complementary to the amendment to section 148 of the Act, under which it will not be necessary to add the taxes owing on occupied or built upon lands to the current collector's roll prior to the inclusion of such lands in a tax sale list.

SECTION 31. See note to section 30.

SECTION 32.—Subsection 1. The reference to the percentage charge penalty provided for in subsection 2 of section 113 of the Act (as re-enacted by section 26 of this Bill) is deleted as such penalty and the interest provided for in this section are no longer co-existent; the former stops before the latter begins.

A second change is made in order to make it clear that interest shall be added only once in each month. In other words, it will amount to but not exceed six per centum in a year.

Subsection 2. This subsection is no longer required as its provisions are now contained in subsection 1.

SECTION 33. The prohibition against selling occupied or built upon lands except in certain circumstances, is deleted.

SECTION 34.—Subsection 1. The latter portion of this subsection is re-enacted in an attempt to make clear what sums must be paid in order to redeem. Difficulty has been experienced with the meaning of "taxes due" in the present provision. Cross-references have been avoided as much as possible.

Subsection 2. See note to subsection 1. This amendment is similar in purpose and construction.

- (2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, including the full amount of commission and other lawful charges and costs added under section 150, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than a week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

- (2) Subsection 3 of the said section 161 is amended by striking out all the words after the word "treasurer" in the eighth line and inserting in lieu thereof the words "and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown

When land does not sell for full amount of taxes.
 Rev. Stat.,
 c. 272, s. 161,
 subs. 3,
 amended.

upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement", so that the said subsection shall now read as follows:

Purchase by municipalities of land sold for taxes.

- (3) If the price offered for any land at the adjourned sale is less than the amount due for arrears of taxes, charges and costs or if no price is offered, it shall be lawful for the municipality to purchase the same for the amount due, provided that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement.

Rev. Stat., c. 272, s. 162, subs. 1, re-enacted.

35.—(1) Subsection 1 of section 162 of *The Assessment Act*, as amended by subsection 3 of section 2 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Mode of selling land for taxes.

- (1) Notwithstanding the provisions of section 161, the treasurer shall not be obliged to sell for taxes only a portion of land separately assessed but may sell the whole of such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale and, secondly, in payment of the taxes, in-

SECTION 35.—Subsection 1. The application of the subsection is broadened. Heretofore it could not be used in such cases as township lots and mining claims. It is now self-contained by setting out what must be paid in order to redeem.

Subsection 2. This subsection, which deals with a special Act respecting the Township of York, is now dead. It is therefore repealed.

Subsection 3. Complementary to the change made in subsection 1 of section 162 of the Act.

cluding the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the same less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the same; provided that the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price, together with ten per centum added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and the balance, if any, outstanding of the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 5 of section 161, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with ten per centum added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3 of section 161.

(2) Subsection 2 of the said section 162 is repealed.

Rev. Stat.,
c. 272, s. 162,
subs. 2,
repealed.

(3) Subsection 3 of the said section 162 is amended by striking out the words "the percentage to be deducted and retained by the treasurer from any balance payable by him to the owner of a lot or any other person entitled thereto as provided in subsection 1 shall belong to the municipality, and" in the first, second, third and fourth lines, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 162,
subs. 3,
amended.

(3) The amount of any such balance until claimed, or if never claimed, shall belong to the municipality.

Application
of unclaimed
balances.

Rev. Stat.,
c. 272, s. 177,
re-enacted. **36.** Section 177 of *The Assessment Act* is repealed and the following substituted therefor:

Evidence of
redemption.

177. The treasurer shall give to the person paying redemption money a receipt stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

Rev. Stat.,
c. 272,
amended.

37. *The Assessment Act* is amended by adding thereto the following section:

Conveyance
to former
owner.

177a. Notwithstanding the provisions of this or any other Act, where land that has been sold for taxes has been purchased by the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 2 of section 178 shall at any time with the approval of the Department be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, penalties and interest had the land not been sold for taxes, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such sale and of such conveyance.

Rev. Stat.,
c. 272, s. 178,
subs. 2,
amended.

38.—(1) Subsection 2 of section 178 of *The Assessment Act*, as amended by section 13 of *The Assessment Amendment Act, 1939*, is further amended by striking out the words "Subject to the provisions of subsections 2 and 3 of section 161" at the commencement thereof and by striking out the words "of the purchase money together with ten per centum added thereto" in the thirteenth and fourteenth lines and inserting in lieu thereof the words "required to redeem the estate", so that the said subsection shall now read as follows:

Notice to
incumbran-
cer and
owner.

(2) The treasurer shall within the said period of ninety days from the day of sale, if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records of the registry office or sheriff's office a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying

SECTION 36. This is complementary to the amendments made in sections 161 and 162 of the Act by sections 34 and 35 of this Bill.

SECTION 37. This provision has been in the tax sales confirmation Acts since 1943. It is now included in *The Assessment Act* as it is a more appropriate place.

SECTION 38.—Subsection 1. Complementary to the amendments made to sections 161 and 162 of the Act under sections 34 and 35 of this Bill.

Subsection 2. The effect of this amendment will be to require the treasurer to register the notices of sale within ninety days of the sale.

Heretofore it has been permissible to so register at any time prior to redemption.

SECTION 39. The words added will enable a treasurer to comply with the provision in cases where the tax deed is already registered.

SECTION 40. There are now two systems for dealing with arrears of taxes. The first is *The Assessment Act*. Its procedures apply throughout Ontario, except in municipalities that are or have been under supervision. In those cases the tax arrears procedures of *The Department of Municipal Affairs Act* are in effect, and under section 2 of Bill 99 they may, by ministerial order, be extended to any municipality or class thereof.

This section, which is new, is necessary where there is a change-over from the former to the latter system.

to the treasurer the amount required to redeem the estate and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice.

(2) Subsection 3 of the said section 178 is amended by striking out the words "may at any time before redemption of land sold for taxes and after he has sent the notice or notices mentioned in subsection 2" in the first, second and third lines, and inserting in lieu thereof the words "shall within ninety days from the date of sale", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 178,
subs. 3,
amended.

(3) The treasurer shall within ninety days from the date of sale register in the registry office a written notice stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the same, and for registration of such notice the registrar shall be paid a fee of \$1.

Registration
of notice
of sale.

39. Subsection 2 of section 181 of *The Assessment Act*, as enacted by section 18 of *The Assessment Amendment Act, 1944*, is amended by adding at the end thereof the words "and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 181,
subs. 2 (1944,
c. 7, s. 18),
amended.

(2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has complied with subsection 2 of section 178, and such declaration shall form part thereof, and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Declaration
of
treasurer.

40. *The Assessment Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 272,
amended.

198a. Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a municipality as defined in the said Act, it shall not be necessary for the treasurer or other officer of the municipality to furnish to the county treasurer or

Where tax
arrears
procedures
of Rev.
Stat. c. 59,
in effect.

sheriff any of the information or statements required under this Act in respect of tax arrears, and the powers and duties of the warden or treasurer of a county or sheriff under this Act in respect of tax arrears and tax sales shall not apply in respect of the municipality, and all the powers and duties of the county treasurer or sheriff in respect of arrears of taxes shall be vested in the treasurer of the municipality.

Commence-
ment of
Act.

41. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

42. This Act may be cited as *The Assessment Amendment Act, 1946*.



An Act to amend The Assessment Act.

1st Reading

March 29th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The paragraph exempting Crown and Indian property is re-enacted as separate paragraphs.

As re-enacted, paragraph 1 adopts the wording of section 125 of *The British North America Act* which states: "No lands or property belonging to Canada or any Province shall be liable to taxation." By the re-enactment it is intended to reduce Crown exemptions to the minimum—whatever that may be.

Subsection 2. The present paragraph, which exempts public parks, is repealed as the subject-matter is covered in paragraph 9 of the present Act. The proposed paragraph 9 is new. It is self-explanatory.

Subsection 3. In an endeavour to clarify its meaning the present paragraph 10 is divided into two new paragraphs, 10 and 10*a*. It will be noted that the Canadian Red Cross Society and the St. John Ambulance Association are expressly mentioned as being entitled to the exemption provided by the paragraph.

BILL

An Act to amend The Assessment Act.

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

- 1.—(1) Paragraph 1 of section 4 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 1, re-enacted.
1. Lands or property belonging to Canada or any Province. Lands of Canada, etc.
 - 1a. Property held in trust for a tribe or body of Indians, but not if occupied by a person who is not a member of a tribe or body of Indians. Indian lands.
- (2) Paragraph 9 of the said section 4 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 9, re-enacted.
9. Property used exclusively for the purposes of The Boy Scouts Association or The Canadian Girl Guides Association. Boy Scouts, Girl Guides.
- (3) Paragraph 10 of the said section 4 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 10, re-enacted.
10. Every industrial farm, house of industry, house of refuge, institution for the reformation of offenders or for the care of children, boys' and girls' home, or other similar institution conducted on philanthropic principles and not for the purpose of profit or gain, but only when the land is owned by the institution and occupied and used for the purposes of the institution. Industrial farms, etc.
 - 10a. Land of an incorporated charitable institution organized for the relief of the poor, The Canadian Red Cross Society, St. John's Ambulance Association, or any similar incorporated institution conducted on philanthropic principles and not for the purpose of profit or gain, that is supported, in part at least, by Charitable institutions.

public funds, but only when the land is owned by the institution and occupied and used for the purposes of the institution.

Rev. Stat.,
c. 272, s. 4,
para. 22,
amended.

(4) The first four lines of paragraph 22 of the said section 4 are repealed and the following substituted therefor:

Woodlands.

22. One acre in ten acres of the total acreage of all farm lands in one municipality under a single ownership used for forestry purposes or being woodlands but not more than twenty acres in all, and when the total acreage consists of more than one separately assessed parcel, the assessor shall apply the exemption to each parcel in the ratio of the land used for forestry purposes or being woodlands in each parcel to the total acreage of the land so used.

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. d,
amended.

2.—(1) Clause *d* of subsection 1 of section 8 of *The Assessment Act* is amended by striking out the word “to” in the second line and inserting in lieu thereof the word “through”, so that the said clause shall now read as follows:

(d) Every person carrying on the business of selling or distributing goods, wares and merchandise through a chain of more than five retail stores or shops in Ontario, directly or indirectly, owned, controlled or operated by him, for a sum equal to seventy-five per centum of the assessed value of the land occupied or used by him in such business for a distribution premises, storage or warehouse for such goods, wares and merchandise, or for an office used in connection with the said business.

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. g,
amended.

(2) Clause *g* of subsection 1 of the said section 8 is amended by inserting after the word “contractor” in the fifth and sixth lines the word “builder”, so that the said clause shall now read as follows:

(g) Every person practising or carrying on business as a barrister, solicitor, notary public, conveyancer, physician, surgeon, oculist, aurist, medical electrician, dentist, veterinarian, civil, mining, consulting, mechanical or electrical engineer, surveyor, contractor, builder, advertising agent, private detective, employment agent, accountant, assignee, auditor, osteopath, chiropractor, massagist, architect and, subject to subsection 8, every person carrying on a financial or commercial business or any other business as agent, for a sum equal to fifty per centum of the said assessed value; but where a person belonging to any class mentioned in this clause occupies or uses land

Subsection 4. Great difficulty is experienced in interpreting the word "farm" in the present paragraph. As re-enacted it is hoped to remove this difficulty and also to encourage wooded areas to be maintained by increasing the exemption.

SECTION 2.—Subsection 1. This amendment corrects an error in the language used to describe "chain stores".

Subsection 2. This amendment adds "builder", as doubt exists as to whether one who carries on the business of building houses is a contractor, which is the only relevant designation in the present clause.

Subsection 3. The amendment substitutes "transportation system" for "electric railway", "tramway", "street railway" and "incline railway".

SECTION 3. This section, which is new, will enable the council of a township to define areas similar in population and acreage to a police village as a police village for the purpose of section 12 so that the assessment of telephone and telegraph companies in such areas shall be on a gross receipts basis and not on a mileage basis. The percentage of the gross receipts assessable will be 45 per centum.

partly for the purposes of his business and partly as a residence thirty per centum of the assessed value of the land occupied or used by him shall for the purpose of the business assessment be taken to be the full assessed value of the land so occupied or used.

(3) Clause 1 of subsection 1 of the said section 8 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 8, subs. 1, cl. 1, re-enacted.

(l) Every person carrying on the business of a telegraph or telephone company, or of a transportation system, other than a transportation system owned or operated by or for a municipal corporation, or of the transmission of oil or water, or of steam, heat, gas, or electricity for the purposes of light, heat, or power, for a sum equal to twenty-five per centum of the assessed value of the land (not being a highway, lane, or other public communication or public place or water or private right-of-way), occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

3. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

13a.—(1) Where in a township the density of population is not less than 150 of population to 500 acres, the council thereof may, subject to the approval of the Department, by by-law define such areas and declare the same to be police villages for the purposes of section 12, and each year thereafter so long as the by-law remains in force every telephone and telegraph company carrying on business in the areas shall be assessed therein on a gross receipts basis in the manner provided in section 12, except that in such case the company shall be assessed for forty-five per centum of the amount of the gross receipts from all equipment belonging to the company located within the areas. Power of township to assess on basis of gross receipts.

(2) Every by-law passed under subsection 1 shall have attached thereto a map showing clearly the boundaries of the areas. Map of areas to be attached.

(3) A by-law passed under subsection 1 shall come into force and effect on the 1st day of January in the year following the year in which it was approved by the Department. Commencement of by-law.

Duty of clerk.

- (4) Upon the passing, amending or repealing of a by-law under subsection 1, the clerk shall forthwith transmit a copy thereof to the Provincial Secretary and to every telephone and telegraph company carrying on business in the areas defined in the by-law.

Return by companies.

- (5) Every telephone and telegraph company doing business in a township in which a by-law under this section is in force shall on or before the 1st day of March in each year transmit to the Provincial Secretary and to the clerk of the township a statement in writing signed by or on behalf of the company and verified in the manner prescribed in subsection 2 of section 13 showing the amount of the gross receipts of the company in the areas defined in the by-law for the year ending on the 31st day of December then last past.

Rev. Stat.,
c. 272,
amended.

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

Departmental
rules.

- 23a. The Minister may, subject to the approval of the Lieutenant-Governor in Council, by regulation prescribe rules and the class of municipality to which the rules shall apply for the guidance of assessors and every assessor affected thereby shall conduct himself in accordance therewith.

Rev. Stat.,
c. 272, s. 35,
re-enacted.

5. Section 35 of *The Assessment Act* is repealed and the following substituted therefor:

Land,—
where to be
assessed.

35. Except as otherwise provided, land shall be assessed in the municipality in which it lies, and in the case of a municipality divided into wards, in the ward in which it lies.

Rev. Stat.,
c. 272, s. 38,
re-enacted.

6. Section 38 of *The Assessment Act* is repealed and the following substituted therefor:

Assessment
of Crown
lands.

- 38.—(1) The tenant of land owned by the Crown where rent or any valuable consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person.

SECTION 4. This provision is new. It is similar in principle to the provision passed in 1944 with respect to county assessors. (*The Assessment Amendment Act, 1944*, s. 9, subs. 2).

SECTION 5. The present section is based on the premise that only cities and towns are divided into wards which is incorrect. As re-enacted "cities and towns" are deleted and "municipality divided into wards" substituted to cover all cases.

SECTION 6. This section as re-enacted recognizes the principle that if the occupancy of land by a tenant produces revenue, taxes should be paid.

SECTION 7.—Subsection 1. These two subsections set out the manner of making assessments and determining “actual value”. The present subsections deal only with the matters to be considered in determining the value of buildings. In the new subsections new factors are set out, some applicable to land without buildings and some to land with buildings, which must be considered in each case.

Subsection 2. This subsection, which deals with mineral land, is repealed in order that mineral land may be assessed at its actual value, even though this be less than agricultural land in the neighbourhood.

SECTION 8. Under the section as re-enacted, the manner of delivery of the notice of assessment is simplified and made uniform in all municipalities.

(2) The tenant of land held in trust for a tribe or body of Indians who is not a member of such tribe or body where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or held by any other person. Assessment of Indian lands.

(3) In addition to the liability of every person assessed under subsection 1 or 2 to pay the taxes assessed against the land, the interest in such land, if any, of every person other than the Crown and the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the lien given by section 99 and shall be liable to be sold or vested in the municipality for arrears of taxes. Tenants interests may be sold.

7.—(1) Subsections 2 and 3 of section 39 of *The Assessment Act* are repealed and the following substituted therefor: Rev. Stat., c. 272, s. 39, subs. 2, 3, re-enacted.

(2) In ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, revenue, normal sale value and any other circumstance affecting the value. Land without buildings.

(3) In assessing land having buildings thereon the value of the land and buildings shall be ascertained by giving consideration to present use, location, cost of replacement, normal rental value, normal 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.

(2) Subsection 5 of the said section 39 is repealed. Rev. Stat., c. 272, s. 39, subs. 5, repealed.

(3) This section shall have effect on and after the 1st day of January, 1947. Prospective effect.

8. Section 52 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 52, re-enacted.

52.—(1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 27, a notice (Form 4) of the sum or sums for Notice of assessment.

which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of such notice and the entry shall be *prima facie* evidence of such delivery.

Delivery
of notice,—
residents.

- (2) When the person assessed is resident in the municipality, the notice shall be delivered by leaving the same at his residence or place of business or by mailing the same addressed to him at his residence or place of business.

Non-
residents.

- (3) When the person assessed is not resident in the municipality, the notice shall be delivered by mailing the same addressed to him at his last known address.

Registered
mail.

- (4) When a person assessed furnishes the assessor with a notice in writing giving the address to which the notice of assessment may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice of assessment shall be so delivered and such notice shall stand until revoked in writing.

Rev. Stat.,
c. 272, s. 53,
repealed.

9. Section 53 of *The Assessment Act* and the heading immediately preceding the said section are repealed.

Rev. Stat.,
c. 272, s. 55,
amended.

10. Section 55 of *The Assessment Act* is amended by striking out the words "In cities" at the commencement thereof, so that the said section shall now read as follows:

Amendment
of ward
roll after
completion.

55. Where the assessment is made by wards, in case any person removes from a ward before having been assessed therein into a ward for which the assessment roll has been completed, the assessor for the last mentioned ward may at any time before the 30th day of September amend the roll by entering therein the assessment of such person, and shall forthwith give to him the notice of assessment provided for by section 52, and the person so assessed shall be entitled to appeal to the county judge from the assessment within ten days from the time of giving such notice.

Rev. Stat.,
c. 272, s. 57,
subs. 1,
amended.

11.—(1) Subsection 1 of section 57 of *The Assessment Act* is amended by inserting after the word "assessed" in the third line the words "in whole or in part" and by striking out the word "next" in the seventh line, so that the said subsection shall now read as follows:

Where land
not assessed.

- (1) If at any time it appears to any treasurer or other officer of the municipality that land liable to assess-

SECTION 9. The effect of the repeal of this section (which provides the general rule as to when the assessment roll shall be completed) will be that all municipalities will be required to take the assessment one year and levy on it in the following year.

See note to section 13 of this Bill.

The provisions of the section that must be retained are re-enacted as section 62 of the Act by section 15 of this Bill, thus placing these provisions in proper sequence.

SECTION 10. The words "in cities" are deleted in order that the section may apply to any municipality that is divided into wards.

See note to section 5 of this Bill.

SECTION 11.—Subsection 1. The amendment is designed to provide for the addition to the collector's roll of taxes payable in respect of land that had previously been assessed in part only, as well as land that had been completely omitted.

Subsection 2. The words added extend the right of appeal to any person assessed. The words at the end are struck out because they appear to limit further appeals, contrary to the intent. The rights of further appeal are set out in ss. 76, 84 and 85 of the Act.

SECTION 12. The new provisions are designed to ensure that taxes collected by additions to the roll will be distributed equitably among the bodies entitled thereto.

ment has not been assessed in whole or in part for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk of the municipality in any other manner, he shall enter such land on the collector's roll, or roll for non-residents, as the case may require, as well for the arrears of the preceding year or years, if any, as for the tax of the current year, and the valuation of the land shall be the average of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor for the current year to value the land, and it shall be the duty of the assessor to do so when required, and to certify the valuation, in writing, to the clerk.

(2) Subsection 3 of the said section 57 is amended by inserting after the word "person" in the fifth line the words "or any person assessed" and by striking out all the words after the word "revision" in the sixth line, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 57, subs. 3, amended.

(3) Where the clerk performs any of the duties required by this section he shall forthwith thereafter deliver to or send by registered letter post to the person so taxed a notice setting out the amount of the assessment and of the taxes entered on the roll, and such person or any person assessed shall have the right to appeal within ten days thereafter to the court of revision. Notice to person taxed; right of appeal.

(3) This section shall be deemed to have had effect on and after the 1st day of January, 1946. Retroactive effect.

12.—(1) Subsection 5 of section 57a of *The Assessment Act*, as enacted by section 7 of *The Assessment Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 57a, subs. 5 (1944, c. 7, s. 7), re-enacted.

(5) Where taxes are levied under this section, the amount thereof shall be distributed among the bodies that would have received the same had such taxes been levied in the usual way, in the same proportion as the levy of each of such bodies bears to the total levy, and in making such distribution each of such bodies shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes. Distribution.

(6) The treasurer making the distribution required by subsection 5 shall at the same time deliver to each of the bodies to which the distribution is made a state- Treasurer's statement.

ment sufficient to enable such bodies to determine the correctness of the distribution.

Retroactive effect.

(2) This section shall be deemed to have had effect on and after the 1st day of January, 1946.

Rev. Stat., c. 272, s. 59, subs. 1, re-enacted.

13.—(1) Subsection 1 of section 59 of *The Assessment Act* is repealed and the following substituted therefor:

Time for taking the assessment and revising the roll.

(1) In every municipality the assessment shall be taken between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk on the 1st day of October and the time for closing the court of revision shall be the 15th day of November and for the final return by the county judge, the 15th day of December and the assessment so made shall be the assessment on which the rate of taxation for the following year shall be fixed and levied.

Rev. Stat., c. 272, s. 59, subs. 3, repealed.

(2) Subsection 3 of the said section 59 is repealed.

Application.

(3) Any municipality that made an assessment and levied taxes thereon in 1946 may instead of making a second assessment in 1946, pass a by-law not later than the 31st day of March, 1947, adopting for 1947 the assessment roll made and revised in 1946, and such roll shall be subject to revision in the manner provided in subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of this section, and shall have the same effect as if made under such subsection.

Rev. Stat., c. 272, s. 60, subs. 1, re-enacted.

14.—(1) Subsection 1 of section 60 of *The Assessment Act* is repealed and the following substituted therefor:

Taking assessment by wards.

(1) The council of a municipality may by by-law fix prior and separate dates for the return of the roll of each ward, or each subdivision of a ward, as defined in the by-law.

Rev. Stat., c. 272, s. 60, subs. 6, amended.

(2) Subsection 6 of the said section 60 is amended by striking out the word "city" in the first line and inserting in lieu thereof the word "municipality."

Rev. Stat., c. 272, ss. 62 and 63, re-enacted.

15. Sections 62 and 63 of *The Assessment Act* and the heading immediately preceding the said section 63 are repealed and the following substituted therefor:

Affidavit to be attached to roll.

62.—(1) Upon completion of the assessment roll, the assessment commissioner or assessor shall attach thereto his affidavit or solemn affirmation.

SECTION 13. This section of the Bill provides a uniform time for taking the assessment and revising the roll in all municipalities.

The effect will be that all municipalities will assess in one year and levy on such assessment in the following year.

SECTION 14. "Municipality" is substituted for "city" inasmuch as municipalities other than cities have wards.

SECTION 15. The sections repealed fix the period for taking the assessment in townships and allow counties to fix such period in towns, townships and villages. These matters are now covered in sections 59 and 60 of the Act as enacted by sections 13 and 14 of this Bill.

The new section 62 contains what it is necessary to retain of the present section 53 and puts it in a more logical position in the Act.

The new section 63 is self-explanatory. It provides for the so-called "rotary" system of ascertaining values for assessment purposes.

SECTION 16. This subsection, which is new, is designed for large municipalities where at the present time delays in dealing with assessment appeals are unavoidable because of the fact that only one court consisting of one member can hear such appeals.

SECTION 17. Self-explanatory.

- (2) The affidavit or affirmation (Form 5) may be made ^{Making affidavit.} before the clerk of the municipality, a justice of the peace having jurisdiction in the municipality, a commissioner for taking affidavits or a notary public.
- (3) The assessment commissioner or assessor shall on or ^{Roll to be delivered to clerk.} before the day fixed for the return of the assessment roll deliver the same to the clerk of the municipality completed and added up, with the affidavit attached, and the clerk shall, immediately upon receipt of the roll, file it in his office, and it shall, during office hours, be open to inspection.
- (4) The omission to attach to the assessment roll the ^{Omission to attach affidavit.} affidavit or solemn affirmation required by subsection 1 shall not invalidate the roll.

63. Any municipality instead of ascertaining the values ^{Rotary system.} of all lands in the municipality every year may by by-law provide for a two-year or three-year rotary system of ascertaining such values under which the assessor shall ascertain in one year the values of lands in one-half of the municipality and in the following year the values in the other one-half, or in one year the values in one-third of the municipality and in the following year the values in a second one-third and in the following year the values in the third one-third, and in every case the values of lands not ascertained in the year shall be entered on the assessment roll at the values last ascertained.

16. Section 65 of *The Assessment Act* is amended by adding ^{Rev. Stat., c. 272, s. 65, amended.} thereto the following subsection:

- (5) The council may from time to time divide the court ^{Additional courts of revision.} of revision into two or more divisions, and in such case each division shall consist of one member to whom all the provisions of this section shall apply *mutatis mutandis*.

17. Subsection 1 of section 66 of *The Assessment Act*, ^{Rev. Stat., c. 272, s. 66, subs. 1 (1938, c. 37, s. 2, subs. 2), amended.} as re-enacted by subsection 2 of section 2 of *The Statute Law Amendment Act, 1938*, is amended by adding at the end thereof the words "and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide", so that the said subsection shall now read as follows:

- (1) In municipalities other than cities, the court of ^{Constitution of court in municipalities other than cities.} revision shall consist of five members appointed by the council of the municipality and such members

other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

Rev. Stat.,
c. 272, s. 73,
subs. 12,
amended.

18.—(1) Subsection 12 of section 73 of *The Assessment Act* is amended by adding at the end thereof the words “or sent by mail addressed thereto”, so that the said subsection shall now read as follows:

Manner of
service.

(12) If the person resides or has a place of business in the municipality, the clerk shall cause the notice to be left at the person's residence or place of business or sent by mail addressed thereto.

Rev. Stat.,
c. 272, s. 73,
subs. 14,
amended.

(2) Subsection 14 of the said section 73 is amended by striking out the word “six” in the third line and inserting in lieu thereof the word “ten”, so that the said subsection shall now read as follows:

When
notice
to be
completed.

(14) Every notice hereby required whether by publication, advertisement, letter, or otherwise shall be completed at least ten days before the sitting of the court, and the clerk shall certify to the court, at the first day of its sitting, the notices which have been so completed.

Rev. Stat.,
c. 272, s. 73,
subs. 17,
amended.

(3) Subsection 17 of the said section 73 is amended by striking out the word “four” in the tenth line and inserting in lieu thereof the word “ten”, so that the said subsection shall now read as follows:

Proceed-
ings in
other cases.

(17) In other cases, the court, after hearing the complainant, and the assessor, or assessors, and any evidence adduced, and, if deemed desirable, the person complained against, shall determine the matter, and confirm or amend the roll accordingly, and the court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed, and in all cases which come before the court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent ten days' notice of such assessment, within which time he must appeal to the court if he objects thereto.

Rev. Stat.,
c. 272, s. 73,
subs. 21,
repealed.

(4) Subsection 21 of the said section 73 is repealed.

Rev. Stat.,
c. 272, s. 73,
amended.

(5) The said section 73 is amended by adding thereto the following subsection:

SECTION 18.—Subsection 1. The words added provide an alternative means of effecting service.

Subsection 2. The period intervening between the completion of the required notice and the sitting of the court of revision is extended from six to ten days.

Subsection 3. The time within which a person whose name is added to the roll as being the right person to be assessed may appeal is extended from six to ten days.

Subsection 4. The repeal of this subsection, which provides for the duties of the court of revision and the final revision of the roll to be completed before July 1st, is complementary to sections 13 and 14 of this Bill.

Subsection 5. Self-explanatory. It is new.

SECTION 19. The time within which an appeal may be taken from the decision of the court of revision to the county judge is extended from five to ten days, and where the decision is reserved, a similar time for appeal is provided.

SECTION 20. This provision is new. It is self-explanatory.

SECTION 21.—Subsection 1. Subsection 1 as re-enacted will enable appeals where large amounts are involved to be taken direct from the court of revision to the Municipal Board, thus avoiding the intermediate appeal to the county judge.

Also the required amount of assessment is reduced from \$10,000 to \$5,000 in unorganized territory and from \$40,000 to \$10,000 in organized territory.

The provision as to telephone companies is unchanged. At present it forms part of section 83 of the Act.

(24) When the decision of the court of revision is reserved at the hearing and is subsequently given, the clerk shall forthwith cause notice of the decision to be given by registered mail to the persons to whom notice of the hearing was given. Notice of decision.

19. Subsection 2 of section 76 of *The Assessment Act* is amended by striking out the word "five" where it occurs in the fifth and eighth lines respectively and inserting in lieu thereof the word "ten", and by inserting after the word "court" in the ninth line the words "or in case the decision of the court is reserved, then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73", so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 76, subs. 2, amended.

(2) Subject to the provisions of sections 59 to 63, and to the provisions of any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within ten days after the date herein limited for the closing of the court of revision, or in case the court shall sit to hear appeals after the said date, then within ten days after the closing of the court, or in case the decision of the court is reserved, then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge. Service of notice of appeal.

20. Section 83 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 83, re-enacted.

83.—(1) When the decision of the judge is reserved at the hearing and is subsequently given, the clerk shall forthwith cause notice of the decision to be given by registered mail to the persons to whom notice of the hearing was given. When decision reserved.

(2) Except as provided in section 84, the decision of the judge shall be final. Judge's decision final.

21.—(1) Subsection 1 of section 84 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 84, subs. 1, re-enacted.

(1) In the case of the assessment of a telephone company or where a person is assessed to an amount aggregating in a municipality in territory without county organization \$5,000 or upwards or in any other municipality \$10,000 or upwards, such company or person, the municipal corporation, the assessor or Appeals to Municipal Board.

assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board or where no appeal is taken to the county judge, may appeal direct from the decision of the court of revision to the Ontario Municipal Board.

Rev. Stat.,
c. 272, s. 84,
subs. 3, 4,
re-enacted.

(2) Subsections 3 and 4 of the said section 84 are repealed and the following substituted therefor:

Provisions
applicable
to appeals;
powers of
Board.

(3) Except as provided in subsections 4 and 4a, sections 76 to 83 and sections 85 and 86 shall apply to appeals taken under subsection 1 or 2, and on such appeals the Board shall have the powers and duties of a county judge under the said sections.

Notice
of
appeal.

(4) A notice of appeal to the Board under this section shall be sent by registered mail to the secretary thereof within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved, within twenty-one days after notice thereof has been given by the clerk under subsection 24 of section 73 or subsection 1 of section 83, as the case may be.

Notice
of
hearing.

(4a) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal.

Rev. Stat.,
c. 272, s. 90,
subs. 1,
amended.

22. Subsection 1 of section 90 of *The Assessment Act*, as amended by section 10 of *The Assessment Amendment Act, 1944*, is further amended by striking out the word "financial" in the fourth line, so that the said subsection shall now read as follows:

Annual
examination
of assess-
ment rolls
by county
councils for
purpose of
equalization.

(1) The council of every county shall, yearly, and not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding year, for the purpose of ascertaining whether the valuations of real property made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between them;

Subsection 2. Subsections 3 and 4 are re-enacted to conform with the amendment to subsection 1 and to simplify the procedures on an appeal to the Board having in mind the fact that a municipal corporation or the assessor may now be an appellant.

SECTION 22. Assessment rolls are made up for "calendar" years rather than for "financial" years. The word "financial" is confusing and therefore is deleted. "Year", without an adjective, means a calendar year (*The Interpretation Act*, s. 32, cl. 20).

SECTION 23. The paragraphs provide for the payment of the expenses incurred in an appeal from an equalization by-law. The new paragraphs are much more explicit than the present provisions, and are retroactive so as to remove any doubt as to cases already heard.

SECTION 24.—Subsection 1. The words deleted are unnecessary as the subject of discounts for payment of taxes in advance of the due date is fully covered in subsection 4 of section 113 of the Act.

The subsection as re-enacted provides for a penalty for non-payment of taxes on the due date and provides that the penalty must be spread out over the balance of the year at a rate not exceeding one-half of one per centum for each period of thirty days or more of default.

Subsection 2. Subsection 3 of section 113 is no longer required as its subject matter is now contained in subsection 2. It is therefore repealed.

Subsection 3. This subsection, which deals with the discounts allowable for payment of taxes in advance of the due date is amended to correspond in principle with the charges payable for non-payment of taxes on the due date as contained in the new subsection 2 of section 113 of the Act.

but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

23.—(1) Paragraph 6 of section 91 of *The Assessment Act*, as re-enacted by subsection 2 of section 4 of *The Assessment Amendment Act, 1943*, is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 91, para. 6, re-enacted.

6. The county judge or the persons appointed to form a court shall be paid such remuneration and travelling and other expenses as the Lieutenant-Governor in Council may determine to be borne and paid as directed by the county judge or court, as the case may be. Remuneration.
- 6a. The fees of the stenographic reporter, if any, and any other expenses incidental to the hearing of the appeal shall be borne and paid as directed by the county judge or the court, as the case may be. Other expenses.

(2) This section shall be deemed to have had effect on and after the 1st day of July, 1943. Retroactive effect.

24.—(1) Subsection 2 of section 113 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 113, subs. 2, re-enacted.

- (2) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one-half of one per centum on the first day of default and on the first day of each period of not less than thirty days thereafter in which default continues, but not after the end of the year in which the taxes are levied. Penalty for non-payment of taxes.

(2) Subsection 3 of the said section 113 is repealed. Rev. Stat., c. 272, s. 113, subs. 3, repealed.

(3) Subsection 4 of the said section 113 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 113, subs. 4, re-enacted.

- (4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and to allow a discount on any taxes so paid in advance not exceeding one-half of one per centum for payment within the period of not less than thirty days prior to the day fixed for payment and a similar discount for such similar period prior thereto, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made. Discount for payment in advance.

Prospective effect; application.

(4) This section shall have effect on and after the 1st day of January, 1947, and subsections 2 and 4 of section 113 of *The Assessment Act* as re-enacted by this section shall apply to every municipality, notwithstanding the provisions of any special Act heretofore passed.

Rev. Stat., c. 272, s. 114, subs. 1, amended.

25. Subsection 1 of section 114 of *The Assessment Act* is amended by striking out the comma after the word "or" where it appears for the second time in the fourth line and by inserting a comma after the word "collector" where it appears for the first time in the fourth line and after the word "treasurer" in the fifth line, so that the first seven lines of the said subsection shall now read as follows:

Distress and sale for taxes which are a charge on land.

(1) Subject to the provisions of section 113, in case taxes which are a lien on land remain unpaid for fourteen days after demand or notice made or given pursuant to section 109, 111, or 113, the collector, or where there is no collector, the treasurer, may by himself or his agent (subject to the exemptions and provisoes hereafter in this section mentioned), levy the same with costs by distress,—

Rev. Stat., c. 272, s. 116, re-enacted.

26. Section 116 of *The Assessment Act* is repealed and the following substituted therefor:

Public notice of sale to be given, and in what manner.

116. The collector or his agent shall, by advertisement posted up in at least three public places in the municipality or where there are wards in the ward wherein the sale of goods and chattels distrained is to be made, give at least six days' notice of the time and place of the sale, and of the name of the person whose property is to be sold, and, at the time named in the notice, the collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to realize the amount of the taxes and costs.

Rev. Stat., c. 272, s. 124, amended.

27. Section 124 of *The Assessment Act* is amended by adding thereto the following subsection:

Where council may estimate amount of business assessment.

(3a) Where the assessment of business is made and levied upon in the same year, it shall not be necessary for the council to levy rates on the whole rateable property according to the last revised assessment roll, but may levy the rates before the completion of the separate roll of business assessment and for the purpose of fixing the rates, may estimate the amount of business assessment that will be entered on such separate roll, in which case a notice of business assessment need not be delivered, but upon

SECTION 25. The amendment alters the punctuation in order to make it clear that the collector as well as the treasurer may have an agent to levy taxes by distress.

SECTION 26. Under the section as re-enacted the collector's agent may advertise the sale. Formerly this could be done by the collector only.

SECTION 27. This provision is new. It is necessary because the present section 125 of the Act provides that applications to the court of revision for abatement or refund of taxes on business assessment must be for taxes levied in the year in which the application is made.

SECTION 28. The repeal of this section is complementary to the amendment to section 148 of the Act, under which it will not be necessary to add the taxes owing on occupied or built upon lands to the current collector's roll prior to the inclusion of such lands in a tax sale list.

SECTION 29. See note to section 28.

SECTION 30.—Subsection 1. The reference to the percentage charge penalty provided for in subsection 2 of section 113 of the Act (as re-enacted by section 24 of this Bill) is deleted as such penalty and the interest provided for in this section are no longer co-existent; the former stops before the latter begins.

A second change is made in order to make it clear that interest shall be added only once in each month. In other words, it will amount to but not exceed six per centum in a year.

Subsection 2. This subsection is no longer required as its provisions are now contained in subsection 1.

SECTION 31. The prohibition against selling occupied or built upon lands except in certain circumstances, is deleted.

SECTION 32.—Subsection 1. The latter portion of this subsection is re-enacted in an attempt to make clear what sums must be paid in order to redeem. Difficulty has been experienced with the meaning of "taxes due" in the present provision. Cross-references have been avoided as much as possible.

delivery of the tax bill all the rights of appeal provided in the case of assessments shall apply to the business assessment upon which the taxes mentioned in the tax bill were levied and any person assessed for business under this subsection shall be liable for the taxes levied in respect thereof.

28. Section 136 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 136,
repealed.

29. Section 138 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 138,
repealed.

30.—(1) Subsection 1 of section 147 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 147,
subs. 1,
re-enacted.

(1) The treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid, interest at the rate of one-half of one per centum per month for each month or fraction thereof from the 31st day of December in the year in which such taxes are levied until such taxes are paid.

Interest
on tax
arrears.

(2) Subsection 4 of the said section 147 is repealed.

Rev. Stat.,
c. 272,
s. 147,
subs. 4,
repealed.

(3) Subsection 1 of section 147 of *The Assessment Act* as re-enacted by this section shall apply to every municipality, notwithstanding the provisions of any special Act heretofore passed.

Application.

31. Section 148 of *The Assessment Act* is amended by striking out all the words after the word "sale" in the fourth line, so that the said section shall now read as follows:

Rev. Stat.,
c. 272, s. 148,
amended.

148. The treasurer shall not sell any lands for taxes which have not been included in the list furnished by him pursuant to section 134 to the clerks of the municipalities in the month of January preceding the sale.

What lands
may be
sold.

32.—(1) Subsection 2 of section 161 of *The Assessment Act* is amended by striking out all the words after the word "taxes" in the thirteenth line and inserting in lieu thereof the words "and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 161,
subs. 2,
amended.

When land does not sell for full amount of taxes.

- (2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, including the full amount of commission and other lawful charges and costs added under section 150, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than a week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Rev. Stat.,
c. 272, s. 161,
subs. 3,
amended.

- (2) Subsection 3 of the said section 161 is amended by striking out all the words after the word "treasurer" in the eighth line and inserting in lieu thereof the words "and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown

Subsection 2. See note to subsection 1. This amendment is similar in purpose and construction.

SECTION 33.—Subsection 1. The application of the subsection is broadened. Heretofore it could not be used in such cases as township lots and mining claims. It is now self-contained by setting out what must be paid in order to redeem.

upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement", so that the said subsection shall now read as follows:

- (3) If the price offered for any land at the adjourned sale is less than the amount due for arrears of taxes, charges and costs or if no price is offered, it shall be lawful for the municipality to purchase the same for the amount due, provided that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement.

33.—(1) Subsection 1 of section 162 of *The Assessment Act*, as amended by subsection 3 of section 2 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 162, subs. 1, re-enacted.

- (1) Notwithstanding the provisions of section 161, the treasurer shall not be obliged to sell for taxes only a portion of land separately assessed but may sell the whole of such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale and, secondly, in payment of the taxes, in- Mode of selling land for taxes.

cluding the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the same less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the same; provided that the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price, together with ten per centum added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and the balance, if any, outstanding of the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 2 of section 161, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with ten per centum added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3 of section 161.

Proviso.

Rev. Stat.,
c. 272, s. 162,
subs. 2,
repealed.

(2) Subsection 2 of the said section 162 is repealed.

Rev. Stat.,
c. 272, s. 162,
subs. 3,
amended.

(3) Subsection 3 of the said section 162 is amended by striking out the words "the percentage to be deducted and retained by the treasurer from any balance payable by him to the owner of a lot or any other person entitled thereto as provided in subsection 1 shall belong to the municipality, and" in the first, second, third and fourth lines, so that the said subsection shall now read as follows:

Application
of unclaimed
balances.

(3) The amount of any such balance until claimed, or if never claimed, shall belong to the municipality.

Subsection 2. This subsection, which deals with a special Act respecting the Township of York, is now dead. It is therefore repealed.

Subsection 3. Complementary to the change made in subsection 1 of section 162 of the Act.

SECTION 34. This is complementary to the amendments made in sections 161 and 162 of the Act by sections 32 and 33 of this Bill.

SECTION 35. This provision has been in the tax sales confirmation Acts since 1943. It is now included in *The Assessment Act* as it is a more appropriate place.

SECTION 36.—Subsection 1. Complementary to the amendments made to sections 161 and 162 of the Act under sections 32 and 33 of this Bill.

34. Section 177 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 177, re-enacted.

177. The treasurer shall give to the person paying redemption money a receipt stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption. Evidence of redemption.

35. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

177a. Notwithstanding the provisions of this or any other Act, where land that has been sold for taxes has been purchased by the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 2 of section 178 shall at any time with the approval of the Department be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, penalties and interest had the land not been sold for taxes, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such sale and of such conveyance. Conveyance to former owner.

36.—(1) Subsection 2 of section 178 of *The Assessment Act*, as amended by section 13 of *The Assessment Amendment Act, 1939*, is further amended by striking out the words "Subject to the provisions of subsections 2 and 3 of section 161" at the commencement thereof and by striking out the words "of the purchase money together with ten per centum added thereto" in the thirteenth and fourteenth lines and inserting in lieu thereof the words "required to redeem the estate", so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 178, subs. 2, amended.

(2) The treasurer shall within the said period of ninety days from the day of sale, if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records of the registry office or sheriff's office a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying Notice to incumbrancer and owner.

to the treasurer the amount required to redeem the estate and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice.

Rev. Stat.,
c. 272, s. 178,
subs. 3,
amended.

(2) Subsection 3 of the said section 178 is amended by striking out the words "may at any time before redemption of land sold for taxes and after he has sent the notice or notices mentioned in subsection 2" in the first, second and third lines, and inserting in lieu thereof the words "shall within ninety days from the date of sale", so that the said subsection shall now read as follows:

Registration
of notice
of sale.

(3) The treasurer shall within ninety days from the date of sale register in the registry office a written notice stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the same, and for registration of such notice the registrar shall be paid a fee of \$1.

Rev. Stat.,
c. 272, s. 181,
subs. 2 (1944,
c. 7, s. 18),
amended.

37. Subsection 2 of section 181 of *The Assessment Act*, as enacted by section 18 of *The Assessment Amendment Act, 1944*, is amended by adding at the end thereof the words "and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made", so that the said subsection shall now read as follows:

Declaration
of
treasurer.

(2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has complied with subsection 2 of section 178, and such declaration shall form part thereof, and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Rev. Stat.,
c. 272,
amended.

38. *The Assessment Act* is amended by adding thereto the following section:

Where tax
arrears
procedures
of Rev.
Stat. c. 59,
in effect.

198a. Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a municipality as defined in the said Act, it shall not be necessary for the treasurer or other officer of the municipality to furnish to the county treasurer or

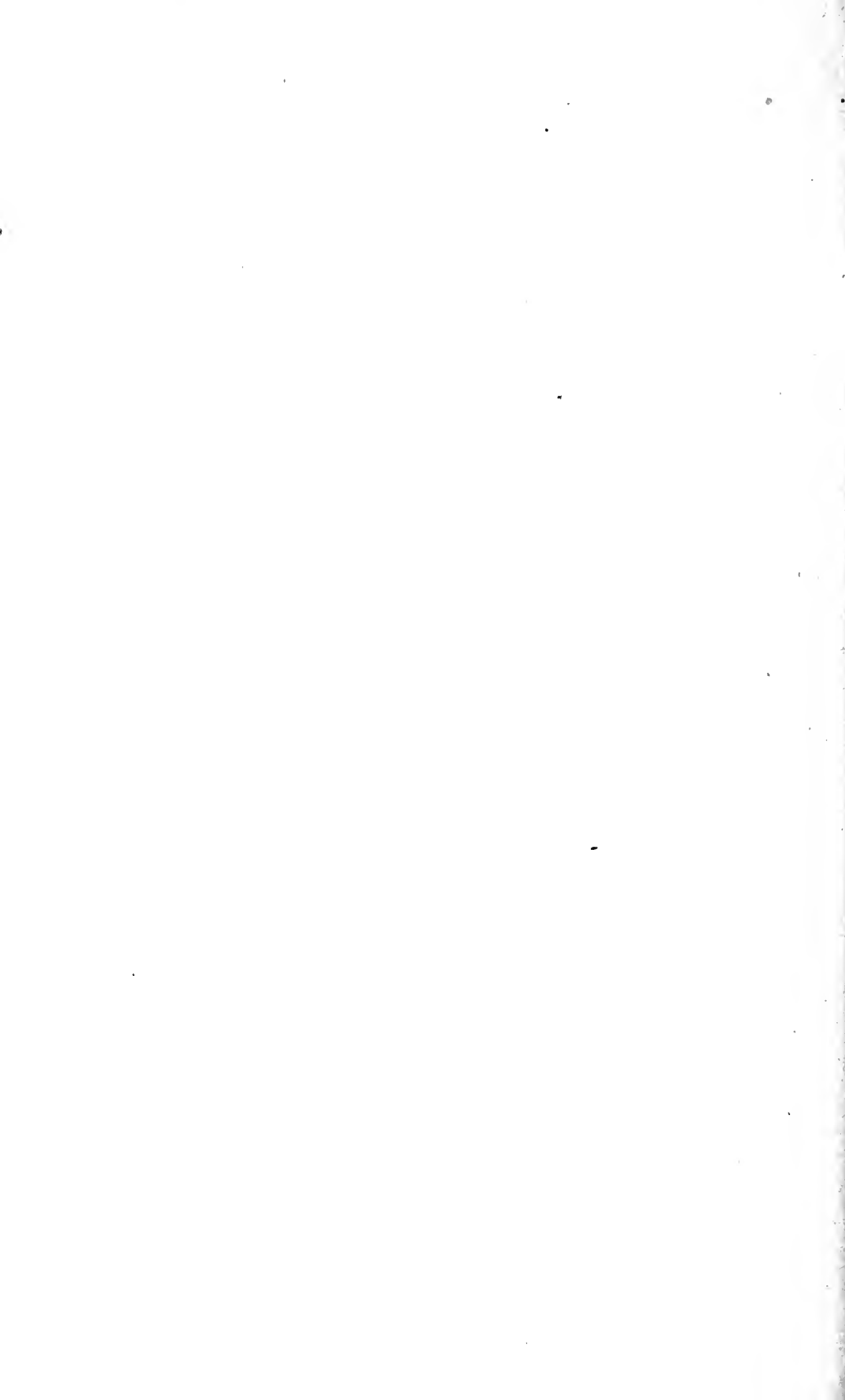
Subsection 2. The effect of this amendment will be to require the treasurer to register the notices of sale within ninety days of the sale.

Heretofore it has been permissible to so register at any time prior to redemption.

SECTION 37. The words added will enable a treasurer to comply with the provision in cases where the tax deed is already registered.

SECTION 38. There are now two systems for dealing with arrears of taxes. The first is *The Assessment Act*. Its procedures apply throughout Ontario, except in municipalities that are or have been under supervision. In those cases the tax arrears procedures of *The Department of Municipal Affairs Act* are in effect, and under section 2 of Bill 99 they may, by ministerial order, be extended to any municipality or class thereof.

This section, which is new, is necessary where there is a change-over from the former to the latter system.



sheriff any of the information or statements required under this Act in respect of tax arrears, and the powers and duties of the warden or treasurer of a county or sheriff under this Act in respect of tax arrears and tax sales shall not apply in respect of the municipality, and all the powers and duties of the county treasurer or sheriff in respect of arrears of taxes shall be vested in the treasurer of the municipality.

39. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

40. This Act may be cited as *The Assessment Amendment Act, 1946*. Short title.

BILL

An Act to amend The Assessment Act.

1st Reading

March 29th, 1946

2nd Reading

April 1st, 1946

3rd Reading

MR. DUNBAR

*(Reprinted as amended in Committee of the
Whole House.)*

No. 142

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Assessment Act.

MR. DUNBAR



BILL

An Act to amend The Assessment Act.

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

- 1.—(1) Paragraph 1 of section 4 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 1, re-enacted.
1. Lands or property belonging to Canada or any Province. Lands of Canada, etc.
 - 1a. Property held in trust for a tribe or body of Indians, but not if occupied by a person who is not a member of a tribe or body of Indians. Indian lands.
- (2) Paragraph 9 of the said section 4 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 9, re-enacted.
9. Property used exclusively for the purposes of The Boy Scouts Association or The Canadian Girl Guides Association. Boy Scouts, Girl Guides.
- (3) Paragraph 10 of the said section 4 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 4, para. 10, re-enacted.
10. Every industrial farm, house of industry, house of refuge, institution for the reformation of offenders or for the care of children, boys' and girls' home, or other similar institution conducted on philanthropic principles and not for the purpose of profit or gain, but only when the land is owned by the institution and occupied and used for the purposes of the institution. Industrial farms, etc.
 - 10a. Land of an incorporated charitable institution organized for the relief of the poor, The Canadian Red Cross Society, St. John's Ambulance Association, or any similar incorporated institution conducted on philanthropic principles and not for the purpose of profit or gain, that is supported, in part at least, by Charitable institutions.

public funds, but only when the land is owned by the institution and occupied and used for the purposes of the institution.

Rev. Stat.,
c. 272, s. 4,
para. 22,
amended.

(4) The first four lines of paragraph 22 of the said section 4 are repealed and the following substituted therefor:

Woodlands.

22. One acre in ten acres of the total acreage of all farm lands in one municipality under a single ownership used for forestry purposes or being woodlands but not more than twenty acres in all, and when the total acreage consists of more than one separately assessed parcel, the assessor shall apply the exemption to each parcel in the ratio of the land used for forestry purposes or being woodlands in each parcel to the total acreage of the land so used.

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. d,
amended.

2.—(1) Clause *d* of subsection 1 of section 8 of *The Assessment Act* is amended by striking out the word “to” in the second line and inserting in lieu thereof the word “through”, so that the said clause shall now read as follows:

(d) Every person carrying on the business of selling or distributing goods, wares and merchandise through a chain of more than five retail stores or shops in Ontario, directly or indirectly, owned, controlled or operated by him, for a sum equal to seventy-five per centum of the assessed value of the land occupied or used by him in such business for a distribution premises, storage or warehouse for such goods, wares and merchandise, or for an office used in connection with the said business.

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. g,
amended.

(2) Clause *g* of subsection 1 of the said section 8 is amended by inserting after the word “contractor” in the fifth and sixth lines the word “builder”, so that the said clause shall now read as follows:

(g) Every person practising or carrying on business as a barrister, solicitor, notary public, conveyancer, physician, surgeon, oculist, aurist, medical electrician, dentist, veterinarian, civil, mining, consulting, mechanical or electrical engineer, surveyor, contractor, builder, advertising agent, private detective, employment agent, accountant, assignee, auditor, osteopath, chiropractor, massagist, architect and, subject to subsection 8, every person carrying on a financial or commercial business or any other business as agent, for a sum equal to fifty per centum of the said assessed value; but where a person belonging to any class mentioned in this clause occupies or uses land

partly for the purposes of his business and partly as a residence thirty per centum of the assessed value of the land occupied or used by him shall for the purpose of the business assessment be taken to be the full assessed value of the land so occupied or used.

(3) Clause 1 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. 1,
re-enacted.

- (1) Every person carrying on the business of a telegraph or telephone company, or of a transportation system, other than a transportation system owned or operated by or for a municipal corporation, or of the transmission of oil or water, or of steam, heat, gas, or electricity for the purposes of light, heat, or power, for a sum equal to twenty-five per centum of the assessed value of the land (not being a highway, lane, or other public communication or public place or water or private right-of-way), occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

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

Rev. Stat.,
c. 272,
amended.

- 13a.—(1) Where in a township the density of population is not less than 150 of population to 500 acres, the council thereof may, subject to the approval of the Department, by by-law define such areas and declare the same to be police villages for the purposes of section 12, and each year thereafter so long as the by-law remains in force every telephone and telegraph company carrying on business in the areas shall be assessed therein on a gross receipts basis in the manner provided in section 12, except that in such case the company shall be assessed for forty-five per centum of the amount of the gross receipts from all equipment belonging to the company located within the areas.
- (2) Every by-law passed under subsection 1 shall have attached thereto a map showing clearly the boundaries of the areas.
- (3) A by-law passed under subsection 1 shall come into force and effect on the 1st day of January in the year following the year in which it was approved by the Department.

Power of
township
to assess
on basis of
gross
receipts.

Map of
areas to be
attached.

Commence-
ment of
by-law.

Duty of clerk.

- (4) Upon the passing, amending or repealing of a by-law under subsection 1, the clerk shall forthwith transmit a copy thereof to the Provincial Secretary and to every telephone and telegraph company carrying on business in the areas defined in the by-law.

Return by companies.

- (5) Every telephone and telegraph company doing business in a township in which a by-law under this section is in force shall on or before the 1st day of March in each year transmit to the Provincial Secretary and to the clerk of the township a statement in writing signed by or on behalf of the company and verified in the manner prescribed in subsection 2 of section 13 showing the amount of the gross receipts of the company in the areas defined in the by-law for the year ending on the 31st day of December then last past.

Rev. Stat.,
c. 272,
amended.

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

Departmental
rules.

- 23a. The Minister may, subject to the approval of the Lieutenant-Governor in Council, by regulation prescribe rules and the class of municipality to which the rules shall apply for the guidance of assessors and every assessor affected thereby shall conduct himself in accordance therewith.

Rev. Stat.,
c. 272, s. 35,
re-enacted.

5. Section 35 of *The Assessment Act* is repealed and the following substituted therefor:

Land,—
where to be
assessed.

35. Except as otherwise provided, land shall be assessed in the municipality in which it lies, and in the case of a municipality divided into wards, in the ward in which it lies.

Rev. Stat.,
c. 272, s. 38,
re-enacted.

6. Section 38 of *The Assessment Act* is repealed and the following substituted therefor:

Assessment
of Crown
lands.

- 38.—(1) The tenant of land owned by the Crown where rent or any valuable consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person.

(2) The tenant of land held in trust for a tribe or body of Indians who is not a member of such tribe or body where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or held by any other person. Assessment of Indian lands.

(3) In addition to the liability of every person assessed under subsection 1 or 2 to pay the taxes assessed against the land, the interest in such land, if any, of every person other than the Crown and the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the lien given by section 99 and shall be liable to be sold or vested in the municipality for arrears of taxes. Tenants interests may be sold.

7.—(1) Subsections 2 and 3 of section 39 of *The Assessment Act* are repealed and the following substituted therefor: Rev. Stat., c. 272, s. 39, subs. 2, 3, re-enacted.

(2) In ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, revenue, normal sale value and any other circumstance affecting the value. Land without buildings.

(3) In assessing land having buildings thereon the value of the land and buildings shall be ascertained by giving consideration to present use, location, cost of replacement, normal rental value, normal 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.

(2) Subsection 5 of the said section 39 is repealed. Rev. Stat., c. 272, s. 39, subs. 5, repealed.

(3) This section shall have effect on and after the 1st day of January, 1947. Prospective effect.

8. Section 52 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 52, re-enacted.

52.—(1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 27, a notice (Form 4) of the sum or sums for Notice of assessment.

which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of such notice and the entry shall be *prima facie* evidence of such delivery.

Delivery
of notice,—
residents.

- (2) When the person assessed is resident in the municipality, the notice shall be delivered by leaving the same at his residence or place of business or by mailing the same addressed to him at his residence or place of business.

Non-
residents.

- (3) When the person assessed is not resident in the municipality, the notice shall be delivered by mailing the same addressed to him at his last known address.

Registered
mail.

- (4) When a person assessed furnishes the assessor with a notice in writing giving the address to which the notice of assessment may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice of assessment shall be so delivered and such notice shall stand until revoked in writing.

Rev. Stat.,
c. 272, s. 53,
repealed.

9. Section 53 of *The Assessment Act* and the heading immediately preceding the said section are repealed.

Rev. Stat.,
c. 272, s. 55,
amended.

10. Section 55 of *The Assessment Act* is amended by striking out the words "In cities" at the commencement thereof, so that the said section shall now read as follows:

Amendment
of ward
roll after
completion.

55. Where the assessment is made by wards, in case any person removes from a ward before having been assessed therein into a ward for which the assessment roll has been completed, the assessor for the last mentioned ward may at any time before the 30th day of September amend the roll by entering therein the assessment of such person, and shall forthwith give to him the notice of assessment provided for by section 52, and the person so assessed shall be entitled to appeal to the county judge from the assessment within ten days from the time of giving such notice.

Rev. Stat.,
c. 272, s. 57,
subs. 1,
amended.

11.—(1) Subsection 1 of section 57 of *The Assessment Act* is amended by inserting after the word "assessed" in the third line the words "in whole or in part" and by striking out the word "next" in the seventh line, so that the said subsection shall now read as follows:

Where land
not assessed.

- (1) If at any time it appears to any treasurer or other officer of the municipality that land liable to assess-

ment has not been assessed in whole or in part for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk of the municipality in any other manner, he shall enter such land on the collector's roll, or roll for non-residents, as the case may require, as well for the arrears of the preceding year or years, if any, as for the tax of the current year, and the valuation of the land shall be the average of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor for the current year to value the land, and it shall be the duty of the assessor to do so when required, and to certify the valuation, in writing, to the clerk.

(2) Subsection 3 of the said section 57 is amended by inserting after the word "person" in the fifth line the words "or any person assessed" and by striking out all the words after the word "revision" in the sixth line, so that the said subsection shall now read as follows:

(3) Where the clerk performs any of the duties required by this section he shall forthwith thereafter deliver to or send by registered letter post to the person so taxed a notice setting out the amount of the assessment and of the taxes entered on the roll, and such person or any person assessed shall have the right to appeal within ten days thereafter to the court of revision.

(3) This section shall be deemed to have had effect on and after the 1st day of January, 1946.

12.—(1) Subsection 5 of section 57a of *The Assessment Act*, as enacted by section 7 of *The Assessment Amendment Act, 1944*, is repealed and the following substituted therefor:

(5) Where taxes are levied under this section, the amount thereof shall be distributed among the bodies that would have received the same had such taxes been levied in the usual way, in the same proportion as the levy of each of such bodies bears to the total levy, and in making such distribution each of such bodies shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

(6) The treasurer making the distribution required by subsection 5 shall at the same time deliver to each of the bodies to which the distribution is made a state-

ment sufficient to enable such bodies to determine the correctness of the distribution.

Retroactive effect.

(2) This section shall be deemed to have had effect on and after the 1st day of January, 1946.

Rev. Stat., c. 272, s. 59, subs. 1, re-enacted.

13.—(1) Subsection 1 of section 59 of *The Assessment Act* is repealed and the following substituted therefor:

Time for taking the assessment and revising the roll.

(1) In every municipality the assessment shall be taken between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk on the 1st day of October and the time for closing the court of revision shall be the 15th day of November and for the final return by the county judge, the 15th day of December and the assessment so made shall be the assessment on which the rate of taxation for the following year shall be fixed and levied.

Rev. Stat., c. 272, s. 59, subs. 3, repealed.

(2) Subsection 3 of the said section 59 is repealed.

Application.

(3) Any municipality that made an assessment and levied taxes thereon in 1946 may instead of making a second assessment in 1946, pass a by-law not later than the 31st day of March, 1947, adopting for 1947 the assessment roll made and revised in 1946, and such roll shall be subject to revision in the manner provided in subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of this section, and shall have the same effect as if made under such subsection.

Rev. Stat., c. 272, s. 60, subs. 1, re-enacted.

14.—(1) Subsection 1 of section 60 of *The Assessment Act* is repealed and the following substituted therefor:

Taking assessment by wards.

(1) The council of a municipality may by by-law fix prior and separate dates for the return of the roll of each ward, or each subdivision of a ward, as defined in the by-law.

Rev. Stat., c. 272, s. 60, subs. 6, amended.

(2) Subsection 6 of the said section 60 is amended by striking out the word "city" in the first line and inserting in lieu thereof the word "municipality."

Rev. Stat., c. 272, ss. 62 and 63, re-enacted.

15. Sections 62 and 63 of *The Assessment Act* and the heading immediately preceding the said section 63 are repealed and the following substituted therefor:

Affidavit to be attached to roll.

62.—(1) Upon completion of the assessment roll, the assessment commissioner or assessor shall attach thereto his affidavit or solemn affirmation.

- (2) The affidavit or affirmation (Form 5) may be made ^{Making affidavit.} before the clerk of the municipality, a justice of the peace having jurisdiction in the municipality, a commissioner for taking affidavits or a notary public.
- (3) The assessment commissioner or assessor shall on or before the day fixed for the return of the assessment roll deliver the same to the clerk of the municipality completed and added up, with the affidavit attached, and the clerk shall, immediately upon receipt of the roll, file it in his office, and it shall, during office hours, be open to inspection. ^{Roll to be delivered to clerk.}
- (4) The omission to attach to the assessment roll the affidavit or solemn affirmation required by subsection 1 shall not invalidate the roll. ^{Omission to attach affidavit.}
63. Any municipality instead of ascertaining the values of all lands in the municipality every year may by by-law provide for a two-year or three-year rotary system of ascertaining such values under which the assessor shall ascertain in one year the values of lands in one-half of the municipality and in the following year the values in the other one-half, or in one year the values in one-third of the municipality and in the following year the values in a second one-third and in the following year the values in the third one-third, and in every case the values of lands not ascertained in the year shall be entered on the assessment roll at the values last ascertained. ^{Rotary system.}

16. Section 65 of *The Assessment Act* is amended by adding thereto the following subsection: ^{Rev. Stat., c. 272, s. 65, amended.}

- (5) The council may from time to time divide the court of revision into two or more divisions, and in such case each division shall consist of one member to whom all the provisions of this section shall apply *mutatis mutandis*. ^{Additional courts of revision.}

17. Subsection 1 of section 66 of *The Assessment Act*, as re-enacted by subsection 2 of section 2 of *The Statute Law Amendment Act, 1938*, is amended by adding at the end thereof the words "and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide", so that the said subsection shall now read as follows: ^{Rev. Stat., c. 272, s. 66, subs. 1 (1938, c. 37, s. 2, subs. 2), amended.}

- (1) In municipalities other than cities, the court of revision shall consist of five members appointed by the council of the municipality and such members ^{Constitution of court in municipalities other than cities.}

other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

Rev. Stat.,
c. 272, s. 73,
subs. 12,
amended.

18.—(1) Subsection 12 of section 73 of *The Assessment Act* is amended by adding at the end thereof the words “or sent by mail addressed thereto”, so that the said subsection shall now read as follows:

Manner of
service.

(12) If the person resides or has a place of business in the municipality, the clerk shall cause the notice to be left at the person’s residence or place of business or sent by mail addressed thereto.

Rev. Stat.,
c. 272, s. 73,
subs. 14,
amended.

(2) Subsection 14 of the said section 73 is amended by striking out the word “six” in the third line and inserting in lieu thereof the word “ten”, so that the said subsection shall now read as follows:

When
notice
to be
completed.

(14) Every notice hereby required whether by publication, advertisement, letter, or otherwise shall be completed at least ten days before the sitting of the court, and the clerk shall certify to the court, at the first day of its sitting, the notices which have been so completed.

Rev. Stat.,
c. 272, s. 73,
subs. 17,
amended.

(3) Subsection 17 of the said section 73 is amended by striking out the word “four” in the tenth line and inserting in lieu thereof the word “ten”, so that the said subsection shall now read as follows:

Proceed-
ings in
other cases.

(17) In other cases, the court, after hearing the complainant, and the assessor, or assessors, and any evidence adduced, and, if deemed desirable, the person complained against, shall determine the matter, and confirm or amend the roll accordingly, and the court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed, and in all cases which come before the court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent ten days’ notice of such assessment, within which time he must appeal to the court if he objects thereto.

Rev. Stat.,
c. 272, s. 73,
subs. 21,
repealed.

(4) Subsection 21 of the said section 73 is repealed.

Rev. Stat.,
c. 272, s. 73,
amended.

(5) The said section 73 is amended by adding thereto the following subsection:

(24) When the decision of the court of revision is reserved at the hearing and is subsequently given, the clerk shall forthwith cause notice of the decision to be given by registered mail to the persons to whom notice of the hearing was given.

Notice of decision.

19. Subsection 2 of section 76 of *The Assessment Act* is amended by striking out the word "five" where it occurs in the fifth and eighth lines respectively and inserting in lieu thereof the word "ten", and by inserting after the word "court" in the ninth line the words "or in case the decision of the court is reserved, then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73", so that the said subsection shall now read as follows:

Rev. Stat., c. 272, s. 76, subs. 2, amended.

(2) Subject to the provisions of sections 59 to 63, and to the provisions of any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within ten days after the date herein limited for the closing of the court of revision, or in case the court shall sit to hear appeals after the said date, then within ten days after the closing of the court, or in case the decision of the court is reserved, then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge.

Service of notice of appeal.

20. Section 83 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat., c. 272, s. 83, re-enacted.

83.—(1) When the decision of the judge is reserved at the hearing and is subsequently given, the clerk shall forthwith cause notice of the decision to be given by registered mail to the persons to whom notice of the hearing was given.

When decision reserved.

(2) Except as provided in section 84, the decision of the judge shall be final.

Judge's decision final.

21.—(1) Subsection 1 of section 84 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat., c. 272, s. 84, subs. 1, re-enacted.

(1) In the case of the assessment of a telephone company or where a person is assessed to an amount aggregating in a municipality in territory without county organization \$5,000 or upwards or in any other municipality \$10,000 or upwards, such company or person, the municipal corporation, the assessor or

Appeals to Municipal Board.

assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board or where no appeal is taken to the county judge, may appeal direct from the decision of the court of revision to the Ontario Municipal Board.

Rev. Stat.,
c. 272, s. 84,
subs. 3, 4,
re-enacted.

(2) Subsections 3 and 4 of the said section 84 are repealed and the following substituted therefor:

Provisions
applicable
to appeals;
powers of
Board.

(3) Except as provided in subsections 4 and 4a, sections 76 to 83 and sections 85 and 86 shall apply to appeals taken under subsection 1 or 2, and on such appeals the Board shall have the powers and duties of a county judge under the said sections.

Notice
of
appeal.

(4) A notice of appeal to the Board under this section shall be sent by registered mail to the secretary thereof within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved, within twenty-one days after notice thereof has been given by the clerk under subsection 24 of section 73 or subsection 1 of section 83, as the case may be.

Notice
of
hearing.

(4a) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal.

Rev. Stat.,
c. 272, s. 90,
subs. 1,
amended.

22. Subsection 1 of section 90 of *The Assessment Act*, as amended by section 10 of *The Assessment Amendment Act, 1944*, is further amended by striking out the word "financial" in the fourth line, so that the said subsection shall now read as follows:

Annual
examination
of assess-
ment rolls
by county
councils for
purpose of
equalization.

(1) The council of every county shall, yearly, and not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding year, for the purpose of ascertaining whether the valuations of real property made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between them;

but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

23.—(1) Paragraph 6 of section 91 of *The Assessment Act*, as re-enacted by subsection 2 of section 4 of *The Assessment Amendment Act, 1943*, is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 91, para. 6, re-enacted.

6. The county judge or the persons appointed to form a court shall be paid such remuneration and travelling and other expenses as the Lieutenant-Governor in Council may determine to be borne and paid as directed by the county judge or court, as the case may be. Remuneration.

6a. The fees of the stenographic reporter, if any, and any other expenses incidental to the hearing of the appeal shall be borne and paid as directed by the county judge or the court, as the case may be. Other expenses.

(2) This section shall be deemed to have had effect on and after the 1st day of July, 1943. Retroactive effect.

24.—(1) Subsection 2 of section 113 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 113, subs. 2, re-enacted.

(2) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one-half of one per centum on the first day of default and on the first day of each period of not less than thirty days thereafter in which default continues, but not after the end of the year in which the taxes are levied. Penalty for non-payment of taxes.

(2) Subsection 3 of the said section 113 is repealed. Rev. Stat., c. 272, s. 113, subs. 3, repealed.

(3) Subsection 4 of the said section 113 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 113, subs. 4, re-enacted.

(4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and to allow a discount on any taxes so paid in advance not exceeding one-half of one per centum for payment within the period of not less than thirty days prior to the day fixed for payment and a similar discount for such similar period prior thereto, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made. Discount for payment in advance.

Prospective effect; application.

(4) This section shall have effect on and after the 1st day of January, 1947, and subsections 2 and 4 of section 113 of *The Assessment Act* as re-enacted by this section shall apply to every municipality, notwithstanding the provisions of any special Act heretofore passed.

Rev. Stat., c. 272, s. 114, subs. 1, amended.

25. Subsection 1 of section 114 of *The Assessment Act* is amended by striking out the comma after the word "or" where it appears for the second time in the fourth line and by inserting a comma after the word "collector" where it appears for the first time in the fourth line and after the word "treasurer" in the fifth line, so that the first seven lines of the said subsection shall now read as follows:

Distress and sale for taxes which are a charge on land.

- (1) Subject to the provisions of section 113, in case taxes which are a lien on land remain unpaid for fourteen days after demand or notice made or given pursuant to section 109, 111, or 113, the collector, or where there is no collector, the treasurer, may by himself or his agent (subject to the exemptions and provisos hereafter in this section mentioned), levy the same with costs by distress,—

Rev. Stat., c. 272, s. 116, re-enacted.

26. Section 116 of *The Assessment Act* is repealed and the following substituted therefor:

Public notice of sale to be given, and in what manner.

116. The collector or his agent shall, by advertisement posted up in at least three public places in the municipality or where there are wards in the ward wherein the sale of goods and chattels distrained is to be made, give at least six days' notice of the time and place of the sale, and of the name of the person whose property is to be sold, and, at the time named in the notice, the collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to realize the amount of the taxes and costs.

Rev. Stat., c. 272, s. 124, amended.

27. Section 124 of *The Assessment Act* is amended by adding thereto the following subsection:

Where council may estimate amount of business assessment.

- (3a) Where the assessment of business is made and levied upon in the same year, it shall not be necessary for the council to levy rates on the whole rateable property according to the last revised assessment roll, but may levy the rates before the completion of the separate roll of business assessment and for the purpose of fixing the rates, may estimate the amount of business assessment that will be entered on such separate roll, in which case a notice of business assessment need not be delivered, but upon

delivery of the tax bill all the rights of appeal provided in the case of assessments shall apply to the business assessment upon which the taxes mentioned in the tax bill were levied and any person assessed for business under this subsection shall be liable for the taxes levied in respect thereof.

28. Section 136 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 136,
repealed.

29. Section 138 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 138,
repealed.

30.—(1) Subsection 1 of section 147 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 147,
subs. 1,
re-enacted.

(1) The treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid, interest at the rate of one-half of one per centum per month for each month or fraction thereof from the 31st day of December in the year in which such taxes are levied until such taxes are paid.

Interest
on tax
arrears.

(2) Subsection 4 of the said section 147 is repealed.

Rev. Stat.,
c. 272,
s. 147,
subs. 4,
repealed.

(3) Subsection 1 of section 147 of *The Assessment Act* as re-enacted by this section shall apply to every municipality, notwithstanding the provisions of any special Act heretofore passed.

Application.

31. Section 148 of *The Assessment Act* is amended by striking out all the words after the word "sale" in the fourth line, so that the said section shall now read as follows:

Rev. Stat.,
c. 272, s. 148,
amended.

148. The treasurer shall not sell any lands for taxes which have not been included in the list furnished by him pursuant to section 134 to the clerks of the municipalities in the month of January preceding the sale.

What lands
may be
sold.

32.—(1) Subsection 2 of section 161 of *The Assessment Act* is amended by striking out all the words after the word "taxes" in the thirteenth line and inserting in lieu thereof the words "and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 161,
subs. 2,
amended.

When land does not sell for full amount of taxes.

- (2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, including the full amount of commission and other lawful charges and costs added under section 150, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than a week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Rev. Stat.,
c. 272, s. 161,
subs. 3,
amended.

- (2) Subsection 3 of the said section 161 is amended by striking out all the words after the word "treasurer" in the eighth line and inserting in lieu thereof the words "and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown

upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement", so that the said subsection shall now read as follows:

- (3) If the price offered for any land at the adjourned sale is less than the amount due for arrears of taxes, charges and costs or if no price is offered, it shall be lawful for the municipality to purchase the same for the amount due, provided that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement.

Purchase by municipalities of land sold for taxes.

33.—(1) Subsection 1 of section 162 of *The Assessment Act*, as amended by subsection 3 of section 2 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Rev. Stat., c. 272, s. 162, subs. 1, re-enacted.

- (1) Notwithstanding the provisions of section 161, the treasurer shall not be obliged to sell for taxes only a portion of land separately assessed but may sell the whole of such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale and, secondly, in payment of the taxes, in-

Mode of selling land for taxes.

cluding the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the same less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the same; provided that the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price, together with ten per centum added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and the balance, if any, outstanding of the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 2 of section 161, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with ten per centum added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3 of section 161.

Proviso.

Rev. Stat.,
c. 272, s. 162,
subs. 2,
repealed.

(2) Subsection 2 of the said section 162 is repealed.

Rev. Stat.,
c. 272, s. 162,
subs. 3,
amended.

(3) Subsection 3 of the said section 162 is amended by striking out the words "the percentage to be deducted and retained by the treasurer from any balance payable by him to the owner of a lot or any other person entitled thereto as provided in subsection 1 shall belong to the municipality, and" in the first, second, third and fourth lines, so that the said subsection shall now read as follows:

Application
of unclaimed
balances.

(3) The amount of any such balance until claimed, or if never claimed, shall belong to the municipality.

34. Section 177 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 177, re-enacted.

177. The treasurer shall give to the person paying redemption money a receipt stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption. Evidence of redemption.

35. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

177a. Notwithstanding the provisions of this or any other Act, where land that has been sold for taxes has been purchased by the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 2 of section 178 shall at any time with the approval of the Department be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, penalties and interest had the land not been sold for taxes, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such sale and of such conveyance. Conveyance to former owner.

36.—(1) Subsection 2 of section 178 of *The Assessment Act*, as amended by section 13 of *The Assessment Amendment Act, 1939*, is further amended by striking out the words "Subject to the provisions of subsections 2 and 3 of section 161" at the commencement thereof and by striking out the words "of the purchase money together with ten per centum added thereto" in the thirteenth and fourteenth lines and inserting in lieu thereof the words "required to redeem the estate", so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 178, subs. 2, amended.

(2) The treasurer shall within the said period of ninety days from the day of sale, if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records of the registry office or sheriff's office a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying Notice to incumbrancer and owner.

to the treasurer the amount required to redeem the estate and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice.

Rev. Stat.,
c. 272, s. 178,
subs. 3,
amended.

(2) Subsection 3 of the said section 178 is amended by striking out the words "may at any time before redemption of land sold for taxes and after he has sent the notice or notices mentioned in subsection 2" in the first, second and third lines, and inserting in lieu thereof the words "shall within ninety days from the date of sale", so that the said subsection shall now read as follows:

Registration
of notice
of sale.

(3) The treasurer shall within ninety days from the date of sale register in the registry office a written notice stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the same, and for registration of such notice the registrar shall be paid a fee of \$1.

Rev. Stat.,
c. 272, s. 181,
subs. 2 (1944,
c. 7, s. 18),
amended.

37. Subsection 2 of section 181 of *The Assessment Act*, as enacted by section 18 of *The Assessment Amendment Act, 1944*, is amended by adding at the end thereof the words "and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made", so that the said subsection shall now read as follows:

Declaration
of
treasurer.

(2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has complied with subsection 2 of section 178, and such declaration shall form part thereof, and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Rev. Stat.,
c. 272,
amended.

38. *The Assessment Act* is amended by adding thereto the following section:

Where tax
arrears
procedures
of Rev.
Stat. c. 59,
in effect.

198a. Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a municipality as defined in the said Act, it shall not be necessary for the treasurer or other officer of the municipality to furnish to the county treasurer or

sheriff any of the information or statements required under this Act in respect of tax arrears, and the powers and duties of the warden or treasurer of a county or sheriff under this Act in respect of tax arrears and tax sales shall not apply in respect of the municipality, and all the powers and duties of the county treasurer or sheriff in respect of arrears of taxes shall be vested in the treasurer of the municipality.

39. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of
Act.

40. This Act may be cited as *The Assessment Amendment Act, 1946*. Short title.

BILL

An Act to amend The Assessment Act.

1st Reading

March 29th, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

EXPLANATORY NOTE.

SECTION 1. Self-explanatory.

SECTION 2. This old section which provides for adding territory to a city or town is repealed. Such matters will hereafter be dealt with under section 23 of the Act.

SECTION 3. Self-explanatory.

BILL

An Act to amend The Municipal Act.

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

1. Subsection 1 of section 18 of *The Municipal Act* as amended by section 1 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the word "each" in the third line the words "being a British subject", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 18,
subs. 1,
amended.

- (1) Subject to subsection 2 of section 13, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each being a British subject of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 1,500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.

Incorporation of
towns in
unorganized
territory.

2. Section 20 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 20,
repealed.

3.—(1) Subsection 2 of section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "who are entitled to vote on money by-laws", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 23,
subs. 2 (1939,
c. 30, s. 2),
amended.

- (2) The Municipal Board before proceeding with the application of the council of any municipality under subsection 1 may require that the by-law of such council shall receive the assent of the electors of such municipality who are entitled to vote on money by-laws.

Assent of
electors
entitled to
vote on
money
by-laws.

(2) Subsection 6 of the said section 23, as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 23,
subs. 6 (1939,
c. 30, s. 2),
amended.

- (a) In this subsection "electors" shall mean electors who are entitled to vote on money by-laws.

Rev. Stat.,
c. 266,
amended.

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

Alteration
of areas.

23a.—(1) Upon the application of a municipality to enlarge, reduce or dissolve any fire, police, sewage, water or transportation area or local improvement area or street lighting area created under this or any other Act or any other area created for any municipal purpose, or to amalgamate any such area with any other area of a similar nature in the municipality, the Municipal Board may on such terms as it deems expedient, by order make such enlargement, reduction, dissolution or amalgamation.

Application
of s. 23.

(2) The provisions of section 23, except subsection 14, shall apply *mutatis mutandis* in the case of an application under subsection 1.

Rev. Stat.,
c. 266,
amended.

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

Power to
create inter-
urban ad-
ministrative
areas.

23b.—(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 and police protection, planning, 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.

Rev. Stat.,
c. 59.

(2) Before proceeding with the application the Municipal Board may require the matter to be voted upon by the electors entitled to vote on money by-laws in the area or any part thereof.

Vote of
electors.

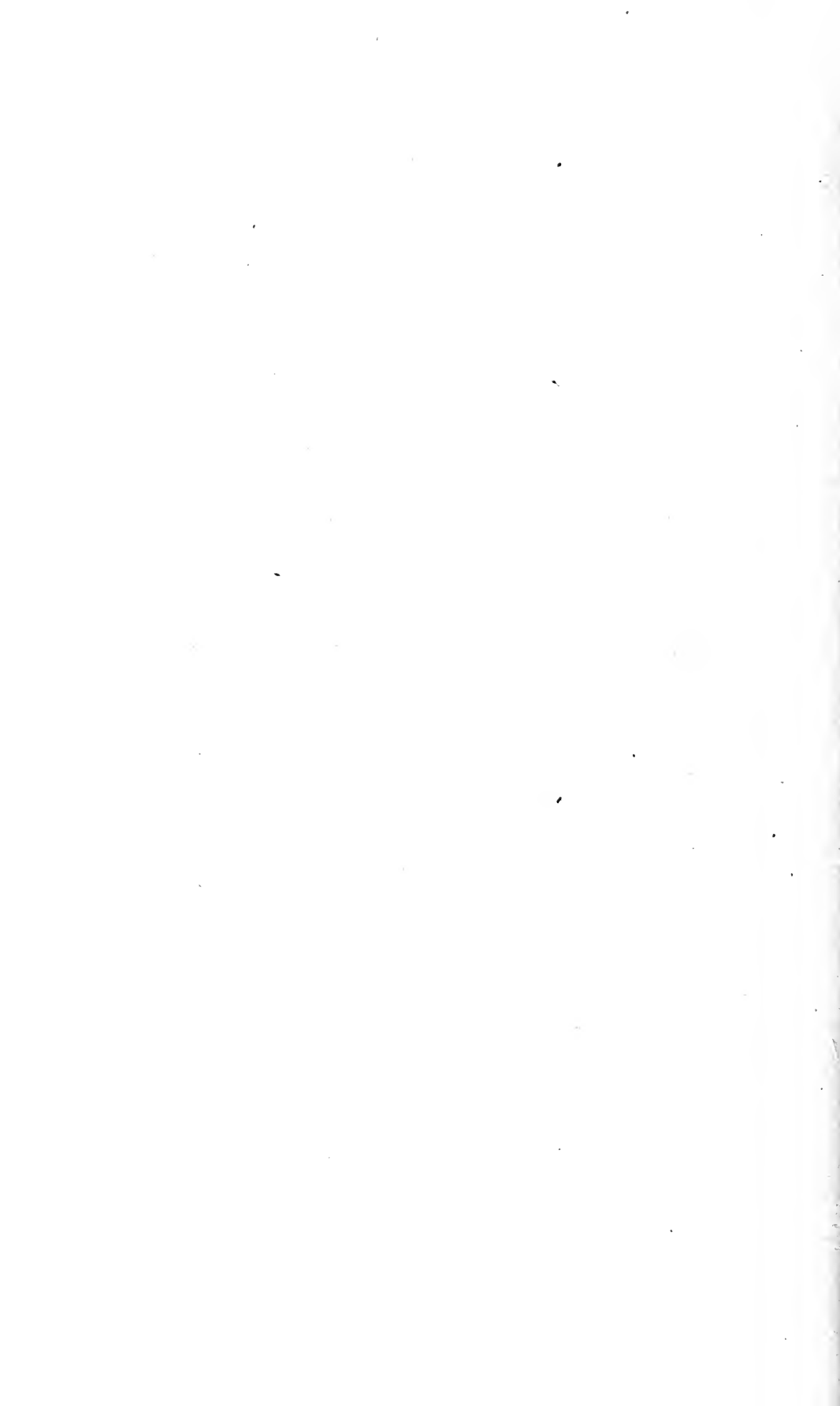
(3) Before making an order under subsection 1 the Municipal Board shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing the objections that any person may desire to bring to the attention of the Board.

Public
hearing to
be held.

SECTION 4. Self-explanatory. It is considered that more efficient municipal administration can be achieved by providing for flexibility in area matters, by way of application to the Ontario Municipal Board.

SECTION 5. Under this section, which is new, the Ontario Municipal Board may on application create an inter-urban area consisting of two or more municipalities in which specified municipal services will be administered by a central authority.

The area is divided into wards and one member elected from each ward to form a board of management with the status and powers of a municipal corporation to administer the service for which it was created. The money necessary for its purposes is levied by the municipalities in the area and paid over to the board in the same way as county rates.



- (4) If a petition signed by at least 150 electors entitled to vote on money by-laws of any municipality other than a city or 500 such electors of a city praying that an application under subsection 1 be made is presented to the council or board, as the case may be, the council or board shall within six weeks after the presentation of the petition or, subject to the approval of the Municipal Board, at the next election submit to the electors entitled to vote on money by-laws for their assent thereto a by-law or question setting out the nature of the application prayed for and if such by-law or question receives the assent of such electors the council or board shall forthwith make such application to the Municipal Board. Petition.
- (5) The Lieutenant-Governor in Council may authorize the Minister of Municipal Affairs to make an application under subsection 1 and in such case the Municipal Board shall have the same powers as if the application had been made by a municipality under subsection 1. Minister of Municipal Affairs may apply.
- (6) The Municipal Board may by order made pursuant to an application under this section or by subsequent order or orders,— Powers of Municipal Board.
- (a) make all such adjustments of assets and liabilities as between the municipalities affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
 - (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
 - (c) define special areas within the area created under this section and adjust the rights, claims, liabilities and obligations of the rate-payers of the special areas and provide the extent to which liabilities shall be discharged by the imposition of rates upon the rateable property in the special areas;
 - (d) appoint one or more referees who shall have all the powers mentioned in section 58 of *The Ontario Municipal Board Act* to inquire into and report to the Board upon the adjustment of the matters referred to in clauses *a*, *b* and *c* or any of them, the report to be filed with the Board within such time as the Board may from time to time allow and the Board shall Rev. Stat., c. 60.

consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer the report back to the referee or referees for further consideration;

- (e) fix the remuneration and expenses of the referee or referees and declare in what proportion the remuneration and expenses shall be paid by the municipalities;
- (f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the order.

Wards.

(7) The Municipal Board shall order a division or re-division of the area into not less than three wards having regard to population and size, provided that no ward shall extend beyond the boundaries of the municipality in which it is situate unless it is agreed to the contrary by the municipalities in the area.

Acting Secretary.

(8) The clerk of the municipality having the largest assessment shall act as secretary and returning officer of the area until a secretary-treasurer is appointed by the Board of Management.

Board of management.— composition of.

(9) There shall be a board of management to be known as the Board of Management of the Inter-Urban Area of which shall be a body corporate composed of one member for each ward in the area, to be elected as hereinafter provided.

Who may vote.

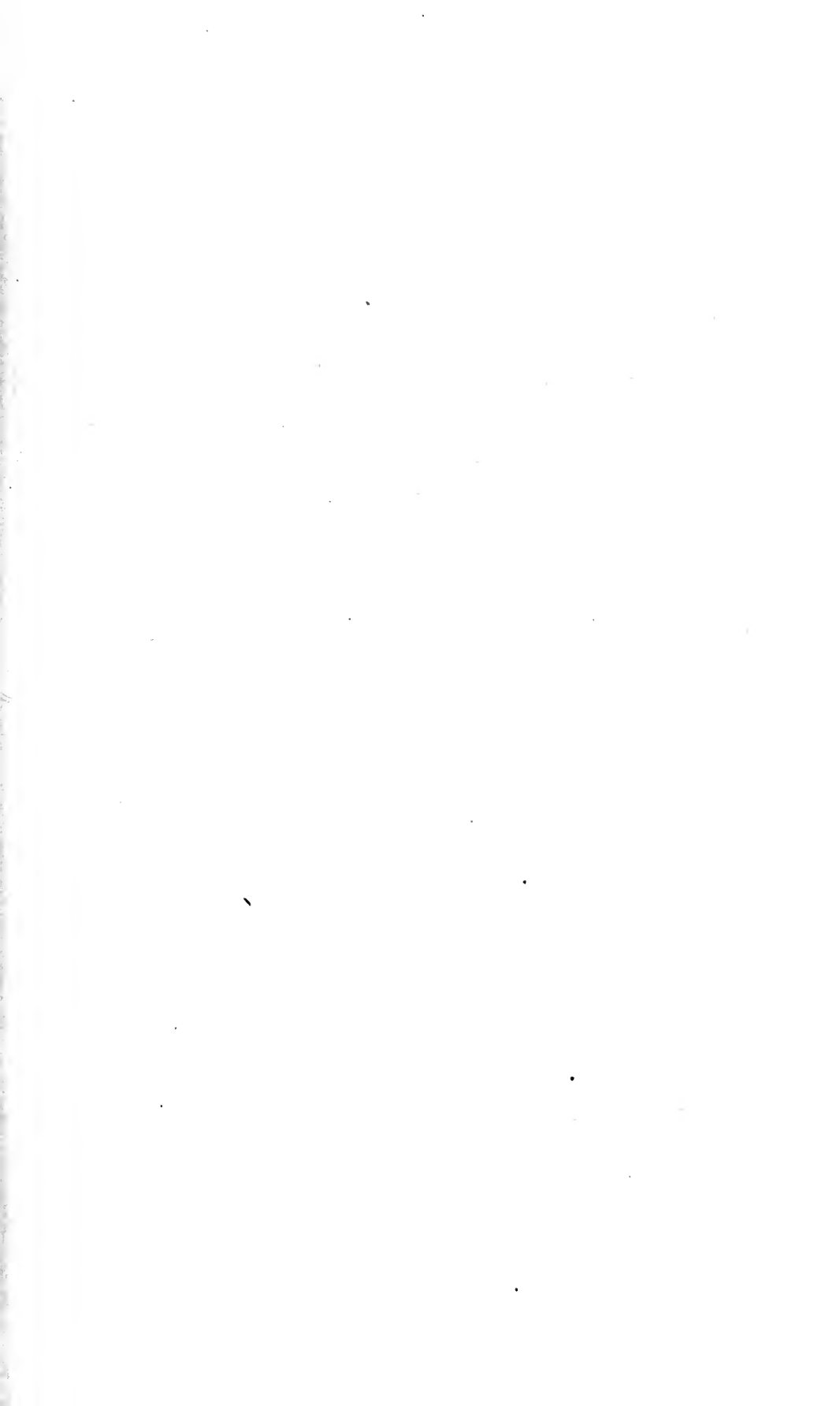
(10) Every person whose name is on the voters' list for the municipality or the part thereof within the ward as entitled to vote at municipal elections shall be entitled to vote at the election of the member of the Board of Management to be elected for such ward.

Time and place of elections.

(11) The first election of the Board of Management and any local board shall be held at the time and in the manner directed by the Municipal Board, and each election thereafter shall be held at the same time and place as the municipal elections of the municipality in which the ward is situate.

Election to be as municipal election.

(12) Except as provided in this section the members of the Board of Management shall be elected by ballot and the election shall be conducted by the same officials and in the same manner as the elections of aldermen and councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding elections including the resignation of persons nominated, vacancies and declarations of qualifica-



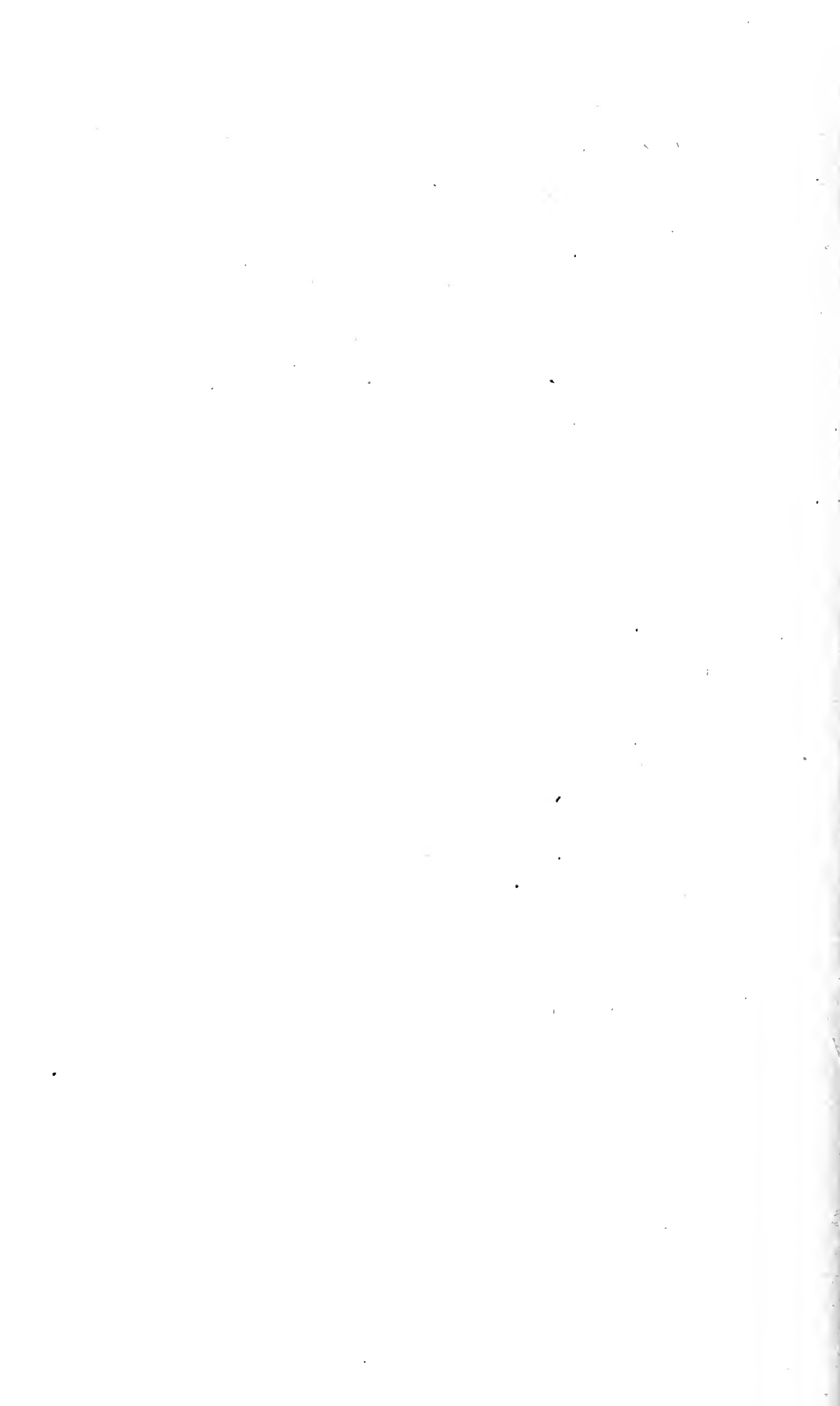
tion for office, and decision in the case of a tie vote, shall apply *mutatis mutandis* to such election.

- (13) Each member so elected shall hold office for two years and until his successor is elected. Two-year term.
- (14) The Board of Management shall appoint a secretary-treasurer for the area and Board of Management, who shall hold office during pleasure and who, subject to the by-laws of the Board of Management, shall with respect to the area and the administration of its affairs and of its inhabitants have and may exercise all the authority, powers and rights and shall perform all the duties and obligations which by statute or by-law are or may be conferred or imposed upon the clerk and treasurer of a municipality with the status as is designated by the Municipal Board in respect of the purposes for which the area is created. Secretary-treasurer.
- (15) The auditors of the area and the local boards thereof shall be the auditors of the municipality within the area having the largest assessment. Auditors.
- (16) The secretary-treasurer shall be the returning officer of the area and in the event of two or more candidates in any ward having an equal number of votes, shall give a vote for one of such candidates so as to decide the election. Returning officer.
- (17) No person shall be eligible for election as a member of the Board of Management unless he is a resident of the ward for which he is nominated and qualified to vote at municipal elections therein. Eligibility of candidates.
- (18) Nominations for the first election of the members of the Board of Management or for any local board for any ward shall be held at the time and in the manner directed by the Municipal Board and each year thereafter the nominations shall be held at the same time and place as the nominations of municipal candidates for the municipality in which the ward is situate. Nominations.
- (19) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates for the Board of Management in the same form as those used for councillors and aldermen. Ballot papers.
- (20) At the close of the poll in each municipality the returning officer thereof shall transmit to the returning officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and not later Duties of returning officer at close of poll.

then four o'clock in the afternoon of the third day following the last of such elections the returning officer of the area shall make up from the returns so received by him, the total number of votes cast for each candidate and publicly declare the result of the election and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid mail a copy of such certificate to each candidate.

- Vacancies. (21) Where the office of a member of the Board of Management becomes vacant from any cause, the remaining members shall at the first meeting after such vacancy occurs appoint a qualified person resident in the ward from which the member so vacating his seat was elected, to fill the vacancy for the remaining part of the term for which his predecessor was elected.
- Meetings. (22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and each year thereafter the first meeting of the Board shall be held not later than the second Monday in January and the day and the hour for holding such meeting shall be fixed by by-law.
- Election of chairman. (23) The secretary-treasurer shall preside at the election of the chairman or if there is no secretary-treasurer or in his absence the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.
- Idem. (24) In case of an equality of votes at the election of the chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.
- Powers and duties of chairman. (25) The chairman of the Board of Management shall be deemed to be and shall have all the rights, powers, privileges, duties and authority of the head of a council and municipality and as a mayor or reeve of a city, town, village or township and the chairman of a local board as designated by the Municipal Board.
- Vice-chairman. (26) The Board of Management shall appoint a vice-chairman who shall during the absence of the chairman or if the office is vacant have all the rights, powers, privileges, duties and authority of the chairman.
- Quorum. (27) A majority of the members constituting the Board shall be a quorum.





- (28) The area shall be a local municipality for the purposes for which the area was created with the status of a city, town, village or township as is designated by the Municipal Board. Status of area.
- (29) The Board of Management shall be a municipal council for the administration and management of the purposes for which the area was created and shall be a local board as defined in *The Department of Municipal Affairs Act* for such purposes as are designated by the Municipal Board, except school boards, library boards, boards of commissioners of police, planning boards, boards of health and health units. Status of Board of Management.
- (30) The powers vested in the Board of Management under this section shall not be exercised by the councils of the local municipalities in the area or by the council of the county, if any, in which the area is situate and the county levy, if any, shall not include a levy upon the rateable property in the area for any of the purposes for which the area was created. Board of Management supreme.
- (31) Every board created or amalgamated for school purposes in the area shall have the status of a public school board, separate school board, board of education, high school board or collegiate institute board, or board of trustees of a township school area as is designated by the Municipal Board, and every such board shall be a corporation by the name of The Public School Board, or The Separate School Board, The Board of Education, or The High School Board, or The Collegiate Institute Board, or The Board of Public School Trustees of The Inter-Urban Area of....., as the case may be, or such other designation as the Municipal Board by order or school board by by-law may provide, and the provisions of the respective school acts governing such boards shall apply *mutatis mutandis* to such boards, except that each board shall be composed of one member for each ward elected for a term of two years at the time and in the manner herein provided by persons rated or entitled to be rated as public school supporters or separate school supporters, as the case may be, and the composition of the high school board or the collegiate institute board and the board of education shall also include the member or members to be appointed by the separate school board pursuant to the provisions of *The High Schools Act* or *The Board of Education Act*. School boards.

Roll to be transmitted and produced.

(32) When after the appeal provided by *The Assessment Act* the assessment roll has been finally revised and corrected, the clerk of each municipality within the area shall within ninety days transmit to the secretary-treasurer of the area a summarized statement of the contents of the roll showing the population and the total assessment of each of the various classes of property liable to assessment and the total business assessment for public school, separate school and general purposes, and when required to do so by the area assessors, Board of Management, county judge or court, as the case may be, for the purpose of equalization or otherwise produce the original assessment roll of the municipality.

Equalization of assessment.

(33) The Board of Management shall equalize the real property assessments of the municipalities within the area for public school, separate school, continuation school, board of education, high and collegiate school purposes as the case may be and for such other purposes as are designated by the Municipal Board in a similar manner as is done in the case of an equalization for county purposes and similar procedures and rights shall apply thereto as in the case of a county equalization and for such purposes every municipality or public or separate school board thereof in the area shall be considered a municipality within a county, and for such purposes the Board of Management may with the approval of the Department appoint assessors who shall have the same powers and duties as county assessors.

Basis for raising required sums.

(34) The assessment of real property as equalized and business assessments in each municipality for the preceding year shall be the basis upon which the sums required to be raised by the Board of Management for the purposes of the area shall be apportioned.

Rates.

(35) The Board of Management shall prepare and adopt estimates for all sums required during the year for the purposes of the area including the sums required to be collected to cover any rate imposed and any sums required to be provided by the Board of Management for any board, commission, or other body, and such estimates shall set forth the estimated revenue and expenditures in such form as the Department may prescribe and the Board of Management shall apportion the amounts required to be raised for each purpose among the municipalities within the area in the same manner as is done in the case of a county and





for such purposes every local municipality within the area shall be deemed to be a municipality within a county and thereupon the rate and the amounts apportioned for school purposes shall be levied upon the assessment of the real property as equalized and business assessments of public school supporters or separate school supporters, as the case may be, and the amounts apportioned for high and collegiate school purposes and for general purposes upon the general assessment of the real property as equalized and business assessments in the area and collected and paid over to the Board of Management at the time and in the manner as may be required by the Board.

- (36) The Board of Management may by by-law require Estimates. that the estimates for the current year for every board, commission or other body created for any of the purposes of the area and for which the Board of Management is by law required to raise or provide money, shall be submitted to the Board of Management on or before the first day of March in each year and that such estimates shall be in the form and give the particulars which the by-law prescribes.
- (37) In raising money for any of the purposes of the Board of Management by way of debentures, the Borrowing powers. assent of the electors shall not be required, and for current borrowing, the provisions of section 339 shall apply *mutatis mutandis*.
- (38) The Municipal Board may make such orders in Power to make additional orders, etc. respect of any matter not specifically provided for in this section as it may deem expedient in connection with the area and every such order shall be valid and binding upon all municipalities and local boards affected thereby.
- (39) The powers conferred upon the Municipal Board by Conflict. this section may be exercised at any time notwithstanding anything contained in this or any other special or general Act, and in the event of conflict between the provisions of this section and the provisions of this or any other special or general Act the provisions of this section shall prevail.

6. Subsection 1 of section 24 of *The Municipal Act* as re-Rev. Stat., c. 266, s. 24, subs. 1 (1944, c. 39, s. 3), amended. enacted by section 3 of *The Municipal Amendment Act, 1944*, is amended by inserting after the word "each" in the third

line the words "being a British subject", so that the said subsection shall now read as follows:

Formation
of townships
in
unorganized
territory.

- (1) The Municipal Board may, upon application of not less than 75 male inhabitants of the locality, each being a British subject of the full age of twenty-one years, incorporate as a township or union of townships the inhabitants of a locality situate in unorganized territory and having a population of at least 1,000.

Rev. Stat.,
c. 266, s. 44,
re-enacted.

7. Section 44 of *The Municipal Act* is repealed and the following substituted therefor:

Division
into wards.

44. Where the council of a local municipality before the 15th day of July in any year by a vote of two-thirds of all the members passes a resolution affirming the expediency of a division or a redivision of the municipality into wards, the Municipal Board may, notwithstanding any other general or special Act, divide or redivide the municipality into not less than three wards, each ward having a population of not less than 500.

Rev. Stat.,
c. 266, s. 44a,
subs. 1,
(1943, c. 16,
s. 1),
amended.

8.—(1) Subsection 1 of section 44a of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, is amended by inserting after the word "each" in the third line the words "being a British subject", so that the said subsection shall now read as follows:

Erection of
improvement
districts.

- (1) The Municipal Board may upon the application of the Department or not less than thirty male inhabitants of the locality each being a British subject of the full age of twenty-one years, erect as an improvement district the inhabitants of a locality having a population of not less than fifty.

Rev. Stat.,
c. 266, s. 44a,
subs. 3,
(1944, c. 39,
s. 5),
repealed.

(2) Subsection 3 of section 44a of *The Municipal Act*, as enacted by section 5 of *The Municipal Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 266, s. 44c,
subs. 1, cl. a
(1943, c. 16,
s. 1),
amended.

9. Clause a of subsection 1 of section 44c of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, and amended by subsection 1 of section 6 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the words "*The Highway Improvement Act*" in the fourth line the words "*The Power Commission Act, The Public Utilities*

SECTION 6. Self-explanatory.

SECTION 7. Under the present section only cities and towns may apply to the Ontario Municipal Board for division into wards. As re-enacted the section is extended to all local municipalities, i.e., cities, towns, villages and townships.

SECTION 8—Subsection 1. Self-explanatory.

Subsection 2. This provision, which provided for the dissolution of local boards in a locality erected into an improvement district, is repealed.

SECTION 9. These Acts are expressly mentioned in order to remove any doubt as to their application.

SECTION 10. Under the present clause a city having a population of not more than 15,000 is required to have one alderman for every 1,000 of the population. As amended, the council may, with the assent of the electors, provide a maximum number of aldermen, and so effect a reduction in the size of the council.

SECTION 11. The subsection as amended will enable towns in unorganized territory with the assent of the electors to reduce the size of the council from seven to five.

SECTION 12—Subsection 1. The subsection as re-enacted will enable towns in organized territory with less than five wards to reduce the size of the council with the assent of the electors.

Subsection 2. The clause as re-enacted will enable towns of not more than 5,000 in organized territory to reduce the size of the council from nine to seven with the assent of the electors.

Act, The Public Health Act, The Local Improvement Act, The Municipal Drainage Act", so that the said clause shall now read as follows:

- (a) a municipal corporation and council of a township for the purposes and within the meaning of *The Municipal Act, The Assessment Act, The Highway Improvement Act, The Power Commission Act, The Public Utilities Act, The Public Health Act, The Local Improvement Act, The Municipal Drainage Act* and every other general Act relating to municipal institutions; and

10. Clause *c* of subsection 1 of section 46 of *The Municipal Act* is amended by adding at the end thereof the words "up to but not exceeding the maximum number provided by by-law", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 46,
subs. 1, cl. *c*,
amended.

- (c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides, one alderman for every 1,000 of the population up to but not exceeding the maximum number provided by by-law.

11. Subsection 1 of section 47 of *The Municipal Act* is amended by adding at the end thereof the words "or where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 47,
subs. 1,
amended.

- (1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote, or where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote.

Composi-
tion of
councils
of towns in
unorganized
territory.

12.—(1) Subsection 2 of section 48 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 48,
subs. 2,
re-enacted.

- (2) Where there are less than five wards, the council may provide that the number to be elected by general vote shall be one for every 1,000 of the population up to but not exceeding the maximum number provided.

Power to
vary com-
position of
council.

(2) Clause *a* of subsection 3 of the said section 48 is amended by inserting after the word "vote" in the first line the words "or where the council so provides, four councillors to be elected by general vote", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 48,
subs. 3, cl. *a*,
amended.

- (a) six councillors to be elected by general vote, or where the council so provides, four councillors to be elected by general vote; or

Rev. Stat.,
c. 266, s. 48,
subs. 3, cl. b,
amended.

(3) Clause *b* of subsection 3 of the said section 48 is amended by striking out the word "six" in the third line and inserting in lieu thereof the words "four or six, as the case may be", so that the said clause shall now read as follows:

- (b) where the council so provides one councillor for each ward and the remaining councillors to complete the full number of four or six, as the case may be, to be elected by general vote.

Rev. Stat.,
c. 266, s. 50,
amended.

13.—(1) Section 50 of *The Municipal Act*, as amended by section 4 of *The Municipal Amendment Act, 1939*, is further amended by adding thereto the following subsections:

Wards.

- (3) Where a village or township is divided into wards, the council, notwithstanding any general or special Act, shall be composed of a reeve to be elected by general vote and a deputy reeve and a councillor to be elected for each ward, and where there is less than five wards, the Municipal Board may by order provide for an additional councillor for any ward having a population greater than 10,000.

County
council.

- (4) Notwithstanding any other provision, no village or township shall have greater representation upon the county council than the reeve and two deputy Reeves to be appointed by the council.

York and
North York
Townships.

(2) Notwithstanding the provisions of this or any other general or special Act, the Townships of York and North York shall each be entitled to be represented on the county council by the reeve and three deputy Reeves, and no more, and subsection 2 of section 45 shall not apply to such Reeves and deputy Reeves.

Idem.

(3) Notwithstanding the provisions of this or any other general or special Act, where the number of wards in the Township of York or the Township of North York is increased, the school boards shall be composed of such members for each ward as the council may by by-law provide.

Rev. Stat.,
c. 266,
ss. 64-77,
re-enacted.

14. Section 64 as amended by section 7 of *The Municipal Amendment Act, 1939*, sections 65 and 66, section 67 as amended by section 8 of *The Municipal Amendment Act, 1939*, section 68, section 69 as amended by section 7 of *The Municipal Amendment Act, 1944*, section 70 as amended by section 2

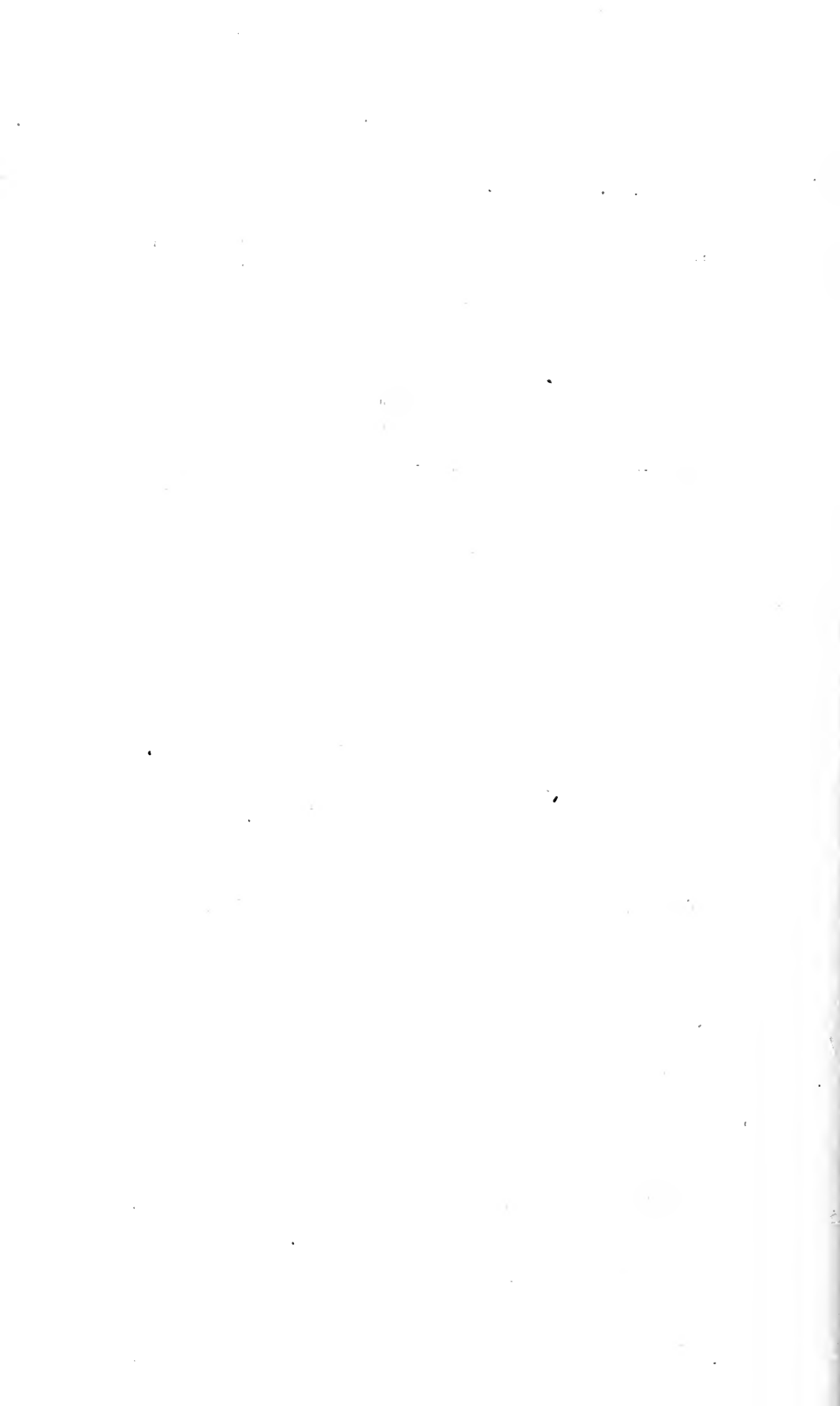
Subsection 3. This amendment is complementary to that made in subsection 2.

SECTION 13.—Subsection 1. This subsection provides for the composition of councils of villages and townships divided into wards, and provides for representation of such municipalities on the county council.

Subsections 2 and 3. These special substantive provisions are required to take care of the peculiar situation in these townships.

SECTION 14. Sections 64 to 77 of *The Municipal Act* have to do with municipal elections and more particularly nomination meetings and the qualification of candidates. Most of these provisions are old and have been amended from time to time through the years so that the present provisions are unnecessarily complicated and obscure in meaning.

It is hoped that the new provisions will remove these obscurities and provide an efficient and uniform system of dealing with nominations at municipal elections.



of *The Municipal Amendment Act, 1938*, and as further amended by section 9 of *The Municipal Amendment Act, 1939*, and section 8 of *The Municipal Amendment Act, 1944*, sections 71, 72 and 73, section 74 as re-enacted by section 9 of *The Municipal Amendment Act, 1944*, section 75 as re-enacted by section 10 of *The Municipal Amendment Act, 1944*, section 76 as re-enacted by section 11 of *The Municipal Amendment Act, 1944*, and section 77 of *The Municipal Act, 1944*, as re-enacted by section 12 of *The Municipal Amendment Act, 1944*, are repealed and the following substituted therefor:

- 64.—(1) Except when otherwise provided by by-law passed in accordance with this Act, a meeting of the electors shall take place annually for the nomination of candidates for council and any local board or commission any members of which are required to be elected by ballot by the municipal electors at the hall of the municipality at noon on the last Monday in December and the day for polling shall be the first Monday in January next thereafter. Nomina-
tion and
polling days.
- (2) When the last Monday in December is Christmas Day, the nomination meeting shall be held on the preceding Friday. When
nomination
day falls on
Christmas.
- 65.—(1) The council may by by-law passed not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are required to be elected by ballot by the municipal electors and the day for the polling between the Friday preceding the last Monday in November and the 1st day of January, both inclusive, except a Sunday and the 24th, 25th and 31st days of December, provided that the day fixed for nominations is at least fourteen days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed. Alternative
nomination
and polling
days.
- (2) The by-law shall fix the place and time of the nomination meeting, and where an election is by wards, the by-law may fix the place and time in each ward for the nomination meeting for such ward. Time and
place of
nomination
meetings.
- (3) Where a township adjoins an urban municipality, a place within the urban municipality may be designated as the place for holding the nomination meeting of the township. Where a
township
adjoins an
urban
municipality.
66. When the incorporation of a new municipality takes effect on the 31st day of December, the nomination New muni-
cipalities.

meeting and all proceedings incidental thereto and to the holding of the election on the first Monday in January next thereafter may be had and taken as if the incorporation had taken effect.

Notice.

67. The returning officer shall give at least six days' notice of the nomination meeting.

Proceedings at nomination meetings.

68.—(1) At the nomination meeting the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing and state the name, residence and occupation of the candidate, and shall be signed by the proposer and seconder both of whom shall be municipal electors and present, and every nomination shall be filed with the returning officer within one hour from the time fixed for holding the meeting.

Effect of non-compliance.

(2) Failure to comply with the provisions of subsection 1 shall not invalidate the nomination if it is received and acted on by the returning officer without objection.

Resignations.

(3) At the nomination meeting a person may resign in respect of one or more offices for which he is nominated and in default he shall be deemed to be nominated for the office for which he was first nominated.

Treasurer and collector to attend meeting.

(4) In a township, the treasurer and collector shall attend the place at which the nomination meeting is to be held at least one hour prior to the time fixed for holding the same, for the purpose of furnishing the certificates referred to in section 70.

Names of candidates to be posted up.

69. Immediately following the nomination meeting the returning officer shall post up in the office of the clerk the name, residence and occupation of every person nominated for the respective offices.

Declaration of qualification, etc.

70.—(1) Before nine o'clock in the afternoon of the day following the nomination meeting, provided that where such day is a holiday, not on such day but before noon on the following day, every candidate shall file in the office of the clerk,—

(a) a declaration of qualification (Form 2);

(b) an oath of allegiance (Form 2A); and

(c) a certificate of the treasurer or collector that there were no unpaid taxes at the time of his



SECTION 15. This section, which is new in part, provides for a two-year term for members of municipal councils and such local boards as are mentioned in the by-law. It can be a straight two-year term for all members or a two-year term on the so-called "staggered" system.

The section also provides for the staggered system in municipalities that have wards and for determining the term in case all members to be elected are elected by acclamation.

nomination for any preceding year against the land in respect of which he is qualifying, or a statutory declaration to the same effect.

- (2) When a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the prescribed time and it appears to the clerk that the candidate is qualified to be elected, any municipal elector may in lieu of such declaration, file within the prescribed time a declaration stating that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualifications prescribed for the office for which he has been nominated and that if elected he will accept the office. ^{Absence or illness of candidates.}
- (3) Any person who has made the filings required by subsection 1 may resign in writing signed by him and attested by a witness and delivered to the clerk within the time prescribed in subsection 1. ^{Withdrawal of candidates.}
- (4) The clerk's office shall remain open until nine o'clock in the afternoon of the day following the nomination meeting, but if that day is a holiday it shall be closed, in which case it shall remain open the following day until noon, so that filings may be made. ^{Clerk's office to remain open.}
- (5) The clerk shall not place on the ballot paper the name of a candidate who fails to make the filings required by subsection 1 or on whose behalf a declaration has not been filed under subsection 2. ^{Failure to file.}
71. If no more candidates qualify for any office than the members to be elected, the returning officer shall forthwith declare the remaining candidate or candidates duly elected. ^{Acclamation.}
72. When from any cause the requisite number of persons is not elected, the clerk shall cause a new election to be held as soon as practicable to fill the vacancies, and until such election is held and the council, or sufficient members to exceed one-half thereof when complete, is elected, the council of the preceding year shall continue in office. ^{New election.}

15. Section 79 of *The Municipal Act* as amended by section 13 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: ^{Rev. Stat., c. 266, s. 79, re-enacted.}

Two-year terms.

79.—(1) The council of a local municipality may by by-law passed with the assent of the electors extend the term of office of the members of the council to two years, and may with the like assent repeal such by-law.

Staggered system.

(2) The by-law passed under subsection 1 may provide that of the members, other than the mayor, reeve and deputy reeve, the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

Idem,—in wards.

(3) Where two or more members are elected in a ward, the by-law passed under subsection 1 may provide that of the members elected in a ward the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term, the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

Acclamations.

(4) Where a two-year term by-law providing for the staggered system is passed and the full number of members to be elected are elected by acclamation, the members so elected may at the first meeting of the council agree as to which of them shall remain in office for a two-year term and which of them shall remain in office for a one-year term, and if failing agreement the question shall be determined by lot to be cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.

Local boards.

(5) Where a by-law has been or is passed under subsection 1, the council may provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* shall, notwithstanding the provisions of any general or special Act, be elected at the same time and hold office for the same term as the members of the council and where the term of office of any such board to which this subsection applies before the next election of members of the council his term of office shall be extended for one year, and where the power conferred by this subsection is exercised the provisions of subsection 2 shall apply *mutatis mutandis*.

SECTION 16—Subsection 1. Complementary to the re-enacted section 83 of *The Municipal Act*. See section 17 of this Bill.

Subsection 2. This provision is new. It is self-explanatory.

SECTION 17. The section is re-enacted to make its provisions applicable in all municipalities that are divided into polling subdivisions for election purposes and also to provide for more than one polling place in a polling subdivision. This will effect savings in large cities.

16.—(1) Clause *d* of subsection 1 of section 81 of *The Municipal Act* is amended by striking out the word “sub-division” in the second line and inserting in lieu thereof the word “place”, so that the said clause shall now read as follows:

(d) a deputy returning officer and a poll clerk for each polling place.

(2) The said section 81 is amended by adding thereto the following subsection:

(5) The council on the recommendation of the clerk may appoint such election assistants, not exceeding one for each polling place, as may be deemed necessary to assist the deputy returning officers and poll clerks in the conduct of the election, and every such assistant shall be authorized in writing to enter, remain and assist in any polling place during any part of the time the poll is open and at the counting of the votes.

17. Section 83 of *The Municipal Act* is repealed and the following substituted therefor:

83.—(1) By-laws may be passed by local municipalities for dividing the municipality, or where the municipality is divided into wards, the wards, into two or more polling subdivisions and for establishing one or more polling places in each polling subdivision.

(2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors, and where there are two or more polling places in a polling subdivision each polling place shall be designated by the initial letters of the electors who are to vote therein, that is to say, A to M and N to Z, or as the case may be.

(3) Every polling subdivision shall have well defined boundaries and shall be formed in the most convenient manner so that the number of electors entitled to vote in each polling place shall as nearly as possible equal but not exceed 450, determined by the last revised assessment roll.

(4) A polling subdivision shall not include territory in more than one electoral district.

(5) Where the clerk finds that the number of electors in a polling subdivision or polling place exceeds 450 he shall notify the council of such fact.

- Redivision. (6) Where the number of electors in a polling subdivision or polling place exceeds 450 or where the council is of opinion that the convenience of the electors will be promoted, the council may make a redivision of the polling subdivisions or polling places so that the polling subdivisions and polling places will conform with this section.
- When re-division to take effect. (7) When a polling subdivision or polling place is created or altered after the publication of the voters' lists, such creation or alteration shall not take effect until the next voters' lists are being prepared.
- Subdivisions to be numbered. (8) The polling subdivisions shall be numbered consecutively and where there is more than one polling place in a polling subdivision such fact shall be indicated and a copy of the by-law by which they are established certified under the seal of the corporation and the hand of the clerk to be a true copy shall forthwith after the passing thereof be filed by the clerk in the office of the clerk of the peace for the county or district in which the municipality is situate.
- Appeal. (9) Any five electors may at any time within two months after such filing appeal in respect of any polling subdivision to the judge of the county or district court of the county or district, who shall have power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required.
- Election not to be voided if subdivision is wrongly formed. (10) An election shall not be irregular or void or voidable for the reason that a polling subdivision which contains more than the prescribed number of electors has not been divided.

Rev. Stat., c. 266, s. 84, re-enacted. **18.** Section 84 of *The Municipal Act* is repealed and the following substituted therefor:

Uniting polling subdivisions. 84. By-laws may be passed by the councils of local municipalities for uniting for any purpose any two adjoining subdivisions and establishing one polling place therefor.

Rev. Stat., c. 266, s. 85, amended. **19.** Section 85 of *The Municipal Act* as amended by section 3 of *The Municipal Amendment Act, 1938*, is further amended by striking out the words "cities and towns and of townships

SECTION 18. At the present time only towns and villages can unite adjoining polling subdivisions. Under the section as re-enacted the power may be exercised by any local municipality.

SECTION 19. The scope of the section is enlarged to include villages and all townships.

SECTION 20. The section provides for the attendance of an election assistant and prohibits the attendance of more than one agent for each candidate.

SECTION 21. Heretofore all municipal candidates have been entitled to two agents, except in cities in which aldermen are elected by general vote, when only one was allowed.

Hereafter one agent only will be permitted in all cases.

SECTION 22. This provision is new. It is designed for the accommodation of persons who are in the polling place waiting for their turn to vote at the time of the closing of the poll.

SECTION 23. The subsection is recast so that the acting reeve of a town, village or township will, while so acting, be a member of the county council.

bordering on a city having a population of not less than 100,000" in the first, second and third lines and inserting in lieu thereof the words "local municipalities", so that the said section exclusive of the clauses shall now read as follows:

85. By-laws may be passed by the councils of local municipalities for providing that either or both public and separate school houses within the municipality or a public building belonging to or controlled by the corporation and within the municipality shall be used for a polling place, or for polling places, for one or more polling subdivisions and any such school-house or public building may be used, although it is not situated in the polling subdivision or polling subdivisions for which it is used.

Using public and separate schools for polling places.

20. Section 125 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 125, re-enacted.

125. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate, or in his absence, his agent, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes.

Who may be in polling place.

21. Section 126 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 126, re-enacted.

126. A candidate shall be entitled to one agent only in a polling place at any one time.

Agents.

22. *The Municipal Act* is amended by adding thereto the following section:

Rev. Stat., c. 266, s. 126, amended.

127a. Every person qualified to vote thereat who is inside the polling place at the time fixed for closing the poll, shall be entitled to vote.

Persons inside polling place.

23. Subsection 2 of section 229 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 229, subs. 2, re-enacted.

(2) When the head of the council is absent from the municipality or absent through illness or his office is vacant, the council may by resolution appoint one of its members to act in his place and stead, and while so acting, such member shall have and may exercise all the rights, powers and authority of the head of the council.

Acting head of council.

Rev. Stat.,
c. 266, s. 234,
subs. 2,
amended.

24. Subsection 2 of section 234 of *The Municipal Act*, as amended by section 15 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Deputy
clerk.

- (2) The council may appoint a deputy clerk to act in the place of the clerk in his absence or where the office is vacant, in which case the deputy clerk shall have all the powers and duties of the clerk under this and every other Act.

Rev. Stat.,
c. 266, s. 236,
repealed.

25. Section 236 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 238,
re-enacted.

26. Section 238 of *The Municipal Act*, as amended by section 15 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Treasurer.

238.—(1) The council shall appoint a treasurer.

Deputy
treasurer.

- (2) The council may appoint a deputy treasurer to act in the place of the treasurer in his absence or where the office is vacant, in which case the deputy treasurer shall have all the powers and duties of the treasurer under this and every other Act.

Rev. Stat.,
c. 266, s. 239,
subs. 2,
amended.

27. Subsection 2 of section 239 of *The Municipal Act* is amended by striking out the words "what security" in the first line and inserting in lieu thereof the words "that security within the meaning of subsection 2 of section 257", so that the said subsection shall now read as follows:

Security to
be given.

- (2) The warden shall, by the warrant, direct that security within the meaning of subsection 2 of section 257 shall be given by the treasurer *pro tempore* for the faithful performance of his duties, and for duly accounting for, and paying over, all money which comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit of them has been made.

Rev. Stat.,
c. 266, s. 240,
amended.

28. Section 240 of *The Municipal Act*, as amended by section 16 of *The Municipal Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Alternative
methods of
signing
cheques.

- (1a) Notwithstanding the provisions of subsection 1, the council of a local municipality having a population of less than 5,000 or a county may by by-law provide that cheques issued by the treasurer shall be signed by the treasurer only and the council of any other municipality may by by-law provide that the signa-

SECTION 24. At the present time provision for a deputy clerk is dealt with in subsection 2 of section 234 and in section 236 of *The Municipal Act*. The provisions are amalgamated and clarified.

SECTION 25. See note to section 24 of this Bill.

SECTION 26. The provision with respect to the appointment of a deputy treasurer is clarified.

SECTION 27. See note to section 32 of this Bill. This amendment is complementary.

SECTION 28. This section was amended in 1944 (c. 39, s. 16) to provide for two signatures on each cheque. This amendment provides alternative permissive methods.

SECTION 29. The subject matter of this section is to be dealt with in the Departmental regulations respecting municipal audits. The section is therefore repealed.

SECTION 30—Subsection 1. Under the present provision where there is an assessment commissioner appointed, he, in conjunction with the head of the municipality, appoints the assessors and he must be a member of the board of assessors.

Under the new provision assessors are appointed by the council in the same way as if there were no assessment commissioner, and he need not be a member of the board of assessors.

Subsection 2. Complementary to subsection 1.

SECTION 31—Subsection 1. The subsection at present provides for the municipal auditor to audit all local boards, except separate school boards. The exception is deleted by this amendment.

Subsection 2. These provisions, which are new, are designed to provide an equitable basis for the payment of audit costs of local boards and other matters in connection with local board audits.

ture of the treasurer on cheques may be written, stamped, lithographed or engraved or may designate one or more persons to sign cheques in lieu of the treasurer.

29. Section 244 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 244,
repealed.

30.—(1) Subsection 1 of section 247 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 247,
subs. 1, re-
enacted.

- (1) The council of a local municipality may appoint an assessment commissioner and may constitute a board of assessors which shall have all the powers and perform all the duties of assessors.

Assessment
commissioners and
boards of
assessors.

(2) Subsection 3 of the said section 247 is amended by striking out the words “who, with the assessment commissioner, constitute the board of assessors” at the end thereof, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 247,
subs. 3,
amended.

- (3) It shall not be necessary to appoint annually the assessment commissioner or the assessors.

Annual
appoint-
ments not
necessary.

31.—(1) Subsection 1 of section 248 of *The Municipal Act*, as re-enacted by section 17 of *The Municipal Amendment Act, 1944*, is amended by striking out the words “except separate school boards” at the end thereof, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 248,
subs. 1
(1944, c. 39,
s. 17),
amended.

- (1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council and every person so appointed shall in addition to his duties in respect of the corporation audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*.

Appointment
of auditors.

Rev. Stat.,
c. 59.

(2) The said section 248 is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 266, s. 248,
amended.

- (1a) Where a local board functions in more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality having the greatest assessment.

Where local
board in
more than
one
municipality.

- (1b) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the municipality and charged back to the local board, and in the event of a dispute as to the

Cost of
audit.

amount of the cost the Department may upon application finally determine the amount thereof.

Local boards in unorganized territory.

- (1c) Every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory shall appoint one or more auditors and the provisions of this Act with respect to auditors shall apply *mutatis mutandis*.

Provision to avoid duplication of audits.

- (1d) Where by any other general or special Act auditors are required to be appointed or elected by or for any authority within the meaning of this section, the exercise of such power shall not be mandatory, notwithstanding such Act.

Retrospective effect.

- (3) This section shall be deemed to have come into force on the 6th day of April, 1944.

Rev. Stat., c. 266, s. 257, amended.

- 32.** Section 257 of *The Municipal Act* is amended by adding thereto the following subsection:

Local boards and authorities.

- (7) This section shall apply *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, and to every board, commission, body of local authority, established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory.

Rev. Stat., c. 266, s. 258, re-enacted.

- 33.** Section 258 of *The Municipal Act*, as amended by section 14 of *The Municipal Amendment Act, 1939*, and section 20 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Publication of statements of revenues and expenditures.

258. The council of any municipality may prior to the day fixed for holding nominations publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department.

Rev. Stat., c. 266, s. 264, repealed; s. 265, re-enacted;

- 34.** Sections 264 and 265 of *The Municipal Act* are repealed and the following substituted therefor:

Retirement allowances.

- 265.—(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life to any employee who has been in the service of the corporation for at least twenty years

Subsection 3. This date is the date on which the original provision requiring municipal auditors to act as auditors for the local boards came into force and will enable these auditors to be paid in accordance with the new provisions.

SECTION 32. This section, which is new, will require treasurers of local boards, etc., to furnish security in the same way as treasurers of municipalities.

SECTION 33. Whether or not a statement of revenues and disbursements is to be published is left to council to decide. At the present time the publication of such a statement is mandatory in the case of certain towns, villages and townships, but the statutory requirement is generally disregarded.

SECTION 34. The present power to grant retirement allowances is restricted to "officers", a word of doubtful meaning. As re-enacted the section is applicable to all "employees", which will now have a definite meaning. The power to grant gratuities is repealed (section 264).

Where a pension plan is in effect, the application of the section is restricted to employees who were in the municipal service prior to the coming into force of this Bill. By restricting its application it is hoped to encourage the establishment of municipal pension plans.

SECTION 35. As re-enacted the subsection permits all matters submitted to the electors at one time to be dealt with in one notice. It is required to be published once a week for three weeks.

SECTION 36. Self-explanatory. The present section allows more than one money by-law to be placed upon one ballot paper, but does not extend the same right to questions.

SECTION 37—Subsection 1. The subsection is repealed as the matter is now covered in subsection 5 of section 305.

Subsection 2. The words struck out are no longer applicable because of the repeal of subsection 4 of section 305. Subsection 5 of the said section 305 will hereafter provide the rule.

Subsection 3. Consolidation of debentures is now permitted under *The Local Improvement Act*. The principle is extended.

and who while in the service has become incapable through illness or old age of efficiently discharging his duties, provided that the retirement allowance and the amount of any pension payments payable to the employee in any year shall not exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500.

(2) Where an employees' pension plan is in operation, this section shall apply only to employees who were in the employ of the municipality on the day on which this Act comes into force and in any event shall not apply to any employee who enters the service of the municipality after the 1st day of January, 1948. Application of section.

(3) In this section "employee" shall have the same meaning as in paragraph 41a of section 404. "employee", defined.

35. Subsection 9 of section 280 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 280, subs. 9, re-enacted.

(9) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice. By-laws, questions, in one notice.

36. Section 281 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 281, re-enacted.

281. Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be placed upon one ballot paper. By-laws, questions, in one ballot.

37.—(1) Subsection 4 of section 305 of *The Municipal Act*, as re-enacted by subsection 2 of section 22 of *The Municipal Amendment Act, 1944*, is repealed. Rev. Stat., c. 266, s. 305, subs. 4 (1944, c. 39, s. 22, subs. 2), repealed.

(2) Subsection 5 of the said section 305, as amended by subsection 3 of section 22 of *The Municipal Amendment Act, 1944*, is further amended by striking out the words "Instead of the principal being made payable as above provided" at the commencement thereof, so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 305, subs. 5, amended.

(5) The by-law may provide that the principal may be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid. Repayment of principal.

(3) The said section 305 is amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 305, amended.

Consolidation.

- (14) Notwithstanding any other Act, the council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Rev. Stat., c. 266, s. 307, subs. 3, cl. *aa* (1939, 2nd Sess., c. 6, s. 3), re-enacted.

38. Clause *aa* of subsection 3 of section 307 of *The Municipal Act*, as enacted by section 3 of *The Municipal Amendment Act, 1939 (No. 2)*, and amended by subsection 1 of section 23 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

- (*aa*) for borrowing money for any of the purposes mentioned in paragraph 28, 30 or 41*a* of section 404, or section 404*a*, or in paragraph 1, 1*a* or 2 of section 414; or

Rev. Stat., c. 266, s. 314, subs. 3, and Form 28, repealed.

39. Subsection 3 of section 314 of *The Municipal Act* and Form 28 are repealed.

Rev. Stat., c. 266, s. 315*a*, subs. 1 (1939, 2nd Sess., c. 6, s. 4), amended.

40.—(1) Subsection 1 of section 315*a* of *The Municipal Act*, as enacted by section 4 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word, figures and letter "section 404*a*" in the sixth line and inserting in lieu thereof the words "paragraph 28 of section 404 or in section 404*a* or for unemployment relief purposes or for any educational purpose included in the county levy", so that the said subsection shall now read as follows:

Where rates to be levied on full values.

- (1) Notwithstanding anything contained in this or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in paragraph 28 of section 404 or in section 404*a* or for unemployment relief purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 and subsection 3 of section 40 of *The Assessment Act*.

Rev. Stat., c. 272.

Rev. Stat., c. 266, s. 315*a*, subs. 2, (1939, 2nd Sess., c. 6, s. 4), amended.

(2) Subsection 2 of the said section 315*a*, as enacted by section 4 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word, figures and letter "section 404*a*" in the third line and inserting in lieu thereof the word and figure "subsection 1", so that the said subsection shall now read as follows:

SECTION 38. The effect of the re-enactment will be that in borrowing money upon debentures for grants to public hospitals, public sanatoria or municipal isolation hospitals, or for any war memorial projects, or for garbage disposal plants, it will not be necessary to obtain the assent of the electors. The present clause applies in the case of municipal pension plans and bonuses to municipal employees on war leave.

SECTION 39. Publication of notice of the registration of a money by-law will not be required. All such by-laws must be approved by the Ontario Municipal Board, which is considered to be ample protection.

SECTION 40—Subsection 1. Heretofore rates for patriotic grants were required to be levied on the full value of all rateable property. This principle is now applied to rates for grants to public hospitals, public sanatoria, municipal isolation hospitals, unemployment relief purposes and for any educational purpose included in the county levy.

Subsection 2. Complementary to subsection 1.

Subsection 3. Complementary to subsection 1.

SECTION 41. In 1943 (c. 16, s. 5), *The Municipal Act* was amended to provide for a special township rate to be assessed, collected, levied and paid to the Federation of Agriculture as the membership fees of the persons assessed.

The principle is continued but the method is changed, and the rate increased from one-fifth to one-half of one mill.

SECTION 42—Subsection 1. As re-enacted the “duration of the present war” feature has been deleted and the purposes for which reserve funds may be used have been broadened.

- (2) In calculating whether the limit fixed by subsection 1 of section 315 has been reached, any rates levied for any of the purposes set out in subsection 1 shall be excluded from such calculation. Rates to be excluded.

(3) Subsection 3 of the said section 315a, as enacted by section 11 of *The Municipal Amendment Act, 1940*, is amended by striking out the word, figures and letter "section 404a" in the second line and inserting in lieu thereof the word and figure "subsection 1", so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 315a, subs. 3 (1940, c. 18, s. 11), amended.

- (3) The council of a county in levying a rate for any of the purposes set out in subsection 1 shall add to the amount of the equalized assessment of each local municipality within the county any amounts exempted therefrom by reason of a fixed assessment. Fixed assessment exemptions to be included.

41. Subsection 1 of section 315b of *The Municipal Act*, as enacted by section 5 of *The Municipal Amendment Act, 1943*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 315b, subs. 1 (1943, c. 16, s. 5), re-enacted.

- (1) The council of a township may by by-law assess and levy a special rate of one-half of one mill upon the ratepayers of the township who are entered on the assessment roll as farmers as the annual membership fees of such persons in the Federation of Agriculture. Federation of Agriculture,—special rate.

- (1a) Any person to whom subsection 1 applies may within thirty days after delivery of the notice of assessment in writing notify the assessor that he objects to the assessment provided for in subsection 1 and thereupon the assessor shall amend the assessment roll by striking out the assessment made under subsection 1 in respect of such person and shall write his name or initials against such amendment and deliver a notice of assessment amended accordingly to such person. How special rate may be avoided.

42.—(1) Subsection 1 of section 316a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1943*, and amended by section 26 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 316a, subs. 1 (1943, c. 16, s. 6), re-enacted.

- (1) Every municipality as defined in *The Department of Municipal Affairs Act*, and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized Reserve funds. Rev. Stat., c. 59.

township or in unsurveyed territory, may in each year with the approval of the Department provide in the estimates for the establishment or maintenance of a reserve fund for use in providing public works or projects or replacements, renewals or improvements thereof, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained.

Retrospective effect.

(2) This section shall be deemed to have had effect on and after the 14th day of June, 1943.

Rev. Stat.,
c. 266,
s. 321^a (1939
c. 30, s. 18),
amended.

43. Section 321^a of *The Municipal Act*, as enacted by section 18 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "and notwithstanding sections 322 and 323 the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality", so that the said section shall now read as follows:

Sinking
fund
surpluses

321^a. Notwithstanding the provisions of any general or special Act, where the revenue derived from the investment of sinking funds together with other accretions exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts and notwithstanding sections 322 and 323 the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality.

Rev. Stat.,
c. 266, s. 338,
subs. 2,
amended.

44. Subsection 2 of section 338 of *The Municipal Act* is amended by striking out the word "equal" in the fourth line.

Rev. Stat.,
c. 266,
amended.

45. *The Municipal Act* is amended by adding thereto the following section:

Where
debenture
sold at a
premium.

338^a.—(1) Notwithstanding any other Act, where a debenture is sold at a premium, the surplus

Subsection 2. The amendment is made retroactive to the day upon which the original provision came into force,

SECTION 43. The words added will enable sinking fund surpluses to be transferred to the general funds of the municipality, provided the approval of the council and the Ontario Municipal Board is obtained.

SECTION 44. The word "equal" is struck out in order to conform with subsection 5 of section 305 of *The Municipal Act*.

SECTION 45. *The Local Improvement Act* now contains a similar provision in respect of a surplus. This section, which is new, extends the principle to a surplus or deficit on the sale of any debenture.

SECTION 46. This provision is new. Experience has shown that proceedings before the county judge or official arbitrator are unduly expensive. It is considered that the interests of all concerned can be adequately dealt with by the Board.

SECTION 47—Subsection 1. The subsection adds several new paragraphs to section 404 of the Act, applicable to all municipalities.

Paragraph 2 is self-explanatory. At the present time there is no authority for a municipality to destroy any papers, etc., no matter how old or useless they may be.

Paragraph 2a will empower municipalities to take advantage of the grants in connection with community programmes of training in physical fitness and recreation, authorized under Ontario Regulation 77/45.

Paragraph 8a is self-explanatory.

shall be entered in a suspense account and distributed equally over the term of the debenture as a reduction of the interest charges.

- (2) Notwithstanding any other Act, where a debenture is sold at a discount, the deficit shall be entered in a suspense account and distributed equally over the term of the debenture as an addition to the interest charges. Where debentures sold at a discount.
- (3) Where the amount of the surplus or deficit does not warrant its distribution equally over the term of the debenture, the distribution may be made in one or more years. Where surplus or deficit small.

46. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 266, amended.

356a. Notwithstanding the provisions of this or any other Act the council may by by-law designate the Municipal Board as the sole arbitrator, in which case the Municipal Board shall have and may exercise all the powers and duties of an official arbitrator. Municipal Board as arbitrator.

47.—(1) Section 404 of *The Municipal Act* is amended by adding thereto the following paragraphs: Rev. Stat., c. 266, s. 404, amended.

2. Subject to the approval of the Department, for the destruction of receipts, vouchers, instruments, rolls or other documents, records and papers. Destruction of records.
- 2a. For carrying on a community programme of training in physical fitness within the meaning of the regulations under *The Department of Education Act*. Community programmes Rev. Stat., c. 356.
- 8a. For entering into agreement with one or more municipalities to provide for the joint management and operation of water systems, sewerage systems, works for the disposal, interception or purification of sewage, garbage collection and disposal systems, hydro-electric systems, transportation systems, road systems, fire departments, police departments, or other municipal utility, systems or services, and for the establishment of joint boards of management therefor. Joint operation of works, systems and services.
- 17a. For giving bounties for the destruction of foxes, provided that a local municipality shall not give any such bounties where the county in which it is situated has a by-law in force under this paragraph. Fox bounties. Proviso.

Sick leave credit gratuities.

41b. For providing, subject to the approval of the Department, a plan of sick leave credit gratuities for employees or any class thereof and for establishing and maintaining a fund therefor, and for investing the moneys of such fund, provided that on the termination of his employment no employee shall be entitled to more than an amount equal to his salary or other remuneration for the six months period then last past.

Proviso.

(a) "Employee" shall mean any person designated as an employee by the Department and shall include any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board as defined in *The Department of Municipal Affairs Act*.

Rev. Stat., c. 59.

Rental of equipment.

53. For providing for the use by any person of any of the mechanical equipment of the municipality and for fixing the terms, conditions and rent charges therefor.

Rev. Stat., c. 266, s. 404, para. 16 (1941, c. 35, s. 10, subs. 1), re-enacted.

(2) Paragraph 16 of the said section 404, as re-enacted by subsection 1 of section 10 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor:

Fire protection agreements.

16. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration as may be deemed expedient, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.

Rev. Stat., c. 266, s. 404, para. 28, re-enacted.

(3) Paragraph 28 of the said section 404 as amended by subsection 2 of section 36 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Aid to hospitals

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

Rev. Stat., c. 266, s. 404, para. 30 (1944, c. 39, s. 36, subs. 3), amended.

(4) Paragraph 30 of the said section 404, as re-enacted by subsection 3 of section 36 of *The Municipal Amendment Act, 1944*, is amended by striking out the first seven lines and inserting in lieu thereof the following:

Paragraph 41*b* will provide for the establishment of a system of sick leave credit gratuities similar in principle to that now in operation in the Ontario Government Service.

Paragraph 53 is self-explanatory. It is designed to make equipment that would otherwise be idle, revenue producing and of use to the community.

Subsection 2. The paragraph is extended to provide for agreements between municipalities and persons as well as agreements between municipalities. The chief purpose of the amendment is to enable a municipality to make an agreement for the use of the fire-fighting equipment of an industrial plant located in the vicinity.

Subsection 3. The scope of the paragraph is extended to include municipal isolation hospitals. That part of the paragraph dealing with debentures is new.

Subsections 4 and 5. The scope of the present war memorial project paragraph is widened.

Subsections 6, 7 and 8. These deal with municipal pension plans and extend the application of the present paragraph so two or more municipalities may jointly set up a pension plan for their employees and so that a local board may establish a plan.

30. Subject to the approval of the Department, for Special undertakings. 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, or other places of recreation and amusement within or outside the municipality which may be in 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.

(5) Paragraph 30 of the said section 404 is further amended by adding thereto the following clauses: Rev. Stat., c. 266, s. 404, para. 30 (1944, c. 39, s. 36, subs. 3) amended.

(e) The council may appoint three resident ratepayers who need not be members of the council to act on its behalf as a board of management for any undertaking under this paragraph.

(f) The council may prescribe fees for admittance to or for the use of any undertaking under this paragraph.

(6) Paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clauses: Rev. Stat., c. 266, s. 404, para. 41a (1939, c. 30, s. 23, subs. 2), amended.

(f) Any two or more municipalities may provide by agreement for pensions for employees or any class thereof and their wives and children, and in such case the provisions of this paragraph shall apply *mutatis mutandis* and it shall be agreed that one of the parties shall be deemed to be the municipality and the other parties shall be deemed to be local boards within the meaning of this paragraph. Municipalities may agree to provide pensions.

(g) Any local board may provide pensions for employees or any class thereof and their wives and children and the provisions of this paragraph shall apply *mutatis mutandis* thereto. Local boards may provide pensions.

(7) Clause c of the said paragraph 41a, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, and amended by subsection 8 of section 36 of *The Municipal Amendment Act, 1944*, is further amended by inserting Rev. Stat., c. 266, s. 404, para. 41a, cl. c (1939, c. 30, s. 23, subs. 2), amended.

after the word "municipality" in the first and second lines the words "or local board", so that the said clause shall now read as follows:

Contributions to be deemed current expenditures.

- (c) Payment or contributions other than the initial payments or contributions made by a municipality or local board under this paragraph shall be deemed to be current expenditures.

Rev. Stat., c. 266, s. 404, para. 41a, cl. e (1939, c. 30, s. 23, subs. 2), re-enacted.

- (8) Clause *e* of the said paragraph 41a, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is repealed and the following substituted therefor:

Treasurer to receive contributions and deductions.

- (e) The local board shall pay to the treasurer of the municipality the payments or contributions mentioned in clause *c* and the amounts deducted under clause *d* and such payments heretofore made shall be valid.

Rev. Stat., c. 266, s. 405, para. 1, cl. b (1941, c. 35, s. 12, subs. 1), re-enacted.

- 48.—(1) Clause *b* of paragraph 1 of section 405 of *The Municipal Act*, as re-enacted by subsection 1 of section 12 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor:

- (b) A by-law shall not be passed except with, firstly, the affirmative vote of not less than three-quarters of all the members of the council, and secondly, the assent of not less than two-thirds of the electors qualified to vote on money by-laws who vote on the by-law.

Rev. Stat., c. 266, s. 405, para. 5, 6, re-enacted.

- (2) Paragraphs 5 and 6 of the said section 405 and the heading immediately preceding the said paragraphs are repealed and the following substituted therefor:

Cattle and Other Animals.

Regulating the keeping of animals etc.

5. For regulating the keeping of cattle, goats, swine, horses, rabbits, mink, foxes or other animals, or pigeons, or kennels for the breeding or boarding of cats and dogs, within the municipality or defined areas thereof.

Prohibiting keeping of animals, etc.

6. For prohibiting the keeping of cattle, goats, swine, rabbits, mink, foxes, or other animals, except horses or mules, within the municipality or defined areas thereof.

Rev. Stat., c. 266, s. 405, para. 53, re-enacted.

- (3) Paragraph 53 of the said section 405, as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1943*, and subsections 1 and 2 of section 38 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

SECTION 48—Subsection 1. At the present time the approval of the Municipal Board is obtained before the by-law is submitted to the vote of the electors. As re-enacted, this order is reversed.

Subsection 2. The scope of the paragraphs is widened by including cattle instead of cows and rabbits, mink, foxes, dog and cat kennels and pigeons.

Subsection 3. Self explanatory.

Subsection 4. At the present time the effectiveness of snow removal by-laws is questionable owing to the language of paragraphs 57 and 58. These paragraphs as re-enacted are designed to enable effective by-laws to be passed.

Subsection 5. The agreement referred to is an exclusive bus franchise agreement.

53. For charging persons who own or occupy land drained, or which by by-law is required to be drained, into a common sewer, a reasonable rent or rate in respect of the cost or use of the sewer or in respect of the collection, treatment and disposal of sewage, provided that no rent or rate in respect of the cost of a sewer shall be charged where local improvement rates for the sewer have been or are being levied. Sewer rents.

(a) All sewer rents shall form a lien and charge upon the real estate upon or in respect of which the same have been assessed and rated or charged and shall be collected in the same manner and with the like remedies as ordinary taxes on real estate are collected under the provisions of *The Assessment Act*. Rev. Stat., c. 272.

(4) Paragraphs 57 and 58 of the said section 405 are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 405, paras. 57, 58, re-enacted.

57. For requiring the occupants of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the roofs of such buildings and for requiring the occupants of any designated class of building in the municipality or any designated area thereof to clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of such buildings and for regulating when and the manner in which the same shall be done. Removal or snow and ice from roofs and sidewalks of occupied premises.

58. For clearing away and removing snow and ice from the roofs of any designated class of unoccupied buildings in the municipality or any designated area thereof and for clearing away and removing snow and ice from the sidewalks on the highways in front of, alongside or at the rear of any designated class of unoccupied buildings or vacant lands at the expense of the owners and for collecting or recovering the expenses incurred in so doing in the manner provided by section 524. Removal of snow and ice from roofs and sidewalks of unoccupied premises.

(5) Clause *a* of paragraph 68 of section 405 of *The Municipal Act* as enacted by subsection 3 of section 38 of *The Municipal Amendment Act, 1944*, is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the said clause shall now read as follows: Rev. Stat., c. 266, s. 405, para. 68, c. a (1944, c. 39, s. 38, subs. 3), amended.

(a) The agreement may provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.

Rev. Stat.,
c. 266, s. 405,
amended. (6) The said section 405 is further amended by adding thereto the following paragraph:

Smoke
prevention.

71. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in which or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney.

(a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining or smelting of ores or minerals or the manufacture of cement, brick or tiles or to dwelling houses except apartment houses.

(b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in the *Ontario Gazette* and in a daily newspaper for four successive weeks.

Rev. Stat.,
c. 266, s. 406,
subs. 1,
para. 2
(1941,
c. 35, s. 13,
subs. 1),
amended.

49.—(1) Paragraph 2 of subsection 1 of section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is amended by inserting after the word "buildings" in the first line the words "or structures", so that the said paragraph shall now read as follows:

Restricting
erection
or use of
buildings
and
structures.

2. For prohibiting the erection or use of buildings or structures, for or except for such purposes as may be set out in the by-law, within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Rev. Stat.,
c. 266, s. 406,
subs. 1,
para. 3
(1941,
c. 35, s. 13,
subs. 1),
re-enacted.

(2) Paragraph 3 of subsection 1 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor:

Construction
of build-
ings and
structures.

3. For regulating the cost or type of construction and the height, bulk, location, spacing, external design, character and use of buildings or structures to be erected within any defined area or areas or upon land abutting on any defined highway or part of a

Subsection 6. At the present time the prevention of smoke is dealt with in paragraph 45 of section 407 and paragraph 5 of section 423 of *The Municipal Act*. These paragraphs overlap and are inconsistent. Paragraph 71 is substituted and the present paragraphs repealed.

SECTION 49. These amendments are designed to enable a municipality to adopt a comprehensive zoning system and are based on the experience gained from operating under the present section.

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

Furthermore, it highlights the role of internal controls in preventing fraud and ensuring the integrity of the financial statements. The document also touches upon the importance of regular audits and reviews.

In addition, the text mentions the significance of staying up-to-date with the latest regulations and standards in the industry. It suggests that organizations should invest in training and development for their staff.

Overall, the document provides a comprehensive overview of the key aspects of financial management and reporting. It serves as a valuable resource for anyone involved in the financial operations of an organization.

The document concludes by reiterating the importance of a strong financial foundation for long-term success. It encourages organizations to adopt a proactive approach to financial management.

By following the principles outlined in this document, organizations can ensure that their financial practices are sound and compliant. This will ultimately lead to improved performance and sustainability.

The document also provides some practical tips and suggestions for implementing effective financial controls. These include regular communication with stakeholders and maintaining clear lines of responsibility.

In conclusion, the document is a thorough and informative guide to financial management. It covers all the essential elements that are necessary for a successful and transparent financial operation.

It is hoped that this document will be helpful to all those who are interested in improving their financial practices. The information provided is intended to be a starting point for further exploration and implementation.

The document is a valuable resource for anyone looking to enhance their financial management skills. It provides a clear and concise overview of the key concepts and practices in the field.

By reading and understanding this document, organizations can gain valuable insights into the best practices for financial management. This will help them to make more informed decisions and improve their overall financial health.

The document is a comprehensive and up-to-date resource for anyone involved in financial management. It covers all the latest trends and developments in the industry, providing a valuable perspective on the future of financial reporting.

In summary, the document is a highly informative and practical guide to financial management. It provides a wealth of information and insights that are essential for anyone looking to succeed in the financial world.

The document is a valuable asset for any organization or individual interested in financial management. It provides a clear and concise overview of the key concepts and practices in the field, making it an essential read for anyone in the industry.

highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof which any building or structure may occupy.

(3) Paragraph 4 of subsection 1 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 406,
subs. 1,
para. 4
(1941,
c. 35, s. 13,
subs. 1),
re-enacted.

4. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law, to provide and maintain loading facilities on land that is not part of a highway.

Loading
space.

(4) The said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, and amended by section 11 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 266, s. 406,
(1941,
c. 35, s. 13,
subs. 1),
amended.

- (1a) Any by-law passed under this section may prohibit or regulate all or any of the matters mentioned in subsection 1.
- (1b) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.
- (1c) The council may acquire any land, building or structure used or erected for a purpose which does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.
- 2a. For prohibiting the erection of a building or structure for residential or commercial purposes on land where by reason of its low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Scope of
by-law.

Use of
maps.

Acquisition
and dis-
position of
non-con-
forming
lands.

Marshy
lands.

(5) Subsection 2 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is amended by striking out the words "or building" in the second line and inserting in lieu thereof the words "building

Rev. Stat.,
c. 266, s. 406,
subs. 2
(1941,
c. 35, s. 13,
subs. 1),
amended.

or structure” and by inserting after the word “building” where it occurs in the sixth and ninth lines respectively the words “or structure”, so that the said subsection shall now read as follows:

Excepted
land,
buildings or
structures.

- (2) No by-law passed under this section shall apply to any land, building or structure which, on the day of the passing of the by-law, is used or erected for any purpose prohibited by the by-law, so long as it continues to be used for that purpose, nor shall the by-law apply to any building or structure the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building or structure when erected is used for the purpose for which it was erected.

Rev. Stat.,
c. 266, s. 406,
subs. 9
(1943,
c. 16, s. 11,
subs. 2),
amended.

- (6) Subsection 9 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943*, is amended by striking out the words “or building” where they occur in the seventh and ninth lines respectively and inserting in lieu thereof the words “building or structure”, so that the said subsection shall now read as follows:

Extension
or enlarge-
ment.

- (9) Notwithstanding any other provision of this section, any by-law passed under this section or under any provision deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, may with the approval of the Municipal Board be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Rev. Stat.,
c. 266, s. 406
(1941,
c. 35, s. 13,
subs. 1),
amended.

- (7) The said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, and amended by section 11 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Appeal.

- (9a) Where an application to the council for an amendment to a by-law passed under this section is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

CHAPTER I. THE EARLY HISTORY OF THE UNITED STATES

SECTION I. THE DISCOVERY OF AMERICA

SECTION II. THE EARLY SETTLEMENTS

SECTION III. THE REVOLUTIONARY WAR

SECTION 50—Subsection 1. This provision is new.

Subsection 2. See note to subsection 6 of section 48 of this Bill re smoke prevention.

Subsection 3. As re-enacted, the paragraph will enable municipalities to define heavy traffic in accordance with the nature of the street paving.

Subsection 4. Self explanatory.

SECTION 51. The clause is new. It is designed to discourage theft of fuel during delivery from the dealer to the purchaser.

50.—(1) Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 266, s. 407, amended.

3a. For regulating, controlling and inspecting the installation of blowers, stokers and oil or gas units in heating plants, and the storage of fuel in connection therewith. Regulation, etc., of other heating equipment.

(2) Paragraph 45 of the said section 407 is repealed. Rev. Stat., c. 266, s. 407, para. 45, repealed.

(3) Paragraph 47 of the said section 407 is amended by inserting after the word "traffic" in the third line the words "as defined in the by-law", so that the said paragraph shall now read as follows: Rev. Stat., c. 266, s. 407, para. 47, amended.

47. Subject to the provisions of *The Highway Traffic Act* for regulating traffic on the highways, and for prohibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction. Regulating traffic. Rev. Stat., c. 288.

(4) Paragraph 48 of the said section 407 is amended by inserting after the word "cars" in the second line the words "or buses", so that the said paragraph shall now read as follows: Rev. Stat., c. 266, s. 407, para. 48, amended.

48. For setting aside and designating in a suitable visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon. Safety zones.

51. Paragraph 6 of section 408 of *The Municipal Act* is amended by adding thereto the following clause: Rev. Stat., c. 266, s. 408, para. 6, amended.

(a) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after the same is weighed or measured in accordance with the by-law, and the amount so specified and the ticket shall be delivered to the purchaser.

Rev. Stat., c. 266, s. 414, para. 1, re-enacted. **52.** Paragraph 1 of section 414 of *The Municipal Act* is repealed and the following substituted therefor:

Collection, removal and disposal of garbage, etc.

1. For establishing and maintaining a system for the collection, removal and disposal of garbage or of garbage and other refuse or of ashes, garbage and other refuse, and for contracting with any person for the collection, removal and disposal by him of ashes, garbage and other refuse upon such terms and conditions as may be deemed expedient, and for acquiring land within the municipality or in any adjacent municipality with the consent of the council thereof for any of the purposes of this paragraph, and for erecting and maintaining with the approval of the Department of Health such buildings, machinery and plant as may be deemed necessary for the purposes of this paragraph.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor in respect of any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

Rev. Stat., c. 266, s. 423, paras. 5, 15, repealed. **53.**—(1) Paragraphs 5 and 15 of section 423 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 423, para. 16, amended. (2) Paragraph 16 of the said section 423 is amended by inserting after the figure "4" in the second line the figures "12", so that the said paragraph shall now read as follows:

Lodging houses, surveyors and engineers, lending libraries.

16. For exercising the powers conferred on cities and towns by paragraphs 4, 12 and 13 of section 414.

Rev. Stat., c. 266, s. 423, amended. (3) The said section 423 is further amended by adding thereto the following paragraphs:

Pits and quarries.

- 10a. For exercising all the powers conferred on urban municipalities by paragraph 42 of section 407, with respect to pits and quarries.

Safety zones.

- 13a. For exercising all the powers conferred on urban municipalities by paragraph 48 of section 407, with respect to safety zones.

Rev. Stat., c. 266, s. 425, para. 1, amended. **54.**—(1) Paragraph 1 of section 425 of *The Municipal Act* is amended by striking out the words "defined areas, where the number of the inhabitants or the proximity of buildings in any part of the township renders it expedient to do so" in the first, second and third lines and inserting in lieu thereof the

SECTION 52. The scope of the paragraph is widened in order to give adequate authority to municipalities to deal with garbage disposal and incineration.

SECTION 53—Subsection 1. Paragraph 5, which is repealed, deals with the emission of smoke. See note to subsection 6 of section 48 of this Bill.

Paragraph 15 which is repealed, deals with electrical workers. See note to section 58 of this Bill.

Subsection 3. Self explanatory.

Subsection 4. Self explanatory.

SECTION 54.—(1) The scope of the provision is widened so as to apply to the whole township as well as any defined area.

(2) The word "equal" is struck out so as to conform with subsection 5 of section 305 of *The Municipal Act*.

Clause (b) is struck out in order to enable the cost of a township fire hall, etc., to be paid off sooner than it now can.

(3) Self-explanatory. The purpose is to enable townships to make use of the fire-fighting equipment, etc., of industrial plants.

(4) The subject matter, naming streets, etc., is already covered in paragraph 10 of section 423 of the Act.

SECTION 55. These sections, which deal with licensing, regulating and governing auctioneers and bill posters, are not applicable to townships. They are transferred to section 436 of the Act (see section 56 of this Bill) where they will be applicable to counties, towns, villages, townships and cities.

SECTION 56. See note to section 55 of this Bill.

words "the township or any defined area thereof", so that the said paragraph shall now read as follows:

- (1) Within the township or any defined area thereof, Prevention of fires.
for exercising the powers conferred on the councils of urban municipalities by paragraphs 3, 4, 5, 8, 9 and 18 to 37 of section 407.
 - (2) Paragraph 2 of the said section 425 is amended by Rev. Stat., c. 266, s. 425, para. 2, amended. striking out the word "equal" in the fifth line and by striking out clause *b*.
 - (3) Paragraph 4 of the said section 425 is amended by Rev. Stat., c. 266, s. 425, para. 4, amended. inserting after the word "municipality" in the second line the words "or with any person" and by inserting after the word "corporation" in the third and fourth lines the words "or person", so that the said paragraph shall now read as follows:
 4. For entering into a contract with the corporation of Contracts for fire protection. an adjoining municipality or with any person for the use, service and assistance of the fire brigade and the fire apparatus and equipment of such corporation or person in the event of fire in any defined area of the township and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to such contract.
 - (4) Paragraph 14 of the said section 425 is repealed. Rev. Stat., c. 266, s. 425, para. 14, repealed.
- 55.** Section 428 of *The Municipal Act* and section 429 of *The Municipal Act*, as amended by section 10 of *The Municipal Amendment Act, 1938*, are repealed. Rev. Stat., c. 266, ss. 428, 429, repealed.
- 56.** Section 436 of *The Municipal Act* is amended by adding thereto the following paragraphs: Rev. Stat., c. 266, s. 436, amended.

AUCTIONEERS.

4. For licensing, regulating and governing auctioneers Auctioneers. and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a license to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of

good character or his premises are not suitable for the business and for determining the time the license shall be in force.

- (a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

BILL POSTERS.

Bill posters.

5. For licensing, regulating and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills which are indecent or tend to corrupt morals.

- (a) A by-law of a county passed under this paragraph shall not have force in a town, village or township which has passed a by-law for a similar purpose.

- (b) A by-law passed under this paragraph may provide that no such license shall be required by a person who works only as an employee of a person licensed.

Rev. Stat.,
c. 266, s. 437,
repealed.

57. Section 437 of *The Municipal Act* as amended by section 31 of *The Municipal Amendment Act, 1939*, and subsections 1 and 2 of section 17 of *The Municipal Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 266, s. 439,
amended.

58. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Electrical workers.

- 3b. For examining, licensing, regulating and governing electrical contractors, electricians, master electricians and journeyman electricians.

"master electrician"

- (a) For the purpose of this paragraph "master electrician" shall mean a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who, himself, or by journeyman electricians in his

"journeyman electrician."

SECTION 57. This section, which deals with electrical workers, is repealed. See note to section 58 of this Bill.

SECTION 58. *Re electricians:* At the present time electricians are dealt with in paragraph 15 of section 423 and section 437 of *The Municipal Act*. These provisions overlap and are inconsistent. Paragraph 3b is substituted and the present paragraphs repealed.

Re installers of insulation: This provision is new.

Re fuel delivery men: This provision is new.

Re shoe repair shops: This provision is new.

Re tag days: At the present time this paragraph appears as paragraph 2 of section 442 of *The Municipal Act*. By re-enacting it in section 439 of the Act its scope is widened to include all cities, towns, villages and townships.

Re tourist camps: Self-explanatory.

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employ, performs electrical work, and "journeyman electrician" shall mean a person other than a master electrician, who has been employed in electrical installation and has acquired sufficient skill and knowledge of the trade to be considered a safe and responsible mechanic.

- (b) The by-law shall not apply to the employees of a public service commission or corporation.
- 3c. For licensing, regulating and governing persons who carry on the business of installing insulation in buildings, and for revoking any such license. Installers of insulation.
- 3d. For licensing, regulating and governing persons who deliver coal or other fuel and for revoking any such license. Fuel delivery men.
- 3e. For licensing, regulating and governing keepers of shoe repair or shoe shine shops and for revoking any such license. Shoe repair shops, etc.
- 3f. For fixing days when persons and organizations in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality. Tag days.
- 3g. For licensing, regulating and governing tourist camps and trailer camps and for designating areas of land to be used as tourist camps or trailer camps and for prohibiting the use of other land for such purposes. Tourist and trailer camps.

(a) In this paragraph,

- (i) "tourist camp" shall include auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and
- (ii) "trailer camp" shall mean land in or upon which any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor

vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running-gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

Rev. Stat.,
c. 266, s. 442,
para. 2,
repealed.

59. Paragraph 2 of section 442 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 449,
subs. 1,
amended.

60. Subsection 1 of section 449 of *The Municipal Act* is amended by striking out the symbol and figures "\$500" in the twelfth line and inserting in lieu thereof the symbol and figures "\$1,000", and by striking out the words, symbol and figures "a sum not exceeding in any year \$100" in the last line and inserting in lieu thereof the words "in any year such sum as may be approved by the Department", so that the said subsection shall now read as follows:

Appropriations for
publicity.

- (1) The council of every city having a population of not less than 100,000 may expend a sum not exceeding in any year twenty cents per head of its population and the council of a city having a population of not less than 30,000 may expend a sum not exceeding in any year ten cents per head of its population and the council of a city having a population of less than 30,000 may expend a sum not exceeding in any year \$3,000, and the council of every township or town bordering on a city having a population of not less than 100,000 may expend a sum not exceeding in any year \$2,000, and the council of every town having a population of not less than 5,000 and the council of every county may expend a sum not exceeding in any year \$1,000, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities may expend for the like purpose in any year such sum as may be approved by the Department.

Rev. Stat.,
c. 266, s. 466,
amended.

61.—(1) Section 466 of *The Municipal Act* is amended by adding thereto the following subsection:

Grants in
aid.

- (8) Where a county assumes a highway or bridge under this section, the town, village or township within which the highway or bridge is situate may make grants to the county in aid of the maintenance or reconstruction thereof and the maintenance of the reconstructed highway or bridge, or where the high-

SECTION 59. This paragraph, which deals with tag days, is repealed.
See note to section 58 of this Bill.

SECTION 60. Self-explanatory.

SECTION 61. At the present time such grants in aid cannot be made.

The section is made retroactive in order to cover the case of the relocation of a bridge in Wallaceburg which has been taken over by the county.

SECTION 62. Subsection 1 of section 472 provides that where a river, stream, pond or lake forms the boundary between counties or between a county and a city or separated town, it is the duty of the municipalities to erect and maintain bridges over such river, stream, pond or lake.

The amendment, which is new, allows the county to limit its liability to rivers, etc., more than twenty feet in width.

SECTION 63. This amendment is complementary to section 62 of this Bill.

SECTION 64. Section 504 authorizes urban municipalities to regulate the erection or occupation of dwelling houses on narrow streets, lanes or alleys or in crowded or unsanitary districts. This is an old section, now covered by section 406 of the Act. It is therefore repealed.

These remarks apply equally well to section 505.

SECTION 65—Subsection 1. Self explanatory.

Subsection 2. Self explanatory.

way or bridge is relocated, in aid of the construction and maintenance of the relocated highway or bridge.

(2) This section shall be deemed to have had effect on and after the 11th day of August, 1944. Retrospective effect.

62. Section 472 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 472, amended.

(2) The council of a county may by by-law provide that the duty imposed upon the corporation by subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes less than twenty feet in width. By-law restricting duty.

63. Section 474 of *The Municipal Act* is amended by inserting after the word and figures "section 457" in the second line the words and figures "or subsection 2 of section 472", so that the said section shall now read as follows: Rev. Stat., c. 266, s. 474, amended.

474. Where the council of a county passes a by-law under subsection 2 of section 457 or subsection 2 of section 472 it shall be the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law. Local municipalities to erect and maintain certain bridges.

64. Sections 504 and 505 of *The Municipal Act* are repealed. Rev. Stat., c. 266, ss. 504, 505, repealed.

65.—(1) Paragraph 7 of section 507 of *The Municipal Act* is amended by adding at the end thereof the words "or for any other purpose", so that the said paragraph shall now read as follows: Rev. Stat., c. 266, s. 507, para. 7, amended.

7. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils, or for any other purpose. Stone and gravel pits.

(2) Paragraph 8 of the said section 507 is amended by adding after the word "bridges" in the sixth line the words "or for any other purpose", so that the paragraph, exclusive of the clauses, shall now read as follows: Rev. Stat., c. 266, s. 507, para. 8, amended.

8. For entering upon and searching for and taking from land within the municipality or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may Power to enter land to take gravel, etc.

be necessary for constructing, maintaining and keeping in repair the highways and bridges, or for any other purpose.

Rev. Stat.,
c. 266, s. 525
amended.

66. Section 525 of *The Municipal Act*, as amended by section 48 of *The Municipal Amendment Act, 1944*, is further amended by striking out the words "a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act", in the first, second and third lines and inserting in lieu thereof the words "any by-law passed under the authority of this Act is contravened", so that the said section shall now read as follows:

Power to
restrain
by action.

525. Where any by-law passed under the authority of this Act is contravened, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation.

Rev. Stat.,
c. 266, s. 561;
1903,
c. 19, s. 566,
repealed.

67. Section 561 of *The Municipal Act* and section 566 of *The Consolidated Municipal Act, 1903*, are repealed.

Commence-
ment of Act.

68. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

69. This Act shall be cited as *The Municipal Amendment Act, 1946*.

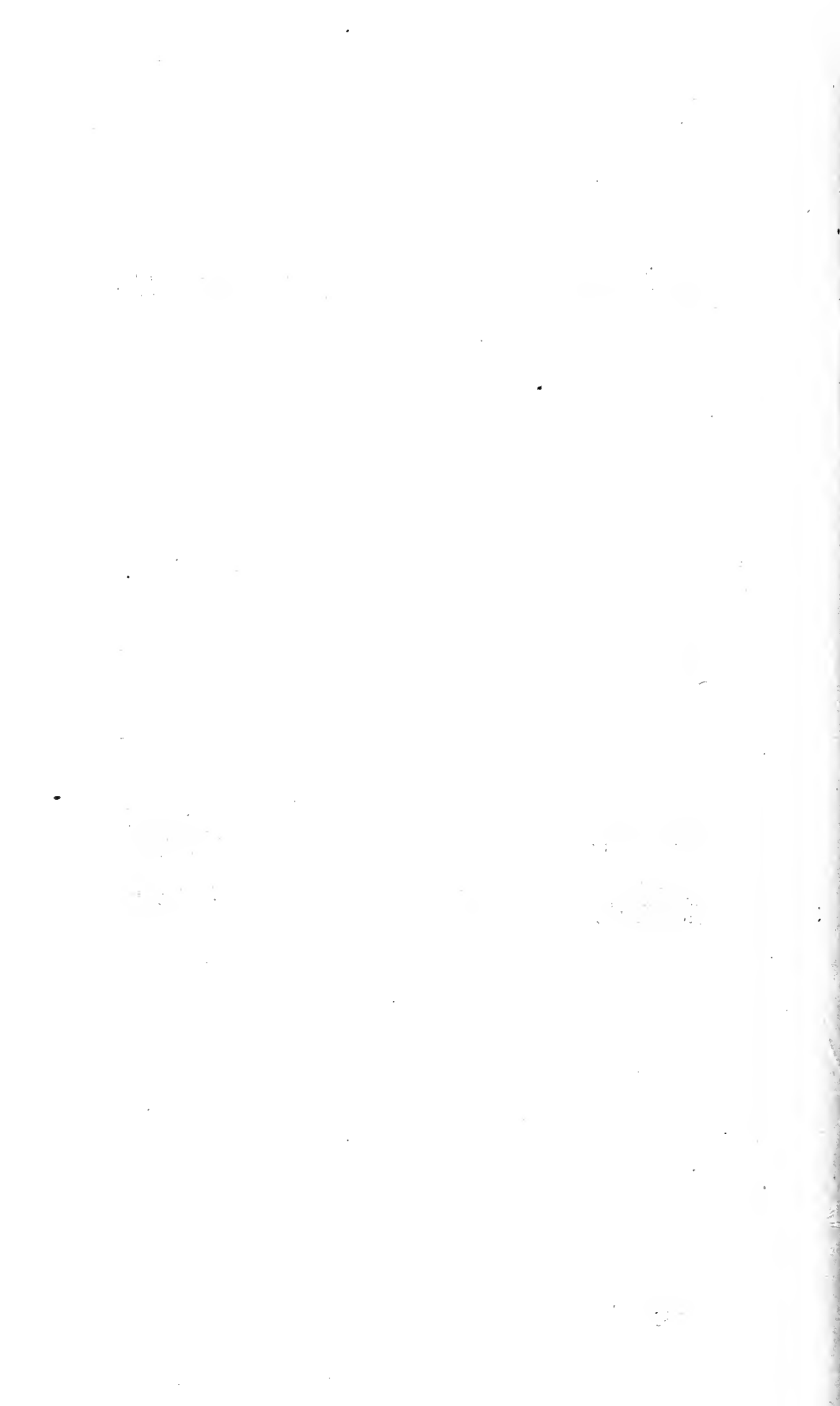
SECTION 66. The scope is extended to include all by-laws. At the present time it is confined to by-laws with respect to the erection or use of buildings or the use of land.

SECTION 67. In 1899 *The Municipal Act* was amended by the addition of what has come to be known as the "Conmee clauses". They were designed to ensure a measure of fair dealing where a municipality decided to go into a public utility field already occupied by a privately owned concern.

At the time of their adoption and from time to time afterwards the principles involved in the clauses were the subject of debate and differences of opinion.

In 1913 the entire Act was repealed with the exception of the section containing the Conmee clauses, which section was not to be repealed until a day to be named by the Lieutenant-Governor. A similar provision was carried into the new Act in the 1914 revision, the consolidation of 1922 and the revisions of 1927 and 1937. No proclamation has been made.

The purpose of this section of the Bill is to repeal the Conmee clauses and the section of the present Act which provides for their repeal by proclamation.





An Act to amend The Municipal Act.

1st Reading

March 29th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law.)

EXPLANATORY NOTE.

SECTION 1. Self-explanatory.

SECTION 2. This old section which provides for adding territory to a city or town is repealed. Such matters will hereafter be dealt with under section 23 of the Act.

SECTION 3. Self-explanatory.

BILL

An Act to amend The Municipal Act.

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

1. Subsection 1 of section 18 of *The Municipal Act* as amended by section 1 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the word "each" in the third line the words "being a British subject", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 18,
subs. 1,
amended.

- (1) Subject to subsection 2 of section 13, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each being a British subject of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 1,500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.

Incorporation of
towns in
unorganized
territory.

2. Section 20 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 20,
repealed.

3.—(1) Subsection 2 of section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "who are entitled to vote on money by-laws", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 23,
subs. 2 (1939,
c. 30, s. 2),
amended.

- (2) The Municipal Board before proceeding with the application of the council of any municipality under subsection 1 may require that the by-law of such council shall receive the assent of the electors of such municipality who are entitled to vote on money by-laws.

Assent of
electors
entitled to
vote on
money
by-laws.

(2) Subsection 6 of the said section 23, as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 23,
subs. 6 (1939,
c. 30, s. 2),
amended.

(a) In this subsection "electors" shall mean electors who are entitled to vote on money by-laws.

Rev. Stat.,
c. 266,
amended.

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

Alteration
of areas.

23a.—(1) Upon the application of a municipality to enlarge, reduce or dissolve any fire, police, sewage water or transportation area or local improvement area or street lighting area created under this or any other Act or any other area created for any municipal purpose, or to amalgamate any such area with any other area of a similar nature in the municipality, the Municipal Board may on such terms as it deems expedient, by order make such enlargement, reduction, dissolution or amalgamation.

Application
of s. 23.

(2) The provisions of section 23, except subsection 14, shall apply *mutatis mutandis* in the case of an application under subsection 1.

Rev. Stat.,
c. 266,
amended.

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

Power to
create inter-
urban ad-
ministrative
areas.

23b.—(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 and police protection, planning, 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.

Rev. Stat.,
c. 59.

(2) Before proceeding with the application the Municipal Board may require the matter to be voted upon by the electors entitled to vote on money by-laws in the area or any part thereof.

Vote of
electors.

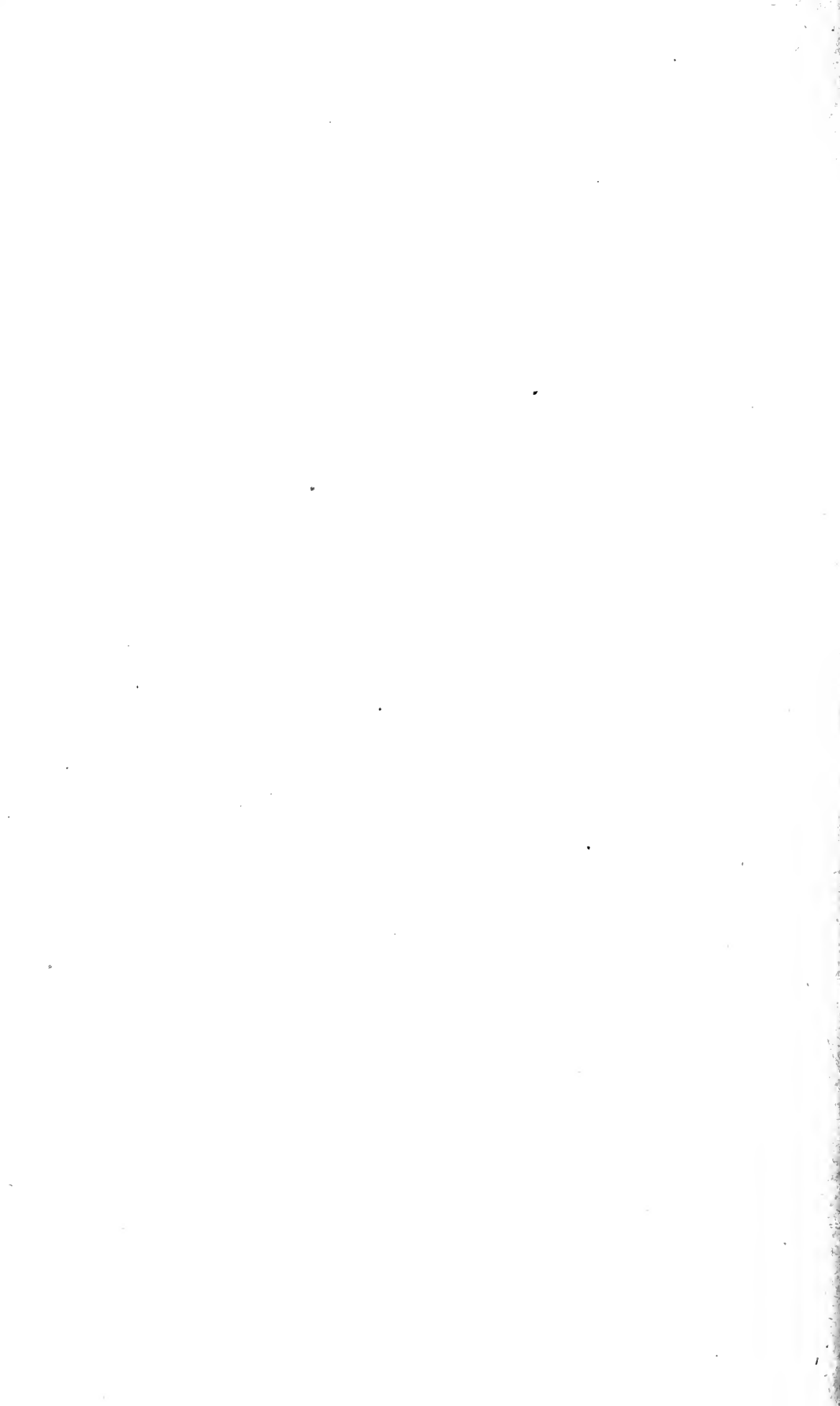
(3) Before making an order under subsection 1 the Municipal Board shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing the objections that any person may desire to bring to the attention of the Board.

Public
hearing to
be held.

SECTION 4. Self-explanatory. It is considered that more efficient municipal administration can be achieved by providing for flexibility in area matters, by way of application to the Ontario Municipal Board.

SECTION 5. Under this section, which is new, the Ontario Municipal Board may on application create an inter-urban area consisting of two or more municipalities in which specified municipal services will be administered by a central authority.

The area is divided into wards and one member elected from each ward to form a board of management with the status and powers of a municipal corporation to administer the service for which it was created. The money necessary for its purposes is levied by the municipalities in the area and paid over to the board in the same way as county rates.



- (4) If a petition signed by at least 150 electors entitled ^{Petition.} to vote on money by-laws of any municipality other than a city or 500 such electors of a city praying that an application under subsection 1 be made is presented to the council, the council shall within six weeks after the presentation of the petition or, subject to the approval of the Municipal Board, at the next election submit to the electors entitled to vote on money by-laws for their assent thereto a by-law or question setting out the nature of the application prayed for and if such by-law or question receives the assent of such electors the council shall forthwith make such application to the Municipal Board.
- (5) The Lieutenant-Governor in Council may authorize the Minister to make an application under subsection 1 and in such case the Municipal Board shall have the same powers as if the application had been made by a municipality under subsection 1. ^{Minister of Municipal Affairs may apply.}
- (6) The Municipal Board may by order made pursuant to an application under this section or by subsequent order or orders,— ^{Powers of Municipal Board.}
- (a) make all such adjustments of assets and liabilities as between the municipalities affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
 - (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
 - (c) define special areas within the area created under this section and adjust the rights, claims, liabilities and obligations of the rate-payers of the special areas and provide the extent to which liabilities shall be discharged by the imposition of rates upon the rateable property in the special areas;
 - (d) appoint one or more referees who shall have all the powers mentioned in section 58 of *The Ontario Municipal Board Act* to inquire into and report to the Board upon the adjustment of the matters referred to in clauses *a*, *b* and *c* or any of them, the report to be filed with the Board within such time as the Board may from time to time allow and the Board shall ^{Rev. Stat., c. 60.}

consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer the report back to the referee or referees for further consideration;

(e) fix the remuneration and expenses of the referee or referees and declare in what proportion the remuneration and expenses shall be paid by the municipalities;

(f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the order.

Wards.

(7) The Municipal Board shall order a division or re-division of the area into not less than three wards having regard to population and size, provided that no ward shall extend beyond the boundaries of the municipality in which it is situate unless it is agreed to the contrary by the municipalities in the area.

Acting Secretary.

(8) The clerk of the municipality having the largest assessment shall act as secretary and returning officer of the area until a secretary-treasurer is appointed by the Board of Management.

Board of management,— composition of.

(9) There shall be a board of management to be known as the Board of Management of the Inter-Urban Area of which shall be a body corporate composed of one member for each ward in the area, to be elected as hereinafter provided.

Who may vote.

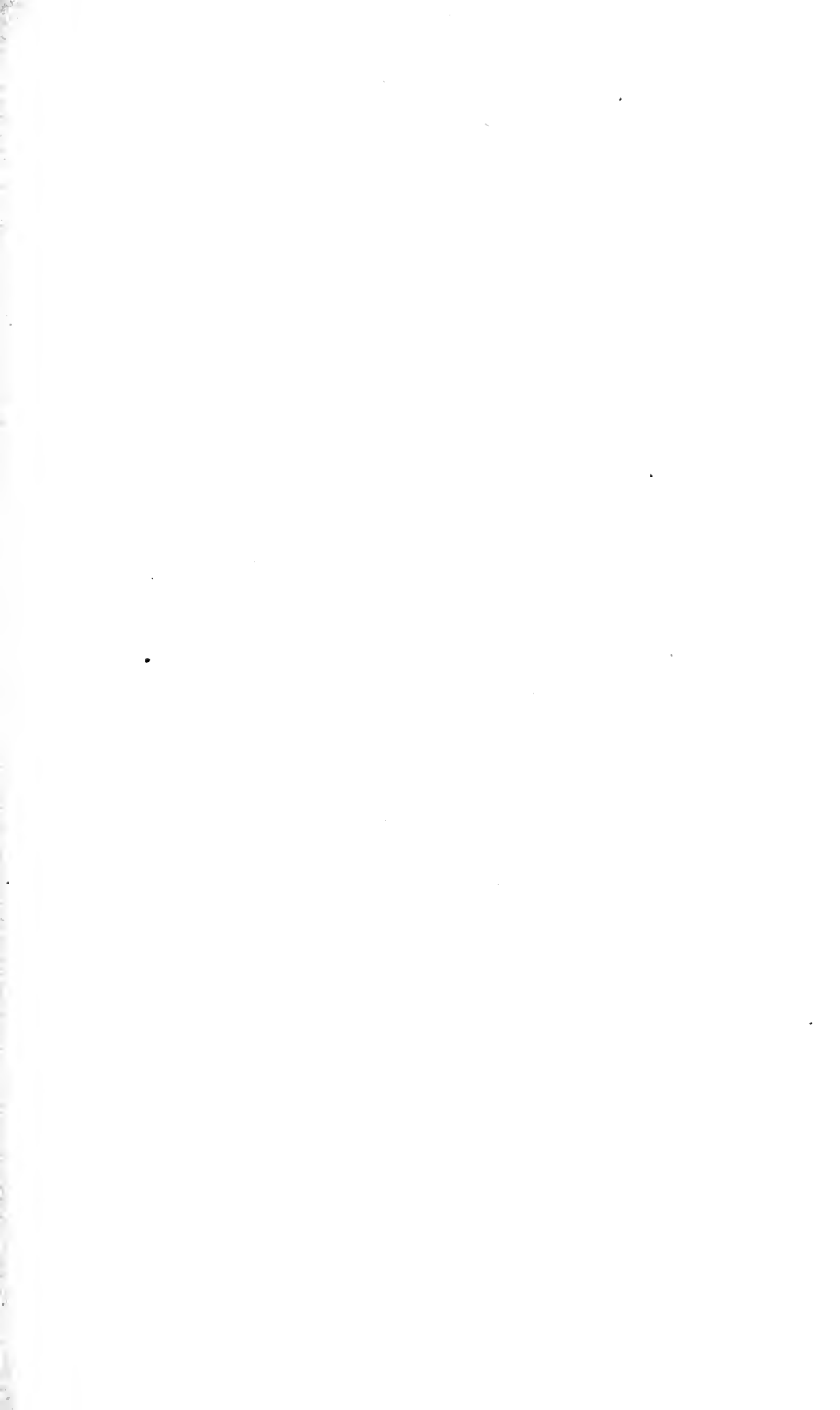
(10) Every person whose name is on the voters' list for the municipality or the part thereof within the ward as entitled to vote at municipal elections shall be entitled to vote at the election of the member of the Board of Management to be elected for such ward.

Time and place of elections.

(11) The first election of the Board of Management and any local board shall be held at the time and in the manner directed by the Municipal Board, and each election thereafter shall be held at the same time and place as the municipal elections of the municipality in which the ward is situate.

Election to be as municipal election.

(12) Except as provided in this section the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officials and in the same manner as the elections of aldermen and councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding elections including the resignation of persons nominated, vacancies and declara-



tions of qualification for office, and decision in the case of a tie vote, shall apply *mutatis mutandis* to such election.

- (13) Each member so elected shall hold office for two years and until his successor is elected. Two-year term.
- (14) The Board of Management shall appoint a secretary-treasurer for the area and Board of Management, who shall hold office during pleasure and who, subject to the by-laws of the Board of Management, shall with respect to the area and the administration of its affairs and of its inhabitants have and may exercise all the authority, powers and rights and shall perform all the duties and obligations which by statute or by-law are or may be conferred or imposed upon the clerk and treasurer of a municipality with the status as is designated by the Municipal Board in respect of the purposes for which the area is created. Secretary-treasurer.
- (15) The auditors of the municipality having the largest assessment within the area shall be the auditors of the area and the local boards thereof. Auditors.
- (16) The secretary-treasurer shall be the returning officer of the area and in the event of two or more candidates in any ward having an equal number of votes, he shall give a vote for one of such candidates so as to decide the election. Returning officer.
- (17) No person shall be eligible for election as a member of the Board of Management or any local board unless he is a resident of the ward for which he is nominated and qualified to vote at municipal elections therein. Eligibility of candidates.
- (18) Nominations for the first election of the members of the Board of Management or for any local board for any ward shall be held at the time and in the manner directed by the Municipal Board and each year thereafter the nominations shall be held at the same time and place as the nominations of municipal candidates for the municipality in which the ward is situate. Nominations.
- (19) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates for the Board of Management and any local board in the same form as those used for councillors and aldermen. Ballot papers.
- (20) At the close of the poll in each municipality the returning officer thereof shall transmit to the return- Duties of returning officer at close of poll.

ing officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and not later than four o'clock in the afternoon of the third day following the last of such elections the returning officer of the area shall make up from the returns so received by him, the total number of votes cast for each candidate and publicly declare the result of the election and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid mail a copy of such certificate to each candidate.

Vacancies.

- (21) Where the office of a member of the Board of Management becomes vacant from any cause, the remaining members shall at the first meeting after such vacancy occurs appoint a qualified person resident in the ward from which the member so vacating his seat was elected, to fill the vacancy for the remaining part of the term for which his predecessor was elected.

Meetings.

- (22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and each year thereafter the first meeting of the Board shall be held not later than the second Monday in January and the day and the hour for holding such meeting shall be fixed by by-law.

Election of chairman.

- (23) The secretary-treasurer shall preside at the election of the chairman or if there is no secretary-treasurer or in his absence the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.

Idem.

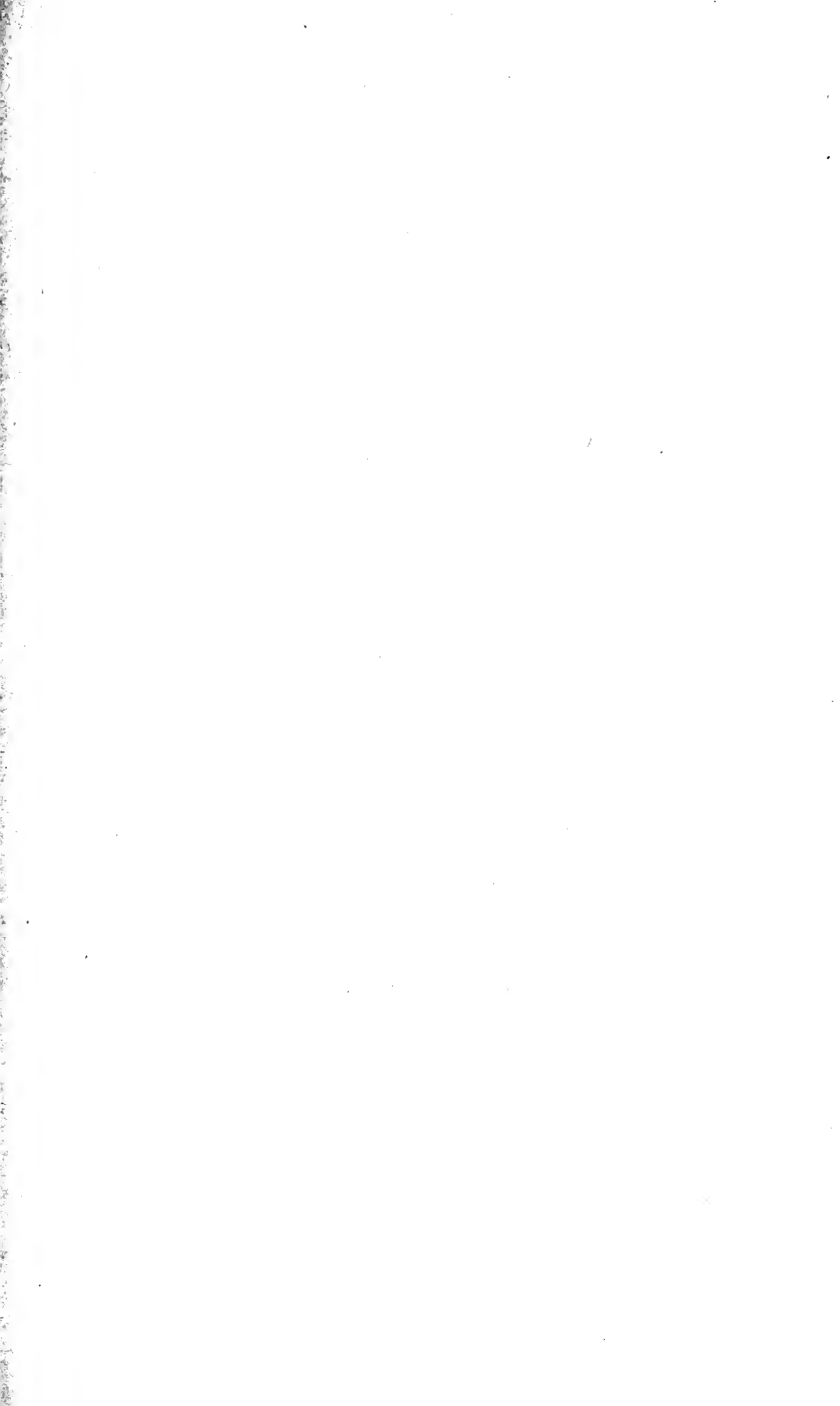
- (24) In case of an equality of votes at the election of the chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Powers and duties of chairman.

- (25) The chairman of the Board of Management shall be deemed to be and shall have all the rights, powers, privileges, duties and authority of the head of a council and municipality and a mayor or reeve of a city, town, village or township and the chairman of a local board as designated by the Municipal Board.

Vice-chairman.

- (26) The Board of Management shall appoint a vice-chairman who shall during the absence of the chairman or if the office is vacant have all the rights, powers, privileges, duties and authority of the chairman.



- (27) A majority of the members constituting the Board shall be a quorum. ^{Quorum.}
- (28) The area shall be a local municipality for the purposes for which the area was created with the status of a city, town, village or township as is designated by the Municipal Board. ^{Status of area.}
- (29) The Board of Management shall be a municipal council for the administration and management of the purposes for which the area was created and shall be a local board as defined in *The Department of Municipal Affairs Act* for such purposes as are designated by the Municipal Board, except school boards, library boards, boards of commissioners of police, planning boards, boards of health and health units. ^{Status of Board of Management.}
- (30) The powers vested in the Board of Management under this section shall not be exercised by the councils of the local municipalities in the area or by the council of the county, if any, in which the area is situate and the county levy, if any, shall not include a levy upon the rateable property in the area for any of the purposes for which the area was created. ^{Board of Management supreme.}
- (31) Every board created or amalgamated for school purposes in the area shall have the status of a public school board, continuation school board, separate school board, board of education, high school board or collegiate institute board, or board of trustees of a township school area as is designated by the Municipal Board, and every such board shall be a corporation by the name of The Public School Board, or The Continuation School Board, or The Separate School Board, or The Board of Education, or The High School Board, or The Collegiate Institute Board, or The Board of Public School Trustees of The Inter-Urban Area of, as the case may be, or such other designation as the Municipal Board by order or school board by by-law may provide, and the provisions of the respective school acts governing such boards shall apply *mutatis mutandis* to such boards, except that each board shall be composed of one member for each ward elected for a term of two years at the time and in the manner herein provided by persons entitled to vote as public school supporters or separate school supporters, as the case may be, and the composition of the high school board or the ^{School boards.}

collegiate institute board and the board of education shall also include the member or members to be appointed by the county or separate school board pursuant to the provisions of The High Schools Act or The Boards of Education Act, as the case may be.

(32) Notwithstanding subsection 1, the Municipal Board may provide that a high school board or a collegiate institute board created under this section shall be composed of one or more members representing each local municipality in the area to be appointed by the council of each such municipality at the first meeting in each year and the members so appointed shall, with such additional members as are authorized by The High Schools Act form such high school board or collegiate institute board, as the case may be.

Roll to be transmitted and produced.

(33) When the assessment roll has been finally revised and corrected, the clerk of each municipality within the area shall within ninety days transmit to the secretary-treasurer of the area a summarized statement of the contents of the roll showing the population and the total assessment of each of the various classes of property liable to assessment and the total business assessment and the total assessment for public school, separate school and general purposes, and when required to do so by the area assessors, Board of Management, county judge or court, as the case may be, for the purpose of equalization or otherwise produce the original assessment roll of the municipality.

Equalization of assessment.

(34) The Board of Management shall equalize the real property assessments of the municipalities within the area for public school, separate school, continuation school, board of education, high and collegiate school purposes as the case may be and for such other purposes as are designated by the Municipal Board in a similar manner as is done in the case of an equalization for county purposes and similar procedures and rights shall apply thereto as in the case of a county equalization and for such purposes every municipality or public or separate school board thereof in the area shall be considered a municipality within a county, and for such purposes the Board of Management may with the approval of the Department appoint assessors who shall have the same powers and duties as county assessors.

Basis for raising required sums.

(35) The assessment of real property as equalized and business assessments in each municipality for the

preceding year shall be the basis upon which any rate or sums required to be raised for each of the purposes of the area shall be apportioned.

- (36) The Board of Management shall prepare and adopt ^{Rates.} estimates for all sums required during the year for the purposes of the area including the rates imposed by any separate school board and the sums required to be provided by the Board of Management for any board, commission or other body, and such estimates shall set forth the estimated revenue and expenditures in such form as the Department may prescribe and the Board of Management shall apportion the amounts required to be raised for each purpose among the municipalities within the area and the secretary-treasurer shall forthwith after such apportionment has been made certify to the clerk of each local municipality in the area the amount or rate to be levied thereon for each purpose for the current year and the sum shall be collected and levied upon the whole rateable property within such municipality according to the last revised assessment roll, except that the amounts or rates to be levied for public school or separate school purposes shall be collected and levied upon the whole rateable property of public school supporters or separate school supporters as the case may be, and the total of such amounts shall be collected and paid over to the Board of Management at the time and in the manner required by the Board.

- (37) The Board of Management may by by-law require ^{Estimates.} that the estimates for the current year for every board, commission or other body created for any of the purposes of the area and for which the Board of Management is by law required to raise or provide money, shall be submitted to the Board of Management on or before the first day of March in each year and that such estimates shall be in the form and give the particulars which the by-law prescribes.

- (38) The Board of Management in apportioning any ^{Rates to be levied on full values.} rate or sums for any of the purposes of subsection 1 of section 315a shall add to the amount of the equalized assessment of each local municipality within the area any amounts exempted therefrom by reason of a fixed assessment or a partial or total exemption from assessment, except as provided in section 4 of *The Assessment Act*.

Rev. Stat.,
c. 272.

Borrowing powers.

- (39) In raising money for any of the purposes of the Board of Management by way of debentures, the assent of the electors shall not be required, and for current borrowing, the provisions of section 339 shall apply *mutatis mutandis*.

Power to make additional orders, etc.

- (40) The Municipal Board may make such orders in respect of any matter not specifically provided for in this section as it may deem expedient in connection with the area and every such order shall be valid and binding upon all municipalities and local boards affected thereby.

Conflict.

- (41) The powers conferred upon the Municipal Board by this section may be exercised at any time notwithstanding anything contained in this or any other special or general Act, and in the event of conflict between the provisions of this section and the provisions of this or any other special or general Act the provisions of this section shall prevail save that nothing herein contained shall affect or limit the powers of a board of separate school trustees with respect to the imposing, levying and collecting of school rates, the borrowing of money for school purposes and the making of instruments for the security of payment thereof.

Unorganized territory.

- (42) Any area created in unorganized territory shall be subject to Part III of *The Department of Municipal Affairs Act*.

Rev. Stat., c. 266, s. 24, subs. 1 (1944, c. 39, s. 3), amended.

6. Subsection 1 of section 24 of *The Municipal Act* as re-enacted by section 3 of *The Municipal Amendment Act, 1944*, is amended by inserting after the word "each" in the third line the words "being a British subject", so that the said subsection shall now read as follows:

Formation of townships in unorganized territory.

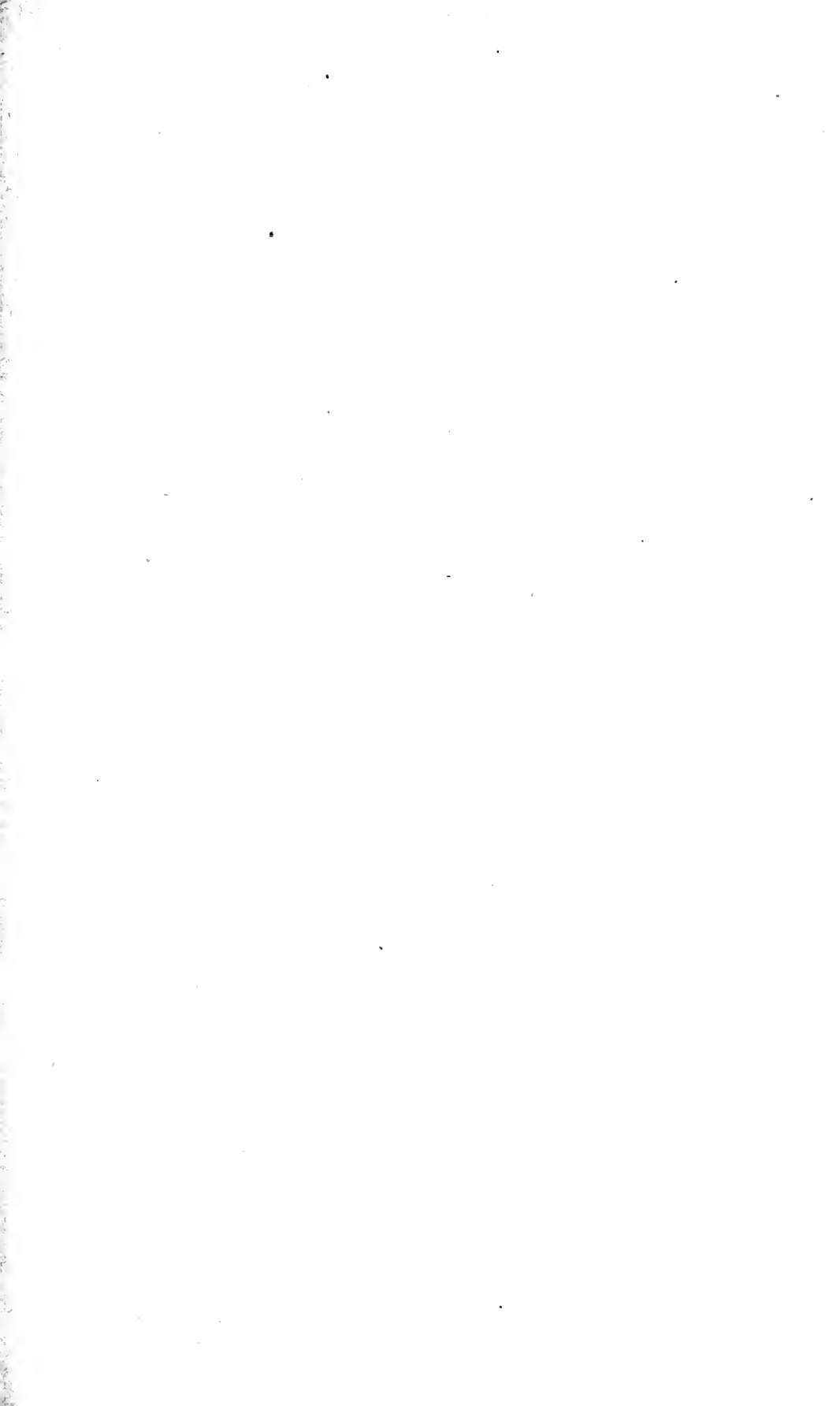
- (1) The Municipal Board may, upon application of not less than 75 male inhabitants of the locality, each being a British subject of the full age of twenty-one years, incorporate as a township or union of townships the inhabitants of a locality situate in unorganized territory and having a population of at least 1,000.

Rev. Stat., c. 266, s. 44, re-enacted.

7. Section 44 of *The Municipal Act* is repealed and the following substituted therefor:

Division into wards.

44. Where the council of a local municipality before the 15th day of July in any year by a vote of two-thirds



of all the members passes a resolution affirming the expediency of a division or a redivision of the municipality into wards, the Municipal Board may, notwithstanding any other general or special Act, divide or redivide the municipality into not less than three wards, each ward having a population of not less than 500.

8.—(1) Subsection 1 of section 44a of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, is amended by inserting after the word “each” in the third line the words “being a British subject”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 44a,
subs. 1,
(1943, c. 16,
s. 1),
amended.

(1) The Municipal Board may upon the application of the Department or not less than thirty male inhabitants of the locality each being a British subject of the full age of twenty-one years, erect as an improvement district the inhabitants of a locality having a population of not less than fifty.

Erection of
improvement
districts.

(2) Subsection 3 of section 44a of *The Municipal Act*, as enacted by section 5 of *The Municipal Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 266, s. 44a,
subs. 3,
(1944, c. 39,
s. 5),
repealed.

9. Clause a of subsection 1 of section 44c of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, and amended by subsection 1 of section 6 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the words “*The Highway Improvement Act*” in the fourth line the words “*The Power Commission Act, The Public Utilities Act, The Public Health Act, The Local Improvement Act, The Municipal Drainage Act*”, so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 44c,
subs. 1, cl. a
(1943, c. 16,
s. 1),
amended.

(a) a municipal corporation and council of a township for the purposes and within the meaning of *The Municipal Act, The Assessment Act, The Highway Improvement Act, The Power Commission Act, The Public Utilities Act, The Public Health Act, The Local Improvement Act, The Municipal Drainage Act* and every other general Act relating to municipal institutions; and

10. Clause c of subsection 1 of section 46 of *The Municipal Act* is amended by adding at the end thereof the words “up to but not exceeding the maximum number provided by by-law”, so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 46,
subs. 1, cl. c,
amended.

(c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides,

one alderman for every 1,000 of the population up to but not exceeding the maximum number provided by by-law:

Rev. Stat.,
c. 266, s. 47,
subs. 1,
amended.

11. Subsection 1 of section 47 of *The Municipal Act* is amended by adding at the end thereof the words "or where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote", so that the said subsection shall now read as follows:

Composition of
councils
of towns in
unorganized
territory.

- (1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote, or where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote.

Rev. Stat.,
c. 266, s. 48,
subs. 2,
re-enacted.

12.—(1) Subsection 2 of section 48 of *The Municipal Act* is repealed and the following substituted therefor:

Power to
vary com-
position of
council.

- (2) Where there are less than five wards, the council may provide that the number to be elected by general vote shall be one for every 1,000 of the population up to but not exceeding the maximum number provided.

Rev. Stat.,
c. 266, s. 48,
subs. 3, cl. a,
amended.

(2) Clause *a* of subsection 3 of the said section 48 is amended by inserting after the word "vote" in the first line the words "or where the council so provides, four councillors to be elected by general vote", so that the said clause shall now read as follows:

- (a) six councillors to be elected by general vote, or where the council so provides, four councillors to be elected by general vote; or

Rev. Stat.,
c. 266, s. 48,
subs. 3, cl. b,
amended.

(3) Clause *b* of subsection 3 of the said section 48 is amended by striking out the word "six" in the third line and inserting in lieu thereof the words "four or six, as the case may be", so that the said clause shall now read as follows:

- (b) where the council so provides one councillor for each ward and the remaining councillors to complete the full number of four or six, as the case may be, to be elected by general vote.

Rev. Stat.,
c. 266, s. 50,
amended.

13.—(1) Section 50 of *The Municipal Act*, as amended by section 4 of *The Municipal Amendment Act, 1939*, is further amended by adding thereto the following subsections:

Wards.

- (3) Where a village or township is divided into wards, the council, notwithstanding any general or special Act, shall be composed of a reeve to be elected by

SECTION 6. Self-explanatory.

SECTION 7. Under the present section only cities and towns may apply to the Ontario Municipal Board for division into wards. As re-enacted the section is extended to all local municipalities, i.e., cities, towns, villages and townships.

SECTION 8—Subsection 1. Self-explanatory.

Subsection 2. This provision, which provided for the dissolution of local boards in a locality erected into an improvement district, is repealed.

SECTION 9. These Acts are expressly mentioned in order to remove any doubt as to their application.

SECTION 10. Under the present clause a city having a population of not more than 15,000 is required to have one alderman for every 1,000 of the population. As amended, the council may, with the assent of the electors, provide a maximum number of aldermen, and so effect a reduction in the size of the council.

general vote and a deputy reeve and a councillor to be elected for each ward, and where there is less than five wards, the Municipal Board may by order provide for an additional councillor for any ward having a population greater than 10,000.

- (4) Notwithstanding any other provision, no village or township shall have greater representation upon the county council than the reeve and one deputy reeve to be appointed by the council. County council.

(2) Notwithstanding the provisions of this or any other general or special Act, the Townships of York and North York shall each be entitled to be represented on the county council by the reeve and three deputy reeves, and no more, and where either of the said Townships is divided into more than three wards, the council shall annually prior to the date fixed for the first meeting of the county council designate by by-law the three wards the deputy reeves of which shall represent the Township on the county council, and subsection 2 of section 45 shall not apply to such reeves and deputy reeves. York and North York Townships.

(3) Notwithstanding the provisions of this or any other general or special Act, where the number of wards in the Township of York or the Township of North York is increased, the school boards shall be composed of such members for each ward as the council may by by-law provide. Idem.

14. Section 64 as amended by section 7 of *The Municipal Amendment Act, 1939*, sections 65 and 66, section 67 as amended by section 8 of *The Municipal Amendment Act, 1939*, section 68, section 69 as amended by section 7 of *The Municipal Amendment Act, 1944*, section 70 as amended by section 2 of *The Municipal Amendment Act, 1938*, and as further amended by section 9 of *The Municipal Amendment Act, 1939*, and section 8 of *The Municipal Amendment Act, 1944*, sections 71, 72 and 73, section 74 as re-enacted by section 9 of *The Municipal Amendment Act, 1944*, section 75 as re-enacted by section 10 of *The Municipal Amendment Act, 1944*, section 76 as re-enacted by section 11 of *The Municipal Amendment Act, 1944*, and section 77 of *The Municipal Act, 1944*, as re-enacted by section 12 of *The Municipal Amendment Act, 1944*, are repealed and the following substituted therefor: Rev. Stat., c. 266, ss. 64-77, re-enacted.

- 64.—(1) Except when otherwise provided by by-law passed in accordance with this Act, a meeting of the electors shall take place annually for the nomination of candidates for council and any local board or commission any members of which are required to Nomination and polling days.

be elected by ballot by the municipal electors at the hall of the municipality at noon on the last Monday in December and the day for polling shall be the first Monday in January next thereafter.

When nomination day falls on Christmas.

- (2) When the last Monday in December is Christmas Day, the nomination meeting shall be held on the preceding Friday.

Alternative nomination and polling days.

- 65.—(1) The council may by by-law passed not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are required to be elected by ballot by the municipal electors and the day for the polling between the Friday preceding the last Monday in November and the 1st day of January, both inclusive, except a Sunday and the 24th, 25th and 31st days of December, provided that the day fixed for nominations is at least fourteen days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Time and place of nomination meetings.

- (2) The by-law shall fix the place and time of the nomination meeting, and where an election is by wards, the by-law may fix the place and time in each ward for the nomination meeting for such ward.

Where a township adjoins an urban municipality.

- (3) Where a township adjoins an urban municipality, a place within the urban municipality may be designated as the place for holding the nomination meeting of the township.

New municipalities.

66. When the incorporation of a new municipality takes effect on the 31st day of December, the nomination meeting and all proceedings incidental thereto and to the holding of the election on the first Monday in January next thereafter may be had and taken as if the incorporation had taken effect.

Notice.

67. The returning officer shall give at least six days' notice of the nomination meeting.

Proceedings at nomination meetings.

- 68.—(1) At the nomination meeting the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing and state the name, residence and occupation of the candidate, and shall be signed by the proposer and seconder both of whom shall be municipal electors and present, and every nomination shall be filed with the returning officer within one hour from the time fixed for holding the meeting.

SECTION 11. The subsection as amended will enable towns in unorganized territory with the assent of the electors to reduce the size of the council from seven to five.

SECTION 12—Subsection 1. The subsection as re-enacted will enable towns in organized territory with less than five wards to reduce the size of the council with the assent of the electors.

Subsection 2. The clause as re-enacted will enable towns of not more than 5,000 in organized territory to reduce the size of the council from nine to seven with the assent of the electors.

Subsection 3. This amendment is complementary to that made in subsection 2.

SECTION 13.—Subsection 1. This subsection provides for the composition of councils of villages and townships divided into wards, and provides for representation of such municipalities on the county council.

Subsections 2 and 3. These special substantive provisions are required to take care of the peculiar situation in these townships.

SECTION 14. Sections 64 to 77 of *The Municipal Act* have to do with municipal elections and more particularly nomination meetings and the qualification of candidates. Most of these provisions are old and have been amended from time to time through the years so that the present provisions are unnecessarily complicated and obscure in meaning.

It is hoped that the new provisions will remove these obscurities and provide an efficient and uniform system of dealing with nominations at municipal elections.

- (2) Failure to comply with the provisions of subsection 1 shall not invalidate the nomination if it is received and acted on by the returning officer without objection. Effect of non-compliance.
- (3) At the nomination meeting a person may resign in respect of one or more offices for which he is nominated and in default he shall be deemed to be nominated for the office for which he was first nominated. Resignations.
- (4) In a township, the treasurer and collector shall attend the place at which the nomination meeting is to be held at least one hour prior to the time fixed for holding the same, for the purpose of furnishing the certificates referred to in section 70. Treasurer and collector to attend meeting.
69. Immediately following the nomination meeting the returning officer shall post up in the office of the clerk the name, residence and occupation of every person nominated for the respective offices. Names of candidates to be posted up.
- 70.—(1) Before nine o'clock in the afternoon of the day following the nomination meeting, provided that where such day is a holiday, not on such day but before noon on the following day, every candidate shall file in the office of the clerk,— Declaration of qualification, etc.
- (a) a declaration of qualification (Form 2);
 - (b) an oath of allegiance (Form 2A); and
 - (c) a certificate of the treasurer or collector that there were no unpaid taxes at the time of his nomination for any preceding year against the land in respect of which he is qualifying, or a statutory declaration to the same effect.
- (2) When a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the prescribed time and it appears to the clerk that the candidate is qualified to be elected, any municipal elector may in lieu of such declaration, file within the prescribed time a declaration stating that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualifications prescribed for the office for which he has been nominated and that if elected he will accept the office. Absence or illness of candidates.

Withdrawal
of
candidates.

- (3) Any person who has made the filings required by subsection 1 may resign in writing signed by him and attested by a witness and delivered to the clerk within the time prescribed in subsection 1.

Clerk's
office to
remain
open.

- (4) The clerk's office shall remain open until nine o'clock in the afternoon of the day following the nomination meeting, but if that day is a holiday it shall be closed, in which case it shall remain open the following day until noon, so that filings may be made.

Failure
to file.

- (5) The clerk shall not place on the ballot paper the name of a candidate who fails to make the filings required by subsection 1 or on whose behalf a declaration has not been filed under subsection 2.

Acclamation.

71. If no more candidates qualify for any office than the members to be elected, the returning officer shall forthwith declare the remaining candidate or candidates duly elected.

New
election.

72. When from any cause the requisite number of persons is not elected, the clerk shall cause a new election to be held as soon as practicable to fill the vacancies, and until such election is held and the council, or sufficient members to exceed one-half thereof when complete, is elected, the council of the preceding year shall continue in office.

Rev. Stat.,
c. 266, s. 79,
re-enacted.

15. Section 79 of *The Municipal Act* as amended by section 13 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Two-year
terms.

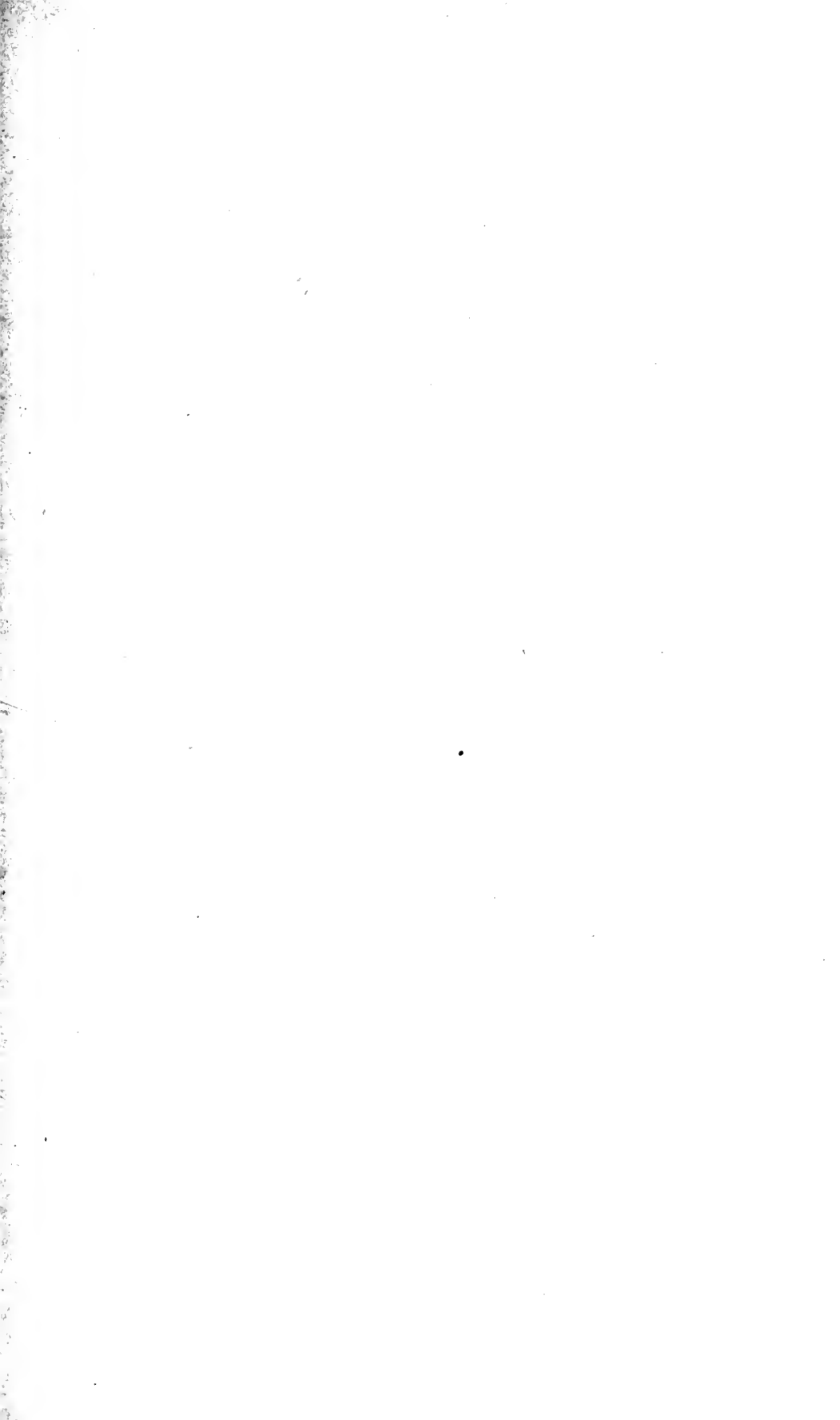
- 79.—(1) The council of a local municipality may by by-law passed with the assent of the electors extend the term of office of the members of the council to two years, and may with the like assent repeal such by-law.

Staggered
system.

- (2) The by-law passed under subsection 1 may provide that of the members, other than the mayor, reeve and deputy reeve, the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

Idem,—in
wards.

- (3) Where two or more members other than a deputy reeve are elected in a ward, the by-law passed under subsection 1 shall provide that of the members



SECTION 15. This section, which is new in part, provides for a two-year term for members of municipal councils and such local boards as are mentioned in the by-law. It can be a straight two-year term for all members or a two-year term on the so-called "staggered" system.

The section also provides for the staggered system in municipalities that have wards and for determining the term in case all members to be elected are elected by acclamation.

SECTION 16—Subsection 1. Complementary to the re-enacted section 83 of *The Municipal Act*. See section 17 of this Bill.

Subsection 2. This provision is new. It is self-explanatory.

elected the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

(4) Where only one member, other than a deputy reeve, is elected in a ward, the by-law passed under subsection 1 shall provide that such member shall be elected for a one-year term and at every election thereafter, for a two-year term.

Where one member only elected.

(5) Where a two-year term by-law providing for the staggered system is passed and the full number of members to be elected are elected by acclamation, the members so elected may at the first meeting of the council agree as to which of them shall remain in office for a two-year term and which of them shall remain in office for a one-year term, and if failing agreement the question shall be determined by lot to be cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.

Acclamations.

(6) Where a by-law has been or is passed under subsection 1, the council may provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* shall, notwithstanding the provisions of any general or special Act, be elected at the same time and hold office for the same term as the members of the council and where the term of office of any such board to which this subsection applies expires before the next election of members of the council his term of office shall be extended for one year, and where the power conferred by this subsection is exercised the provisions of subsection 2 shall apply *mutatis mutandis*.

Local boards.

16.—(1) Clause *d* of subsection 1 of section 81 of *The Municipal Act* is amended by striking out the word "sub-division" in the second line and inserting in lieu thereof the word "place", so that the said clause shall now read as follows:

Rev. Stat., c. 266, s. 81, subs. 1, cl. d, amended.

(d) a deputy returning officer and a poll clerk for each polling place.

(2) The said section 81 is amended by adding thereto the following subsection:

Rev. Stat., c. 266, s. 81, amended.

(5) The council on the recommendation of the clerk may appoint such election assistants, not exceeding one

Election assistants.

for each polling place, as may be deemed necessary to assist the deputy returning officers and poll clerks in the conduct of the election, and every such assistant shall be authorized in writing to enter, remain and assist in any polling place during any part of the time the poll is open and at the counting of the votes.

Rev. Stat.,
c. 266, s. 83,
re-enacted.

17. Section 83 of *The Municipal Act* is repealed and the following substituted therefor:

Polling sub-
divisions
and places.

83.—(1) By-laws may be passed by local municipalities for dividing the municipality, or where the municipality is divided into wards, the wards, into two or more polling subdivisions and for establishing one or more polling places in each polling subdivision.

Polling
places to be
provided.

(2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors, and where there are two or more polling places in a polling subdivision each polling place shall be designated by the initial letters of the electors who are to vote therein, that is to say, A to M and N to Z, or as the case may be.

Boundaries
to be
defined.

(3) Every polling subdivision shall have well defined boundaries and shall be formed in the most convenient manner so that the number of electors entitled to vote in each polling place shall as nearly as possible equal but not exceed 450, determined by the last revised assessment roll.

Polling sub-
division to
be in one
electoral
district.

(4) A polling subdivision shall not include territory in more than one electoral district.

Where
electors
exceed 450.

(5) Where the clerk finds that the number of electors in a polling subdivision or polling place exceeds 450 he shall notify the council of such fact.

Redivision.

(6) Where the number of electors in a polling subdivision or polling place exceeds 450 or where the council is of opinion that the convenience of the electors will be promoted, the council may make a redivision of the polling subdivisions or polling places so that the polling subdivisions and polling places will conform with this section.

When re-
division to
take effect.

(7) When a polling subdivision or polling place is created or altered after the publication of the voters' lists, such creation or alteration shall not take effect until the next voters' lists are being prepared.

SECTION 17. The section is re-enacted to make its provisions applicable in all municipalities that are divided into polling subdivisions for election purposes and also to provide for more than one polling place in a polling subdivision. This will effect savings in large cities.

SECTION 18. At the present time only towns and villages can unite adjoining polling subdivisions. Under the section as re-enacted the power may be exercised by any local municipality.

SECTION 19. The scope of the section is enlarged to include villages and all townships.

- (8) The polling subdivisions shall be numbered consecutively and where there is more than one polling place in a polling subdivision such fact shall be indicated and a copy of the by-law by which they are established certified under the seal of the corporation and the hand of the clerk to be a true copy shall forthwith after the passing thereof be filed by the clerk in the office of the clerk of the peace for the county or district in which the municipality is situate. Subdivisions to be numbered.
- (9) Any five electors may at any time within two months after such filing appeal in respect of any polling subdivision to the judge of the county or district court of the county or district, who shall have power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required. Appeal.
- (10) An election shall not be irregular or void or voidable for the reason that a polling subdivision which contains more than the prescribed number of electors has not been divided. Election not to be voided if subdivision is wrongly formed.

18. Section 84 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 84, re-enacted.

84. By-laws may be passed by the councils of local municipalities for uniting for any purpose any two adjoining subdivisions and establishing one polling place therefor. Uniting polling subdivisions.

19. Section 85 of *The Municipal Act* as amended by section 3 of *The Municipal Amendment Act, 1938*, is further amended by striking out the words "cities and towns and of townships bordering on a city having a population of not less than 100,000" in the first, second and third lines and inserting in lieu thereof the words "local municipalities", so that the said section exclusive of the clauses shall now read as follows: Rev. Stat., c. 266, s. 85, amended.

85. By-laws may be passed by the councils of local municipalities for providing that either or both public and separate school houses within the municipality or a public building belonging to or controlled by the corporation and within the municipality shall be used for a polling place, or for polling places, for one or more polling subdivisions and any such school house or public building may be used, although it is not situated in the polling subdivision or polling subdivisions for which it is used. Using public and separate schools for polling places.

Rev. Stat.,
c. 266, s. 97,
amended.

20. Section 97 of *The Municipal Act* is amended by adding thereto the following subsection:

Power to
vary.

(3) In any municipality the form of any ballot paper may by by-law be varied by stating in respect of each office the number of candidates for such office for which the voters are entitled to vote.

Rev. Stat.,
c. 266, s. 125,
re-enacted.

21. Section 125 of *The Municipal Act* is repealed and the following substituted therefor:

Who may be
in polling
place.

125. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate, or in his absence, his agent, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes.

Rev. Stat.,
c. 266, s. 126,
re-enacted.

22. Section 126 of *The Municipal Act* is repealed and the following substituted therefor:

Agents.

126. A candidate shall be entitled to one agent only in a polling place at any one time.

Rev. Stat.,
c. 266,
amended.

23. *The Municipal Act* is amended by adding thereto the following section:

Persons in-
side polling
place.

127a. Every person qualified to vote thereat who is inside the polling place at the time fixed for closing the poll, shall be entitled to vote.

Rev. Stat.,
c. 266, s. 229,
subs. 2,
re-enacted.

24. Subsection 2 of section 229 of *The Municipal Act* is repealed and the following substituted therefor:

Acting head
of council.

(2) When the head of the council is absent from the municipality or absent through illness or his office is vacant, the council may by resolution appoint one of its members to act in his place and stead, and while so acting, such member shall have and may exercise all the rights, powers and authority of the head of the council.

Rev. Stat.,
c. 266, s. 234,
subs. 2,
amended.

25. Subsection 2 of section 234 of *The Municipal Act*, as amended by section 15 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Deputy
clerk.

(2) The council may appoint a deputy clerk to act in the place of the clerk in his absence or where the office is vacant, in which case the deputy clerk shall have all the powers and duties of the clerk under this and every other Act.

SECTION 20. This provision, which is new, is designed as an aid in preventing voters from voting for more candidates for any office than they are entitled to vote for.

SECTION 21. The section provides for the attendance of an election assistant and prohibits the attendance of more than one agent for each candidate.

SECTION 22. Heretofore all municipal candidates have been entitled to two agents, except in cities in which aldermen are elected by general vote, when only one was allowed.

Hereafter one agent only will be permitted in all cases.

SECTION 23. This provision is new. It is designed for the accommodation of persons who are in the polling place waiting for their turn to vote at the time of the closing of the poll.

SECTION 24. The subsection is recast so that the acting reeve of a town, village or township will, while so acting, be a member of the county council.

SECTION 25. At the present time provision for a deputy clerk is dealt with in subsection 2 of section 234 and in section 236 of *The Municipal Act*. The provisions are amalgamated and clarified.

SECTION 26. See note to section 25 of this Bill.

SECTION 27. The provision with respect to the appointment of a deputy treasurer is clarified.

SECTION 28. See note to section 33 of this Bill. This amendment is complementary.

SECTION 29. This section was amended in 1944 (c. 39, s. 16) to provide for two signatures on each cheque. This amendment provides alternative permissive methods.

SECTION 30. The subject matter of this section is to be dealt with in the Departmental regulations respecting municipal audits. The section is therefore repealed.

SECTION 31—Subsection 1. Under the present provision where there is an assessment commissioner appointed, he, in conjunction with the head of the municipality, appoints the assessors and he must be a member of the board of assessors.

Under the new provision assessors are appointed by the council in the same way as if there were no assessment commissioner, and he need not be a member of the board of assessors.

26. Section 236 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 236,
repealed.

27. Section 238 of *The Municipal Act*, as amended by section 15 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 238,
re-enacted.

238.—(1) The council shall appoint a treasurer.

Treasurer.

(2) The council may appoint a deputy treasurer to act in the place of the treasurer in his absence or where the office is vacant, in which case the deputy treasurer shall have all the powers and duties of the treasurer under this and every other Act.

Deputy
treasurer.

28. Subsection 2 of section 239 of *The Municipal Act* is amended by striking out the words "what security" in the first line and inserting in lieu thereof the words "that security within the meaning of subsection 2 of section 257", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 239,
subs. 2,
amended.

(2) The warden shall, by the warrant, direct that security within the meaning of subsection 2 of section 257 shall be given by the treasurer *pro tempore* for the faithful performance of his duties, and for duly accounting for, and paying over, all money which comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit of them has been made.

Security to
be given.

29. Section 240 of *The Municipal Act*, as amended by section 16 of *The Municipal Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 240,
amended.

(1a) Notwithstanding the provisions of subsection 1, the council of a local municipality having a population of less than 5,000 or a county may by by-law provide that cheques issued by the treasurer shall be signed by the treasurer only and the council of any other municipality may by by-law provide that the signature of the treasurer on cheques may be written, stamped, lithographed or engraved or may designate one or more persons to sign cheques in lieu of the treasurer.

Alternative
methods of
signing
cheques.

30. Section 244 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 244,
repealed.

31.—(1) Subsection 1 of section 247 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 247,
subs. 1, re-
enacted.

Assessment
commiss-
sioners and
boards of
assessors.

- (1) The council of a local municipality may appoint an assessment commissioner and may constitute a board of assessors which shall have all the powers and perform all the duties of assessors.

Rev. Stat.,
c. 266, s. 247,
subs. 3,
amended.

- (2) Subsection 3 of the said section 247 is amended by striking out the words "who, with the assessment commissioner, constitute the board of assessors" at the end thereof, so that the said subsection shall now read as follows:

Annual
appoint-
ments not
necessary.

- (3) It shall not be necessary to appoint annually the assessment commissioner or the assessors.

Rev. Stat.,
c. 266, s. 248,
subs. 1
(1944, c. 39,
s. 17),
amended.

- 32.**—(1) Subsection 1 of section 248 of *The Municipal Act*, as re-enacted by section 17 of *The Municipal Amendment Act, 1944*, is amended by striking out the words "except separate school boards" at the end thereof, so that the said subsection shall now read as follows:

Appointment
of auditors.

- (1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council and every person so appointed shall in addition to his duties in respect of the corporation audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 59.

- (2) The said section 248 is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 266, s. 248,
amended.

Where local
board in
more than
one
municipality.

- (1a) Where a local board functions in more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality having the greatest assessment.

Cost of
audit.

- (1b) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the municipality and charged back to the local board, and in the event of a dispute as to the amount of the cost the Department may upon application finally determine the amount thereof.

Local boards
in
unorganized
territory.

- (1c) Every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory shall appoint one or more auditors and the provisions of this Act with respect to auditors shall apply *mutatis mutandis*.

Subsection 2. Complementary to subsection 1.

SECTION 32—Subsection 1. The subsection at present provides for the municipal auditor to audit all local boards, except separate school boards. The exception is deleted by this amendment.

Subsection 2. These provisions, which are new, are designed to provide an equitable basis for the payment of audit costs of local boards and other matters in connection with local board audits.

Subsection 3. This date is the date on which the original provision requiring municipal auditors to act as auditors for the local boards came into force and will enable these auditors to be paid in accordance with the new provisions.

SECTION 33. This section, which is new, will require treasurers of local boards, etc., to furnish security in the same way as treasurers of municipalities.

SECTION 34. Whether or not a statement of revenues and disbursements is to be published is left to council to decide. At the present time the publication of such a statement is mandatory in the case of certain towns, villages and townships, but the statutory requirement is generally disregarded.

SECTION 35. The present power to grant retirement allowances is restricted to "officers", a word of doubtful meaning. As re-enacted the section is applicable to all "employees", which will now have a definite meaning. The power to grant gratuities is repealed (section 264).

Where a pension plan is in effect, the application of the section is restricted to employees who were in the municipal service prior to the coming into force of this Bill. By restricting its application it is hoped to encourage the establishment of municipal pension plans.

(1d) Where by any other general or special Act auditors are required to be appointed or elected by or for any authority within the meaning of this section, the exercise of such power shall not be mandatory, notwithstanding such Act. Provision to avoid duplication of audits.

(3) This section shall be deemed to have come into force on the 6th day of April, 1944. Retrospective effect.

33. Section 257 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 257, amended.

(7) This section shall apply *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, and to every board, commission, body of local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory. Local boards and authorities.

34. Section 258 of *The Municipal Act*, as amended by section 14 of *The Municipal Amendment Act, 1939*, and section 20 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 258, re-enacted.

258. The council of any municipality may prior to the day fixed for holding nominations publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department. Publication of statements of revenues and expenditures.

35. Sections 264 and 265 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 264, repealed. s. 265, re-enacted;

265.—(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life to any employee who has been in the service of the corporation for at least twenty years and who while in the service has become incapable through illness or old age of efficiently discharging his duties, provided that the retirement allowance and the amount of any pension payments payable to the employee in any year shall not exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500. Retirement allowances.

(2) Where an employees' pension plan is in operation, this section shall apply only to employees who were in the employ of the municipality on the day on Application of section.

which this Act comes into force and in any event shall not apply to any employee who enters the service of the municipality after the 1st day of January, 1948.

"employee",
defined.

- (3) In this section "employee" shall have the same meaning as in paragraph 41a of section 404.

Rev. Stat.,
c. 266, s. 280,
subs. 9,
re-enacted.

- 36.** Subsection 9 of section 280 of *The Municipal Act* is repealed and the following substituted therefor:

By-laws,
questions, in
one notice.

- (9) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice.

Rev. Stat.,
c. 266, s. 281,
re-enacted.

- 37.** Section 281 of *The Municipal Act* is repealed and the following substituted therefor:

By-laws,
questions, in
one ballot.

281. Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be placed upon one ballot paper.

Rev. Stat.,
c. 266, s. 305,
subs. 4
(1944,
c. 39, s. 22,
subs. 2),
repealed.

- 38.**—(1) Subsection 4 of section 305 of *The Municipal Act*, as re-enacted by subsection 2 of section 22 of *The Municipal Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 5,
amended.

- (2) Subsection 5 of the said section 305, as amended by subsection 3 of section 22 of *The Municipal Amendment Act, 1944*, is further amended by striking out the words "Instead of the principal being made payable as above provided" at the commencement thereof, so that the said subsection shall now read as follows:

Repayment
of principal.

- (5) The by-law may provide that the principal may be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid.

Rev. Stat.,
c. 266, s. 305,
amended.

- (3) The said section 305 is amended by adding thereto the following subsection:

Consolidation.

- (14) Notwithstanding any other Act, the council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. *aa*
(1939, 2nd
Sess., c. 6,
s. 3), re-
enacted.

- 39.** Clause *aa* of subsection 3 of section 307 of *The Municipal Act*, as enacted by section 3 of *The Municipal Amendment Act, 1939 (No. 2)*, and amended by subsection 1 of section 23 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

SECTION 36. As re-enacted the subsection permits all matters submitted to the electors at one time to be dealt with in one notice. It is required to be published once a week for three weeks.

SECTION 37. Self-explanatory. The present section allows more than one money by-law to be placed upon one ballot paper, but does not extend the same right to questions.

SECTION 38—Subsection 1. The subsection is repealed as the matter is now covered in subsection 5 of section 305.

Subsection 2. The words struck out are no longer applicable because of the repeal of subsection 4 of section 305. Subsection 5 of the said section 305 will hereafter provide the rule.

Subsection 3. Consolidation of debentures is now permitted under *The Local Improvement Act*. The principle is extended.

SECTION 39. The effect of the re-enactment will be that in borrowing money upon debentures for grants to public hospitals, public sanatoria or municipal isolation hospitals, or for any war memorial projects, or for garbage disposal plants, it will not be necessary to obtain the assent of the electors. The present clause applies in the case of municipal pension plans and bonuses to municipal employees on war leave.

SECTION 40. Publication of notice of the registration of a money by-law will not be required. All such by-laws must be approved by the Ontario Municipal Board, which is considered to be ample protection.

SECTION 41—Subsection 1. Heretofore rates for patriotic grants were required to be levied on the full value of all rateable property. This principle is now applied to rates for grants to public hospitals, public sanatoria, municipal isolation hospitals, unemployment relief purposes and for any educational purpose included in the county levy.

Subsection 2. Complementary to subsection 1.

Subsection 3. Complementary to subsection 1.

(aa) for borrowing money for any of the purposes mentioned in paragraph 28, 30 or 41a of section 404, or section 404a, or in paragraph 1, 1a or 2 of section 414; or

40. Subsection 3 of section 314 of *The Municipal Act* and Form 28 are repealed.

Rev. Stat.,
c. 266, s. 314,
subs. 3, and
Form 28,
repealed.

41.—(1) Subsection 1 of section 315a of *The Municipal Act*, as enacted by section 4 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word, figures and letter “section 404a” in the sixth line and inserting in lieu thereof the words “paragraph 28 of section 404 or in section 404a or for unemployment relief purposes or for any educational purpose included in the county levy”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266,
s. 315a,
subs. 1 (1939,
2nd Sess.,
c. 6, s. 4),
amended.

(1) Notwithstanding anything contained in this or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in paragraph 28 of section 404 or in section 404a or for unemployment relief purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 and subsection 3 of section 40 of *The Assessment Act*.

Where
rates
to be
levied
on full
values.

Rev. Stat.,
c. 272.

(2) Subsection 2 of the said section 315a, as enacted by section 4 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word, figures and letter “section 404a” in the third line and inserting in lieu thereof the word and figure “subsection 1”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266,
s. 315a,
subs. 2,
(1939,
2nd Sess.,
c. 6, s. 4),
amended.

(2) In calculating whether the limit fixed by subsection 1 of section 315 has been reached, any rates levied for any of the purposes set out in subsection 1 shall be excluded from such calculation.

Rates to be
excluded.

(3) Subsection 3 of the said section 315a, as enacted by section 11 of *The Municipal Amendment Act, 1940*, is amended by striking out the word, figures and letter “section 404a” in the second line and inserting in lieu thereof the word and figure “subsection 1”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266,
s. 315a,
subs. 3
(1940,
c. 18, s. 11),
amended.

Fixed assessment exemptions to be included.

- (3) The council of a county in levying a rate for any of the purposes set out in subsection 1 shall add to the amount of the equalized assessment of each local municipality within the county any amounts exempted therefrom by reason of a fixed assessment.

Rev. Stat., c. 266, s. 315b, subs. 1 (1943, c. 16, s. 5), re-enacted.

42. Subsection 1 of section 315b of *The Municipal Act*, as enacted by section 5 of *The Municipal Amendment Act, 1943*, is repealed and the following substituted therefor:

Federation of Agriculture,—special rate.

- (1) The council of a township may subject to the approval of the Department by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the township who are entered on the assessment roll as farmers as the annual membership fees of such persons in the Federation of Agriculture.

How special rate may be avoided.

- (1a) Any person to whom subsection 1 applies may within thirty days after delivery of the notice of assessment in writing notify the assessor that he objects to the assessment provided for in subsection 1 and thereupon the assessor shall amend the assessment roll by striking out the assessment made under subsection 1 in respect of such person and shall write his name or initials against such amendment and deliver a notice of assessment amended accordingly to such person.

Rev. Stat., c. 266, s. 316a, subs. 1 (1943, c. 16, s. 6), re-enacted.

43.—(1) Subsection 1 of section 316a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1943*, and amended by section 26 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Reserve funds.

Rev. Stat., c. 59.

- (1) Every municipality as defined in *The Department of Municipal Affairs Act*, and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, may in each year with the approval of the Department provide in the estimates for the establishment or maintenance of a reserve fund for use in providing public works or projects or replacements, renewals or improvements thereof, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained.

SECTION 42. In 1943 (c. 16, s. 5), *The Municipal Act* was amended to provide for a special township rate to be assessed, collected, levied and paid to the Federation of Agriculture as the membership fees of the persons assessed.

The principle is continued but the method is changed, and the rate changed from one-fifth of one mill to a rate not exceeding one-half of one mill.

SECTION 43—Subsection 1. As re-enacted the “duration of the present war” feature has been deleted and the purposes for which reserve funds may be used have been broadened.

Subsection 2. The amendment is made retroactive to the day upon which the original provision came into force,

SECTION 44. The words added will enable sinking fund surpluses to be transferred to the general funds of the municipality, provided the approval of the council and the Ontario Municipal Board is obtained.

SECTION 45. The word "equal" is struck out in order to conform with subsection 5 of section 305 of *The Municipal Act*.

SECTION 46. *The Local Improvement Act* now contains a similar provision in respect of a surplus. This section, which is new, extends the principle to a surplus or deficit on the sale of any debenture.

(2) This section shall be deemed to have had effect on and after the 14th day of June, 1943. Retrospective effect.

44. Section 321a of *The Municipal Act*, as enacted by section 18 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "and notwithstanding sections 322 and 323 the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality", so that the said section shall now read as follows: Rev. Stat.,
c. 266,
s. 321a (1939
c. 30, s. 18),
amended.

321a. Notwithstanding the provisions of any general or special Act, where the revenue derived from the investment of sinking funds together with other accretions exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts and notwithstanding sections 322 and 323 the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality. Sinking
fund
surpluses

45. Subsection 2 of section 338 of *The Municipal Act* is amended by striking out the word "equal" in the fourth line. Rev. Stat.,
c. 266, s. 338,
subs. 2,
amended.

46. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,
c. 266,
amended.

338a.—(1) Notwithstanding any other Act, where a debenture is sold at a premium, the surplus shall be entered in a suspense account and distributed equally over the term of the debenture as a reduction of the interest charges. Where
debenture
sold at a
premium.

(2) Notwithstanding any other Act, where a debenture is sold at a discount, the deficit shall be entered in a suspense account and distributed equally over the term of the debenture as an addition to the interest charges. Where
debentures
sold at a
discount.

(3) Where the amount of the surplus or deficit does not warrant its distribution equally over the term of the Where
surplus or
deficit
small.

debenture, the distribution may be made in one or more years.

Rev. Stat.,
c. 266,
amended.

47. *The Municipal Act* is amended by adding thereto the following section:

Municipal
Board as
arbitrator.

356a. Notwithstanding the provisions of this or any other Act the council may by by-law designate the Municipal Board as the sole arbitrator, in which case the Municipal Board shall have and may exercise all the powers and duties of an official arbitrator.

Rev. Stat.,
c. 266, s. 404,
amended.

48.—(1) Section 404 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Destruction
of records.

2. Subject to the approval of the Department, for the destruction of receipts, vouchers, instruments, rolls or other documents, records and papers.

Community
programmes
Rev. Stat.,
c. 356.

2a. For carrying on a community programme of training in physical fitness within the meaning of the regulations under *The Department of Education Act*.

Joint
operation
of works,
systems and
services.

8a. For entering into agreement with one or more municipalities to provide for the joint management and operation of water systems, sewerage systems, works for the disposal, interception or purification of sewage, garbage collection and disposal systems, hydro-electric systems, transportation systems, road systems, fire departments, police departments, or other municipal utility, systems or services, and for the establishment of joint boards of management therefor.

Fox
bounties.
Proviso.

17a. For giving bounties for the destruction of foxes, provided that a local municipality shall not give any such bounties where the county in which it is situate has a by-law in force under this paragraph.

Sick leave
credit
gratuities.

41b. For providing, subject to the approval of the Department, a plan of sick leave credit gratuities for employees or any class thereof and for establishing and maintaining a fund therefor, and for investing the moneys of such fund, provided that on the termination of his employment no employee shall be entitled to more than an amount equal to his salary or other remuneration for the six months period then last past.

Proviso.

(a) "Employee" shall mean any person designated as an employee by the Department and shall

SECTION 47. This provision is new. Experience has shown that proceedings before the county judge or official arbitrator are unduly expensive. It is considered that the interests of all concerned can be adequately dealt with by the Board.

SECTION 48—Subsection 1. The subsection adds several new paragraphs to section 404 of the Act, applicable to all municipalities.

Paragraph 2 is self-explanatory. At the present time there is no authority for a municipality to destroy any papers, etc., no matter how old or useless they may be.

Paragraph 2*a* will empower municipalities to take advantage of the grants in connection with community programmes of training in physical fitness and recreation, authorized under Ontario Regulation 77/45.

Paragraph 8*a* is self-explanatory.

Paragraph 41*b* will provide for the establishment of a system of sick leave credit gratuities similar in principle to that now in operation in the Ontario Government Service.

Paragraph 53 is self-explanatory. It is designed to make equipment that would otherwise be idle, revenue producing and of use to the community.

Subsection 2. The paragraph is extended to provide for agreements between municipalities and persons as well as agreements between municipalities. The chief purpose of the amendment is to enable a municipality to make an agreement for the use of the fire-fighting equipment of an industrial plant located in the vicinity.

Subsection 3. The scope of the paragraph is extended to include municipal isolation hospitals. That part of the paragraph dealing with debentures is new.

Subsections 4 and 5. The scope of the present war memorial project paragraph is widened.

include any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board as defined in *The Department of Municipal Affairs Act*.

53. For providing for the use by any person of any of the mechanical equipment of the municipality and for fixing the terms, conditions and rent charges therefor. Rev. Stat., c. 59.
Rental of equipment.
- (2) Paragraph 16 of the said section 404, as re-enacted by subsection 1 of section 10 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 404, para. 16 (1941, c. 35, s. 10, subs. 1), re-enacted.
16. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration as may be deemed expedient, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it. Fire protection agreements.
- (3) Paragraph 28 of the said section 404 as amended by subsection 2 of section 36 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 404, para. 28, re-enacted.
28. For granting aid for the erection, establishment, maintenance or equipment of public hospitals, public sanatoria or municipal isolation hospitals, within or outside the municipality and may issue debentures therefor. Aid to hospitals
- (4) Paragraph 30 of the said section 404, as re-enacted by subsection 3 of section 36 of *The Municipal Amendment Act, 1944*, is amended by striking out the first seven lines and clause a and inserting in lieu thereof the following: Rev. Stat., c. 266, s. 404, para. 30 (1944, c. 39, s. 36, subs. 3), amended.
30. 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, or other places of recreation and amusement within or outside the municipality which may be in commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Special undertakings.

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.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor or for any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

Rev. Stat., c. 266, s. 404, para. 30 (1944, c. 39, s. 36, subs. 3) amended.

(5) Paragraph 30 of the said section 404 is further amended by adding thereto the following clauses:

- (e) The council may appoint three resident ratepayers who need not be members of the council to act on its behalf as a board of management for any undertaking under this paragraph.
- (f) The council may prescribe fees for admittance to or for the use of any undertaking under this paragraph.

Rev. Stat., c. 266, s. 404, para. 41a (1939, c. 30, s. 23, subs. 2), amended.

(6) Paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clauses:

Municipalities may agree to provide pensions.

- (f) Any two or more municipalities may provide by agreement for pensions for employees or any class thereof and their wives and children, and in such case the provisions of this paragraph shall apply *mutatis mutandis* and it shall be agreed that one of the parties shall be deemed to be the municipality and the other parties shall be deemed to be local boards within the meaning of this paragraph.

Local boards may provide pensions.

- (g) Any local board may provide pensions for employees or any class thereof and their wives and children and the provisions of this paragraph shall apply *mutatis mutandis* thereto.

Rev. Stat., c. 266, s. 404, para. 41a, cl. c (1939, c. 30, s. 23, subs. 2), amended.

(7) Clause c of the said paragraph 41a, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, and amended by subsection 8 of section 36 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the word "municipality" in the first and second lines the words "or local board", so that the said clause shall now read as follows:

Subsections 6, 7 and 8. These deal with municipal pension plans and extend the application of the present paragraph so two or more municipalities may jointly set up a pension plan for their employees and so that a local board may establish a plan.

SECTION 49—Subsection 1. At the present time the approval of the Municipal Board is obtained before the by-law is submitted to the vote of the electors. As re-enacted, this order is reversed.

Subsection 2. The scope of the paragraphs is widened by including cattle instead of cows and rabbits, mink, foxes, dog and cat kennels and pigeons and domestic fowl.

Subsection 3. Self explanatory.

(c) Payment or contributions other than the initial payments or contributions made by a municipality or local board under this paragraph shall be deemed to be current expenditures. Contributions to be deemed current expenditures.

(8) Clause *e* of the said paragraph 41*a*, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 404, para. 41*e*, cl. *e* (1939, c. 50, s. 23, subs. 2), re-enacted.

(e) The local board shall pay to the treasurer of the municipality the payments or contributions mentioned in clause *c* and the amounts deducted under clause *d* and such payments heretofore made shall be valid. Treasurer to receive contributions and deductions.

49.—(1) Clause *b* of paragraph 1 of section 405 of *The Municipal Act*, as re-enacted by subsection 1 of section 12 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 405, para. 1, cl. *b* (1941, c. 55, s. 12, subs. 1), re-enacted.

(b) A by-law shall not be passed except with, firstly, the affirmative vote of not less than three-quarters of all the members of the council, and secondly, the assent of not less than two-thirds of the electors qualified to vote on money by-laws who vote on the by-law.

(2) Paragraphs 5 and 6 of the said section 405 and the heading immediately preceding the said paragraphs are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 405, para. 5, 6, re-enacted.

Birds and Animals.

5. For regulating the keeping of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or other animals, or kennels for the breeding or boarding of cats and dogs, within the municipality or defined areas thereof. Regulating the keeping of animals etc.

6. For prohibiting the keeping of domestic fowl or cattle, goats, swine, rabbits, mink, foxes or other animals, except horses or mules, within the municipality or defined areas thereof. Prohibiting keeping of animals, etc.

(3) Paragraph 53 of the said section 405, as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1943*, and subsections 1 and 2 of section 38 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 405, para. 53, re-enacted.

Sewer
rents.

53. For charging persons who own or occupy land drained, or which by by-law is required to be drained, into a common sewer, a reasonable rent or rate in respect of the cost or use of the sewer or in respect of the collection, treatment and disposal of sewage, provided that no rent or rate in respect of the cost of a sewer shall be charged where local improvement rates for the sewer have been or are being levied.

(a) All sewer rents shall form a lien and charge upon the real estate upon or in respect of which the same have been assessed and rated or charged and shall be collected in the same manner and with the like remedies as ordinary taxes on real estate are collected under the provisions of *The Assessment Act*.

Rev. Stat.,
c. 272.

Rev. Stat., c. 266, s. 405, paras. 57, 58, re-enacted. (4) Paragraphs 57 and 58 of the said section 405 are repealed and the following substituted therefor:

Removal or
snow and ice
from roofs
and side-
walks of
occupied
premises.

57. For requiring the occupants of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the roofs of such buildings and for requiring the occupants of any designated class of building in the municipality or any designated area thereof to clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of such buildings and for regulating when and the manner in which the same shall be done.

Removal
of snow and
ice from
roofs and
sidewalks of
unoccupied
premises.

58. For clearing away and removing snow and ice from the roofs of any designated class of unoccupied buildings in the municipality or any designated area thereof and for clearing away and removing snow and ice from the sidewalks on the highways in front of, alongside or at the rear of any designated class of unoccupied buildings or vacant lands at the expense of the owners and for collecting or recovering the expenses incurred in so doing in the manner provided by section 524.

Rev. Stat.,
c. 266, s. 405,
para. 68,
c. a (1944,
c. 39, s. 38,
subs. 3),
amended.

(5) Clause *a* of paragraph 68 of section 405 of *The Municipal Act* as enacted by subsection 3 of section 38 of *The Municipal Amendment Act, 1944*, is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the said clause shall now read as follows:

- (a) The agreement may provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.

Subsection 4. At the present time the effectiveness of snow removal by-laws is questionable owing to the language of paragraphs 57 and 58. These paragraphs as re-enacted are designed to enable effective by-laws to be passed.

Subsection 5. The agreement referred to is an exclusive bus franchise agreement.

Subsection 6. At the present time the prevention of smoke is dealt with in paragraph 45 of section 407 and paragraph 5 of section 423 of *The Municipal Act*. These paragraphs overlap and are inconsistent. Paragraph 71 is substituted and the present paragraphs repealed.

SECTION 50. These amendments are designed to enable a municipality to adopt a comprehensive zoning system and are based on the experience gained from operating under the present section.

(6) The said section 405 is further amended by adding thereto the following paragraph: Rev. Stat., c. 266, s. 405, amended.

71. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in which or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney. Smoke prevention.

(a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining or smelting of ores or minerals or the manufacture of cement, brick or tiles or to dwelling houses except apartment houses.

(b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in the *Ontario Gazette* and in a daily newspaper for four successive weeks.

50.—(1) Paragraph 2 of subsection 1 of section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is amended by inserting after the word “buildings” in the first line the words “or structures”, so that the said paragraph shall now read as follows: Rev. Stat., c. 266, s. 406, subs. 1, para. 2 (1941, c. 35, s. 13, subs. 1), amended.

2. For prohibiting the erection or use of buildings or structures, for or except for such purposes as may be set out in the by-law, within any defined area or areas or upon land abutting on any defined highway or part of a highway. Restricting erection or use of buildings and structures.

(2) Subsection 1 of the said section 406 is further amended by adding thereto the following paragraph: Rev. Stat., c. 266, s. 406, subs. 1, para. 3 (1941, c. 35, s. 13, subs. 1), amended.

2a. For prohibiting the erection of a building or structure for residential or commercial purposes on land where by reason of its low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive. Marshy lands.

(3) Paragraph 3 of subsection 1 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal* Rev. Stat., c. 266, s. 406, subs. 1, para. 3 (1941, c. 35, s. 13, subs. 1), re-enacted.

Amendment Act, 1941, is repealed and the following substituted therefor:

Construction of buildings and structures.

3. For regulating the cost or type of construction and the height, bulk, location, spacing, external design, character and use of buildings or structures to be erected within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof which any building or structure may occupy.

Rev. Stat., c. 266, s. 406, subs. 1, para. 4 (1941, c. 35, s. 13, subs. 1), re-enacted.

- (4) Paragraph 4 of subsection 1 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor:

Loading space.

4. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law, to provide and maintain loading facilities on land that is not part of a highway.

Rev. Stat., c. 266, s. 406, (1941, c. 35, s. 13, subs. 1), amended.

- (5) The said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, and amended by section 11 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsections:

Scope of by-law.

- (1a) Any by-law passed under this section may prohibit or regulate all or any of the matters mentioned in subsection 1.

Use of maps.

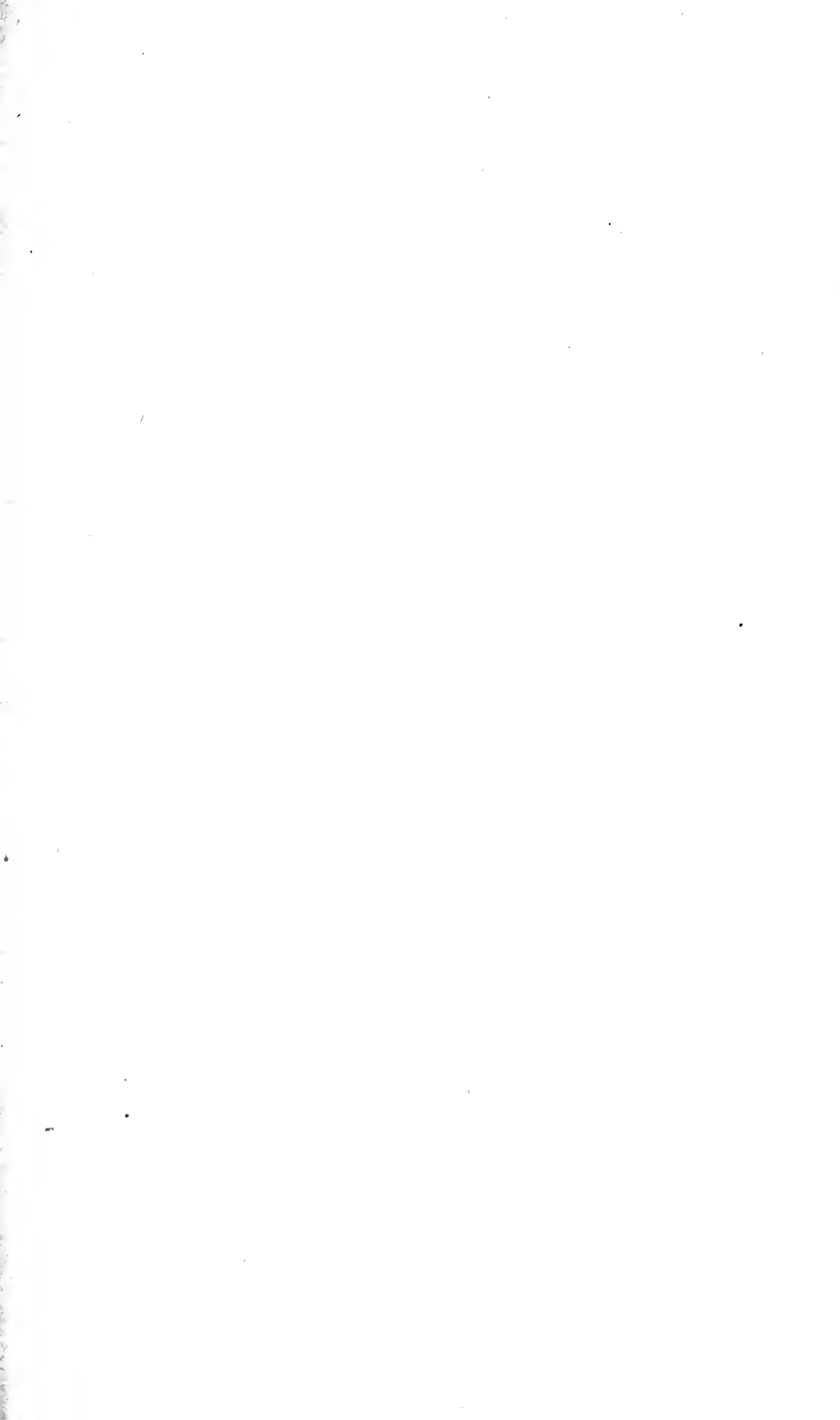
- (1b) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition and disposition of non-conforming lands.

- (1c) The council may acquire any land, building or structure used or erected for a purpose which does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.

Rev. Stat., c. 266, s. 406, subs. 2 (1941, c. 35, s. 13, subs. 1), amended.

- (6) Subsection 2 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is amended by striking out the words "or building" in the second line and inserting in lieu thereof the words "building



or structure" and by inserting after the word "building" where it occurs in the sixth and ninth lines respectively the words "or structure", so that the said subsection shall now read as follows:

- (2) No by-law passed under this section shall apply to any land, building or structure which, on the day of the passing of the by-law, is used or erected for any purpose prohibited by the by-law, so long as it continues to be used for that purpose, nor shall the by-law apply to any building or structure the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building or structure when erected is used for the purpose for which it was erected. Excepted land, buildings or structures.

- (7) Subsection 9 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943*, is amended by striking out the words "or building" where they occur in the seventh and ninth lines respectively and inserting in lieu thereof the words "building or structure", so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 406, subs. 9 (1943), c. 16, s. 11, subs. 2), amended.

- (9) Notwithstanding any other provision of this section, any by-law passed under this section or under any provision deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, may with the approval of the Municipal Board be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed. Extension or enlargement.

- (8) The said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, and amended by section 11 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 406 (1941), c. 35, s. 13, subs. 1), amended.

- (9a) Where an application to the council for an amendment to a by-law passed under this section is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order. Appeal

Rev. Stat.,
c. 266, s. 407,
amended. **51.**—(1) Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

Regulation,
etc., of
other heating
equipment.

- 3a. For regulating, controlling and inspecting the installation of blowers, stokers and oil or gas units in heating plants, and the storage of fuel in connection therewith.

Rev. Stat.,
c. 266, s. 407,
para. 45,
repealed.

- (2) Paragraph 45 of the said section 407 is repealed.

Rev. Stat.,
c. 266, s. 407,
para. 47,
amended.

- (3) Paragraph 47 of the said section 407 is amended by inserting after the word "traffic" in the third line the words "as defined in the by-law", so that the said paragraph shall now read as follows:

Regulating
traffic.

Rev. Stat.,
c. 288.

47. Subject to the provisions of *The Highway Traffic Act* for regulating traffic on the highways, and for prohibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction.

Rev. Stat.,
c. 266, s. 407,
para. 48,
amended.

- (4) Paragraph 48 of the said section 407 is amended by inserting after the word "cars" in the second line the words "or buses", so that the said paragraph shall now read as follows:

Safety
zones.

48. For setting aside and designating in a suitable visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon.

Rev. Stat.,
c. 266, s. 408,
para. 6, re-
enacted.

- 52.** Paragraph 6 of section 408 of *The Municipal Act* is repealed and the following substituted therefor:

Measuring,
etc., cer-
tain articles.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal and other fuel.

Weighing of
fuel for
delivery
beyond
municipal
limits.

- (a) A by-law passed by a municipality under this paragraph may be made applicable to the weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits.

SECTION 51—Subsection 1. This provision is new.

Subsection 2. See note to subsection 6 of section 49 of this Bill re smoke prevention.

Subsection 3. As re-enacted, the paragraph will enable municipalities to define heavy traffic in accordance with the nature of the street paving.

Subsection 4. Self explanatory.

SECTION 52. Clause *b* of the re-enacted paragraph is new. It is designed to discourage theft of fuel during delivery from the dealer to the purchaser.

SECTION 53. The scope of the paragraph is widened in order to give adequate authority to municipalities to deal with garbage disposal and incineration.

SECTION 54—Subsection 1. Paragraph 5, which is repealed, deals with the emission of smoke. See note to subsection 6 of section 49 of this Bill.

Paragraph 15 which is repealed, deals with electrical workers. See note to section 59 of this Bill.

Subsection 3. Self explanatory.

Subsection 4. Self explanatory.

- (b) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after the same is weighed or measured in accordance with the by-law, and the amount so specified and the ticket shall be delivered to the purchaser.

Ticket showing weight required.

53. Paragraph 1 of section 414 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 414, para. 1, re-enacted.

1. For establishing and maintaining a system for the collection, removal and disposal of garbage or of garbage and other refuse or of ashes, garbage and other refuse, and for contracting with any person for the collection, removal and disposal by him of ashes, garbage and other refuse upon such terms and conditions as may be deemed expedient, and for acquiring land within the municipality or in any adjacent municipality with the consent of the council thereof for any of the purposes of this paragraph, and for erecting and maintaining with the approval of the Department of Health such buildings, machinery and plant as may be deemed necessary for the purposes of this paragraph.

Collection, removal and disposal of garbage, etc.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor in respect of any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

54.—(1) Paragraphs 5 and 15 of section 423 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 423, paras. 5, 15, repealed.

(2) Paragraph 16 of the said section 423 is amended by inserting after the figure "4" in the second line the figures "12", so that the said paragraph shall now read as follows:

Rev. Stat., c. 266, s. 423, para. 16, amended.

16. For exercising the powers conferred on cities and towns by paragraphs 4, 12 and 13 of section 414.

Lodging houses, surveyors and engineers, lending libraries.

(3) The said section 423 is further amended by adding thereto the following paragraphs:

Rev. Stat., c. 266, s. 423, amended.

- 10a. For exercising all the powers conferred on urban municipalities by paragraph 42 of section 407, with respect to pits and quarries.

Pits and quarries.

Safety zones.

13a. For exercising all the powers conferred on urban municipalities by paragraph 48 of section 407, with respect to safety zones.

Rev. Stat.,
c. 266, s. 425,
para. 1,
amended.

55.—(1) Paragraph 1 of section 425 of *The Municipal Act* is amended by striking out the words “defined areas, where the number of the inhabitants or the proximity of buildings in any part of the township renders it expedient to do so” in the first, second and third lines and inserting in lieu thereof the words “the township or any defined area thereof”, so that the said paragraph shall now read as follows:

Prevention of fires.

(1) Within the township or any defined area thereof, for exercising the powers conferred on the councils of urban municipalities by paragraphs 3, 4, 5, 8, 9 and 18 to 37 of section 407.

Rev. Stat.,
c. 266, s. 425,
para. 2,
amended.

(2) Paragraph 2 of the said section 425 is amended by striking out the word “equal” in the fifth line and by striking out clause *b*.

Rev. Stat.,
c. 266, s. 425,
para. 4,
amended.

(3) Paragraph 4 of the said section 425 is amended by inserting after the word “municipality” in the second line the words “or with any person” and by inserting after the word “corporation” in the third and fourth lines the words “or person”, so that the said paragraph shall now read as follows:

Contracts for fire protection.

4. For entering into a contract with the corporation of an adjoining municipality or with any person for the use, service and assistance of the fire brigade and the fire apparatus and equipment of such corporation or person in the event of fire in any defined area of the township and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to such contract.

Rev. Stat.,
c. 266, s. 425,
para. 14,
repealed.

(4) Paragraph 14 of the said section 425 is repealed.

Rev. Stat.,
c. 266,
ss. 428, 429,
repealed.

56. Section 428 of *The Municipal Act* and section 429 of *The Municipal Act*, as amended by section 10 of *The Municipal Amendment Act, 1938*, are repealed.

Rev. Stat.,
c. 266, s. 436,
amended.

57. Section 436 of *The Municipal Act* is amended by adding thereto the following paragraphs:

AUCTIONEERS.

Auctioneers.

4. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods,

SECTION 55.—(1) The scope of the provision is widened so as to apply to the whole township as well as any defined area.

(2) The word "equal" is struck out so as to conform with subsection 5 of section 305 of *The Municipal Act*.

Clause (b) is struck out in order to enable the cost of a township fire hall, etc., to be paid off sooner than it now can.

(3) Self-explanatory. The purpose is to enable townships to make use of the fire-fighting equipment, etc., of industrial plants.

(4) The subject matter, naming streets, etc., is already covered in paragraph 10 of section 423 of the Act.

SECTION 56. These sections, which deal with licensing, regulating and governing auctioneers and bill posters, are not applicable to townships. They are transferred to section 436 of the Act (see section 57 of this Bill) where they will be applicable to counties, towns, villages, townships and cities.

SECTION 57. See note to section 56 of this Bill.

SECTION 58. This section, which deals with electrical workers, is repealed. See note to section 59 of this Bill.

SECTION 59. *Re electricians:* At the present time electricians are dealt with in paragraph 15 of section 423 and section 437 of *The Municipal Act*. These provisions overlap and are inconsistent. Paragraph 3*b* is substituted and the present paragraphs repealed.

Re installers of insulation: This provision is new.

Re fuel delivery men: This provision is new.

Re shoe repair shops: This provision is new.

Re tag days: At the present time this paragraph appears as paragraph 2 of section 442 of *The Municipal Act*. By re-enacting it in section 439 of the Act its scope is widened to include all cities, towns, villages and townships.

Re tourist camps: Self-explanatory.

wares, merchandise or effects by public auction, and for prohibiting the granting of a license to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business and for determining the time the license shall be in force.

- (a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

BILL POSTERS.

5. For licensing, regulating and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills which are indecent or tend to corrupt morals. ^{Bill posters.}

- (a) A by-law of a county passed under this paragraph shall not have force in a town, village or township which has passed a by-law for a similar purpose.
- (b) A by-law passed under this paragraph may provide that no such license shall be required by a person who works only as an employee of a person licensed.

58. Section 437 of *The Municipal Act* as amended by section 31 of *The Municipal Amendment Act, 1939*, and subsections 1 and 2 of section 17 of *The Municipal Amendment Act, 1943*, is repealed. ^{Rev. Stat., c. 266, s. 437, repealed.}

59. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraphs: ^{Rev. Stat., c. 266, s. 439, amended.}

- 3b. For examining, licensing, regulating and governing electrical contractors, electricians, master electricians and journeyman electricians. ^{Electrical workers.}
- (a) For the purpose of this paragraph "master electrician" shall mean a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other "master electrician"

"journeyman electrician."

appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who, himself, or by journeyman electricians in his employ, performs electrical work, and "journeyman electrician" shall mean a person other than a master electrician, who has been employed in electrical installation and has acquired sufficient skill and knowledge of the trade to be considered a safe and responsible mechanic.

(b) The by-law shall not apply to the employees of a public service commission or corporation.

Installers of insulation.

3c. For licensing, regulating and governing persons who carry on the business of installing insulation in buildings, and for revoking any such license.

Fuel delivery men.

3d. For licensing, regulating and governing persons who deliver coal or other fuel and for revoking any such license.

Shoe repair shops, etc.

3e. For licensing, regulating and governing keepers of shoe repair or shoe shine shops and for revoking any such license.

Tag days.

3f. For fixing days when persons and organizations in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality.

Tourist and trailer camps.

3g. For licensing, regulating and governing tourist camps and trailer camps and for designating areas of land to be used as tourist camps or trailer camps and for prohibiting the use of other land for such purposes.

(a) In this paragraph,

(i) "tourist camp" shall include auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and



SECTION 60. This paragraph, which deals with tag days, is repealed. See note to section 59 of this Bill.

SECTION 61. Self-explanatory.

SECTION 62. At the present time such grants in aid cannot be made.

The section is made retroactive in order to cover the case of the relocation of a bridge in Wallaceburg which has been taken over by the county.

- (ii) "trailer camp" shall mean land in or upon which any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running-gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

60. Paragraph 2 of section 442 of *The Municipal Act* is repealed. Rev. Stat., c. 266, s. 442, para. 2, repealed.

61. Subsection 1 of section 449 of *The Municipal Act* is amended by striking out the symbol and figures "\$500" in the twelfth line and inserting in lieu thereof the symbol and figures "\$1,000", and by striking out the words, symbol and figures "a sum not exceeding in any year \$100" in the last line and inserting in lieu thereof the words "in any year such sum as may be approved by the Department", so that the said subsection shall now read as follows:

- (1) The council of every city having a population of not less than 100,000 may expend a sum not exceeding in any year twenty cents per head of its population and the council of a city having a population of not less than 30,000 may expend a sum not exceeding in any year ten cents per head of its population and the council of a city having a population of less than 30,000 may expend a sum not exceeding in any year \$3,000, and the council of every township or town bordering on a city having a population of not less than 100,000 may expend a sum not exceeding in any year \$2,000, and the council of every town having a population of not less than 5,000 and the council of every county may expend a sum not exceeding in any year \$1,000, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities may expend for the like purpose in any year such sum as may be approved by the Department. Appropriations for publicity.

62.—(1) Section 466 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 466, amended.

Grants in aid.

- (8) Where a county assumes a highway or bridge under this section, the town, village or township within which the highway or bridge is situate may make grants to the county in aid of the maintenance or reconstruction thereof and the maintenance of the reconstructed highway or bridge, or where the highway or bridge is relocated, in aid of the construction and maintenance of the relocated highway or bridge.

Retrospective effect.

- (2) This section shall be deemed to have had effect on and after the 11th day of August, 1944.

Rev. Stat., c. 266, s. 472 amended.

- 63.** Section 472 of *The Municipal Act* is amended by adding thereto the following subsection:

By-law restricting duty.

- (2) The council of a county may by by-law provide that the duty imposed upon the corporation by subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes less than twenty feet in width.

Rev. Stat., c. 266, s. 474 amended.

- 64.** Section 474 of *The Municipal Act* is amended by inserting after the word and figures "section 457" in the second line the words and figures "or subsection 2 of section 472", so that the said section shall now read as follows:

Local municipalities to erect and maintain certain bridges.

474. Where the council of a county passes a by-law under subsection 2 of section 457 or subsection 2 of section 472 it shall be the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law.

Rev. Stat., c. 266, ss. 504, 505, repealed.

- 65.** Sections 504 and 505 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 507 para. 7, amended.

- 66.**—(1) Paragraph 7 of section 507 of *The Municipal Act* is amended by adding at the end thereof the words "or for any other purpose", so that the said paragraph shall now read as follows:

Stone and gravel pits.

7. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils, or for any other purpose.

Rev. Stat., c. 266, s. 507 para. 8, amended.

- (2) Paragraph 8 of the said section 507 is amended by adding after the word "bridges" in the sixth line the words "or for any other purpose", so that the paragraph, exclusive of the clauses, shall now read as follows:

SECTION 63. Subsection 1 of section 472 provides that where a river, stream, pond or lake forms the boundary between counties or between a county and a city or separated town, it is the duty of the municipalities to erect and maintain bridges over such river, stream, pond or lake.

The amendment, which is new, allows the county to limit its liability to rivers, etc.; more than twenty feet in width.

SECTION 64. This amendment is complementary to section 63 of this Bill.

SECTION 65. Section 504 authorizes urban municipalities to regulate the erection or occupation of dwelling houses on narrow streets, lanes or alleys or in crowded or unsanitary districts. This is an old section, now covered by section 406 of the Act. It is therefore repealed.

These remarks apply equally well to section 505.

SECTION 66—Subsection 1. Self explanatory.

Subsection 2. Self explanatory.

SECTION 67. The scope is extended to include all by-laws. At the present time it is confined to by-laws with respect to the erection or use of buildings or the use of land.

SECTION 68. In 1899 *The Municipal Act* was amended by the addition of what has come to be known as the "Conmee clauses". They were designed to ensure a measure of fair dealing where a municipality decided to go into a public utility field already occupied by a privately owned concern.

At the time of their adoption and from time to time afterwards the principles involved in the clauses were the subject of debate and differences of opinion.

In 1913 the entire Act was repealed with the exception of the section containing the Conmee clauses, which section was not to be repealed until a day to be named by the Lieutenant-Governor. A similar provision was carried into the new Act in the 1914 revision, the consolidation of 1922 and the revisions of 1927 and 1937. No proclamation has been made.

The purpose of this section of the Bill is to repeal the Conmee clauses and the section of the present Act which provides for their repeal by proclamation.

8. For entering upon and searching for and taking from land within the municipality or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges, or for any other purpose.

Power to enter land to take gravel, etc.

.

67. Section 525 of *The Municipal Act*, as amended by section 48 of *The Municipal Amendment Act, 1944*, is further amended by striking out the words "a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act", in the first, second and third lines and inserting in lieu thereof the words "any by-law passed under the authority of this Act is contravened", so that the said section shall now read as follows:

525. Where any by-law passed under the authority of this Act is contravened, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation.

Power to restrain by action.

68. Section 561 of *The Municipal Act* and section 566 of *The Consolidated Municipal Act, 1903*, are repealed.

Rev. Stat., c. 266, s. 561; 1903, c. 19, s. 566, repealed.

69. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

70. This Act shall be cited as *The Municipal Amendment Act, 1946*.

Short title.

An Act to amend The Municipal Act.

1st Reading

March 29th, 1946

2nd Reading

April 1st, 1946

3rd Reading

MR. DUNBAR

(Reprinted as amended by the Committee on
Municipal Law.)

No. 143

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

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

1. Subsection 1 of section 18 of *The Municipal Act* as amended by section 1 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the word "each" in the third line the words "being a British subject", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 18,
subs. 1,
amended.

- (1) Subject to subsection 2 of section 13, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each being a British subject of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 1,500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.

Incorporation of
towns in
unorganized
territory.

2. Section 20 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 20,
repealed.

3.—(1) Subsection 2 of section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "who are entitled to vote on money by-laws", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 23,
subs. 2 (1939,
c. 30, s. 2),
amended.

- (2) The Municipal Board before proceeding with the application of the council of any municipality under subsection 1 may require that the by-law of such council shall receive the assent of the electors of such municipality who are entitled to vote on money by-laws.

Assent of
electors
entitled to
vote on
money
by-laws.

(2) Subsection 6 of the said section 23, as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 23,
subs. 6 (1939,
c. 30, s. 2),
amended.

- (a) In this subsection "electors" shall mean electors who are entitled to vote on money by-laws.

Rev. Stat.,
c. 266,
amended.

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

Alteration
of areas.

23a.—(1) Upon the application of a municipality to enlarge, reduce or dissolve any fire, police, sewage water or transportation area or local improvement area or street lighting area created under this or any other Act or any other area created for any municipal purpose, or to amalgamate any such area with any other area of a similar nature in the municipality, the Municipal Board may on such terms as it deems expedient, by order make such enlargement, reduction, dissolution or amalgamation.

Application
of s. 23.

- (2) The provisions of section 23, except subsection 14, shall apply *mutatis mutandis* in the case of an application under subsection 1.

Rev. Stat.,
c. 266,
amended.

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

Power to
create inter-
urban ad-
ministrative
areas.

23b.—(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 and police protection, planning, 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.

Rev. Stat.,
c. 59.

- (2) Before proceeding with the application the Municipal Board may require the matter to be voted upon by the electors entitled to vote on money by-laws in the area or any part thereof.

Vote of
electors.

- (3) Before making an order under subsection 1 the Municipal Board shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing the objections that any person may desire to bring to the attention of the Board.

Public
hearing to
be held.

- (4) If a petition signed by at least 150 electors entitled ^{Petition.} to vote on money by-laws of any municipality other than a city or 500 such electors of a city praying that an application under subsection 1 be made is presented to the council, the council shall within six weeks after the presentation of the petition or, subject to the approval of the Municipal Board, at the next election submit to the electors entitled to vote on money by-laws for their assent thereto a by-law or question setting out the nature of the application prayed for and if such by-law or question receives the assent of such electors the council shall forthwith make such application to the Municipal Board.
- (5) The Lieutenant-Governor in Council may authorize the Minister to make an application under subsection 1 and in such case the Municipal Board shall have the same powers as if the application had been made by a municipality under subsection 1. ^{Minister of Municipal Affairs may apply.}
- (6) The Municipal Board may by order made pursuant to an application under this section or by subsequent order or orders,— ^{Powers of Municipal Board.}
- (a) make all such adjustments of assets and liabilities as between the municipalities affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
 - (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
 - (c) define special areas within the area created under this section and adjust the rights, claims, liabilities and obligations of the rate-payers of the special areas and provide the extent to which liabilities shall be discharged by the imposition of rates upon the rateable property in the special areas;
 - (d) appoint one or more referees who shall have all the powers mentioned in section 58 of *The Ontario Municipal Board Act* to inquire into and report to the Board upon the adjustment of the matters referred to in clauses a, b and c or any of them, the report to be filed with the Board within such time as the Board may from time to time allow and the Board shall ^{Rev. Stat., c. 60.}

consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer the report back to the referee or referees for further consideration;

- (e) fix the remuneration and expenses of the referee or referees and declare in what proportion the remuneration and expenses shall be paid by the municipalities;
- (f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the order.

Wards.

- (7) The Municipal Board shall order a division or re-division of the area into not less than three wards having regard to population and size, provided that no ward shall extend beyond the boundaries of the municipality in which it is situate unless it is agreed to the contrary by the municipalities in the area.

Acting Secretary.

- (8) The clerk of the municipality having the largest assessment shall act as secretary and returning officer of the area until a secretary-treasurer is appointed by the Board of Management.

Board of management,-- composition

- (9) There shall be a board of management to be known as the Board of Management of the Inter-Urban Area of which shall be a body corporate composed of one member for each ward in the area, to be elected as hereinafter provided.

Who may vote.

- (10) Every person whose name is on the voters' list for the municipality or the part thereof within the ward as entitled to vote at municipal elections shall be entitled to vote at the election of the member of the Board of Management to be elected for such ward.

Time and place of elections.

- (11) The first election of the Board of Management and any local board shall be held at the time and in the manner directed by the Municipal Board, and each election thereafter shall be held at the same time and place as the municipal elections of the municipality in which the ward is situate.

Election to be as municipal election.

- (12) Except as provided in this section the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officials and in the same manner as the elections of aldermen and councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding elections including the resignation of persons nominated, vacancies and declara-

tions of qualification for office, and decision in the case of a tie vote, shall apply *mutatis mutandis* to such election.

- (13) Each member so elected shall hold office for two years and until his successor is elected. Two-year term.
- (14) The Board of Management shall appoint a secretary-treasurer for the area and Board of Management, who shall hold office during pleasure and who, subject to the by-laws of the Board of Management, shall with respect to the area and the administration of its affairs and of its inhabitants have and may exercise all the authority, powers and rights and shall perform all the duties and obligations which by statute or by-law are or may be conferred or imposed upon the clerk and treasurer of a municipality with the status as is designated by the Municipal Board in respect of the purposes for which the area is created. Secretary-treasurer.
- (15) The auditors of the municipality having the largest assessment within the area shall be the auditors of the area and the local boards thereof. Auditors.
- (16) The secretary-treasurer shall be the returning officer of the area and in the event of two or more candidates in any ward having an equal number of votes, he shall give a vote for one of such candidates so as to decide the election. Returning officer.
- (17) No person shall be eligible for election as a member of the Board of Management or any local board unless he is a resident of the ward for which he is nominated and qualified to vote at municipal elections therein. Eligibility of candidates.
- (18) Nominations for the first election of the members of the Board of Management or for any local board for any ward shall be held at the time and in the manner directed by the Municipal Board and each year thereafter the nominations shall be held at the same time and place as the nominations of municipal candidates for the municipality in which the ward is situate. Nominations.
- (19) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates for the Board of Management and any local board in the same form as those used for councillors and aldermen. Ballot papers.
- (20) At the close of the poll in each municipality the returning officer thereof shall transmit to the returning officer at close of poll. Duties of returning officer at close of poll.

ing officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and not later than four o'clock in the afternoon of the third day following the last of such elections the returning officer of the area shall make up from the returns so received by him, the total number of votes cast for each candidate and publicly declare the result of the election and he shall thereupon declare in writing over his signature the name of each person so elected, and shall send by prepaid mail a copy of such certificate to each candidate.

Vacancies.

- (21) Where the office of a member of the Board of Management becomes vacant from any cause, the remaining members shall at the first meeting after such vacancy occurs appoint a qualified person resident in the ward from which the member so vacating his seat was elected, to fill the vacancy for the remaining part of the term for which his predecessor was elected.

Meetings.

- (22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and each year thereafter the first meeting of the Board shall be held not later than the second Monday in January and the day and the hour for holding such meeting shall be fixed by by-law.

Election of chairman.

- (23) The secretary-treasurer shall preside at the election of the chairman or if there is no secretary-treasurer or in his absence the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.

Idem.

- (24) In case of an equality of votes at the election of the chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Powers and duties of chairman.

- (25) The chairman of the Board of Management shall be deemed to be and shall have all the rights, powers, privileges, duties and authority of the head of a council and municipality and a mayor or reeve of a city, town, village or township and the chairman of a local board as designated by the Municipal Board.

Vice-chairman.

- (26) The Board of Management shall appoint a vice-chairman who shall during the absence of the chairman or if the office is vacant have all the rights, powers, privileges, duties and authority of the chairman.

- (27) A majority of the members constituting the Board shall be a quorum. Quorum.
- (28) The area shall be a local municipality for the purposes for which the area was created with the status of a city, town, village or township as is designated by the Municipal Board. Status of area.
- (29) The Board of Management shall be a municipal council for the administration and management of the purposes for which the area was created and shall be a local board as defined in *The Department of Municipal Affairs Act* for such purposes as are designated by the Municipal Board, except school boards, library boards, boards of commissioners of police, planning boards, boards of health and health units. Status of Board of Management.
- (30) The powers vested in the Board of Management under this section shall not be exercised by the councils of the local municipalities in the area or by the council of the county, if any, in which the area is situate and the county levy, if any, shall not include a levy upon the rateable property in the area for any of the purposes for which the area was created. Board of Management supreme.
- (31) Every board created or amalgamated for school purposes in the area shall have the status of a public school board, continuation school board, separate school board, board of education, high school board or collegiate institute board, or board of trustees of a township school area as is designated by the Municipal Board, and every such board shall be a corporation by the name of The Public School Board, or The Continuation School Board, or The Separate School Board, or The Board of Education, or The High School Board, or The Collegiate Institute Board, or The Board of Public School Trustees of The Inter-Urban Area of, as the case may be, or such other designation as the Municipal Board by order or school board by by-law may provide, and the provisions of the respective school acts governing such boards shall apply *mutatis mutandis* to such boards, except that each board shall be composed of one member for each ward elected for a term of two years at the time and in the manner herein provided by persons entitled to vote as public school supporters or separate school supporters, as the case may be, and the composition of the high school board or the School boards.

collegiate institute board and the board of education shall also include the member or members to be appointed by the county or separate school board pursuant to the provisions of *The High Schools Act* or *The Boards of Education Act*, as the case may be.

- (32) Notwithstanding subsection 1, the Municipal Board may provide that a high school board or a collegiate institute board created under this section shall be composed of one or more members representing each local municipality in the area to be appointed by the council of each such municipality at the first meeting in each year and the members so appointed shall, with such additional members as are authorized by *The High Schools Act* form such high school board or collegiate institute board, as the case may be.

Roll to be transmitted and produced.

- (33) When the assessment roll has been finally revised and corrected, the clerk of each municipality within the area shall within ninety days transmit to the secretary-treasurer of the area a summarized statement of the contents of the roll showing the population and the total assessment of each of the various classes of property liable to assessment and the total business assessment and the total assessment for public school, separate school and general purposes, and when required to do so by the area assessors, Board of Management, county judge or court, as the case may be, for the purpose of equalization or otherwise produce the original assessment roll of the municipality.

Equalization of assessment.

- (34) The Board of Management shall equalize the real property assessments of the municipalities within the area for public school, separate school, continuation school, board of education, high and collegiate school purposes as the case may be and for such other purposes as are designated by the Municipal Board in a similar manner as is done in the case of an equalization for county purposes and similar procedures and rights shall apply thereto as in the case of a county equalization and for such purposes every municipality or public or separate school board thereof in the area shall be considered a municipality within a county, and for such purposes the Board of Management may with the approval of the Department appoint assessors who shall have the same powers and duties as county assessors.

Basis for raising required sums.

- (35) The assessment of real property as equalized and business assessments in each municipality for the

preceding year shall be the basis upon which any rate or sums required to be raised for each of the purposes of the area shall be apportioned.

- (36) The Board of Management shall prepare and adopt ^{Rates.} estimates for all sums required during the year for the purposes of the area including the rates imposed by any separate school board and the sums required to be provided by the Board of Management for any board, commission or other body, and such estimates shall set forth the estimated revenue and expenditures in such form as the Department may prescribe and the Board of Management shall apportion the amounts required to be raised for each purpose among the municipalities within the area and the secretary-treasurer shall forthwith after such apportionment has been made certify to the clerk of each local municipality in the area the amount or rate to be levied thereon for each purpose for the current year and the sum shall be collected and levied upon the whole rateable property within such municipality according to the last revised assessment roll, except that the amounts or rates to be levied for public school or separate school purposes shall be collected and levied upon the whole rateable property of public school supporters or separate school supporters as the case may be, and the total of such amounts shall be collected and paid over to the Board of Management at the time and in the manner required by the Board.
- (37) The Board of Management may by by-law require ^{Estimates.} that the estimates for the current year for every board, commission or other body created for any of the purposes of the area and for which the Board of Management is by law required to raise or provide money, shall be submitted to the Board of Management on or before the first day of March in each year and that such estimates shall be in the form and give the particulars which the by-law prescribes.
- (38) The Board of Management in apportioning any ^{Rates to be levied on full values.} rate or sums for any of the purposes of subsection 1 of section 315a shall add to the amount of the equalized assessment of each local municipality within the area any amounts exempted therefrom by reason of a fixed assessment or a partial or total exemption from assessment, except as provided in section 4 of *The Assessment Act*.

Borrowing powers.

- (39) In raising money for any of the purposes of the Board of Management by way of debentures, the assent of the electors shall not be required, and for current borrowing, the provisions of section 339 shall apply *mutatis mutandis*.

Power to make additional orders, etc.

- (40) The Municipal Board may make such orders in respect of any matter not specifically provided for in this section as it may deem expedient in connection with the area and every such order shall be valid and binding upon all municipalities and local boards affected thereby.

Conflict.

- (41) The powers conferred upon the Municipal Board by this section may be exercised at any time notwithstanding anything contained in this or any other special or general Act, and in the event of conflict between the provisions of this section and the provisions of this or any other special or general Act the provisions of this section shall prevail save that nothing herein contained shall affect or limit the powers of a board of separate school trustees with respect to the imposing, levying and collecting of school rates, the borrowing of money for school purposes and the making of instruments for the security of payment thereof.

Unorganized territory.

- (42) Any area created in unorganized territory shall be subject to Part III of *The Department of Municipal Affairs Act*.

Rev. Stat., c. 266, s. 24, subs. 1 (1944, c. 39, s. 3), amended.

6. Subsection 1 of section 24 of *The Municipal Act* as re-enacted by section 3 of *The Municipal Amendment Act, 1944*, is amended by inserting after the word "each" in the third line the words "being a British subject", so that the said subsection shall now read as follows:

Formation of townships in unorganized territory.

- (1) The Municipal Board may, upon application of not less than 75 male inhabitants of the locality, each being a British subject of the full age of twenty-one years, incorporate as a township or union of townships the inhabitants of a locality situate in unorganized territory and having a population of at least 1,000.

Rev. Stat., c. 266, s. 44, re-enacted.

7. Section 44 of *The Municipal Act* is repealed and the following substituted therefor:

Division into wards.

44. Where the council of a local municipality before the 15th day of July in any year by a vote of two-thirds

of all the members passes a resolution affirming the expediency of a division or a redivision of the municipality into wards, the Municipal Board may, notwithstanding any other general or special Act, divide or redivide the municipality into not less than three wards, each ward having a population of not less than 500.

8.—(1) Subsection 1 of section 44a of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, is amended by inserting after the word “each” in the third line the words “being a British subject”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 44a,
subs. 1,
(1943, c. 16,
s. 1),
amended.

- (1) The Municipal Board may upon the application of the Department or not less than thirty male inhabitants of the locality each being a British subject of the full age of twenty-one years, erect as an improvement district the inhabitants of a locality having a population of not less than fifty.

Erection of
improvement
districts.

(2) Subsection 3 of section 44a of *The Municipal Act*, as enacted by section 5 of *The Municipal Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 266, s. 44a,
subs. 3,
(1944, c. 39,
s. 5),
repealed.

9. Clause a of subsection 1 of section 44c of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, and amended by subsection 1 of section 6 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the words “*The Highway Improvement Act*” in the fourth line the words “*The Power Commission Act, The Public Utilities Act, The Public Health Act, The Local Improvement Act, The Municipal Drainage Act*”, so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 44c,
subs. 1, cl. a
(1943, c. 16,
s. 1),
amended.

- (a) a municipal corporation and council of a township for the purposes and within the meaning of *The Municipal Act, The Assessment Act, The Highway Improvement Act, The Power Commission Act, The Public Utilities Act, The Public Health Act, The Local Improvement Act, The Municipal Drainage Act* and every other general Act relating to municipal institutions; and

10. Clause c of subsection 1 of section 46 of *The Municipal Act* is amended by adding at the end thereof the words “up to but not exceeding the maximum number provided by by-law”, so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 46,
subs. 1, cl. c,
amended.

- (c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides,

one alderman for every 1,000 of the population up to but not exceeding the maximum number provided by by-law.

Rev. Stat.,
c. 266, s. 47,
subs. 1,
amended.

11. Subsection 1 of section 47 of *The Municipal Act* is amended by adding at the end thereof the words "or where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote", so that the said subsection shall now read as follows:

Composi-
tion of
councils
of towns in
unorganized
territory.

- (1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote, or where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote.

Rev. Stat.,
c. 266, s. 48,
subs. 2,
re-enacted.

12.—(1) Subsection 2 of section 48 of *The Municipal Act* is repealed and the following substituted therefor:

Power to
vary com-
position of
council.

- (2) Where there are less than five wards, the council may provide that the number to be elected by general vote shall be one for every 1,000 of the population up to but not exceeding the maximum number provided.

Rev. Stat.,
c. 266, s. 48,
subs. 3, cl. a,
amended.

(2) Clause *a* of subsection 3 of the said section 48 is amended by inserting after the word "vote" in the first line the words "or where the council so provides, four councillors to be elected by general vote", so that the said clause shall now read as follows:

- (a) six councillors to be elected by general vote, or where the council so provides, four councillors to be elected by general vote; or

Rev. Stat.,
c. 266, s. 48,
subs. 3, cl. b,
amended.

(3) Clause *b* of subsection 3 of the said section 48 is amended by striking out the word "six" in the third line and inserting in lieu thereof the words "four or six, as the case may be", so that the said clause shall now read as follows:

- (b) where the council so provides one councillor for each ward and the remaining councillors to complete the full number of four or six, as the case may be, to be elected by general vote.

Rev. Stat.,
c. 266, s. 50,
amended.

13.—(1) Section 50 of *The Municipal Act*, as amended by section 4 of *The Municipal Amendment Act, 1939*, is further amended by adding thereto the following subsections:

Wards.

- (3) Where a village or township is divided into wards, the council, notwithstanding any general or special Act, shall be composed of a reeve to be elected by

general vote and a deputy reeve and a councillor to be elected for each ward, and where there is less than five wards, the Municipal Board may by order provide for an additional councillor for any ward having a population greater than 10,000.

- (4) Notwithstanding any other provision, no village or township shall have greater representation upon the county council than the reeve and one deputy reeve to be appointed by the council.

(2) Notwithstanding the provisions of this or any other general or special Act, the Townships of York and North York shall each be entitled to be represented on the county council by the reeve and three deputy reeves, and no more, and where either of the said Townships is divided into more than three wards, the council shall annually prior to the date fixed for the first meeting of the county council designate by by-law the three wards the deputy reeves of which shall represent the Township on the county council, and subsection 2 of section 45 shall not apply to such reeves and deputy reeves.

(3) Notwithstanding the provisions of this or any other general or special Act, where the number of wards in the Township of York or the Township of North York is increased, the school boards shall be composed of such members for each ward as the council may by by-law provide.

14. Section 64 as amended by section 7 of *The Municipal Amendment Act, 1939*, sections 65 and 66, section 67 as amended by section 8 of *The Municipal Amendment Act, 1939*, section 68, section 69 as amended by section 7 of *The Municipal Amendment Act, 1944*, section 70 as amended by section 2 of *The Municipal Amendment Act, 1938*, and as further amended by section 9 of *The Municipal Amendment Act, 1939*, and section 8 of *The Municipal Amendment Act, 1944*, sections 71, 72 and 73, section 74 as re-enacted by section 9 of *The Municipal Amendment Act, 1944*, section 75 as re-enacted by section 10 of *The Municipal Amendment Act, 1944*, section 76 as re-enacted by section 11 of *The Municipal Amendment Act, 1944*, and section 77 of *The Municipal Act*, as re-enacted by section 12 of *The Municipal Amendment Act, 1944*, are repealed and the following substituted therefor:

- 64.—(1) Except when otherwise provided by by-law passed in accordance with this Act, a meeting of the electors shall take place annually for the nomination of candidates for council and any local board or commission any members of which are required to

be elected by ballot by the municipal electors at the hall of the municipality at noon on the last Monday in December and the day for polling shall be the first Monday in January next thereafter.

When nomination day falls on Christmas.

- (2) When the last Monday in December is Christmas Day, the nomination meeting shall be held on the preceding Friday.

Alternative nomination and polling days.

- 65.—(1) The council may by by-law passed not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are required to be elected by ballot by the municipal electors and the day for the polling between the Friday preceding the last Monday in November and the 1st day of January, both inclusive, except a Sunday and the 24th, 25th and 31st days of December, provided that the day fixed for nominations is at least fourteen days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Time and place of nomination meetings.

- (2) The by-law shall fix the place and time of the nomination meeting, and where an election is by wards, the by-law may fix the place and time in each ward for the nomination meeting for such ward.

Where a township adjoins an urban municipality.

- (3) Where a township adjoins an urban municipality, a place within the urban municipality may be designated as the place for holding the nomination meeting of the township.

New municipalities.

66. When the incorporation of a new municipality takes effect on the 31st day of December, the nomination meeting and all proceedings incidental thereto and to the holding of the election on the first Monday in January next thereafter may be had and taken as if the incorporation had taken effect.

Notice.

67. The returning officer shall give at least six days' notice of the nomination meeting.

Proceedings at nomination meetings.

- 68.—(1) At the nomination meeting the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing and state the name, residence and occupation of the candidate, and shall be signed by the proposer and seconder both of whom shall be municipal electors and present, and every nomination shall be filed with the returning officer within one hour from the time fixed for holding the meeting.

- (2) Failure to comply with the provisions of subsection 1 shall not invalidate the nomination if it is received and acted on by the returning officer without objection. ^{Effect of non-compliance.}
- (3) At the nomination meeting a person may resign in respect of one or more offices for which he is nominated and in default he shall be deemed to be nominated for the office for which he was first nominated. ^{Resignations.}
- (4) In a township, the treasurer and collector shall attend the place at which the nomination meeting is to be held at least one hour prior to the time fixed for holding the same, for the purpose of furnishing the certificates referred to in section 70. ^{Treasurer and collector to attend meeting.}
69. Immediately following the nomination meeting the returning officer shall post up in the office of the clerk the name, residence and occupation of every person nominated for the respective offices. ^{Names of candidates to be posted up.}
- 70.—(1) Before nine o'clock in the afternoon of the day following the nomination meeting, provided that where such day is a holiday, not on such day but before noon on the following day, every candidate shall file in the office of the clerk,— ^{Declaration of qualification, etc.}
- (a) a declaration of qualification (Form 2);
 - (b) an oath of allegiance (Form 2A); and
 - (c) a certificate of the treasurer or collector that there were no unpaid taxes at the time of his nomination for any preceding year against the land in respect of which he is qualifying, or a statutory declaration to the same effect.
- (2) When a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the prescribed time and it appears to the clerk that the candidate is qualified to be elected, any municipal elector may in lieu of such declaration, file within the prescribed time a declaration stating that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualifications prescribed for the office for which he has been nominated and that if elected he will accept the office. ^{Absence or illness of candidates.}

Withdrawal
of
candidates.

- (3) Any person who has made the filings required by subsection 1 may resign in writing signed by him and attested by a witness and delivered to the clerk within the time prescribed in subsection 1.

Clerk's
office to
remain
open.

- (4) The clerk's office shall remain open until nine o'clock in the afternoon of the day following the nomination meeting, but if that day is a holiday it shall be closed, in which case it shall remain open the following day until noon, so that filings may be made.

Failure
to file.

- (5) The clerk shall not place on the ballot paper the name of a candidate who fails to make the filings required by subsection 1 or on whose behalf a declaration has not been filed under subsection 2.

Acclamation.

71. If no more candidates qualify for any office than the members to be elected, the returning officer shall forthwith declare the remaining candidate or candidates duly elected.

New
election.

72. When from any cause the requisite number of persons is not elected, the clerk shall cause a new election to be held as soon as practicable to fill the vacancies, and until such election is held and the council, or sufficient members to exceed one-half thereof when complete, is elected, the council of the preceding year shall continue in office.

Rev. Stat.,
c. 266, s. 79,
re-enacted.

15. Section 79 of *The Municipal Act* as amended by section 13 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Two-year
terms.

- 79.—(1) The council of a local municipality may by by-law passed with the assent of the electors extend the term of office of the members of the council to two years, and may with the like assent repeal such by-law.

Staggered
system.

- (2) The by-law passed under subsection 1 may provide that of the members other than the mayor, reeve and deputy reeve, the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

Idem,—in
wards.

- (3) Where two or more members other than a deputy reeve are elected in a ward, the by-law passed under subsection 1 shall provide that of the members

elected the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

- (4) Where only one member, other than a deputy reeve, ^{Where one member only elected.} is elected in a ward, the by-law passed under subsection 1 shall provide that such member shall be elected for a one-year term and at every election thereafter, for a two-year term.
- (5) Where a two-year term by-law providing for the ^{Acclamations.} staggered system is passed and the full number of members to be elected are elected by acclamation, the members so elected may at the first meeting of the council agree as to which of them shall remain in office for a two-year term and which of them shall remain in office for a one-year term, and if failing agreement the question shall be determined by lot to be cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.
- (6) Where a by-law has been or is passed under ^{Local boards.} subsection 1, the council may provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* shall, notwithstanding the provisions of any general or special Act, be elected at the same time and hold office for the same term as the members of the council and where the term of office of any such board to which this subsection applies expires before the next election of members of the council his term of office shall be extended for one year, and where the power conferred by this subsection is exercised the provisions of subsection 2 shall apply *mutatis mutandis*.

16.—(1) Clause *d* of subsection 1 of section 81 of *The* ^{Rev. Stat., c. 266, s. 81, amended.} *Municipal Act* is amended by striking out the word “sub-division” in the second line and inserting in lieu thereof the word “place”, so that the said clause shall now read as follows:

- (*d*) a deputy returning officer and a poll clerk for each polling place.
- (2) The said section 81 is amended by adding thereto the ^{Rev. Stat., c. 266, s. 81, amended.} following subsection:
- (5) The council on the recommendation of the clerk ^{Election assistants.} may appoint such election assistants, not exceeding one

for each polling place, as may be deemed necessary to assist the deputy returning officers and poll clerks in the conduct of the election, and every such assistant shall be authorized in writing to enter, remain and assist in any polling place during any part of the time the poll is open and at the counting of the votes.

Rev. Stat.,
c. 266, s. 83,
re-enacted.

17. Section 83 of *The Municipal Act* is repealed and the following substituted therefor:

Polling sub-
divisions
and places.

83.—(1) By-laws may be passed by local municipalities for dividing the municipality, or where the municipality is divided into wards, the wards, into two or more polling subdivisions and for establishing one or more polling places in each polling subdivision.

Polling
places to be
provided.

(2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors, and where there are two or more polling places in a polling subdivision each polling place shall be designated by the initial letters of the electors who are to vote therein, that is to say, A to M and N to Z, or as the case may be.

Boundaries
to be
defined.

(3) Every polling subdivision shall have well defined boundaries and shall be formed in the most convenient manner so that the number of electors entitled to vote in each polling place shall as nearly as possible equal but not exceed 450, determined by the last revised assessment roll.

Polling sub-
division to
be in one
electoral
district.

(4) A polling subdivision shall not include territory in more than one electoral district.

Where
electors
exceed 450.

(5) Where the clerk finds that the number of electors in a polling subdivision or polling place exceeds 450 he shall notify the council of such fact.

Redivision.

(6) Where the number of electors in a polling subdivision or polling place exceeds 450 or where the council is of opinion that the convenience of the electors will be promoted, the council may make a redivision of the polling subdivisions or polling places so that the polling subdivisions and polling places will conform with this section.

When re-
division to
take effect.

(7) When a polling subdivision or polling place is created or altered after the publication of the voters' lists, such creation or alteration shall not take effect until the next voters' lists are being prepared.

(8) The polling subdivisions shall be numbered consecutively and where there is more than one polling place in a polling subdivision such fact shall be indicated and a copy of the by-law by which they are established certified under the seal of the corporation and the hand of the clerk to be a true copy shall forthwith after the passing thereof be filed by the clerk in the office of the clerk of the peace for the county or district in which the municipality is situate.

Subdivisions to be numbered.

(9) Any five electors may at any time within two months after such filing appeal in respect of any polling subdivision to the judge of the county or district court of the county or district, who shall have power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required.

Appeal.

(10) An election shall not be irregular or void or voidable for the reason that a polling subdivision which contains more than the prescribed number of electors has not been divided.

Election not to be voided if subdivision is wrongly formed.

18. Section 84 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 84, re-enacted.

84. By-laws may be passed by the councils of local municipalities for uniting for any purpose any two adjoining subdivisions and establishing one polling place therefor.

Uniting polling subdivisions.

19. Section 85 of *The Municipal Act* as amended by section 3 of *The Municipal Amendment Act, 1938*, is further amended by striking out the words "cities and towns and of townships bordering on a city having a population of not less than 100,000" in the first, second and third lines and inserting in lieu thereof the words "local municipalities", so that the said section exclusive of the clauses shall now read as follows:

Rev. Stat., c. 266, s. 85, amended.

85. By-laws may be passed by the councils of local municipalities for providing that either or both public and separate school houses within the municipality or a public building belonging to or controlled by the corporation and within the municipality shall be used for a polling place, or for polling places, for one or more polling subdivisions and any such school house or public building may be used, although it is not situated in the polling subdivision or polling subdivisions for which it is used.

Using public and separate schools for polling places.

Rev. Stat.,
c. 266, s. 97,
amended. **20.** Section 97 of *The Municipal Act* is amended by adding thereto the following subsection:

Power to
vary.

- (3) In any municipality the form of any ballot paper may by by-law be varied by stating in respect of each office the number of candidates for such office for which the voters are entitled to vote.

Rev. Stat.,
c. 266, s. 125,
re-enacted. **21.** Section 125 of *The Municipal Act* is repealed and the following substituted therefor:

Who may be
in polling
place.

125. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate, or in his absence, his agent, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes.

Rev. Stat.,
c. 266, s. 126,
re-enacted. **22.** Section 126 of *The Municipal Act* is repealed and the following substituted therefor:

Agents.

126. A candidate shall be entitled to one agent only in a polling place at any one time.

Rev. Stat.,
c. 266,
amended.

23. *The Municipal Act* is amended by adding thereto the following section:

Persons in-
side polling
place.

- 127a. Every person qualified to vote thereat who is inside the polling place at the time fixed for closing the poll, shall be entitled to vote.

Rev. Stat.,
c. 266, s. 229,
subs. 2,
re-enacted.

24. Subsection 2 of section 229 of *The Municipal Act* is repealed and the following substituted therefor:

Acting head
of council.

- (2) When the head of the council is absent from the municipality or absent through illness or his office is vacant, the council may by resolution appoint one of its members to act in his place and stead, and while so acting, such member shall have and may exercise all the rights, powers and authority of the head of the council.

Rev. Stat.,
c. 266, s. 234,
subs. 2,
amended.

25. Subsection 2 of section 234 of *The Municipal Act*, as amended by section 15 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Deputy
clerk.

- (2) The council may appoint a deputy clerk to act in the place of the clerk in his absence or where the office is vacant, in which case the deputy clerk shall have all the powers and duties of the clerk under this and every other Act.

26. Section 236 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 236,
repealed.

27. Section 238 of *The Municipal Act*, as amended by section 15 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 238,
re-enacted.

238.—(1) The council shall appoint a treasurer.

Treasurer.

(2) The council may appoint a deputy treasurer to act in the place of the treasurer in his absence or where the office is vacant, in which case the deputy treasurer shall have all the powers and duties of the treasurer under this and every other Act.

Deputy
treasurer.

28. Subsection 2 of section 239 of *The Municipal Act* is amended by striking out the words "what security" in the first line and inserting in lieu thereof the words "that security within the meaning of subsection 2 of section 257", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 239,
subs. 2,
amended.

(2) The warden shall, by the warrant, direct that security within the meaning of subsection 2 of section 257 shall be given by the treasurer *pro tempore* for the faithful performance of his duties, and for duly accounting for, and paying over, all money which comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit of them has been made.

Security to
be given.

29. Section 240 of *The Municipal Act*, as amended by section 16 of *The Municipal Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 240,
amended.

(1a) Notwithstanding the provisions of subsection 1, the council of a local municipality having a population of less than 5,000 or a county may by by-law provide that cheques issued by the treasurer shall be signed by the treasurer only and the council of any other municipality may by by-law provide that the signature of the treasurer on cheques may be written, stamped, lithographed or engraved or may designate one or more persons to sign cheques in lieu of the treasurer.

Alternative
methods of
signing
cheques.

30. Section 244 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 244,
repealed.

31.—(1) Subsection 1 of section 247 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 247,
subs. 1, re-
enacted.

Assessment
commiss-
ioners and
boards of
assessors.

- (1) The council of a local municipality may appoint an assessment commissioner and may constitute a board of assessors which shall have all the powers and perform all the duties of assessors.

Rev. Stat.,
c. 266, s. 247,
subs. 3,
amended.

- (2) Subsection 3 of the said section 247 is amended by striking out the words "who, with the assessment commissioner, constitute the board of assessors" at the end thereof, so that the said subsection shall now read as follows:

Annual
appoint-
ments not
necessary.

- (3) It shall not be necessary to appoint annually the assessment commissioner or the assessors.

Rev. Stat.,
c. 266, s. 248,
subs. 1
(1944, c. 39,
s. 17),
amended.

- 32.**—(1) Subsection 1 of section 248 of *The Municipal Act*, as re-enacted by section 17 of *The Municipal Amendment Act, 1944*, is amended by striking out the words "except separate school boards" at the end thereof, so that the said subsection shall now read as follows:

Appointment
of auditors.

- (1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council and every person so appointed shall in addition to his duties in respect of the corporation audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 59.

Rev. Stat.,
c. 266, s. 248,
amended.

- (2) The said section 248 is further amended by adding thereto the following subsections:

Where local
board in
more than
one
municipality.

- (1a) Where a local board functions in more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality having the greatest assessment.

Cost of
audit.

- (1b) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the municipality and charged back to the local board, and in the event of a dispute as to the amount of the cost the Department may upon application finally determine the amount thereof.

Local boards
in
unorganized
territory.

- (1c) Every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory shall appoint one or more auditors and the provisions of this Act with respect to auditors shall apply *mutatis mutandis*.

(1d) Where by any other general or special Act auditors are required to be appointed or elected by or for any authority within the meaning of this section, the exercise of such power shall not be mandatory, notwithstanding such Act. Provision to avoid duplication of audits.

(3) This section shall be deemed to have come into force on the 6th day of April, 1944. Retrospective effect.

33. Section 257 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 257, amended.

(7) This section shall apply *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, and to every board, commission, body of local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory. Local boards and authorities.

34. Section 258 of *The Municipal Act*, as amended by section 14 of *The Municipal Amendment Act, 1939*, and section 20 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 258, re-enacted.

258. The council of any municipality may prior to the day fixed for holding nominations publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department. Publication of statements of revenues and expenditures.

35. Sections 264 and 265 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 264, repealed. s. 265, re-enacted;

265.—(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life to any employee who has been in the service of the corporation for at least twenty years and who while in the service has become incapable through illness or old age of efficiently discharging his duties, provided that the retirement allowance and the amount of any pension payments payable to the employee in any year shall not exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500. Retirement allowances.

(2) Where an employees' pension plan is in operation, this section shall apply only to employees who were in the employ of the municipality on the day on Application of section.

which this Act comes into force and in any event shall not apply to any employee who enters the service of the municipality after the 1st day of January, 1948.

“employee”,
defined.

- (3) In this section “employee” shall have the same meaning as in paragraph 41a of section 404.

Rev. Stat.,
c. 266, s. 280,
subs. 9,
re-enacted.

36. Subsection 9 of section 280 of *The Municipal Act* is repealed and the following substituted therefor:

By-laws,
questions, in
one notice.

- (9) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice.

Rev. Stat.,
c. 266, s. 281,
re-enacted.

37. Section 281 of *The Municipal Act* is repealed and the following substituted therefor:

By-laws,
questions, in
one ballot.

281. Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be placed upon one ballot paper.

Rev. Stat.,
c. 266, s. 305,
subs. 4
(1944,
c. 39, s. 22,
subs. 2),
repealed.

38.—(1) Subsection 4 of section 305 of *The Municipal Act*, as re-enacted by subsection 2 of section 22 of *The Municipal Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 5,
amended.

(2) Subsection 5 of the said section 305, as amended by subsection 3 of section 22 of *The Municipal Amendment Act, 1944*, is further amended by striking out the words “Instead of the principal being made payable as above provided” at the commencement thereof, so that the said subsection shall now read as follows:

Repayment
of principal.

- (5) The by-law may provide that the principal may be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid.

Rev. Stat.,
c. 266, s. 305,
amended.

(3) The said section 305 is amended by adding thereto the following subsection:

Consolida-
tion.

- (14) Notwithstanding any other Act, the council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. aa
(1939, 2nd
Sess., c. 6,
s. 3), re-
enacted.

39. Clause aa of subsection 3 of section 307 of *The Municipal Act*, as enacted by section 3 of *The Municipal Amendment Act, 1939 (No. 2)*, and amended by subsection 1 of section 23 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

(aa) for borrowing money for any of the purposes mentioned in paragraph 28, 30 or 41a of section 404, or section 404a, or in paragraph 1, 1a or 2 of section 414; or

40. Subsection 3 of section 314 of *The Municipal Act* and Form 28 are repealed. Rev. Stat., c. 266, s. 314, subs. 3, and Form 28, repealed.

41.—(1) Subsection 1 of section 315a of *The Municipal Act*, as enacted by section 4 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word, figures and letter “section 404a” in the sixth line and inserting in lieu thereof the words “paragraph 28 of section 404 or in section 404a or for unemployment relief purposes or for any educational purpose included in the county levy”, so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 315a, subs. 1 (1939, 2nd Sess., c. 6, s. 4), amended.

(1) Notwithstanding anything contained in this or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in paragraph 28 of section 404 or in section 404a or for unemployment relief purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 and subsection 3 of section 40 of *The Assessment Act*. Where rates to be levied on full values.

Rev. Stat., c. 272.

(2) Subsection 2 of the said section 315a, as enacted by section 4 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word, figures and letter “section 404a” in the third line and inserting in lieu thereof the word and figure “subsection 1”, so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 315a, subs. 2 (1939, 2nd Sess., c. 6, s. 4), amended.

(2) In calculating whether the limit fixed by subsection 1 of section 315 has been reached, any rates levied for any of the purposes set out in subsection 1 shall be excluded from such calculation. Rates to be excluded.

(3) Subsection 3 of the said section 315a, as enacted by section 11 of *The Municipal Amendment Act, 1940*, is amended by striking out the word, figures and letter “section 404a” in the second line and inserting in lieu thereof the word and figure “subsection 1”, so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 315a, subs. 3 (1940, c. 18, s. 11), amended.

Fixed assessment exemptions to be included.

- (3) The council of a county in levying a rate for any of the purposes set out in subsection 1 shall add to the amount of the equalized assessment of each local municipality within the county any amounts exempted therefrom by reason of a fixed assessment.

Rev. Stat., c. 266, s. 315b, subs. 1 (1943, c. 16, s. 5), re-enacted.

42. Subsection 1 of section 315b of *The Municipal Act*, as enacted by section 5 of *The Municipal Amendment Act, 1943*, is repealed and the following substituted therefor:

Federation of Agriculture,—special rate.

- (1) The council of a township may subject to the approval of the Department by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the township who are entered on the assessment roll as farmers as the annual membership fees of such persons in the Federation of Agriculture.

How special rate may be avoided.

- (1a) Any person to whom subsection 1 applies may within thirty days after delivery of the notice of assessment in writing notify the assessor that he objects to the assessment provided for in subsection 1 and thereupon the assessor shall amend the assessment roll by striking out the assessment made under subsection 1 in respect of such person and shall write his name or initials against such amendment and deliver a notice of assessment amended accordingly to such person.

Rev. Stat., c. 266, s. 316a, subs. 1 (1943, c. 16, s. 6), re-enacted.

43.—(1) Subsection 1 of section 316a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1943*, and amended by section 26 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Reserve funds.

Rev. Stat., c. 59.

- (1) Every municipality as defined in *The Department of Municipal Affairs Act*, and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, may in each year with the approval of the Department provide in the estimates for the establishment or maintenance of a reserve fund for use in providing public works or projects or replacements, renewals or improvements thereof, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained.

(2) This section shall be deemed to have had effect on and after the 14th day of June, 1943. Retrospective effect.

44. Section 321a of *The Municipal Act*, as enacted by section 18 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "and notwithstanding sections 322 and 323 the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality", so that the said section shall now read as follows: Rev. Stat., c. 266, s. 321a (1939 c. 30, s. 18), amended.

321a. Notwithstanding the provisions of any general or special Act, where the revenue derived from the investment of sinking funds together with other accretions exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts and notwithstanding sections 322 and 323 the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality. Sinking fund surpluses

45. Subsection 2 of section 338 of *The Municipal Act* is amended by striking out the word "equal" in the fourth line. Rev. Stat., c. 266, s. 338, subs. 2, amended.

46. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 266, amended.

338a.—(1) Notwithstanding any other Act, where a debenture is sold at a premium, the surplus shall be entered in a suspense account and distributed equally over the term of the debenture as a reduction of the interest charges. Where debenture sold at a premium.

(2) Notwithstanding any other Act, where a debenture is sold at a discount, the deficit shall be entered in a suspense account and distributed equally over the term of the debenture as an addition to the interest charges. Where debentures sold at a discount.

(3) Where the amount of the surplus or deficit does not warrant its distribution equally over the term of the Where surplus or deficit small.

debenture, the distribution may be made in one or more years.

Rev. Stat., c. 266, amended. **47.** *The Municipal Act* is amended by adding thereto the following section:

Municipal Board as arbitrator.

356a. Notwithstanding the provisions of this or any other Act the council may by by-law designate the Municipal Board as the sole arbitrator, in which case the Municipal Board shall have and may exercise all the powers and duties of an official arbitrator.

Rev. Stat., c. 266, s. 404, amended. **48.**—(1) Section 404 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Destruction of records.

2. Subject to the approval of the Department, for the destruction of receipts, vouchers, instruments, rolls or other documents, records and papers.

Community programmes
Rev. Stat., c. 356.

2a. For carrying on a community programme of training in physical fitness within the meaning of the regulations under *The Department of Education Act*.

Joint operation of works, systems and services.

8a. For entering into agreement with one or more municipalities to provide for the joint management and operation of water systems, sewerage systems, works for the disposal, interception or purification of sewage, garbage collection and disposal systems, hydro-electric systems, transportation systems, road systems, fire departments, police departments, or other municipal utility, systems or services, and for the establishment of joint boards of management therefor.

Fox bounties.
Proviso.

17a. For giving bounties for the destruction of foxes, provided that a local municipality shall not give any such bounties where the county in which it is situated has a by-law in force under this paragraph.

Sick leave credit gratuities.

41b. For providing, subject to the approval of the Department, a plan of sick leave credit gratuities for employees or any class thereof and for establishing and maintaining a fund therefor, and for investing the moneys of such fund, provided that on the termination of his employment no employee shall be entitled to more than an amount equal to his salary or other remuneration for the six months period then last past.

Proviso.

(a) "Employee" shall mean any person designated as an employee by the Department and shall

include any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board as defined in *The Department of Municipal Affairs Act*.

53. For providing for the use by any person of any of the mechanical equipment of the municipality and for fixing the terms, conditions and rent charges therefor. Rev. Stat., c. 59.
Rental of equipment.
- (2) Paragraph 16 of the said section 404, as re-enacted by subsection 1 of section 10 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 401, para. 16 (1941, c. 35, s. 10, subs. 1), re-enacted.
16. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration as may be deemed expedient, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it. Fire protection agreements.
- (3) Paragraph 28 of the said section 404 as amended by subsection 2 of section 36 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 404, para. 28, re-enacted.
28. For granting aid for the erection, establishment, maintenance or equipment of public hospitals, public sanatoria or municipal isolation hospitals, within or outside the municipality and may issue debentures therefor. Aid to hospitals
- (4) Paragraph 30 of the said section 404, as re-enacted by subsection 3 of section 36 of *The Municipal Amendment Act, 1944*, is amended by striking out the first seven lines and clause *a* and inserting in lieu thereof the following: Rev. Stat., c. 266, s. 404, para. 30 (1944, c. 39, s. 36, subs. 3), amended.
30. 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, or other places of recreation and amusement within or outside the municipality which may be in commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Special undertakings.

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.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor or for any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

Rev. Stat., c. 266, s. 404, para. 30, (1944, c. 39, s. 36, subs. 3) amended.

(5) Paragraph 30 of the said section 404 is further amended by adding thereto the following clauses:

- (e) The council may appoint three resident ratepayers who need not be members of the council to act on its behalf as a board of management for any undertaking under this paragraph.
- (f) The council may prescribe fees for admittance to or for the use of any undertaking under this paragraph.

Rev. Stat., c. 266, s. 404, para. 41a, (1939, c. 30, s. 23, subs. 2), amended.

(6) Paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clauses:

Municipalities may agree to provide pensions.

(f) Any two or more municipalities may provide by agreement for pensions for employees or any class thereof and their wives and children, and in such case the provisions of this paragraph shall apply *mutatis mutandis* and it shall be agreed that one of the parties shall be deemed to be the municipality and the other parties shall be deemed to be local boards within the meaning of this paragraph.

Local boards may provide pensions.

(g) Any local board may provide pensions for employees or any class thereof and their wives and children and the provisions of this paragraph shall apply *mutatis mutandis* thereto.

Rev. Stat., c. 266, s. 404, para. 41a, cl. c (1939, c. 30, s. 23, subs. 2), amended.

(7) Clause c of the said paragraph 41a, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, and amended by subsection 8 of section 36 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the word "municipality" in the first and second lines the words "or local board", so that the said clause shall now read as follows:

- (c) Payment or contributions other than the initial payments or contributions made by a municipality or local board under this paragraph shall be deemed to be current expenditures. Contributions to be deemed current expenditures.

(8) Clause *e* of the said paragraph 41*a*, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 404, para. 41*a*, cl. *e* (1939, c. 30, s. 23, subs. 2), re-enacted.

- (e) The local board shall pay to the treasurer of the municipality the payments or contributions mentioned in clause *c* and the amounts deducted under clause *d* and such payments heretofore made shall be valid. Treasurer to receive contributions and deductions.

49.—(1) Clause *b* of paragraph 1 of section 405 of *The Municipal Act*, as re-enacted by subsection 1 of section 12 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 405, para. 1, cl. *b* (1941, c. 35, s. 12, subs. 1), re-enacted.

- (b) A by-law shall not be passed except with, firstly, the affirmative vote of not less than three-quarters of all the members of the council, and secondly, the assent of not less than two-thirds of the electors qualified to vote on money by-laws who vote on the by-law.

(2) Paragraphs 5 and 6 of the said section 405 and the heading immediately preceding the said paragraphs are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 405, para. 5, 6, re-enacted.

Birds and Animals.

5. For regulating the keeping of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or other animals, or kennels for the breeding or boarding of cats and dogs, within the municipality or defined areas thereof. Regulating the keeping of animals etc.
6. For prohibiting the keeping of domestic fowl or cattle, goats, swine, rabbits, mink, foxes or other animals, except horses or mules, within the municipality or defined areas thereof. Prohibiting keeping of animals, etc.

(3) Paragraph 53 of the said section 405, as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1943*, and subsections 1 and 2 of section 38 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 405, para. 53, re-enacted.

Sewer rents.

53. For charging persons who own or occupy land drained, or which by by-law is required to be drained, into a common sewer, a reasonable rent or rate in respect of the cost or use of the sewer or in respect of the collection, treatment and disposal of sewage, provided that no rent or rate in respect of the cost of a sewer shall be charged where local improvement rates for the sewer have been or are being levied.

(a) All sewer rents shall form a lien and charge upon the real estate upon or in respect of which the same have been assessed and rated or charged and shall be collected in the same manner and with the like remedies as ordinary taxes on real estate are collected under the provisions of *The Assessment Act*.

Rev. Stat.,
c. 272.

Rev. Stat.,
c. 266, s. 405,
paras. 57, 58,
re-enacted.

- (4) Paragraphs 57 and 58 of the said section 405 are repealed and the following substituted therefor:

Removal of
snow and ice
from roofs
and side-
walks of
occupied
premises.

57. For requiring the occupants of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the roofs of such buildings and for requiring the occupants of any designated class of building in the municipality or any designated area thereof to clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of such buildings and for regulating when and the manner in which the same shall be done.

Removal
of snow and
ice from
roofs and
sidewalks of
unoccupied
premises.

58. For clearing away and removing snow and ice from the roofs of any designated class of unoccupied buildings in the municipality or any designated area thereof and for clearing away and removing snow and ice from the sidewalks on the highways in front of, alongside or at the rear of any designated class of unoccupied buildings or vacant lands at the expense of the owners and for collecting or recovering the expenses incurred in so doing in the manner provided by section 524.

Rev. Stat.,
c. 266, s. 405,
para. 68,
c. a (1944,
c. 39, s. 38,
subs. 3),
amended.

- (5) Clause *a* of paragraph 68 of section 405 of *The Municipal Act* as enacted by subsection 3 of section 38 of *The Municipal Amendment Act, 1944*, is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the said clause shall now read as follows:

- (a) The agreement may provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.

(6) The said section 405 is further amended by adding thereto the following paragraph: Rev. Stat., c. 266, s. 405, amended.

71. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in which or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney. Smoke prevention.

(a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining or smelting of ores or minerals or the manufacture of cement, brick or tiles or to dwelling houses except apartment houses.

(b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of such by-law and such notice may be given, by publication of the by-law in the *Ontario Gazette* and in a daily newspaper for four successive weeks.

50.—(1) Paragraph 2 of subsection 1 of section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is amended by inserting after the word “buildings” in the first line the words “or structures”, so that the said paragraph shall now read as follows: Rev. Stat., c. 266, s. 406, subs. 1, para. 2 (1941, c. 35, s. 13, subs. 1), amended.

2. For prohibiting the erection or use of buildings or structures, for or except for such purposes as may be set out in the by-law, within any defined area or areas or upon land abutting on any defined highway or part of a highway. Restricting erection or use of buildings and structures.

(2) Subsection 1 of the said section 406 is further amended by adding thereto the following paragraph: Rev. Stat., c. 266, s. 406, subs. 1, (1941, c. 35, s. 13, subs. 1), amended.

2a. For prohibiting the erection of a building or structure for residential or commercial purposes on land where by reason of its low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive. Marshy lands.

(3) Paragraph 3 of subsection 1 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal* Rev. Stat., c. 266, s. 406, subs. 1, para. 3 (1941, c. 35, s. 13, subs. 1), re-enacted.

Amendment Act, 1941, is repealed and the following substituted therefor:

Construction of buildings and structures.

3. For regulating the cost or type of construction and the height, bulk, location, spacing, external design, character and use of buildings or structures to be erected within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof which any building or structure may occupy.

Rev. Stat., c. 266, s. 406, subs. 1, para. 4 (1941, c. 35, s. 13, subs. 1), re-enacted.

- (4) Paragraph 4 of subsection 1 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor:

Loading space.

4. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law, to provide and maintain loading facilities on land that is not part of a highway.

Rev. Stat., c. 266, s. 406, (1941, c. 35, s. 13, subs. 1), amended.

- (5) The said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, and amended by section 11 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsections:

Scope of by-law.

- (1a) Any by-law passed under this section may prohibit or regulate all or any of the matters mentioned in subsection 1.

Use of maps.

- (1b) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition and disposition of non-conforming lands.

- (1c) The council may acquire any land, building or structure used or erected for a purpose which does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.

Rev. Stat., c. 266, s. 406, subs. 2 (1941, c. 35, s. 13, subs. 1), amended.

- (6) Subsection 2 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is amended by striking out the words "or building" in the second line and inserting in lieu thereof the words "building

or structure” and by inserting after the word “building” where it occurs in the sixth and ninth lines respectively the words “or structure”, so that the said subsection shall now read as follows:

- (2) No by-law passed under this section shall apply to any land, building or structure which, on the day of the passing of the by-law, is used or erected for any purpose prohibited by the by-law, so long as it continues to be used for that purpose, nor shall the by-law apply to any building or structure the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building or structure when erected is used for the purpose for which it was erected. ^{Excepted land, buildings or structures.}

(7) Subsection 9 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943*, is amended by striking out the words “or building” where they occur in the seventh and ninth lines respectively and inserting in lieu thereof the words “building or structure”, so that the said subsection shall now read as follows: ^{Rev. Stat., c. 266, s. 406, subs. 9 (1943, c. 16, s. 11, subs. 2), amended.}

- (9) Notwithstanding any other provision of this section, any by-law passed under this section or under any provision deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, may with the approval of the Municipal Board be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed. ^{Extension or enlargement.}

(8) The said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, and amended by section 11 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsection: ^{Rev. Stat., c. 266, s. 406 (1941, c. 35, s. 13, subs. 1), amended.}

- (9a) Where an application to the council for an amendment to a by-law passed under this section is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order. ^{Appeal}

Rev. Stat.,
c. 266, s. 407,
amended. **51.**—(1) Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

Regulation,
etc., of
other heat-
ing equip-
ment.

- 3a. For regulating, controlling and inspecting the installation of blowers, stokers and oil or gas units in heating plants, and the storage of fuel in connection therewith.

Rev. Stat.,
c. 266, s. 407,
para. 45,
repealed.

- (2) Paragraph 45 of the said section 407 is repealed.

Rev. Stat.,
c. 266, s. 407,
para. 47,
amended.

- (3) Paragraph 47 of the said section 407 is amended by inserting after the word "traffic" in the third line the words "as defined in the by-law", so that the said paragraph shall now read as follows:

Regulating
traffic.

47. Subject to the provisions of *The Highway Traffic Act* for regulating traffic on the highways, and for prohibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction.

Rev. Stat.,
c. 288.

- (4) Paragraph 48 of the said section 407 is amended by inserting after the word "cars" in the second line the words "or buses", so that the said paragraph shall now read as follows:

Safety
zones.

48. For setting aside and designating in a suitable visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon.

Rev. Stat.,
c. 266, s. 408,
para. 6, re-
enacted.

- 52.** Paragraph 6 of section 408 of *The Municipal Act* is repealed and the following substituted therefor:

Measuring,
etc., cer-
tain articles.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal and other fuel.

Weighing of
fuel for
delivery
beyond
municipal
limits.

- (a) A by-law passed by a municipality under this paragraph may be made applicable to the weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits.

- (b) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after the same is weighed or measured in accordance with the by-law, and the amount so specified and the ticket shall be delivered to the purchaser.

Ticket showing weight required.

53. Paragraph 1 of section 414 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 414, para. 1, re-enacted.

1. For establishing and maintaining a system for the collection, removal and disposal of garbage or of garbage and other refuse or of ashes, garbage and other refuse, and for contracting with any person for the collection, removal and disposal by him of ashes, garbage and other refuse upon such terms and conditions as may be deemed expedient, and for acquiring land within the municipality or in any adjacent municipality with the consent of the council thereof for any of the purposes of this paragraph, and for erecting and maintaining with the approval of the Department of Health such buildings, machinery and plant as may be deemed necessary for the purposes of this paragraph.

Collection, removal and disposal of garbage, etc.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor in respect of any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

54.—(1) Paragraphs 5 and 15 of section 423 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 423, paras. 5, 15, repealed.

(2) Paragraph 16 of the said section 423 is amended by inserting after the figure "4" in the second line the figures "12", so that the said paragraph shall now read as follows:

Rev. Stat., c. 266, s. 423, para. 16, amended.

16. For exercising the powers conferred on cities and towns by paragraphs 4, 12 and 13 of section 414.

Lodging houses, surveyors and engineers, lending libraries.

(3) The said section 423 is further amended by adding thereto the following paragraphs:

Rev. Stat., c. 266, s. 423, amended.

- 10a. For exercising all the powers conferred on urban municipalities by paragraph 42 of section 407, with respect to pits and quarries.

Pits and quarries.

Safety
zones.

13a. For exercising all the powers conferred on urban municipalities by paragraph 48 of section 407, with respect to safety zones.

Rev. Stat.,
c. 266, s. 425,
para. 1,
amended.

55.—(1) Paragraph 1 of section 425 of *The Municipal Act* is amended by striking out the words “defined areas, where the number of the inhabitants or the proximity of buildings in any part of the township renders it expedient to do so” in the first, second and third lines and inserting in lieu thereof the words “the township or any defined area thereof”, so that the said paragraph shall now read as follows:

Prevention
of fires.

(1) Within the township or any defined area thereof, for exercising the powers conferred on the councils of urban municipalities by paragraphs 3, 4, 5, 8, 9 and 18 to 37 of section 407.

Rev. Stat.,
c. 266, s. 425,
para. 2,
amended.

(2) Paragraph 2 of the said section 425 is amended by striking out the word “equal” in the fifth line and by striking out clause *b*.

Rev. Stat.,
c. 266, s. 425,
para. 4,
amended.

(3) Paragraph 4 of the said section 425 is amended by inserting after the word “municipality” in the second line the words “or with any person” and by inserting after the word “corporation” in the third and fourth lines the words “or person”, so that the said paragraph shall now read as follows:

Contracts
for fire
protection.

4. For entering into a contract with the corporation of an adjoining municipality or with any person for the use, service and assistance of the fire brigade and the fire apparatus and equipment of such corporation or person in the event of fire in any defined area of the township and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to such contract.

Rev. Stat.,
c. 266, s. 425,
para. 14,
repealed.

(4) Paragraph 14 of the said section 425 is repealed.

Rev. Stat.,
c. 266,
ss. 428, 429,
repealed.

56. Section 428 of *The Municipal Act* and section 429 of *The Municipal Act*, as amended by section 10 of *The Municipal Amendment Act, 1938*, are repealed.

Rev. Stat.,
c. 266, s. 436,
amended.

57. Section 436 of *The Municipal Act* is amended by adding thereto the following paragraphs:

AUCTIONEERS.

Auctioneers.

4. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods,

wares, merchandise or effects by public auction, and for prohibiting the granting of a license to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business and for determining the time the license shall be in force.

- (a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

BILL POSTERS.

5. For licensing, regulating and governing bill posters,^{Bill posters.} advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills which are indecent or tend to corrupt morals.

- (a) A by-law of a county passed under this paragraph shall not have force in a town, village or township which has passed a by-law for a similar purpose.

- (b) A by-law passed under this paragraph may provide that no such license shall be required by a person who works only as an employee of a person licensed.

58. Section 437 of *The Municipal Act* as amended by section 31 of *The Municipal Amendment Act, 1939*, and subsections 1 and 2 of section 17 of *The Municipal Amendment Act, 1943*, is repealed.^{Rev. Stat., c. 266, s. 437, repealed.}

59. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraphs:^{Rev. Stat., c. 266, s. 439, amended.}

- 3b. For examining, licensing, regulating and governing electrical contractors, electricians, master electricians and journeyman electricians.^{Electrical workers.}

- (a) For the purpose of this paragraph "master electrician" shall mean a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other "master electrician".^{"master electrician"}

"journeyman
electrician."

appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who, himself, or by journeyman electricians in his employ, performs electrical work, and "journeyman electrician" shall mean a person other than a master electrician, who has been employed in electrical installation and has acquired sufficient skill and knowledge of the trade to be considered a safe and responsible mechanic.

(b) The by-law shall not apply to the employees of a public service commission or corporation.

Installers of
insulation.

3c. For licensing, regulating and governing persons who carry on the business of installing insulation in buildings, and for revoking any such license.

Fuel
delivery
men.

3d. For licensing, regulating and governing persons who deliver coal or other fuel and for revoking any such license.

Shoe repair
shops, etc.

3e. For licensing, regulating and governing keepers of shoe repair or shoe shine shops and for revoking any such license.

Tag days.

3f. For fixing days when persons and organizations in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality.

Tourist
and trailer
camps.

3g. For licensing, regulating and governing tourist camps and trailer camps and for designating areas of land to be used as tourist camps or trailer camps and for prohibiting the use of other land for such purposes.

(a) In this paragraph,

(i) "tourist camp" shall include auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and

- (ii) "trailer camp" shall mean land in or upon which any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running-gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

60. Paragraph 2 of section 442 of *The Municipal Act* is repealed. Rev. Stat., c. 266, s. 442, para. 2, repealed.

61. Subsection 1 of section 449 of *The Municipal Act* is amended by striking out the symbol and figures "\$500" in the twelfth line and inserting in lieu thereof the symbol and figures "\$1,000", and by striking out the words, symbol and figures "a sum not exceeding in any year \$100" in the last line and inserting in lieu thereof the words "in any year such sum as may be approved by the Department", so that the said subsection shall now read as follows:

- (1) The council of every city having a population of not less than 100,000 may expend a sum not exceeding in any year twenty cents per head of its population and the council of a city having a population of not less than 30,000 may expend a sum not exceeding in any year ten cents per head of its population and the council of a city having a population of less than 30,000 may expend a sum not exceeding in any year \$3,000, and the council of every township or town bordering on a city having a population of not less than 100,000 may expend a sum not exceeding in any year \$2,000, and the council of every town having a population of not less than 5,000 and the council of every county may expend a sum not exceeding in any year \$1,000, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities may expend for the like purpose in any year such sum as may be approved by the Department. Appropriations for publicity.

62.—(1) Section 466 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 466, amended.

Grants in aid.

- (8) Where a county assumes a highway or bridge under this section, the town, village or township within which the highway or bridge is situate may make grants to the county in aid of the maintenance or reconstruction thereof and the maintenance of the reconstructed highway or bridge, or where the highway or bridge is relocated, in aid of the construction and maintenance of the relocated highway or bridge.

Retrospective effect.

- (2) This section shall be deemed to have had effect on and after the 11th day of August, 1944.

Rev. Stat., c. 266, s. 472 amended.

- 63.** Section 472 of *The Municipal Act* is amended by adding thereto the following subsection:

By-law restricting duty.

- (2) The council of a county may by by-law provide that the duty imposed upon the corporation by subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes less than twenty feet in width.

Rev. Stat., c. 266, s. 474 amended.

- 64.** Section 474 of *The Municipal Act* is amended by inserting after the word and figures "section 457" in the second line the words and figures "or subsection 2 of section 472", so that the said section shall now read as follows:

Local municipalities to erect and maintain certain bridges.

474. Where the council of a county passes a by-law under subsection 2 of section 457 or subsection 2 of section 472 it shall be the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law.

Rev. Stat., c. 266, ss. 504, 505, repealed.

- 65.** Sections 504 and 505 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 507 para. 7, amended.

- 66.**—(1) Paragraph 7 of section 507 of *The Municipal Act* is amended by adding at the end thereof the words "or for any other purpose", so that the said paragraph shall now read as follows:

Stone and gravel pits.

7. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils, or for any other purpose.

Rev. Stat., c. 266, s. 507 para. 8, amended.

- (2) Paragraph 8 of the said section 507 is amended by adding after the word "bridges" in the sixth line the words "or for any other purpose", so that the paragraph, exclusive of the clauses, shall now read as follows:

8. For entering upon and searching for and taking from land within the municipality or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges, or for any other purpose.
- Power to enter land to take gravel, etc.

67. Section 525 of *The Municipal Act*, as amended by section 48 of *The Municipal Amendment Act, 1944*, is further amended by striking out the words "a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act", in the first, second and third lines and inserting in lieu thereof the words "any by-law passed under the authority of this Act is contravened", so that the said section shall now read as follows:

525. Where any by-law passed under the authority of this Act is contravened, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation.

Power to restrain by action.

68. Section 561 of *The Municipal Act* and section 566 of *The Consolidated Municipal Act, 1903*, are repealed.

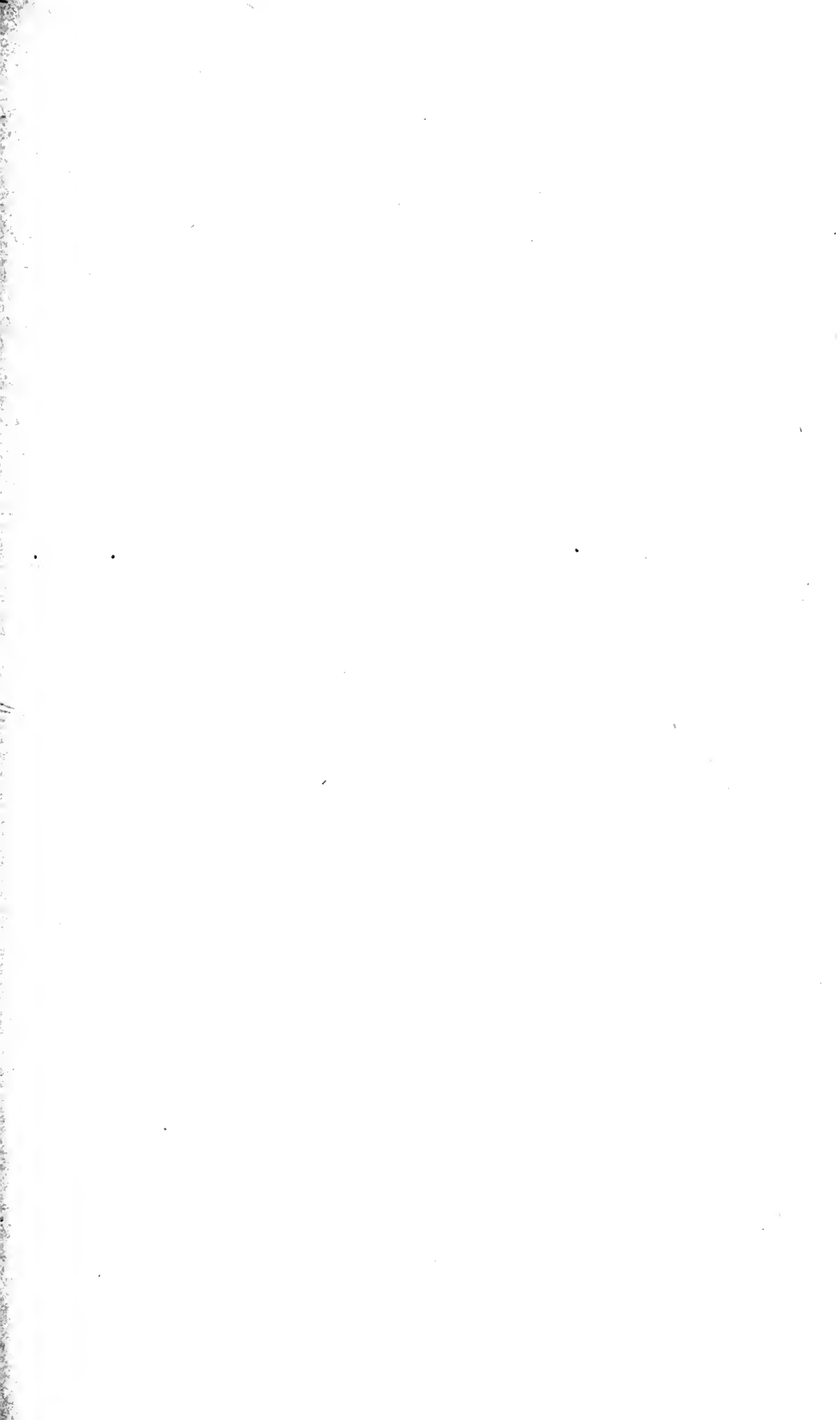
Rev. Stat., c. 266, s. 561; 1903, c. 19, s. 566, repealed.

69. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

70. This Act shall be cited as *The Municipal Amendment Act, 1946*.

Short title.



An Act to amend The Municipal Act.

1st Reading

March 29th, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. DUNBAR

No. 144

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Utilities Act.

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1. As re-enacted the maximum term of a water supply agreement is increased from five to ten years in the case of a manufacturer and from five to twenty years in the case of a railway company, where water is supplied within or beyond the limits of the municipality, and the provision for the supply of water to builders is deleted.

In all other respects the section is unchanged.

SECTION 2. Section 15a is new and provides an alternative method of financing a water main.

BILL

An Act to amend The Public Utilities Act.

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

1. Section 11 of *The Public Utilities Act* is repealed and the following substituted therefor: Rev. Stat., c. 286, s. 11, re-enacted.

11.—(1) A corporation may supply water to owners or occupants of land beyond the limits of the municipality. Power to supply water to owners, etc., outside a municipality.

(2) The corporation may make any agreement that may be deemed expedient for the supply of water within or beyond the limits of the municipality for a term not exceeding ten years to any person carrying on or proposing to carry on any manufacturing business or for a term not exceeding twenty years to any railway company. Power to supply water to manufacturers and railway companies.

(3) Where water is supplied in a municipality that has a waterworks, no pipes for such purpose shall be carried in, upon, through, over or under any highway, lane or public communication within such municipality without the consent of the council thereof. Consent to lay pipes.

2. *The Public Utilities Act* is amended by adding thereto the following sections: Rev. Stat., c. 286, amended.

15a.—(1) The corporation may impose a special rate or rent in respect of the cost or maintenance of a water main on persons who own or occupy land in the municipality or in a water area where the land fronts or abuts on a highway, lane or other public communication in, through or along which the main is laid, provided no such person shall be liable to pay a special rate or rent in respect of the cost of the main where local improvement rates for the main have been or are being levied upon the land so owned or occupied. Power to levy special rate. Proviso.

Manner of
collection.

- (2) Such special rate or rent may be collected in the same manner and with like remedies as water rates or in the same manner and with like remedies as taxes under *The Assessment Act*.

Rev. Stat.,
c. 272.

Amount of
rate.

- 25a. No rate to provide for the maintenance or management of any utility shall be levied except to the extent to which the revenues from the utility are insufficient for such purposes.

Short title.

- 3.** This Act may be cited as *The Public Utilities Amendment Act, 1946*.

Section 25a is new and is designed to make it clear that the revenues from a utility shall be applied in respect of maintenance and management and that a levy for such purposes shall only be for the purpose of making up any deficiency.



An Act to amend The Public Utilities Act.

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March 29th, 1946

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- 11.—(1) A corporation may supply water to owners or occupants of land beyond the limits of the municipality. Power to supply water to owners, etc., outside a municipality.
- (2) The corporation may make any agreement that may be deemed expedient for the supply of water within or beyond the limits of the municipality for a term not exceeding ten years to any person carrying on or proposing to carry on any manufacturing business or for a term not exceeding twenty years to any railway company. Power to supply water to manufacturers and railway companies.
- (3) Where water is supplied in a municipality that has a waterworks, no pipes for such purpose shall be carried in, upon, through, over or under any highway, lane or public communication within such municipality without the consent of the council thereof. Consent to lay pipes.

2. *The Public Utilities Act* is amended by adding thereto the following sections: Rev. Stat., c. 286, amended.

- 15a.—(1) The corporation may impose a special rate or rent in respect of the cost or maintenance of a water main on persons who own or occupy land in the municipality or in a water area where the land fronts or abuts on a highway, lane or other public communication in, through or along which the main is laid, provided no such person shall be liable to pay a special rate or rent in respect of the cost of the main where local improvement rates for the main have been or are being levied upon the land so owned or occupied. Power to levy special rate. Proviso.

Manner of
collection.

- (2) Such special rate or rent may be collected in the same manner and with like remedies as water rates or in the same manner and with like remedies as taxes under *The Assessment Act*.

Rev. Stat.,
c. 272.

Amount of
rate.

- 25a. No rate to provide for the maintenance or management of any utility shall be levied except to the extent to which the revenues from the utility are insufficient for such purposes.

Short title.

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An Act to amend The Public Utilities Act.

1st Reading

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April 5th, 1946

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Lands Act.

MR. THOMPSON

EXPLANATORY NOTES

Under the present Act all pine trees are reserved to the Crown. The person who acquires or has acquired land for agricultural purposes under the Act cannot, except for purposes of clearing or necessary building, cut any pine either before or after letters patent are issued. There is no restriction on cutting trees other than pine and title to such trees passes with the land.

SECTION 2 of this Bill provides that all trees remain the property of the Crown before the letters patent are issued and upon letters patent being issued all trees, with the exception of pine where the land is under timber license, become the property of the patentee.

BILL

An Act to amend The Public Lands Act.

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

1. *The Public Lands Act* is amended by striking out the heading "PINE TREES" between sections 42 and 43 and inserting in lieu thereof the heading "TREES". Rev. Stat., c. 33, heading, amended.
2. Section 43 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat., c. 33, s. 43, re-enacted.
 - 43.—(1) All trees on land disposed of for agricultural purposes shall remain the property of the Crown until the issuance of letters patent when the property in such trees shall pass to the patentee. Reservation of trees.
 - (2) Except in the Districts of Kenora and Rainy River when at the time of a disposition of land for agricultural purposes any person holds a license to cut the pine timber on such land, the letters patent shall contain a reservation of all pine trees. Pine trees under timber license.
 - (3) Where the property in any trees has not passed to the person to whom land has been disposed of for agricultural purposes, or anyone claiming under him, he may nevertheless cut and use all such trees necessary for building and fencing on all lands disposed of to him and may cut and dispose of all trees required to be removed in clearing the land for cultivation, but no trees except those necessary for such building and fencing shall be cut beyond the limit of the actual clearing without the consent in writing of an officer of the Department designated by the Minister for this purpose, provided that such consent shall not be given with respect to pine trees on land under timber license. Right to clear, etc. Authority of officer required.

Payment of
Crown dues.

- (4) All trees cut under the provisions of subsection 3 and sold or bartered shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber unless the Minister has otherwise directed in writing.

Right of
timber
licensee.

- (5) Any person holding a license to cut timber on land disposed of for agricultural purposes, may at all times during the continuance of the license, enter upon the uncleared portion of such land, and cut and remove the trees and make all necessary roads provided he occasions no unnecessary damage thereby.

Rev. Stat.,
c. 33, s. 52,
re-enacted.

3. Section 52 of *The Public Lands Act* is repealed and the following substituted therefor:

Lands
patented
before May
1st, 1880.

- 52.—(1) In the case of land disposed of for agricultural purposes and patented before the 1st day of May, 1880, all trees thereon shall be deemed to have passed to the patentee by the letters patent and every reservation of trees contained in the letters patent shall be void.

Release from
reservation
of pine trees.

- (2) Where letters patent issued after the 30th day of April, 1880, for lands disposed of for agricultural purposes reserve pine trees to the Crown and where the land is not under timber license, the Minister, upon application of the owner and,—

(a) upon payment of a purchase price determined by the Minister; or

(b) without charge where,

(i) the owner resides on or within ten miles of the land, or

(ii) the pine trees exclusive of those planted by the owner do not exceed on an average five hundred feet board measure per acre and the owner plants at least ten percentum of the land with trees as a private reforestation project satisfactory to the Minister,

may make an order releasing and discharging the land from the reservation of pine trees and such order may be registered in the proper registry or land titles office.

SECTION 3 vests in the owner any pine reserved to the Crown by letters patent issued before the 1st day of May, 1880, and enables the Minister to grant or sell to the owner any pine so reserved on or after that date.

SECTION 4. The provisions of section 53 are contained in the proposed re-enactment of section 52.

4. Section 53 of *The Public Lands Act* is repealed.

Rev. Stat.,
c. 33, s. 53,
repealed.

5. This Act may be cited as *The Public Lands Amendment Act, 1946*. Short title.

An Act to amend The Public Lands Act.

1st Reading

March 29th, 1946

2nd Reading

3rd Reading

MR. THOMPSON

No. 145

2ND SESSION, 22ND LEGISLATURE, ONTARIO
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1. *The Public Lands Act* is amended by striking out the heading "PINE TREES" between sections 42 and 43 and inserting in lieu thereof the heading "TREES". Rev. Stat., c. 33, heading, amended.

2. Section 43 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat., c. 33, s. 43, re-enacted.

- 43.—(1) All trees on land disposed of for agricultural purposes shall remain the property of the Crown until the issuance of letters patent when the property in such trees shall pass to the patentee. Reservation of trees.
- (2) Except in the Districts of Kenora and Rainy River when at the time of a disposition of land for agricultural purposes any person holds a license to cut the pine timber on such land, the letters patent shall contain a reservation of all pine trees. Pine trees under timber license.
- (3) Where the property in any trees has not passed to the person to whom land has been disposed of for agricultural purposes, or anyone claiming under him, he may nevertheless cut and use all such trees necessary for building and fencing on all lands disposed of to him and may cut and dispose of all trees required to be removed in clearing the land for cultivation, but no trees except those necessary for such building and fencing shall be cut beyond the limit of the actual clearing without the consent in writing of an officer of the Department designated by the Minister for this purpose, provided that such consent shall not be given with respect to pine trees on land under timber license. Right to clear, etc. Authority of officer required.

Payment of
Crown dues.

- (4) All trees cut under the provisions of subsection 3 and sold or bartered shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber unless the Minister has otherwise directed in writing.

Right of
timber
licensee.

- (5) Any person holding a license to cut timber on land disposed of for agricultural purposes, may at all times during the continuance of the license, enter upon the uncleared portion of such land, and cut and remove the trees and make all necessary roads provided he occasions no unnecessary damage thereby.

Rev. Stat.,
c. 33, s. 52,
re-enacted.

3. Section 52 of *The Public Lands Act* is repealed and the following substituted therefor:

Lands
patented
before May
1st, 1880.

- 52.—(1) In the case of land disposed of for agricultural purposes and patented before the 1st day of May, 1880, all trees thereon shall be deemed to have passed to the patentee by the letters patent and every reservation of trees contained in the letters patent shall be void.

Release from
reservation
of pine trees.

- (2) Where letters patent issued after the 30th day of April, 1880, for lands disposed of for agricultural purposes reserve pine trees to the Crown and where the land is not under timber license, the Minister, upon application of the owner and,—

(a) upon payment of a purchase price determined by the Minister; or

(b) without charge where,

(i) the owner resides on or within ten miles of the land, or

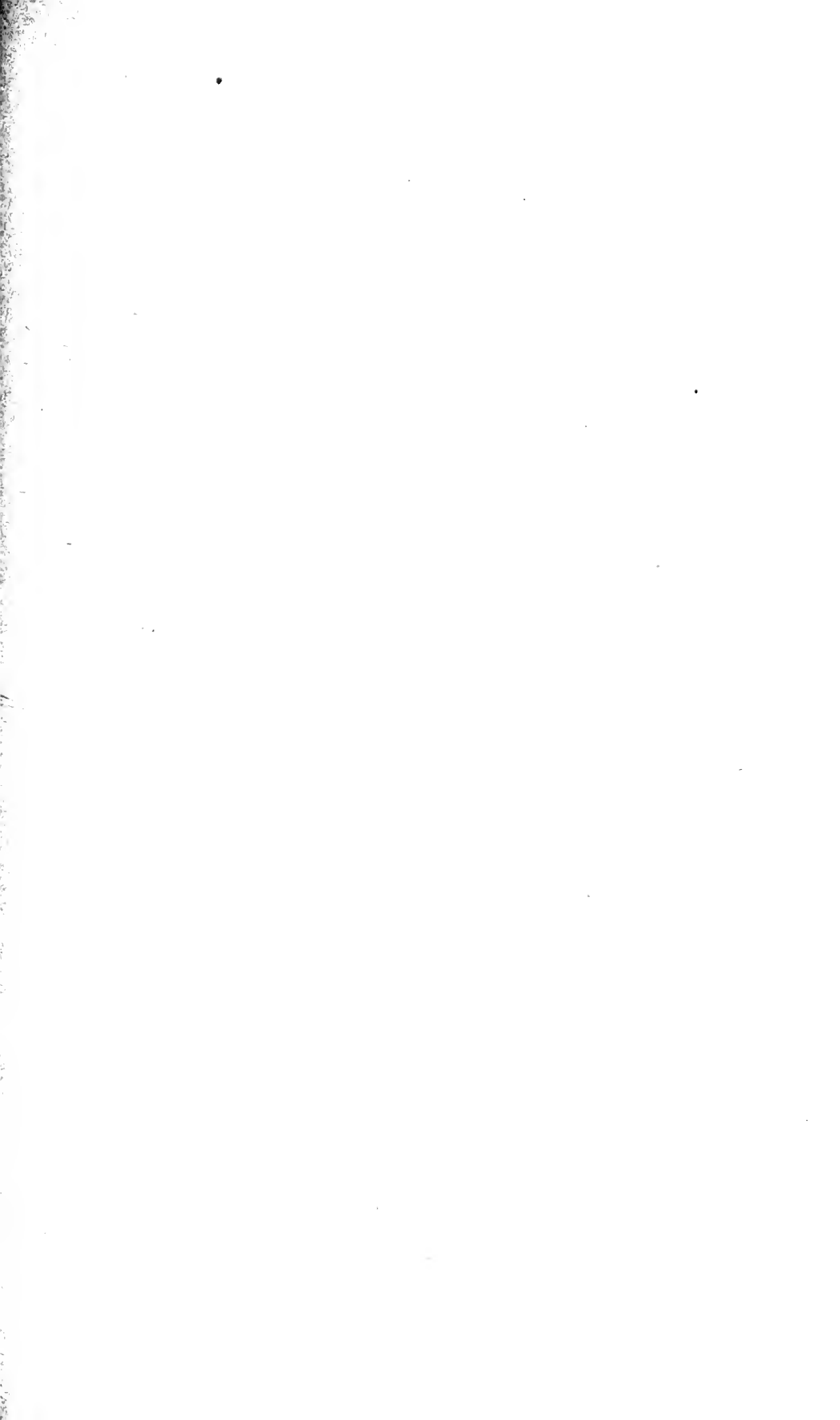
(ii) the pine trees exclusive of those planted by the owner do not exceed on an average five hundred feet board measure per acre and the owner plants at least ten per centum of the land with trees as a private reforestation project satisfactory to the Minister,

may make an order releasing and discharging the land from the reservation of pine trees and such order may be registered in the proper registry or land titles office.

4. Section 53 of *The Public Lands Act* is repealed.

Rev. Stat.,
c. 33, s. 53,
repealed.

5. This Act may be cited as *The Public Lands Amendment Act, 1946*. Short title.



An Act to amend The Public Lands Act.

1st Reading

March 29th, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. THOMPSON

No. 146

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Real Estate and Business Brokers.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Real Estate Brokers Act is revised so as to include within its registration and regulatory provisions persons who are known as business brokers. Necessary changes in definitions and other provisions incidental to the extended scope of the Act are included in the revision.

Administration of the Act is transferred from the Securities Commission to the Superintendent of Insurance.

The Bill follows the same plan and arrangement as *The Securities Act, 1945*, and many of its principles relating to registration, bonding, appeals and certain features respecting regulation of trading are similar to the provisions of *The Securities Act, 1945*. The Bill is conveniently divided under the following headings:

1. Interpretation.
2. Registrar.
3. Registration.
4. Exemptions.
5. Investigation and Action by the Superintendent.
6. Appeals.
7. Regulation of Trading.
8. Offences.
9. General Provisions.

Attention is drawn to the new provisions appearing under the heading "Regulation of Trading" which comprises sections 32 to 51. In addition to a stricter code of rules to be observed by brokers and salesmen in transacting business, the provision restricting the bringing of action for commission or other remuneration is revised with a view to eliminating any unfair use of it as against the broker or salesman. The section which is now contained in *The Statute of Frauds*, is carried into the new Bill as section 37, in revised form. The new principles are to be found in clauses *b* and *c* of the new section.

BILL

An Act respecting Real Estate and Business Brokers.

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

INTERPRETATION.

1. In this Act,—

Interpretation,—

- (a) “broker” shall mean a person who, for another or others, for compensation, gain or reward or hope or promise thereof, either alone or through one or more officials or salesmen, trades in real estate, and every person who holds himself out as such; “broker”;
- (b) “business” shall mean an undertaking carried on for the purpose of gain or profit and shall include an interest in any such undertaking, and without limiting the generality of the foregoing, shall include boarding house, hotel, stores, tourist camp and tourist home; “business”;
- (c) “official” shall include president, vice-president, secretary, treasurer, managing director, general manager, department manager, branch office manager and every person acting in a similar capacity whether so designated or not; “official”;
- (d) “prescribed” shall mean prescribed by this Act or the regulations; “pre-scribed”;
- (e) “real estate” shall include real property, leasehold and business whether with or without premises, fixtures, stock-in-trade, goods or chattels in connection with the operation of the business; “real estate”;
- (f) “register” shall mean register under this Act; “register”;
- (g) “Registrar” shall mean Registrar of Real Estate and Business Brokers appointed under this Act; “Registrar”;
- (h) “regulations” shall mean regulations made under this Act; “regulations”;

- "salesman"; (i) "salesman" shall mean a person employed, appointed or authorized by a broker to trade in real estate;
- "Superintendent"; (j) "Superintendent" shall mean Superintendent of Insurance appointed under *The Insurance Act*; and
- Rev. Stat., c. 256.
- "trade". (k) "trade" shall include a disposition or acquisition of or transaction in real estate by sale, purchase, agreement for sale, exchange, option, lease, rental or otherwise and any offer or attempt to list real estate for the purpose of such a disposition or transaction, and any act, advertisement, contact or negotiation, directly or indirectly, in furtherance of any disposition, acquisition, transaction, offer or attempt, and the verb "trade" shall have a corresponding meaning.

REGISTRAR.

Registrar of Real Estate and Business Brokers. 2.—(1) There shall be a Registrar of Real Estate and Business Brokers who shall be appointed by the Lieutenant-Governor in Council.

Powers and duties of Registrar. (2) The Registrar may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act and the regulations under the supervision of the Superintendent.

REGISTRATION.

Registration of brokers, salesmen, officials. 3.—(1) No person shall,—

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

(b) act as an official of or on behalf of a partnership or company in connection with any trade in real estate by the partnership or company, unless he or the partnership or company is registered as a broker; or

(c) act as a salesman of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company, unless he is registered as a salesman of the partnership or company and the partnership or company is registered as a broker.

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

Salesman,—registration of. 4.—(1) A salesman may only be registered where he is the salesman of a registered broker.

Suspension of registration. (2) The termination of the employment of a salesman with a registered broker shall operate as a suspension of the registration.



tration of such salesman until notice in writing has been received by the Registrar from a registered broker of the employment of such salesman.

5. The Registrar may grant or refuse to grant temporary registration or temporary renewal of registration to any applicant therefor and shall forthwith report to the Superintendent any action taken by him upon any such application. Temporary registration.

6. The Superintendent shall grant registration or renewal of registration to an applicant where in the opinion of the Superintendent the applicant is suitable for registration and the proposed registration is not objectionable. Registration.

7. The Superintendent shall suspend or cancel any registration where in his opinion such action is in the public interest. Suspension, cancellation.

8. Notwithstanding any order of the Superintendent a further application may be made upon new or other material or where it is clear that material circumstances have changed. Further applications.

9. Every application shall be made in writing upon the prescribed form to be provided by the Superintendent and shall be accompanied by such fee as may be prescribed and a bond in such amount and form, subject to section 17, as may be prescribed. Application to be upon forms with proper fees and bonds.

10. Every applicant shall state in the application an address for service in Ontario and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. Address for service.

11. The Registrar may and shall when so directed by the Superintendent, require any further information or material to be submitted by any applicant or any registered person within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted. Further information.

12.—(1) Registration, in the absolute discretion of the Superintendent, may be refused to any person either as a broker or salesman who has not been a resident of Ontario for at least one year immediately prior to the date of application with the intention of making his permanent home in Ontario unless at the time of the application such person is registered either as a broker or salesman under the laws relating to real estate and business brokers and salesmen of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding Residence.

the date of such application and is otherwise suitable for registration.

Service in forces.

(2) For the purposes of this section a person shall not be deemed to cease to reside in Ontario by reason only of his absence from Ontario as a member of His Majesty's armed forces.

Termination and renewal of registration.

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

Change in registration of broker.

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

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

Salesman.

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

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

Registrar to make daily deposit.

15.—(1) The Registrar shall cause all cash, cheques, money orders and postal notes to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund.

Refund.

(2) Where an application for registration is refused or is granted after the 30th day of September or a registration is cancelled the Superintendent may recommend to the Treasurer of Ontario that a refund of the fee or of such part thereof as he deems fair and reasonable be made and the Treasurer may make such refund.

EXEMPTIONS.

Exemptions.

16. Registration shall not be required in respect of any trade in real estate by,—

- (a) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-up Act* (Canada), or to any person acting under the order of any court, or any executor or trustee selling under the terms of any will, marriage settlement or deed of trust; R.S.C., c. 11; Rev. Stat., cc. 251, 100; R.S.C., c. 213.
- (b) any person who is registered under *The Securities Act*, 1945, c. 22, 1945, where the trade is made in the course of and as part of his business in connection with a trade in securities;
- (c) any bank or any loan, trust or insurance company trading in real estate owned or administered by such company;
- (d) any person in respect of any mine or mining property within the meaning of *The Mining Act* and in respect of the real estate included in any Crown grant or lease of a mining claim or mineral lands under *The Mining Act* or any Act for which the same is substituted; Rev. Stat., c. 47.
- (e) any person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as part of the solicitor's practice; or
- (f) any person specifically exempted by the regulations in respect of any class of trades in real estate.

FORFEITURE OF BOND.

17.—(1) Any bond mentioned in section 9 shall be forfeit and the amount thereof shall become due and owing by the person bound thereby as a debt due His Majesty in right of Ontario where,— Forfeiture of bond.

- (a) a broker, including any member of a partnership, or salesman, in respect of whose conduct the bond has been conditioned has been convicted of,
- (i) an offence under this Act, or
- (ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada); R.S.C., c. 36.
- (b) judgment based on the finding of fraud has been given against the broker, including any member of a partnership, or salesman in respect of whose conduct the bond is conditioned;

R.S.C., c. 11.

(c) proceedings by or in respect of a broker, including any member of a partnership, or salesman, in respect of whose conduct the bond is conditioned, have been taken under the *Bankruptcy Act* (Canada) or by way of winding up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made,

and such conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken.

Term of bond.

(2) For the purposes of every act and omission occurring during the period of registration, every bond shall continue in force for a period of two years after the registration to which it relates lapses or is cancelled.

Proceedings to enforce forfeiture.

R.S.C., c. 11; Rev. Stat., c. 100, 251; R.S.C., 213.

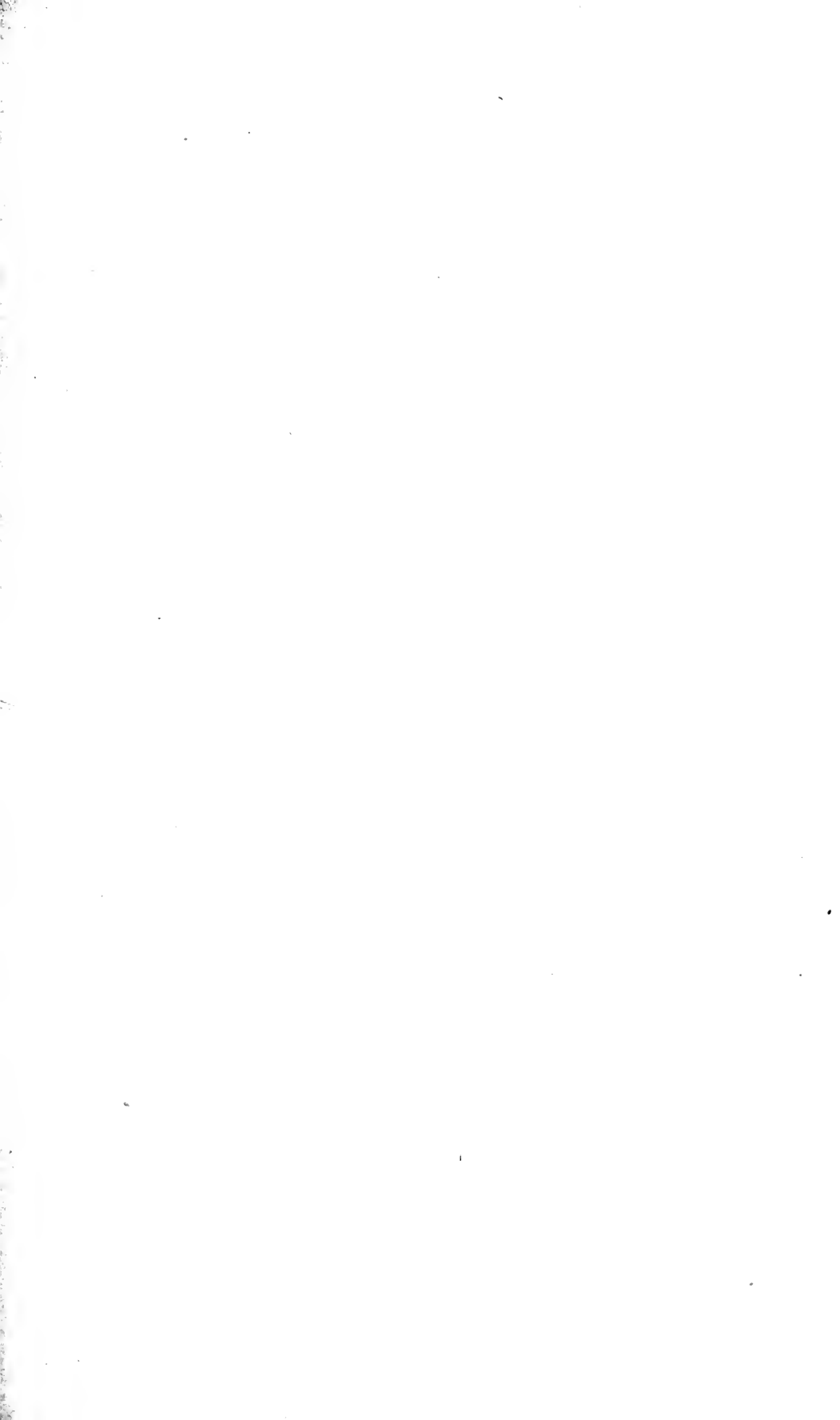
18. Where His Majesty becomes a creditor of any person in respect of a debt to the Crown arising from the provisions of section 17, the Superintendent may take such proceedings as he shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be.

Assignment of bond or payment of moneys to creditors.

19. The Lieutenant-Governor in Council may direct the Treasurer of Ontario to assign any bond forfeited under section 17 or to pay over any moneys recovered thereunder to any person or to the accountant of the Supreme Court in trust for such persons as may become judgment creditors of the person bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person, as the case may be.

Where no claims against proceeds of bond.

20. Where a bond has been forfeited under section 17 by reason of a conviction or judgment under clause *a* or *b* thereof and the Superintendent has not within two years of such conviction or judgment having become final, or of the broker or salesman in respect of whom the bond was furnished ceasing to carry on business as such, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the broker or salesman, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such broker or salesman.



INVESTIGATION AND ACTION BY SUPERINTENDENT.

21.—(1) Where upon a statement made under oath it ^{Order to investigate.} appears probable to the Superintendent that any person has,—

- (a) violated any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* ^{R.S.C., c. 36.} (Canada) in connection with a trade in real estate,

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 investigation ordered under ^{Idem.} subsection 1 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, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation ^{Scope of investigation.} 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 subsections 1 and 2 the person making the investigation shall have the same power to ^{Power to summon witnesses and require production.} 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, provided that,—

- (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 shall not apply;
- (b) no person shall be 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, provided that a solicitor shall not be required to disclose any communications between himself and his client; and

Rev. Stat.,
c. 119.

(d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section.

Seizure of
property.

(4) Where an investigation is ordered under this section the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person the affairs of whom are being investigated.

Accountants;
other
experts.

(5) Where an investigation is ordered under this section the Superintendent may appoint an accountant or other expert to examine documents, records, properties and matters of the person the affairs of whom are being investigated.

Report of
investigation.

(6) Every person appointed under subsection 1 or 5 shall report the result of his investigation or examination to the Superintendent.

Report to
Attorney-
General.

22. Where upon the report of an investigation made under section 21 it appears to the Superintendent that any person may have,—

(a) violated any of the provisions of this Act or the regulations; or

R.S.C., c. 36.

(b) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to real estate,

the Superintendent shall send a full and complete report of such investigation, including the report made to him, any transcript of evidence and any material in the possession of the Superintendent relating thereto, to the Attorney-General.

Investigation
under order
of Attorney-
General.

23. Notwithstanding the provisions of section 21, the Attorney-General may by order appoint any person, including the Superintendent or the Registrar, to make an investigation into any matter relating to a trade in real estate, in which case the person so appointed shall for the purposes of the investigation have the same authority, powers, rights and privileges as a person appointed under section 21.

Evidence
not to be
disclosed.

24. No person other than the Superintendent, the Registrar, a person appointed by the Superintendent under section 21 or a person appointed by the Attorney-General under section 23, shall without the consent of one of them, disclose any information or evidence obtained or the name of any witness examined or sought to be examined under section 21 or 23.

25. Where an investigation has been made under section 21 the Superintendent may, and where an investigation has been made under section 23 the person making the investigation shall, report the result thereof including the evidence, findings, comments and recommendations to the Attorney-General and the Attorney-General may cause such report to be published in whole or in part in such manner as he deems proper.

Reporting to
Attorney-
General.—
publication
of report.

26.—(1) The Superintendent may,—

Order to
hold or re-
frain from
dealing with
funds.

(a) where he is about to investigate or during or after the investigation of any person under the provisions of section 21 or 23; or

(b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person which in the opinion of the Superintendent is connected with or arise out of any trade in real estate or out of any business conducted by such person,

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 provisions of the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* 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 shall only apply to the offices, branches or agencies thereof named in the direction.

R.S.C., c. 11.
Rev. Stat.,
cc. 100, 251.

R.S.C.,
c. 213.

(2) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such funds or security and may make such order as to costs as may seem just.

Application
for direction.

(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

Notice to
registrars of
deeds or
masters of
titles.

any local master of titles that proceedings are being or are about to be taken which may affect land belonging to the person referred to in the said 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*, save that the Superintendent may in writing revoke or modify such notice.

APPEALS.

Notice of direction, decision, etc.

27. A notice of every direction, decision, order or ruling of the Superintendent granting or refusing to grant registration or renewing, refusing to renew, suspending, cancelling or changing the registration of any broker or salesman shall be served upon the applicant, broker or salesman whose registration is thereby affected at the address appearing in the application or upon the records of the Registrar.

Review by Superintendent.

28.—(1) An applicant, broker or salesman whose registration is affected by a direction, decision, order or ruling referred to in section 27 may, by notice in writing served upon the Registrar within thirty days after the mailing of the notice, request a hearing and review by the Superintendent of the direction, decision, order or ruling.

Notice of hearing.

(2) Where a hearing and review is requested under subsection 1 the Registrar shall send a notice in writing of the time and place thereof to the person requesting the hearing and review stating the date and place thereof.

Evidence.

(3) Upon a review the Superintendent may hear such evidence as may be submitted to him by the person requesting the review or by any other person and which in the opinion of the Superintendent is relevant to the review but shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Superintendent shall form the record.

Power on review.

(4) Upon a review the Superintendent may by order confirm or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as the Superintendent may deem proper.

Notice of order to be sent to person requesting review.

(5) Notice of the order made upon a review shall be sent forthwith to the person requesting the review.

Appeal to Supreme Court.

29.—(1) Where the Superintendent has reviewed a direction, decision, order or ruling under section 28, the person who requested the review may appeal to a justice in appeal of the Supreme Court.



(2) Every appeal shall be by notice of motion served upon the Registrar within thirty days after the mailing of the notice under subsection 5 of section 28 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act. ^{Form of appeal.}

(3) The Registrar shall certify to the registrar of the Supreme Court of Ontario,— ^{Certificate of Registrar.}

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

(4) The Attorney-General may designate counsel to assist the Court upon the hearing of any appeal which is taken under this section. ^{Counsel.}

30. Where an appeal is taken under section 29 the Court may by its order direct the Superintendent to make such direction, decision, order or ruling or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Superintendent shall make such direction, decision, order or ruling or do such act accordingly. ^{Order of Court.}

31. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Superintendent shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 27 to 30. ^{Further direction, etc.}

REGULATION OF TRADING.

32.—(1) Every broker shall keep proper books and accounts with respect to his trades in real estate and shall enter therein in the case of each trade,— ^{Books, etc., to be kept.}

- (a) the nature of the trade;
- (b) a description of the real estate involved sufficient to identify it;
- (c) the true consideration for the trade;
- (d) the names of all parties to the trade;
- (e) the amount of deposit received and a record of the disbursement thereof; and
- (f) the amount of his commission or other remuneration and the name of the party paying it.

Trust
ledger.

(2) Every broker shall maintain a trust account for every person from whom trust moneys are received in which shall be entered full details of all trust moneys so received and disbursements therefrom.

Bank
account.

33. Every broker shall maintain an account in a chartered bank, loan or trust company or Province of Ontario Savings Office in which shall be deposited all moneys which come into his hands in trust for other persons in connection with his business, and he shall at all times keep such moneys separate and apart from moneys belonging to himself or to the partnership, in the case of a partnership.

Inspection
of books,
accounts,
etc.

34.—(1) The Registrar may at any time make an inspection of the books, documents and records of any broker.

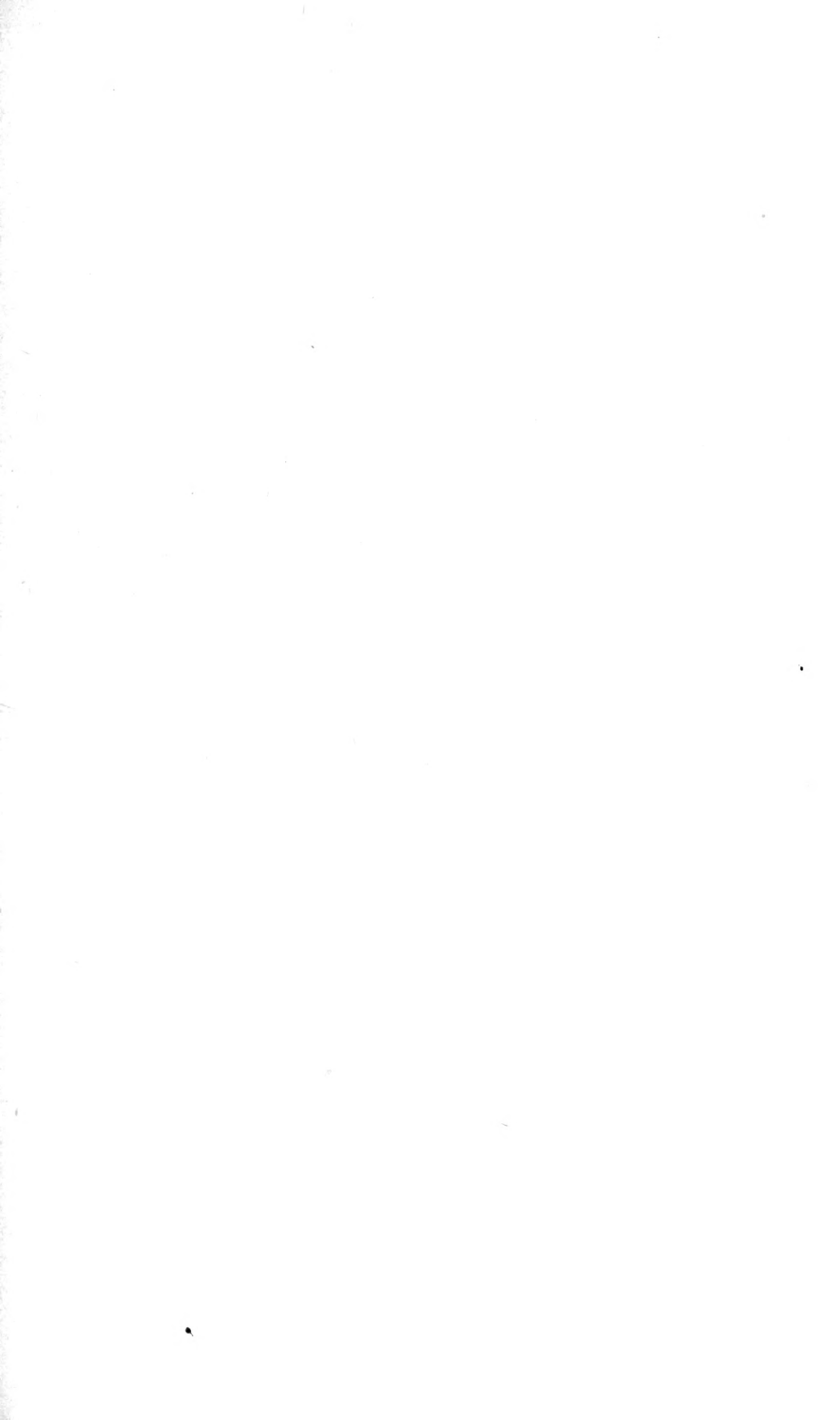
(2) Upon any such inspection the Registrar shall be entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the broker, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing reasonably required by the Registrar for the purposes of the inspection.

Certificate
as to
financial
position.

35. Every broker shall, when required by the Superintendent, file a certificate satisfactory to the Superintendent as to his financial position which shall be signed by an accountant approved by the Superintendent, and by the broker, or in the case of a partnership, by all the members of the partnership.

Action for
commission
or remunera-
tion.

36. No action shall be brought for commission or for remuneration for services in connection with a trade in real estate unless at the time of rendering such services the person bringing the action was registered or exempt from registration and the court may stay any such action at any time upon summary application.



37. No action shall be brought to charge any person for the payment of a commission or other remuneration for the sale, purchase, exchange or leasing of real estate unless,—

- (a) the agreement upon which such action shall be brought shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized;
- (b) the broker or his salesman has obtained an offer in writing which is accepted; or
- (c) the broker having been authorized in writing to list the property,
 - (i) shows the property to the purchaser, or
 - (ii) introduces the purchaser to the vendor for the purpose of discussing the proposed sale, purchase, exchange or leasing.

38. No broker or salesman shall make any representation that he or any other person will,— Idem. Promises to re-sell forbidden.

- (a) re-sell or in any way guarantee or promise to re-sell any real estate offered for sale by him;
- (b) sell any of the purchaser's real estate;
- (c) procure a mortgage, extension of a mortgage, lease or extension of a lease,

unless at the time of making the representation the person making it delivers to the person to whom the representation is made, a letter or photostatic copy thereof, setting forth the representation in clear language.

39. A broker carrying on business alone and not through an incorporated company shall carry on business in his own name only and shall not use any description, words or device which would indicate that his business is being carried on by more than one person or by a company. Carrying on business as individual.

40. No broker or salesman shall trade in real estate until notified in writing by the Registrar that he is registered. Broker not to trade until notified of registration.

41. A person who is not registered shall neither directly or indirectly hold himself out as being a broker or salesman. Unregistered person not to act as broker.

42. Every partnership and incorporated company registered as a broker shall publish the names of every person having an interest either directly or indirectly to the extent Names of officers.

of not less than ten per centum in the capital of the partnership or company as the case may be, on all letterheads and circulars in which the name of the partnership or company appears.

Advertising. **43.** Every broker shall, when advertising to purchase, sell, exchange or lease real estate, clearly indicate his own name as being the party advertising and that he is a broker, and any reference to the name of the salesman in the advertisement shall clearly indicate the broker as being the employer of the salesman.

Employment of unregistered salesman or salesman of other broker. **44.** No broker shall employ, permit or engage the salesman of another broker or an unregistered salesman to trade in real estate nor shall a broker pay commission or other remuneration to any such salesman.

Salesmen trading for other brokers. **45.** No salesman shall trade in real estate on behalf of any broker other than the broker who, according to the records of the Superintendent, is his employer, and no salesman shall be entitled to or accept any commission or other remuneration for trading in real estate from any person except the broker who is registered as his employer.

Purchase of listed real estate by broker or salesman. **46.** No broker or salesman shall purchase for himself or make an offer to purchase for himself either directly or indirectly real estate listed with him for sale, nor shall he acquire any interest therein, either directly or indirectly, until he has clearly disclosed to the listing owner complete details of his negotiations for the sale of the said property to another person.

Breaking of contract. **47.** No broker or salesman shall induce any party to a contract for purchase and sale, or rental of real estate to break such contract for the purpose of entering into a contract with another principal.

Statements to be delivered in purchase of business. **48.—(1)** Where a trade in a business is negotiated by a broker or his salesman, the broker shall before a binding agreement of purchase and sale is concluded, deliver to the person acquiring the business,—

- (a) a profit and loss statement or a statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
- (b) a statement of the assets and liabilities of the business and all fixtures, goods, chattels, rights and other assets relating to or in connection with the business which are not included in the transaction,



and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

(2) Unless a statement of assets and liabilities is delivered in accordance with subsection 1, all fixtures, goods, chattels and rights relating to the business shall be deemed to be included in the transaction except those indicated in the statement mentioned in clause *b*. What to be deemed included in transaction.

49—(1) No broker or salesman shall request or enter into an arrangement for the payment to him of commission or other remuneration based on the difference between the price at which real estate is listed for sale and the actual sale price thereof, nor shall a broker or salesman be entitled to retain any commission or other remuneration computed upon any such basis. Type of commission prohibited.

(2) All commission or other remuneration payable to a broker in respect of the sale of real estate shall be upon an agreed amount or percentage of the sale price and where no agreement as to the amount of the commission has been entered into, the rate of commission or other basis or amount of remuneration shall be that generally prevailing in the community where the real estate is situate. Commission and remuneration, — scale of.

50—(1) Every broker and salesman shall, immediately after the execution of an agreement to list real estate for sale, exchange, lease or rent with the broker or salesman, deliver to the person who has signed the agreement a true copy thereof. Agreement to list real estate with broker.

(2) No agreement to list real estate for sale, exchange, lease or rental with a broker or salesman shall be valid unless it is provided therein that such agreement shall expire on a date therein specified. Expiry of agreement.

51. Where a broker or salesman has secured from the owner of real estate a signed acceptance of an offer to sell, purchase, exchange, lease or rent such real estate, he shall immediately deliver a true copy thereof to each of the parties to the contract or their respective legal representatives. Acceptance of offer to sell, purchase, etc.

OFFENCES.

52. Every person who violates any of the provisions of this Act shall be guilty of an offence and liable to a penalty of not more than \$1,000 for a first offence nor \$2,000 for a subsequent offence and in case of either a first or a subsequent offence either in default of payment of any penalty imposed or in addition to such penalty, to imprisonment for a term not exceeding six months. Penalties.

Proceedings
to recover
penalties.

53.—(1) No proceedings to recover the penalties provided in section 52 shall be instituted except with the written consent of the Attorney-General.

Idem.

(2) No proceedings to recover the penalties provided by section 52 shall be instituted except within two years after the offence is committed.

Recovery of
penalties.
Rev. Stat.,
c. 136.

54. The penalties provided by section 52 shall be recoverable under *The Summary Convictions Act*.

GENERAL PROVISIONS.

No action
without
consent of
Attorney-
General.

55. Except with the consent of the Attorney-General, no action whatever and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against any person whether in his public or private capacity in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the regulations where such person is the Superintendent or his representative, or the Registrar, or where such person was proceeding under the written or verbal direction or consent of any one of them or under an order of the Attorney-General made under the provisions of this Act.

Regulations.

56. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing any class of trades in real estate or of real estate brokers or salesmen which shall be exempt from the provisions of this Act;
- (b) prescribing the amount and form of bonds to be furnished under this Act;
- (c) prescribing the fees payable upon applications for registration and renewal of registration and any other fees in connection with the administration of this Act and the regulations;
- (d) prescribing the practice and procedure upon investigations under sections 21 and 23;
- (e) prescribing forms for use under this Act and the regulations;
- (f) providing for the examination of applicants for registration and renewal of registration;
- (g) prescribing the form and contents of the list of persons registered under this Act which is to be prepared by



the Registrar and the date of publication thereof and governing its distribution; and

- (h) generally for the better carrying out of the provisions of this Act and the more efficient administration thereof.

57. A statement as to the registration or non-registration of any person under this Act purporting to be certified by the Superintendent or Registrar without proof of the office or signature of the person certifying, shall be receivable in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. Certificate as evidence.

58. The Registrar shall annually prepare, publish and distribute a list of all persons registered under this Act in accordance with the provisions of the regulations. List of registered persons to be published.

59. Every registration in force under *The Real Estate Brokers Act* shall, subject to the provisions hereof, continue in force under this Act. Existing registrations.

Rev. Stat.,
c. 247.

60. *The Real Estate Brokers Act* and *The Real Estate Brokers Amendment Act, 1941*, are repealed. Rev. Stat.,
c. 247;
1941, c. 49,
repealed.

61. This Act shall come into force on the 1st day of June, 1946. Commence-
ment of Act.

62. This Act may be cited as *The Real Estate and Business Brokers Act, 1946*. Short title.

An Act respecting Real Estate
and Business Brokers.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 146

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Real Estate and Business Brokers.

MR. BLACKWELL

TORONTO
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- "salesman"; (i) "salesman" shall mean a person employed, appointed or authorized by a broker to trade in real estate;
- "Superintendent"; (j) "Superintendent" shall mean Superintendent of Insurance appointed under *The Insurance Act*; and
- Rev. Stat., c. 256.
- "trade". (k) "trade" shall include a disposition or acquisition of or transaction in real estate by sale, purchase, agreement for sale, exchange, option, lease, rental or otherwise and any offer or attempt to list real estate for the purpose of such a disposition or transaction, and any act, advertisement, conduct or negotiation, directly or indirectly, in furtherance of any disposition, acquisition, transaction, offer or attempt, and the verb "trade" shall have a corresponding meaning.

REGISTRAR.

Registrar of Real Estate and Business Brokers. **2.**—(1) There shall be a Registrar of Real Estate and Business Brokers who shall be appointed by the Lieutenant-Governor in Council.

Powers and duties of Registrar. (2) The Registrar may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act and the regulations under the supervision of the Superintendent.

REGISTRATION.

Registration of brokers, salesmen, officials. **3.**—(1) No person shall,—

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

(b) act as an official of or on behalf of a partnership or company in connection with any trade in real estate by the partnership or company, unless he or the partnership or company is registered as a broker; or

(c) act as a salesman of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company, unless he is registered as a salesman of the partnership or company and the partnership or company is registered as a broker.

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

Salesman.—registration of. **4.**—(1) A salesman may only be registered where he is the salesman of a registered broker.

Suspension of registration. (2) The termination of the employment of a salesman with a registered broker shall operate as a suspension of the regis-

tration of such salesman until notice in writing has been received by the Registrar from a registered broker of the employment of such salesman.

5. The Registrar may grant or refuse to grant temporary registration or temporary renewal of registration to any applicant therefor and shall forthwith report to the Superintendent any action taken by him upon any such application. Temporary registration.

6. The Superintendent shall grant registration or renewal of registration to an applicant where in the opinion of the Superintendent the applicant is suitable for registration and the proposed registration is not objectionable. Registration.

7. The Superintendent shall suspend or cancel any registration where in his opinion such action is in the public interest. Suspension, cancellation.

8. Notwithstanding any order of the Superintendent a further application may be made upon new or other material or where it is clear that material circumstances have changed. Further applications.

9. Every application shall be made in writing upon the prescribed form to be provided by the Superintendent and shall be accompanied by such fee as may be prescribed and a bond in such amount and form, subject to section 17, as may be prescribed. Application to be upon forms with proper fees and bonds.

10. Every applicant shall state in the application an address for service in Ontario and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. Address for service.

11. The Registrar may and shall when so directed by the Superintendent, require any further information or material to be submitted by any applicant or any registered person within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted. Further information.

12.—(1) Registration, in the absolute discretion of the Superintendent, may be refused to any person either as a broker or salesman who has not been a resident of Ontario for at least one year immediately prior to the date of application with the intention of making his permanent home in Ontario unless at the time of the application such person is registered either as a broker or salesman under the laws relating to real estate and business brokers and salesmen of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding Residence.

the date of such application and is otherwise suitable for registration.

Service in forces.

(2) For the purposes of this section a person shall not be deemed to cease to reside in Ontario by reason only of his absence from Ontario as a member of His Majesty's armed forces.

Termination and renewal of registration.

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

Change in registration of broker.

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

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

Salesman.

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

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

Registrar to make daily deposit.

15.—(1) The Registrar shall cause all cash, cheques, money orders and postal notes to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund.

Refund.

(2) Where an application for registration is refused or is granted after the 30th day of September or a registration is cancelled the Superintendent may recommend to the Treasurer of Ontario that a refund of the fee or of such part thereof as he deems fair and reasonable be made and the Treasurer may make such refund.

EXEMPTIONS.

Exemptions.

16. Registration shall not be required in respect of any trade in real estate by,—

- (a) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-up Act* (Canada), or to any person acting under the order of any court, or any executor or trustee selling under the terms of any will, marriage settlement or deed of trust; R.S.C., c. 11; Rev. Stat., cc. 251, 100; R.S.C., c. 213.
- (b) any person who is registered under *The Securities Act*, 1945, c. 22, 1945, where the trade is made in the course of and as part of his business in connection with a trade in securities;
- (c) any bank or any loan, trust or insurance company trading in real estate owned or administered by such company;
- (d) any person in respect of any mine or mining property within the meaning of *The Mining Act* and in respect of the real estate included in any Crown grant or lease of a mining claim or mineral lands under *The Mining Act* or any Act for which the same is substituted; Rev. Stat., c. 47.
- (e) any person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as part of the solicitor's practice; or
- (f) any person specifically exempted by the regulations in respect of any class of trades in real estate.

FORFEITURE OF BOND.

17.—(1) Any bond mentioned in section 9 shall be forfeit and the amount thereof shall become due and owing by the person bound thereby as a debt due His Majesty in right of Ontario where,— Forfeiture of bond.

- (a) a broker, including any member of a partnership, or salesman, in respect of whose conduct the bond has been conditioned has been convicted of,
- (i) an offence under this Act, or
- (ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada); R.S.C., c. 36.
- (b) judgment based on the finding of fraud has been given against the broker, including any member of a partnership, or salesman in respect of whose conduct the bond is conditioned;

(c) proceedings by or in respect of a broker, including any member of a partnership, or salesman, in respect of whose conduct the bond is conditioned, have been taken under the *Bankruptcy Act* (Canada) or by way of winding up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made,

R.S.C., c. 11.

and such conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken.

Term of bond.

(2) For the purposes of every act and omission occurring during the period of registration, every bond shall continue in force for a period of two years after the registration to which it relates lapses or is cancelled.

Proceedings to enforce forfeiture.

R.S.C., c. 11;
Rev. Stat.,
cc. 100, 251;
R.S.C., 213.

18. Where His Majesty becomes a creditor of any person in respect of a debt to the Crown arising from the provisions of section 17, the Superintendent may take such proceedings as he shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be.

Assignment of bond or payment of moneys to creditors.

19. The Lieutenant-Governor in Council may direct the Treasurer of Ontario to assign any bond forfeited under section 17 or to pay over any moneys recovered thereunder to any person or to the accountant of the Supreme Court in trust for such persons as may become judgment creditors of the person bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person, as the case may be.

Where no claims against proceeds of bond.

20. Where a bond has been forfeited under section 17 by reason of a conviction or judgment under clause *a* or *b* thereof and the Superintendent has not within two years of such conviction or judgment having become final, or of the broker or salesman in respect of whom the bond was furnished ceasing to carry on business as such, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the broker or salesman, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such broker or salesman.

INVESTIGATION AND ACTION BY SUPERINTENDENT.

21.—(1) Where upon a statement made under oath it ^{Order to investigate.} appears probable to the Superintendent that any person has,—

- (a) violated any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* ^{R.S.C., c. 36.} (Canada) in connection with a trade in real estate,

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 investigation ordered under ^{Idem.} subsection 1 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, 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 subsections 1 and 2 the person making the investigation shall have the same power to ^{Power to summon witnesses and require production.} 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, provided that,—

- (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 shall not apply;
- (b) no person shall be 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, provided that a solicitor shall not be required to disclose any communications between himself and his client; and

Rev. Stat.,
c. 119.

- (d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section.

Seizure of
property.

(4) Where an investigation is ordered under this section the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person the affairs of whom are being investigated.

Accountants;
other
experts.

(5) Where an investigation is ordered under this section the Superintendent may appoint an accountant or other expert to examine documents, records, properties and matters of the person the affairs of whom are being investigated.

Report of
investiga-
tion.

(6) Every person appointed under subsection 1 or 5 shall report the result of his investigation or examination to the Superintendent.

Report to
Attorney-
General.

22. Where upon the report of an investigation made under section 21 it appears to the Superintendent that any person may have,—

(a) violated any of the provisions of this Act or the regulations; or

R.S.C., c. 36.

(b) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to real estate,

the Superintendent shall send a full and complete report of such investigation, including the report made to him, any transcript of evidence and any material in the possession of the Superintendent relating thereto, to the Attorney-General.

Investigation
under order
of Attorney-
General.

23. Notwithstanding the provisions of section 21, the Attorney-General may by order appoint any person, including the Superintendent or the Registrar, to make an investigation into any matter relating to a trade in real estate, in which case the person so appointed shall for the purposes of the investigation have the same authority, powers, rights and privileges as a person appointed under section 21.

Evidence
not to be
disclosed.

24. No person other than the Superintendent, the Registrar, a person appointed by the Superintendent under section 21 or a person appointed by the Attorney-General under section 23, shall without the consent of one of them, disclose any information or evidence obtained or the name of any witness examined or sought to be examined under section 21 or 23.

25. Where an investigation has been made under section 21 the Superintendent may, and where an investigation has been made under section 23 the person making the investigation shall, report the result thereof including the evidence, findings, comments and recommendations to the Attorney-General and the Attorney-General may cause such report to be published in whole or in part in such manner as he deems proper.

Reporting to Attorney-General,—
publication of report.

26.—(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 the provisions of section 21 or 23; or
- (b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person which in the opinion of the Superintendent is connected with or arise out of any trade in real estate or out of any business conducted by such person,

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 provisions of the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* 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 shall only apply to the offices, branches or agencies thereof named in the direction.

R.S.C., c. 11.
Rev. Stat.,
cc. 100, 251.
R.S.C.,
c. 213.

(2) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such funds or security and may make such order as to costs as may seem just.

Application for direction.

(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

Notice to registrars of deeds or masters of titles.

any local master of titles that proceedings are being or are about to be taken which may affect land belonging to the person referred to in the said 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*, save that the Superintendent may in writing revoke or modify such notice.

APPEALS.

Notice of direction, decision, etc.

27. A notice of every direction, decision, order or ruling of the Superintendent granting or refusing to grant registration or renewing, refusing to renew, suspending, cancelling or changing the registration of any broker or salesman shall be served upon the applicant, broker or salesman whose registration is thereby affected at the address appearing in the application or upon the records of the Registrar.

Review by Superintendent.

28.—(1) An applicant, broker or salesman whose registration is affected by a direction, decision, order or ruling referred to in section 27 may, by notice in writing served upon the Registrar within thirty days after the mailing of the notice, request a hearing and review by the Superintendent of the direction, decision, order or ruling.

Notice of hearing.

(2) Where a hearing and review is requested under subsection 1 the Registrar shall send a notice in writing of the time and place thereof to the person requesting the hearing and review stating the date and place thereof.

Evidence.

(3) Upon a review the Superintendent may hear such evidence as may be submitted to him by the person requesting the review or by any other person and which in the opinion of the Superintendent is relevant to the review but shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Superintendent shall form the record.

Power on review.

(4) Upon a review the Superintendent may by order confirm or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as the Superintendent may deem proper.

Notice of order to be sent to person requesting review.

(5) Notice of the order made upon a review shall be sent forthwith to the person requesting the review.

Appeal to Supreme Court.

29.—(1) Where the Superintendent has reviewed a direction, decision, order or ruling under section 28, the person who requested the review may appeal to a justice in appeal of the Supreme Court.

(2) Every appeal shall be by notice of motion served upon the Registrar within thirty days after the mailing of the notice under subsection 5 of section 28 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act. ^{Form of appeal.}

(3) The Registrar shall certify to the registrar of the Supreme Court of Ontario,— ^{Certificate of Registrar.}

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

(4) The Attorney-General may designate counsel to assist the Court upon the hearing of any appeal which is taken under this section. ^{Counsel.}

30. Where an appeal is taken under section 29 the Court may by its order direct the Superintendent to make such direction, decision, order or ruling or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Superintendent shall make such direction, decision, order or ruling or do such act accordingly. ^{Order of Court.}

31. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Superintendent shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 27 to 30. ^{Further direction, etc.}

REGULATION OF TRADING.

32.—(1) Every broker shall keep proper books and accounts with respect to his trades in real estate and shall enter therein in the case of each trade,— ^{Books, etc., to be kept.}

- (a) the nature of the trade;
- (b) a description of the real estate involved sufficient to identify it;
- (c) the true consideration for the trade;
- (d) the names of all parties to the trade;
- (e) the amount of deposit received and a record of the disbursement thereof; and
- (f) the amount of his commission or other remuneration and the name of the party paying it.

Trust ledger.

(2) Every broker shall maintain a trust account for every person from whom trust moneys are received in which shall be entered full details of all trust moneys so received and disbursements therefrom.

Bank account.

33. Every broker shall maintain an account in a chartered bank, loan or trust company or Province of Ontario Savings Office in which shall be deposited all moneys which come into his hands in trust for other persons in connection with his business, and he shall at all times keep such moneys separate and apart from moneys belonging to himself or to the partnership, in the case of a partnership.

Inspection of books, accounts, etc.

34.—(1) The Registrar may at any time make an inspection of the books, documents and records of any broker.

(2) Upon any such inspection the Registrar shall be entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the broker, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing reasonably required by the Registrar for the purposes of the inspection.

Certificate as to financial position.

35. Every broker shall, when required by the Superintendent, file a certificate satisfactory to the Superintendent as to his financial position which shall be signed by an accountant approved by the Superintendent, and by the broker, or in the case of a partnership, by all the members of the partnership.

Action for commission or remuneration.

36. No action shall be brought for commission or for remuneration for services in connection with a trade in real estate unless at the time of rendering such services the person bringing the action was registered or exempt from registration and the court may stay any such action at any time upon summary application.

37. No action shall be brought to charge any person for the ^{Idem.} payment of a commission or other remuneration for the sale, purchase, exchange or leasing of real estate unless,—

- (a) the agreement upon which such action shall be brought shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized;
- (b) the broker or his salesman has obtained an offer in writing which is accepted; or
- (c) the broker having been authorized in writing to list the property,
 - (i) shows the property to the purchaser, or
 - (ii) introduces the purchaser to the vendor for the purpose of discussing the proposed sale, purchase, exchange or leasing.

38. No broker or salesman shall make any representation ^{Promises to re-sell forbidden.} that he or any other person will,—

- (a) re-sell or in any way guarantee or promise to re-sell any real estate offered for sale by him;
- (b) sell any of the purchaser's real estate;
- (c) procure a mortgage, extension of a mortgage, lease or extension of a lease,

unless at the time of making the representation the person making it delivers to the person to whom the representation is made, a letter or photostatic copy thereof, setting forth the representation in clear language.

39. A broker carrying on business alone and not through an ^{Carrying on business as individual.} incorporated company shall carry on business in his own name only and shall not use any description, words or device which would indicate that his business is being carried on by more than one person or by a company.

40. No broker or salesman shall trade in real estate until ^{Broker not to trade until notified of registration.} notified in writing by the Registrar that he is registered.

41. A person who is not registered shall neither directly or ^{Unregistered person not to act as broker.} indirectly hold himself out as being a broker or salesman.

42. Every partnership and incorporated company registered as a broker shall publish the names of every person ^{Names of officers.} having an interest either directly or indirectly to the extent

of not less than ten per centum in the capital of the partnership or company as the case may be, on all letterheads and circulars in which the name of the partnership or company appears.

Advertising.

43. Every broker shall, when advertising to purchase, sell, exchange or lease real estate, clearly indicate his own name as being the party advertising and that he is a broker, and any reference to the name of the salesman in the advertisement shall clearly indicate the broker as being the employer of the salesman.

Employment of unregistered salesman or salesman of other broker.

44. No broker shall employ, permit or engage the salesman of another broker or an unregistered salesman to trade in real estate nor shall a broker pay commission or other remuneration to any such salesman.

Salesmen trading for other brokers.

45. No salesman shall trade in real estate on behalf of any broker other than the broker who, according to the records of the Superintendent, is his employer, and no salesman shall be entitled to or accept any commission or other remuneration for trading in real estate from any person except the broker who is registered as his employer.

Purchase of listed real estate by broker or salesman.

46. No broker or salesman shall purchase for himself or make an offer to purchase for himself either directly or indirectly real estate listed with him for sale, nor shall he acquire any interest therein, either directly or indirectly, until he has clearly disclosed to the listing owner complete details of his negotiations for the sale of the said property to another person.

Breaking of contract.

47. No broker or salesman shall induce any party to a contract for purchase and sale, or rental of real estate to break such contract for the purpose of entering into a contract with another principal.

Statements to be delivered in purchase of business.

48.—(1) Where a trade in a business is negotiated by a broker or his salesman, the broker shall before a binding agreement of purchase and sale is concluded, deliver to the person acquiring the business,—

- (a) a profit and loss statement or a statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
- (b) a statement of the assets and liabilities of the business and all fixtures, goods, chattels, rights and other assets relating to or in connection with the business which are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

(2) Unless a statement of assets and liabilities is delivered in accordance with subsection 1, all fixtures, goods, chattels and rights relating to the business shall be deemed to be included in the transaction except those indicated in the statement mentioned in clause *b*. What to be deemed included in transaction.

49—(1) No broker or salesman shall request or enter into an arrangement for the payment to him of commission or other remuneration based on the difference between the price at which real estate is listed for sale and the actual sale price thereof, nor shall a broker or salesman be entitled to retain any commission or other remuneration computed upon any such basis. Type of commission prohibited.

(2) All commission or other remuneration payable to a broker in respect of the sale of real estate shall be upon an agreed amount or percentage of the sale price and where no agreement as to the amount of the commission has been entered into, the rate of commission or other basis or amount of remuneration shall be that generally prevailing in the community where the real estate is situate. Commission and remuneration,—scale of.

50—(1) Every broker and salesman shall, immediately after the execution of an agreement to list real estate for sale, exchange, lease or rent with the broker or salesman, deliver to the person who has signed the agreement a true copy thereof. Agreement to list real estate with broker.

(2) No agreement to list real estate for sale, exchange, lease or rental with a broker or salesman shall be valid unless it is provided therein that such agreement shall expire on a date therein specified. Expiry of agreement.

51. Where a broker or salesman has secured from the owner of real estate a signed acceptance of an offer to sell, purchase, exchange, lease or rent such real estate, he shall immediately deliver a true copy thereof to each of the parties to the contract or their respective legal representatives. Acceptance of offer to sell, purchase, etc.

OFFENCES.

52. Every person who violates any of the provisions of this Act shall be guilty of an offence and liable to a penalty of not more than \$1,000 for a first offence nor \$2,000 for a subsequent offence and in case of either a first or a subsequent offence either in default of payment of any penalty imposed or in addition to such penalty, to imprisonment for a term not exceeding six months. Penalties.

Proceedings
to recover
penalties.

53.—(1) No proceedings to recover the penalties provided in section 52 shall be instituted except with the written consent of the Attorney-General.

Idem.

(2) No proceedings to recover the penalties provided by section 52 shall be instituted except within two years after the offence is committed.

Recovery of
penalties.
Rev. Stat.,
c. 136.

54. The penalties provided by section 52 shall be recoverable under *The Summary Convictions Act*.

GENERAL PROVISIONS.

No action
without
consent of
Attorney-
General.

55. Except with the consent of the Attorney-General, no action whatever and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against any person whether in his public or private capacity in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the regulations where such person is the Superintendent or his representative, or the Registrar, or where such person was proceeding under the written or verbal direction or consent of any one of them or under an order of the Attorney-General made under the provisions of this Act.

Regulations.

56. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing any class of trades in real estate or of real estate brokers or salesmen which shall be exempt from the provisions of this Act;
- (b) prescribing the amount and form of bonds to be furnished under this Act;
- (c) prescribing the fees payable upon applications for registration and renewal of registration and any other fees in connection with the administration of this Act and the regulations;
- (d) prescribing the practice and procedure upon investigations under sections 21 and 23;
- (e) prescribing forms for use under this Act and the regulations;
- (f) providing for the examination of applicants for registration and renewal of registration;
- (g) prescribing the form and contents of the list of persons registered under this Act which is to be prepared by

the Registrar and the date of publication thereof and governing its distribution; and

- (h) generally for the better carrying out of the provisions of this Act and the more efficient administration thereof.

57. A statement as to the registration or non-registration of any person under this Act purporting to be certified by the Superintendent or Registrar without proof of the office or signature of the person certifying, shall be receivable in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. Certificate as evidence.

58. The Registrar shall annually prepare, publish and distribute a list of all persons registered under this Act in accordance with the provisions of the regulations. List of registered persons to be published.

59. Every registration in force under *The Real Estate Brokers Act* shall, subject to the provisions hereof, continue in force under this Act. Existing registrations.

Rev. Stat.,
c. 247.

60. *The Real Estate Brokers Act* and *The Real Estate Brokers Amendment Act, 1941*, are repealed. Rev. Stat.,
c. 247;
1941, c. 49,
repealed.

61. This Act shall come into force on the 1st day of June, 1946. Commencement of Act.

62. This Act may be cited as *The Real Estate and Business Brokers Act, 1946*. Short title.

An Act respecting Real Estate
and Business Brokers.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. BLACKWELL

No. 147

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL
The Fumes Control Act, 1946.

MR. CARLIN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of the Bill is to require every smelter which smelts or roasts nickel-copper or iron ore to adopt and carry out a plan which comprises the best practicable means for controlling or preventing the discharge of noxious or offensive gas or fumes, or, where discharged, to render them harmless or inoffensive.

Application for approval of a plan is made to the Ontario Municipal Board, notice thereof being given to all interested government departments and municipalities.

BILL

The Fumes Control Act, 1946.

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

Interpretation,—

1. In this Act,—

- (a) "Board" shall mean Ontario Municipal Board; and "Board";
- (b) "smelter" shall mean any person, company or corporation carrying on any undertaking which includes the smelting or roasting of nickel-copper or iron ore. "smelter".

2. Every smelter, within three months after coming into force of this Act, or within one month after commencing its undertaking, shall prepare and submit to the Board an application for approval of a plan to control or prevent the discharge from the furnaces, chimneys or smokestacks, operated by the smelter of any noxious or offensive gas or fumes or to render such gas or fumes where discharged harmless or inoffensive. Plan to control fumes.

3. Every such application shall include evidence that the plan submitted represents the best practicable means for the purpose in the circumstances. Evidence of best plan.

4. The Board shall forward copies of every such application at the earliest possible date, by registered mail to the Minister of Mines, the Minister of Health, the Minister of Agriculture, the Minister of Planning and Development, and to the clerk of every municipality within a radius of thirty miles of the undertaking carried on by the smelter. Copies of plan to Government, municipalities.

5. The Board shall fix a date for hearing the application, not less than two months nor more than four months after the receipt thereof, and reasonable notice of such hearing and of any adjournment thereof shall be given by the Board to every Minister and the clerk of every municipality mentioned in section 4, any of whom may appear by counsel or otherwise Hearing.

and adduce evidence and make representations for or against the plan submitted or any alternative plan.

Duty of Board.

6. The Board shall determine whether the plan submitted or any modification or variation thereof represents the best practicable means for the purpose in the circumstances, and whether any other plan ought to be considered or adopted.

Order of Board.

7.—(1) Not more than three months after hearing the application the Board shall make an order either approving the application or a modification or variation thereof or an alternative plan and requiring the smelter to institute and maintain such plan as may be approved by the Board.

Compliance.

(2) The smelter shall, within three months from the date of the order institute and maintain a plan in conformity therewith.

Penalty.

8. Every smelter which erects, operates, maintains or carries on any undertaking in violation of this Act or fails to comply with any order of the Board, shall for each offence, incur a penalty of \$1,000, and each day's continuance of such violation or failure to comply shall constitute a new and distinct offence.

Acts of officers, agents.

9. For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any order of the Board made under this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by the smelter shall in every case be also deemed to be the act, omission or failure of the smelter as well as that of the officer, agent or other person.

Recovery of penalties.

10. The penalties imposed by this Act may be recovered by action in the name of His Majesty by the Attorney-General for Ontario.

Rev. Stat., c. 51 to apply.

11. Nothing in this Act shall exclude the operation of any of the provisions of *The Damage by Fumes Arbitration Act*.

Short title.

12. This Act may be cited as *The Fumes Control Act, 1946*.



BILL

The Fumes Control Act, 1946.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. CARLIN

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Succession Duty Act, 1939.

MR. FROST

EXPLANATORY NOTES

SECTION 1.—(1) Where circumstances indicate that the market or exchange prices do not represent the true value of securities, this proviso would enable such value to be ascertained by reference to the Courts.

(2) The present provisions for the non-reviewable determination by the Treasurer of values of unlisted securities is repealed so that the taxpayer may have right of access to the Courts.

BILL

An Act to amend The Succession Duty Act, 1939.

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

1.—(1) Clause *a* of subsection 1 of section 2 of *The Succession Duty Act, 1939*, is amended by adding thereto the following words: 1939, 2nd Sess., c. 1, s. 2, subs. 1, cl. a, amended.

“provided that this clause shall not apply where the Treasurer is of opinion that there is not a sufficiently widespread distribution of the securities of which such security forms a part to reflect the true value thereof in such price or quotation, or that such price or quotation is or may be the result of any manipulation or any exercise of any means of influence or control”,

so that the said clause shall now read as follows:

- (a) the value of any security which is listed on any stock exchange, or if not so listed, on which a price or quotation is obtainable from financial journals, recognized financial reports or registered brokers, shall be the closing price or quotation of such security on the day as of which such value is to be determined, or if there is no closing price or quotation on such day, then on the last preceding day on which there is a closing price or quotation, provided that this clause shall not apply where the Treasurer is of opinion that there is not a sufficiently widespread distribution of the securities of which such security forms a part to reflect the true value thereof in such price or quotation, or that such price or quotation is or may be the result of any manipulation or any exercise of any means of influence or control. Value of listed securities. Proviso.

(2) Clauses *b* and *c* of subsection 1 of the said section 2 as amended by section 2 of *The Succession Duty Amendment Act, 1940*, are repealed. 1939, 2nd Sess., c. 1, s. 2, subs. 1, cls. b, c, repealed.

1939,
2nd Sess.,
c. 2, subs. 2,
re-enacted.

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

No allowance
for income
tax.

- (2) In valuing any security, or any business or any interest in any business the fact that any tax under the provisions of the *Income War Tax Act* (Canada) or any similar tax may be or become payable by reason of or in respect of the payment or distribution of any accumulated surplus or other property to the holder of such security or to any person having an interest in such business, shall not be taken into consideration, unless such distribution is necessary for the purpose of raising money for the payment of duty.

1939,
2nd Sess.,
c. 1, s. 2,
subs. 5, cl. g,
repealed.

- (4) Clause *g* of subsection 5 of the said section 2 is repealed.

1939,
2nd Sess.,
c. 1, s. 3,
cl. *h*,
re-enacted.

2. Clause *h* of section 3 of *The Succession Duty Act, 1939*, is repealed and the following substituted therefor:

- (*h*) any money payable as a result of the death of the deceased and any interest by way of annuity or otherwise accruing or arising on the death of the deceased, under any contract of insurance within the meaning of *The Insurance Act* where the deceased was domiciled outside Ontario at the date of his death.

Rev. Stat.,
c. 256.

3.—(1) Clause *e* of subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by inserting after the word “to” where it occurs the second time in the second line the words “the United Kingdom of Great Britain and Northern Ireland”, so that the said clause shall now read as follows:

- (*e*) any property devised or bequeathed by the deceased to and any disposition to the United Kingdom of Great Britain and Northern Ireland, the Dominion of Canada, the Province of Ontario or any municipality in Ontario.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. *g*,
repealed.

(2) Clause *g* of subsection 1 of the said section 4 as amended by section 3 of *The Succession Duty Amendment Act, 1940*, is repealed.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. *h*,
amended.

(3) Clause *h* of subsection 1 of the said section 4 is amended by striking out the word “thirty” where it occurs in the first and twelfth lines respectively and inserting in lieu thereof the word “five”, so that the said clause shall now read as follows:

- (*h*) any disposition to any person made more than five years before the date of death of the deceased, where

(3) The purpose of this provision is to preclude arguments for low values on the score of income tax liability which may never materialize.

(4) On account of the backlog of income tax assessment as a result of war conditions the existing provision works a hardship on the taxpayer and is therefore repealed.

SECTION 2. This provision is to bring this Province in line with the Dominion and other Provinces having similar provisions and so remove possible discrimination against Ontario insurance companies particularly in regard to their foreign business.

SECTION 3.—(1) This is self explanatory.

(2) and (3) The purpose of these amendments is to make the period prior to death within which gifts inter vivos are taxable uniform to all classes of persons and at the same time more in line with relative provisions in other jurisdictions.

SECTION 4.—(1) This provision will clarify the confusion and uncertainty resulting from recent judicial decisions, and, will eliminate the onerous effects of and complications resulting from provisions in wills respecting payment of duty, while giving full effect to the relief contemplated by the testator in making such provisions.

actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, shall have been immediately assumed by the person to whom the disposition is made and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntarily or by contract or otherwise, provided that this clause shall not apply to any disposition resulting in the making of periodic payments, except such payments as are made more than five years before the date of death of the deceased.

4.—(1) *The Succession Duty Act, 1939*, is amended by adding thereto the following section: 1939,
2nd Sess.,
c. 1,
amended.

6a. Where the deceased by his will or in any instrument or in any other manner makes any provision for exonerating any person from, indemnifying any person in respect of or reimbursing any person for the payment of any duty, inheritance or death tax or similar impost payable by reason of the death of the deceased and any property is utilized or applied in pursuance of such provision, in so exonerating, indemnifying or reimbursing any person, Provision in
will exonerating
legatee from
payment
of tax.

(a) such property shall be property passing on the death of the deceased to or for the benefit of such person, and

(b) notwithstanding anything contained in this Act,

(i) the duty levied on any property shall be at the same rate at which duty would have been levied on or with respect to such property if no such provision has been made,

(ii) the duty levied on any person shall, with respect to any transmission or disposition to him had no such provision been made, be at the same rate at which duty would have been levied with respect to such transmission or disposition if no such provision had been made, and the duty levied on any person shall, with respect to the transmission to him by reason of such provision, be at the same rate at which duty would have been levied if no such provision has been made, and

- (iii) the duty ascertained as provided in this section shall be due and payable and interest with respect thereto shall be charged or allowed the same as the duty which would arise if no such provision had been made would be due and payable and interest with respect thereto would be charged or allowed.

Where death occurred prior to coming into force of Act of 1946.

(2) Where the deceased died before the coming into force of this Act, having by his will or any instrument or in any other manner made any provision relating to the payment of duty to the extent that any person on whom duty is levied or any person to whom or for whose benefit any property on which duty is levied passes, is exonerated from, indemnified in respect of or reimbursed for the payment of any duty, inheritance or death tax or similar impost, payable by reason of his death, and where the duty payable on or by reason of his death remains in dispute because of such provision, the persons by whom duty is payable may settle and pay all such duty on the same basis as is contained in the provisions of section 6*a* of *The Succession Duty Act, 1939*, as enacted by subsection 1 of this section, as though such provisions *mutatis mutandis* were contained in any Act in force at the date of death of the deceased.

1939,
2nd Sess.,
c. 1, s. 1.

1939,
2nd Sess.,
c. 1, s. 7,
re-enacted.

5. Section 7 of *The Succession Duty Act, 1939*, is repealed and the following substituted therefor:

Allowance for duty paid elsewhere on same death.

7. Where estate, legacy or succession duty is payable and paid in any jurisdiction which may be designated by the Lieutenant-Governor in Council, on property in respect of which there is a transmission, the duty levied, pursuant to clause *b* of section 5, on any person to whom there is such transmission with respect to such transmission shall be reduced by the amount of the duty so paid which does not exceed the amount of the duty so levied.

1939,
2nd Sess.,
c. 1, s. 8,
subs. 1,
amended.

6.—(1) Subsection 1 of section 8 of *The Succession Duty Act, 1939*, is amended by striking out the words "provided that this subclause shall not apply to any money payable as mentioned in clause *h* of section 3" in the eighth, ninth and tenth lines of subclause ii of clause *a*, and by adding at the end of the said subsection the words "provided that this subsection shall not apply to any contract to which clause *h* of section 3 applies", so that the said subsection shall now read as follows:

Consent.

(1) On the death of any person, whether he dies domiciled in Ontario or elsewhere, unless the consent in writing of the Treasurer is obtained,—

(2) This extends the principle of the amendment under subsection (1) for settling estates outstanding on this score, of persons who died before this amendment becomes law.

SECTION 5. This amendment affords relief from duplicate succession duty taxation to the people of this Province.

SECTION 6.—(1) This amendment is complementary only, to section 2 of the bill by dispensing with consents to payment under those conditions.

(2) This amendment is to permit payment of insurance moneys without consent to the same amount as under the Dominion Succession Duty Act.

SECTION 7. By filing returns in the Succession Duty Office instead of in the Surrogate Court, administration will be simplified and expedited and the confidential nature of the information preserved.

- (a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer, in Ontario, shall deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of,—
- (i) any property situate in Ontario in which the deceased, at the time of his death, had any beneficial interest, or
- (ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the debt resulting in the payment of such money was situate in Ontario at the date of death of the deceased; and
- (b) no person in Ontario, other than a person acting in the capacity of administering the property passing on the death of the deceased, shall deliver, assign, transfer or pay or permit the delivery, assignment, transfer or payment of any property in which the deceased had at the time of his death any beneficial interest,

provided that this subsection shall not apply to any ^{Proviso.} contract to which clause *h* of section 3 applies.

(2) Subsection 2 of the said section 8 is amended by striking ^{1939,} out the symbol and figures "\$1,100" in the second line and ^{2nd Sess.,} inserting in lieu thereof the symbol and figures "\$1,500", so ^{c. 1, s. 8,} ^{subs. 2,} amended, that the said subsection shall now read as follows:

- (2) Notwithstanding anything contained herein, any in- ^{Payment to} ^{insurance} ^{policies,—} ^{where no} ^{consent} ^{necessary.} ~~insurance~~ company may make payment not exceeding \$1,500 due under any contract or contracts of insurance mentioned in subsection 1 without the consent of the Treasurer and where such payment exceeds \$600 notice of such payment shall be transmitted forthwith to the Treasurer.

7. Subsection 2 of section 12 of *The Succession Duty Act*, ^{1939,} ^{2nd Sess.,} ^{c. 1, s. 12,} ^{subs. 2,} ^{amended.} 1939, is amended by striking out the words "surrogate registrar of the county or district in which the application is made", in the third and fourth lines and inserting in lieu thereof the word "Treasurer", so that the said subsection shall now read as follows

Filing
inventory,
etc. before
probate.

(2) The applicant for probate, letters of administration or other grant, shall at the time of making application make and file with the Treasurer an affidavit containing,—

(a) an inventory of all the property passing on the death of the deceased and particulars of all dispositions and such inventory shall show the value of such property and dispositions; and

(b) the name of every person who benefits by any property passing on the death of the deceased or to whom a disposition is made, the place of residence of such person and the degree of relationship in which such person stands to the deceased.

1940,
c. 29, s. 25,
repealed.

8. Section 25 of *The Succession Duty Amendment Act, 1940*, is repealed.

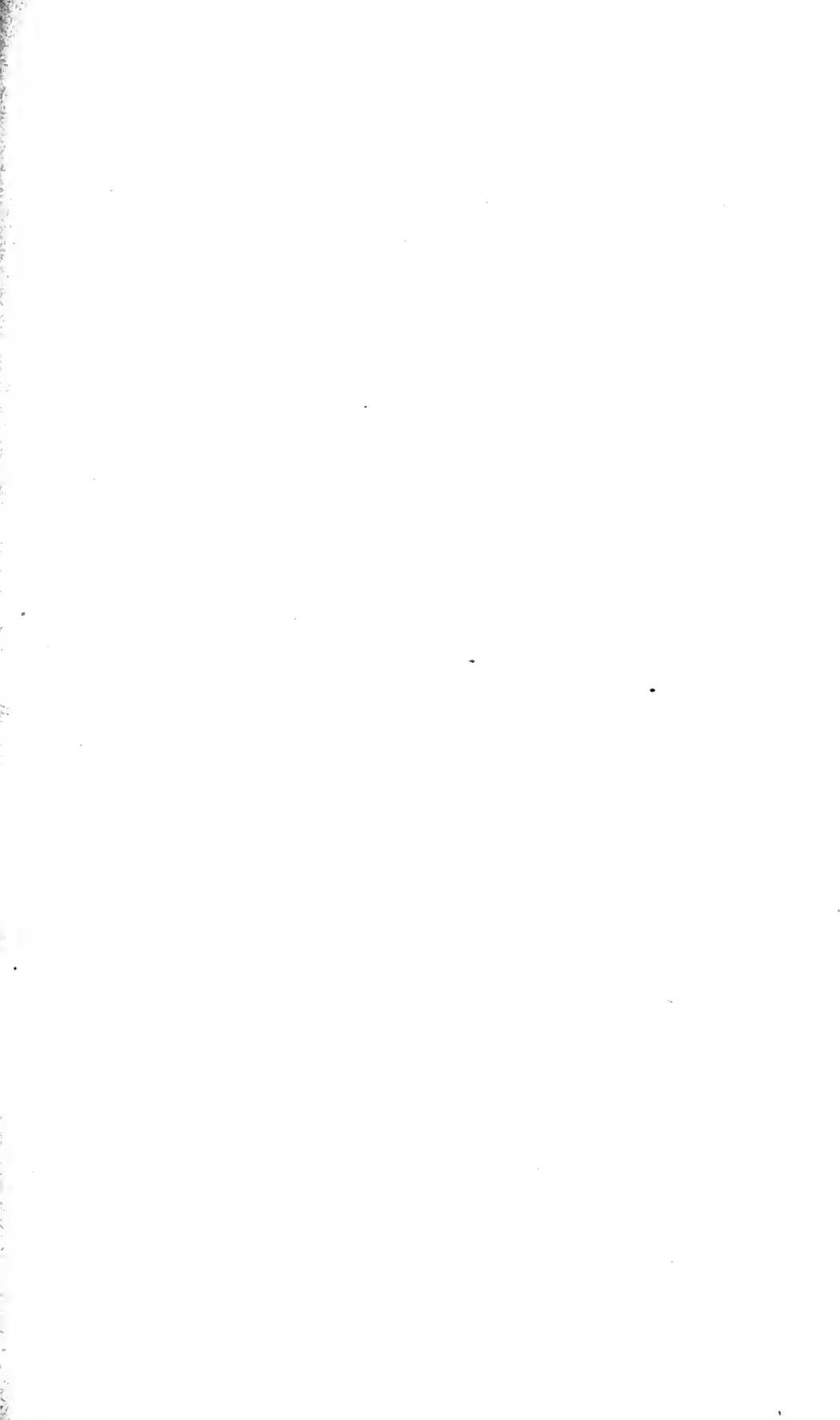
Commence-
ment of
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

10. This Act may be cited as *The Succession Duty Amendment Act, 1946*.

SECTION 8. This is complementary to section 1 subsection 2 of the **Bill.**



An Act to amend The Succession Duty Act, 1939.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. FROST

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Succession Duty Act, 1939.

MR. FROST

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1.—(1) Where circumstances indicate that the market or exchange prices do not represent the true value of securities, this proviso would enable such value to be ascertained by reference to the Courts.

(2) The present provisions for the non-reviewable determination by the Treasurer of values of unlisted securities is repealed so that the taxpayer may have right of access to the Courts.

BILL

An Act to amend The Succession Duty Act, 1939.

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

1.—(1) Clause *a* of subsection 1 of section 2 of *The Succession Duty Act, 1939*, is amended by adding thereto the following words: 1939, 2nd Sess., c. 1, s. 2, subs. 1, cl. *a*, amended.

“provided that this clause shall not apply where there is not a sufficiently widespread distribution of the securities of which such security forms a part to reflect the true value thereof in such price or quotation, or where such price or quotation is or may be the result of any manipulation or any exercise of any means of influence or control”;

so that the said clause shall now read as follows:

- (a) the value of any security which is listed on any stock exchange, or if not so listed, on which a price or quotation is obtainable from financial journals, recognized financial reports or registered brokers, shall be the closing price or quotation of such security on the day as of which such value is to be determined, or if there is no closing price or quotation on such day, then on the last preceding day on which there is a closing price or quotation, provided that this clause shall not apply where there is not a sufficiently widespread distribution of the securities of which such security forms a part to reflect the true value thereof in such price or quotation, or where such price or quotation is or may be the result of any manipulation or any exercise of any means of influence or control. Value of listed securities. Proviso.

(2) Clauses *b* and *c* of subsection 1 of the said section 2 as amended by section 2 of *The Succession Duty Amendment Act, 1940*, are repealed. 1939, 2nd Sess., c. 1, s. 2, subs. 1, cls. *b*, *c*, repealed.

1939,
2nd Sess.,
c. 2, subs. 2, following substituted therefor:
re-enacted.

No allowance
for income
tax.

- (2) In valuing any security, or any business or any interest in any business the fact that any tax under the provisions of the *Income War Tax Act* (Canada) or any similar tax may be or become payable by reason of or in respect of the payment or distribution of any accumulated surplus or other property to the holder of such security or to any person having an interest in such business, shall not be taken into consideration, unless and to the extent only that such distribution is necessary and is made for the purpose of raising money for the payment of duty.

1939,
2nd Sess.,
c. 1, s. 2,
subs. 5, cl. g,
repealed.

- (4) Clause g of subsection 5 of the said section 2 is repealed.

1939,
2nd Sess.,
c. 1, s. 3,
cl. h,
re-enacted.

2. Clause h of section 3 of *The Succession Duty Act, 1939*, is repealed and the following substituted therefor:

- (h) any money payable as a result of the death of the deceased and any interest by way of annuity or otherwise accruing or arising on the death of the deceased, under any contract of insurance within the meaning of *The Insurance Act* where the deceased was domiciled outside Ontario at the date of his death.

Rev. Stat.,
c. 256.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. e,
amended.

- 3.—(1) Clause e of subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by inserting after the word "to" where it occurs the second time in the second line the words "the United Kingdom of Great Britain and Northern Ireland", so that the said clause shall now read as follows:

- (e) any property devised or bequeathed by the deceased to and any disposition to the United Kingdom of Great Britain and Northern Ireland, the Dominion of Canada, the Province of Ontario or any municipality in Ontario.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. g,
repealed.

- (2) Clause g of subsection 1 of the said section 4 as amended by section 3 of *The Succession Duty Amendment Act, 1940*, is repealed.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. h,
amended.

- (3) Clause h of subsection 1 of the said section 4 is amended by striking out the word "thirty" where it occurs in the first and twelfth lines respectively and inserting in lieu thereof the word "five", so that the said clause shall now read as follows:

- (h) any disposition to any person made more than five years before the date of death of the deceased, where

(3) The purpose of this provision is to preclude arguments for low values on the score of income tax liability which may never materialize.

(4) On account of the backlog of income tax assessment as a result of war conditions the existing provision works a hardship on the taxpayer and is therefore repealed.

SECTION 2. This provision is to bring this Province in line with the Dominion and other Provinces having similar provisions and so remove possible discrimination against Ontario insurance companies particularly in regard to their foreign business.

SECTION 3.—(1) This is self explanatory.

(2) and (3) The purpose of these amendments is to make the period prior to death within which gifts inter vivos are taxable uniform to all classes of persons and at the same time more in line with relative provisions in other jurisdictions.

SECTION 4.—(1) This provision will clarify the confusion and uncertainty resulting from recent judicial decisions, and, will eliminate the onerous effects of and complications resulting from provisions in wills respecting payment of duty, while giving full effect to the relief contemplated by the testator in making such provisions.

actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, shall have been immediately assumed by the person to whom the disposition is made and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntarily or by contract or otherwise, provided that this clause shall not apply to any disposition resulting in the making of periodic payments, except such payments as are made more than five years before the date of death of the deceased.

4.—(1) *The Succession Duty Act, 1939*, is amended by adding thereto the following section :

1939,
2nd Sess.,
c. 1,
amended.

6a. Where the deceased by his will or in any instrument or in any other manner makes any provision for exonerating any person from, indemnifying any person in respect of or reimbursing any person for the payment of any duty, inheritance or death tax or similar impost payable by reason of the death of the deceased and any property is utilized or applied, in pursuance of such provision, in so exonerating, indemnifying or reimbursing any person,—

Provision in
will exon-
erating
legatee from
payment
of tax.

(a) such property shall be property passing on the death of the deceased to or for the benefit of such person; and

(b) notwithstanding anything contained in this Act,

(i) the duty levied on any property shall be at the same rate at which duty would have been levied on or with respect to such property if no such provision had been made,

(ii) the duty levied on any person shall, with respect to any transmission or disposition to him had no such provision been made, be at the same rate at which duty would have been levied with respect to such transmission or disposition if no such provision had been made, and the duty levied on any person shall, with respect to the transmission to him by reason of such provision, be at the same rate at which duty would have been levied if no such provision had been made, and

- (iii) the duty ascertained as provided in this section shall be due and payable and interest with respect thereto shall be charged or allowed the same as the duty which would arise if no such provision had been made would be due and payable and interest with respect thereto would be charged or allowed.

Where death occurred prior to coming into force of Act of 1946.

(2) Where the deceased died before the coming into force of this Act, having by his will or any instrument or in any other manner made any provision relating to the payment of duty to the extent that any person on whom duty is levied or any person to whom or for whose benefit any property on which duty is levied passes, is exonerated from, indemnified in respect of or reimbursed for the payment of any duty, inheritance or death tax or similar impost, payable by reason of his death, and where the duty payable on or by reason of his death remains in dispute because of such provision, the persons by whom duty is payable may settle and pay all such duty on the same basis as is contained in the provisions of section 6a of *The Succession Duty Act, 1939*, as enacted by subsection 1 of this section, as though such provisions *mutatis mutandis* were contained in any Act in force at the date of death of the deceased.

1939, 2nd Sess., c. 1.

1939, 2nd Sess., c. 1, s. 7, re-enacted.

5. Section 7 of *The Succession Duty Act, 1939*, is repealed and the following substituted therefor:

Allowance for duty paid elsewhere on same death.

7. Where estate, legacy or succession duty is payable and paid in any jurisdiction which may be designated by the Lieutenant-Governor in Council, on property in respect of which there is a transmission, the duty levied, pursuant to clause *b* of section 5, on any person to whom there is such transmission with respect to such transmission shall be reduced by the amount of the duty so paid which does not exceed the amount of the duty so levied.

1939, 2nd Sess., c. 1, s. 8, subs. 1, amended.

6.—(1) Subsection 1 of section 8 of *The Succession Duty Act, 1939*, is amended by striking out the words “provided that this subclause shall not apply to any money payable as mentioned in clause *h* of section 3” in the eighth, ninth and tenth lines of subclause ii of clause *a*, and by adding at the end of the said subsection the words “provided that this subsection shall not apply to any contract to which clause *h* of section 3 applies”, so that the said subsection shall now read as follows:

Consent.

(1) On the death of any person, whether he dies domiciled in Ontario or elsewhere, unless the consent in writing of the Treasurer is obtained,—

(2) This extends the principle of the amendment under subsection (1) for settling estates outstanding on this score, of persons who died before this amendment becomes law.

SECTION 5. This amendment affords relief from duplicate succession duty taxation to the people of this Province.

SECTION 6.—(1) This amendment is complementary only, to section 2 of the bill by dispensing with consents to payment under those conditions.

(2) This amendment is to permit payment of insurance moneys without consent to the same amount as under the Dominion Succession Duty Act.

SECTION 7. By filing returns in the Succession Duty Office instead of in the Surrogate Court, administration will be simplified and expedited and the confidential nature of the information preserved.

- (a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer, in Ontario, shall deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of,
- (i) any property situate in Ontario in which the deceased, at the time of his death, had any beneficial interest, or
 - (ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the debt resulting in the payment of such money was situate in Ontario at the date of death of the deceased; and
- (b) no person in Ontario, other than a person acting in the capacity of administering the property passing on the death of the deceased, shall deliver, assign, transfer or pay or permit the delivery, assignment, transfer or payment of any property in which the deceased had at the time of his death any beneficial interest,

provided that this subsection shall not apply to any ^{Proviso.} contract to which clause *h* of section 3 applies.

(2) Subsection 2 of the said section 8 is amended by striking ^{1939,} out the symbol and figures "\$1,100" in the second line and ^{2nd Sess.,} inserting in lieu thereof the symbol and figures "\$1,500", so ^{c. 1, s. 8,} amended. ^{subs. 2,} that the said subsection shall now read as follows:

- (2) Notwithstanding anything contained herein, any insurance company may make payment not exceeding ^{Payment to} \$1,500 due under any contract or contracts of insurance ^{insurance} mentioned in subsection 1 without the ^{policies,—} consent of the Treasurer and where such payment ^{where no} exceeds \$600 notice of such payment shall be transmitted forthwith to the Treasurer. ^{consent} ^{necessary.}

7. Subsection 2 of section 12 of *The Succession Duty Act*, ^{1939,} 1939, is amended by striking out the words "surrogate registrar" ^{2nd Sess.,} of the county or district in which the application is made" ^{c. 1, s. 12,} in the third and fourth lines and inserting in lieu thereof ^{subs. 2,} the word "Treasurer", so that the said subsection shall now read ^{amended.} as follows:

Filing
inventory,
etc. before
probate.

(2) The applicant for probate, letters of administration or other grant, shall at the time of making application make and file with the Treasurer an affidavit containing,—

(a) an inventory of all the property passing on the death of the deceased and particulars of all dispositions and such inventory shall show the value of such property and dispositions; and

(b) the name of every person who benefits by any property passing on the death of the deceased or to whom a disposition is made, the place of residence of such person and the degree of relationship in which such person stands to the deceased.

1940,
c. 29, s. 25,
repealed.

8. Section 25 of *The Succession Duty Amendment Act, 1940*, is repealed.

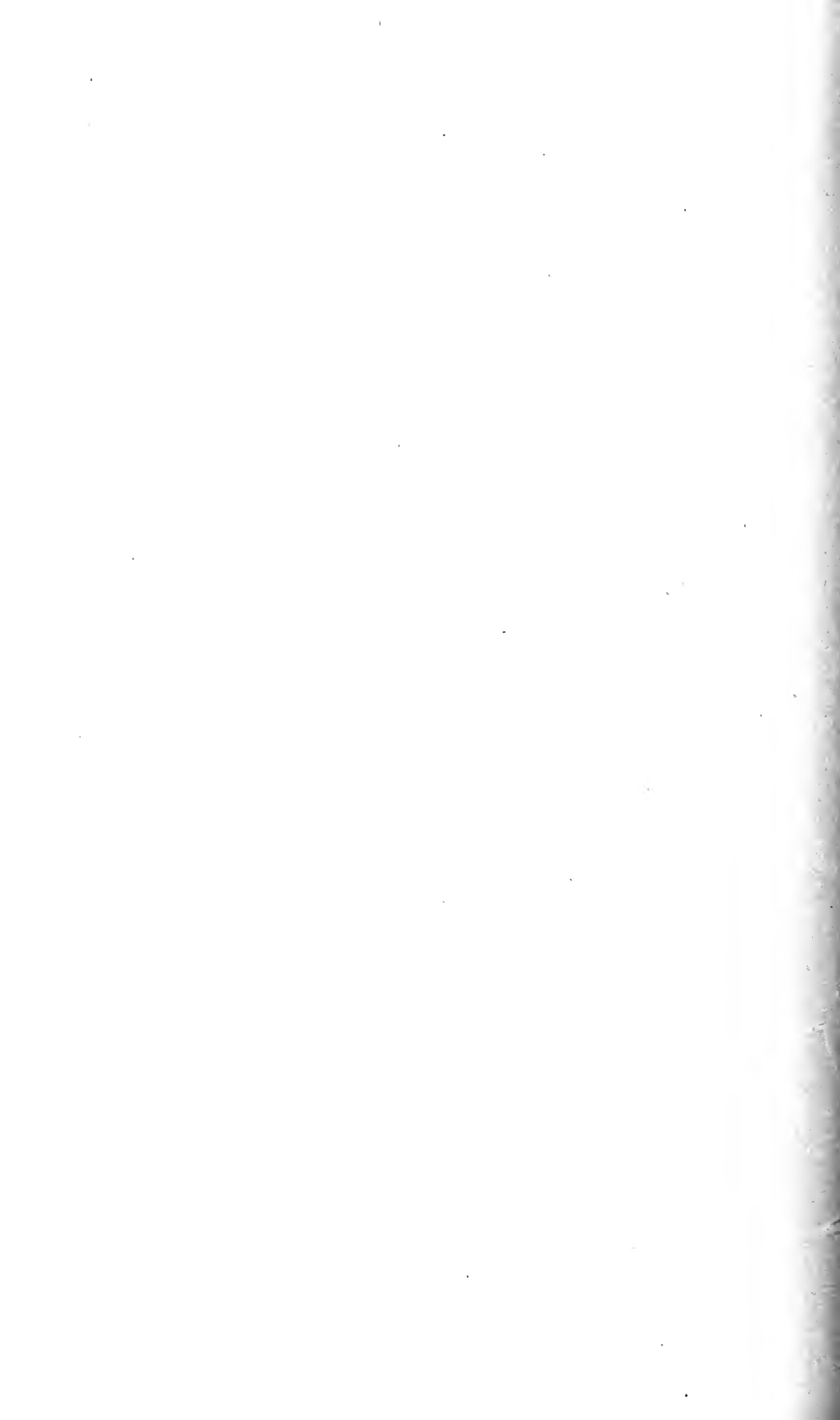
Commence-
ment of
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

10. This Act may be cited as *The Succession Duty Amendment Act, 1946*.

SECTION 8. This is complementary to section 1 subsection 2 of the Bill.





An Act to amend The Succession Duty Act, 1939. .

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

MR. FROST

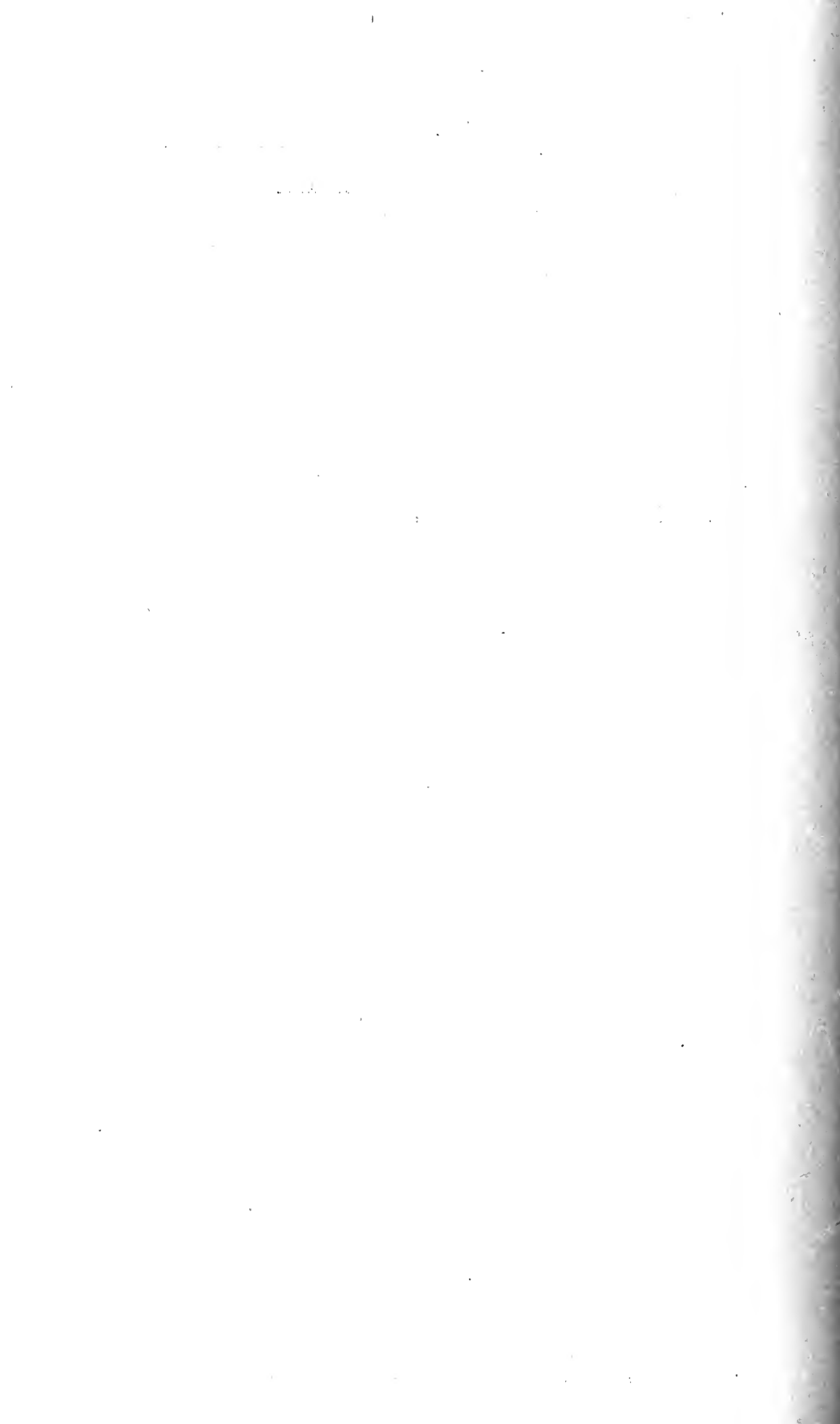
(Reprinted as amended in Committee of the Whole House.)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Succession Duty Act, 1939.

MR. FROST



BILL

An Act to amend The Succession Duty Act, 1939.

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

1.—(1) Clause *a* of subsection 1 of section 2 of *The Succession Duty Act, 1939*, is amended by adding thereto the following words: 1939, 2nd Sess., c. 1, s. 2, subs. 1, cl. a, amended.

“provided that this clause shall not apply where there is not a sufficiently widespread distribution of the securities of which such security forms a part to reflect the true value thereof in such price or quotation, or where such price or quotation is or may be the result of any manipulation or any exercise of any means of influence or control”,

so that the said clause shall now read as follows:

- (a) the value of any security which is listed on any stock exchange, or if not so listed, on which a price or quotation is obtainable from financial journals, recognized financial reports or registered brokers, shall be the closing price or quotation of such security on the day as of which such value is to be determined, or if there is no closing price or quotation on such day, then on the last preceding day on which there is a closing price or quotation, provided that this clause shall not apply where there is not a sufficiently widespread distribution of the securities of which such security forms a part to reflect the true value thereof in such price or quotation, or where such price or quotation is or may be the result of any manipulation or any exercise of any means of influence or control. Value of listed securities. Proviso.

(2) Clauses *b* and *c* of subsection 1 of the said section 2 as amended by section 2 of *The Succession Duty Amendment Act, 1940*, are repealed. 1939, 2nd Sess., c. 1, s. 2, subs. 1, cls. b, c, repealed.

1939,
2nd Sess.,
c. 2, subs. 2, following substituted therefor:
re-enacted.

(3) Subsection 2 of the said section 2 is repealed and the

No allowance
for income
tax.

(2) In valuing any security, or any business or any interest in any business the fact that any tax under the provisions of the *Income War Tax Act* (Canada) or any similar tax may be or become payable by reason of or in respect of the payment or distribution of any accumulated surplus or other property to the holder of such security or to any person having an interest in such business, shall not be taken into consideration, unless and to the extent only that such distribution is necessary and is made for the purpose of raising money for the payment of duty.

1939,
2nd Sess.,
c. 1, s. 2,
subs. 5, cl. g,
repealed.

(4) Clause g of subsection 5 of the said section 2 is repealed.

1939,
2nd Sess.,
c. 1, s. 3,
cl. h,
re-enacted.

2. Clause h of section 3 of *The Succession Duty Act, 1939*, is repealed and the following substituted therefor:

(h) any money payable as a result of the death of the deceased and any interest by way of annuity or otherwise accruing or arising on the death of the deceased, under any contract of insurance within the meaning of *The Insurance Act* where the deceased was domiciled outside Ontario at the date of his death.

Rev. Stat.,
c. 256.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. e,
amended.

3.—(1) Clause e of subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by inserting after the word “to” where it occurs the second time in the second line the words “the United Kingdom of Great Britain and Northern Ireland”, so that the said clause shall now read as follows:

(e) any property devised or bequeathed by the deceased to and any disposition to the United Kingdom of Great Britain and Northern Ireland, the Dominion of Canada, the Province of Ontario or any municipality in Ontario.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. g,
repealed.

(2) Clause g of subsection 1 of the said section 4 as amended by section 3 of *The Succession Duty Amendment Act, 1940*, is repealed.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. h,
amended.

(3) Clause h of subsection 1 of the said section 4 is amended by striking out the word “thirty” where it occurs in the first and twelfth lines respectively and inserting in lieu thereof the word “five”, so that the said clause shall now read as follows:

(h) any disposition to any person made more than five years before the date of death of the deceased, where

actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, shall have been immediately assumed by the person to whom the disposition is made and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntarily or by contract or otherwise, provided that this clause shall not apply to any disposition resulting in the making of periodic payments, except such payments as are made more than five years before the date of death of the deceased.

4.—(1) *The Succession Duty Act, 1939*, is amended by adding thereto the following section: 1939,
2nd Sess.,
c. 1,
amended.

6a. Where the deceased by his will or in any instrument or in any other manner makes any provision for exonerating any person from, indemnifying any person in respect of or reimbursing any person for the payment of any duty, inheritance or death tax or similar impost payable by reason of the death of the deceased and any property is utilized or applied, in pursuance of such provision, in so exonerating, indemnifying or reimbursing any person,— Provision in
will exonerating
legatee from
payment
of tax.

(a) such property shall be property passing on the death of the deceased to or for the benefit of such person; and

(b) notwithstanding anything contained in this Act,

(i) the duty levied on any property shall be at the same rate at which duty would have been levied on or with respect to such property if no such provision had been made,

(ii) the duty levied on any person shall, with respect to any transmission or disposition to him had no such provision been made, be at the same rate at which duty would have been levied with respect to such transmission or disposition if no such provision had been made, and the duty levied on any person shall, with respect to the transmission to him by reason of such provision, be at the same rate at which duty would have been levied if no such provision had been made, and

- (iii) the duty ascertained as provided in this section shall be due and payable and interest with respect thereto shall be charged or allowed the same as the duty which would arise if no such provision had been made would be due and payable and interest with respect thereto would be charged or allowed.

Where death occurred prior to coming into force of Act of 1946.

1939,
2nd Sess.,
c. 1.

(2) Where the deceased died before the coming into force of this Act, having by his will or any instrument or in any other manner made any provision relating to the payment of duty to the extent that any person on whom duty is levied or any person to whom or for whose benefit any property on which duty is levied passes, is exonerated from, indemnified in respect of or reimbursed for the payment of any duty, inheritance or death tax or similar impost, payable by reason of his death, and where the duty payable on or by reason of his death remains in dispute because of such provision, the persons by whom duty is payable may settle and pay all such duty on the same basis as is contained in the provisions of section 6a of *The Succession Duty Act, 1939*, as enacted by subsection 1 of this section, as though such provisions *mutatis mutandis* were contained in any Act in force at the date of death of the deceased.

1939,
2nd Sess.,
c. 1, s. 7,
re-enacted.

5. Section 7 of *The Succession Duty Act, 1939*, is repealed and the following substituted therefor:

Allowance for duty paid elsewhere on same death.

7. Where estate, legacy or succession duty is payable and paid in any jurisdiction which may be designated by the Lieutenant-Governor in Council, on property in respect of which there is a transmission, the duty levied, pursuant to clause *b* of section 5, on any person to whom there is such transmission with respect to such transmission shall be reduced by the amount of the duty so paid which does not exceed the amount of the duty so levied.

1939,
2nd Sess.,
c. 1, s. 8,
subs. 1,
amended.

6.—(1) Subsection 1 of section 8 of *The Succession Duty Act, 1939*, is amended by striking out the words “provided that this subclause shall not apply to any money payable as mentioned in clause *h* of section 3” in the eighth, ninth and tenth lines of subclause ii of clause *a*, and by adding at the end of the said subsection the words “provided that this subsection shall not apply to any contract to which clause *h* of section 3 applies”, so that the said subsection shall now read as follows:

Consent.

(1) On the death of any person, whether he dies domiciled in Ontario or elsewhere, unless the consent in writing of the Treasurer is obtained,—

- (a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer, in Ontario, shall deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of,
- (i) any property situate in Ontario in which the deceased, at the time of his death, had any beneficial interest, or
 - (ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the debt resulting in the payment of such money was situate in Ontario at the date of death of the deceased; and
- (b) no person in Ontario, other than a person acting in the capacity of administering the property passing on the death of the deceased, shall deliver, assign, transfer or pay or permit the delivery, assignment, transfer or payment of any property in which the deceased had at the time of his death any beneficial interest,

provided that this subsection shall not apply to any **Proviso.** contract to which clause *h* of section 3 applies.

(2) Subsection 2 of the said section 8 is amended by striking out the symbol and figures "\$1,100" in the second line and inserting in lieu thereof the symbol and figures "\$1,500", so that the said subsection shall now read as follows:

- (2) Notwithstanding anything contained herein, any insurance company may make payment not exceeding \$1,500 due under any contract or contracts of insurance mentioned in subsection 1 without the consent of the Treasurer and where such payment exceeds \$600 notice of such payment shall be transmitted forthwith to the Treasurer.

7. Subsection 2 of section 12 of *The Succession Duty Act, 1939*, is amended by striking out the words "surrogate registrar of the county or district in which the application is made" in the third and fourth lines and inserting in lieu thereof the word "Treasurer", so that the said subsection shall now read as follows:

Filing
inventory,
etc. before
probate.

(2) The applicant for probate, letters of administration or other grant, shall at the time of making application make and file with the Treasurer an affidavit containing,—

(a) an inventory of all the property passing on the death of the deceased and particulars of all dispositions and such inventory shall show the value of such property and dispositions; and

(b) the name of every person who benefits by any property passing on the death of the deceased or to whom a disposition is made, the place of residence of such person and the degree of relationship in which such person stands to the deceased.

1940,
c. 29, s. 25,
repealed.

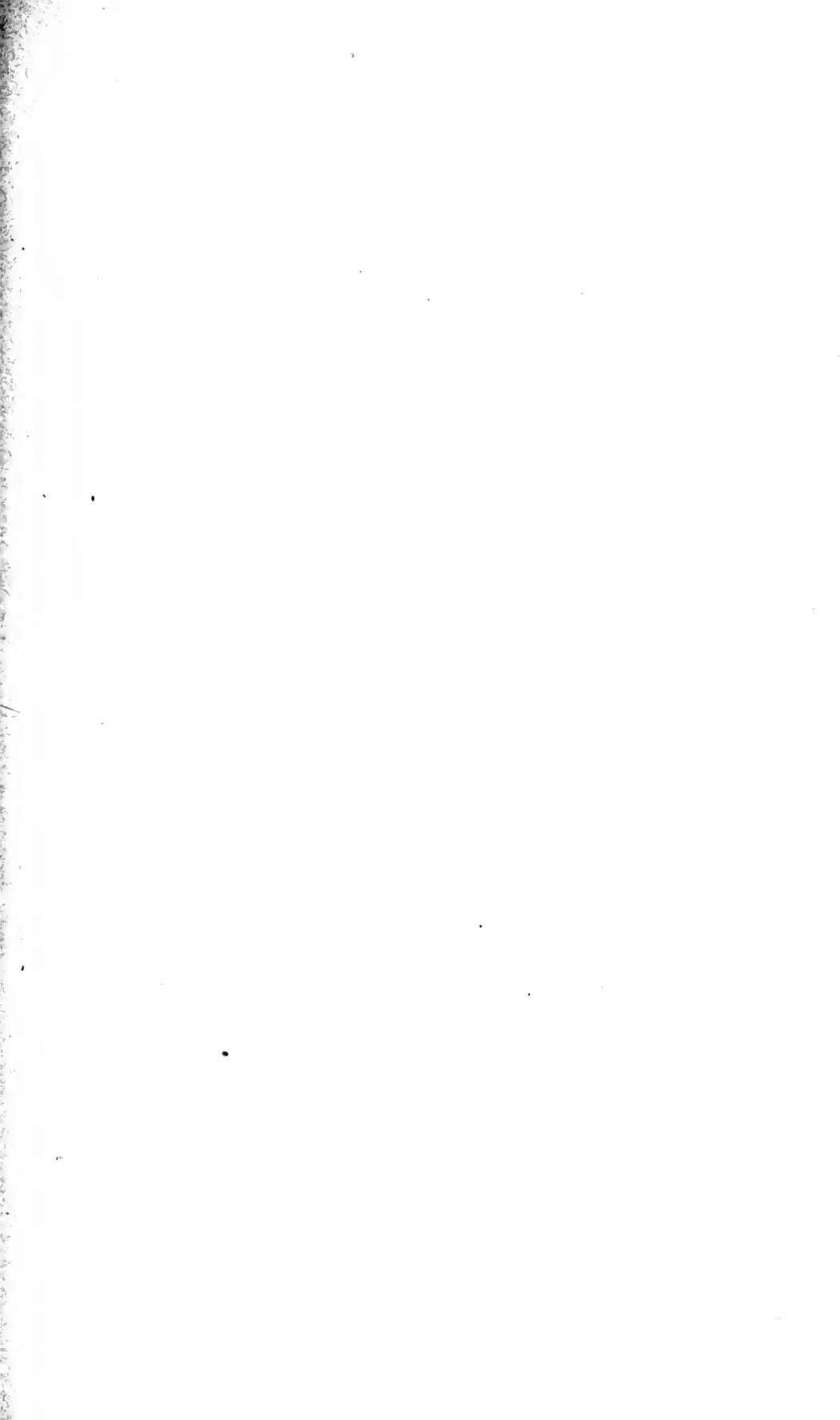
8. Section 25 of *The Succession Duty Amendment Act, 1940*, is repealed.

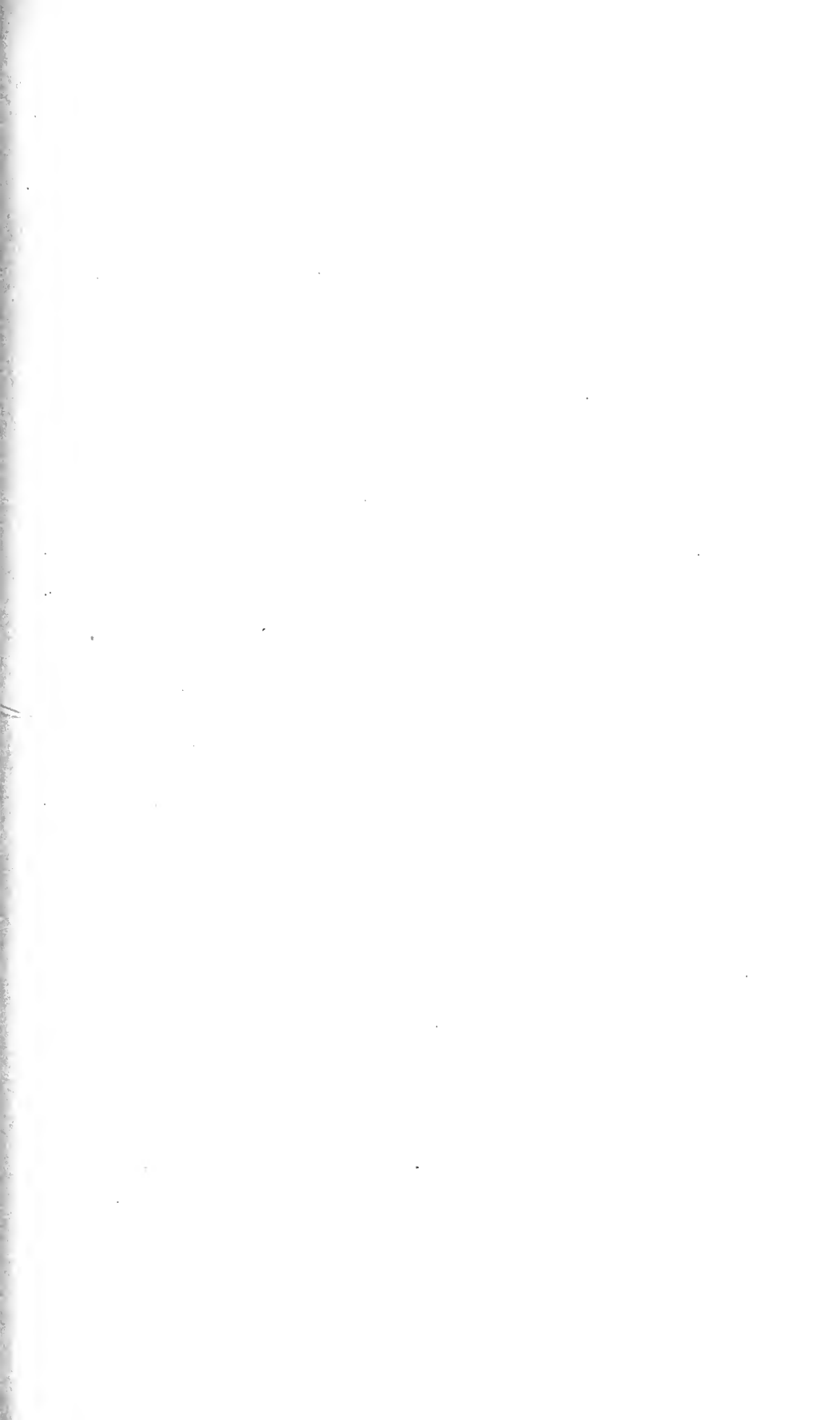
Commence-
ment of
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

10. This Act may be cited as *The Succession Duty Amendment Act, 1946*.





An Act to amend The Succession Duty Act, 1939.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. FROST

No. 149

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to require the Licensing of Public Halls.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

The purpose of this Bill is to require an owner of a public hall to obtain a licence therefore from the municipality in which the hall is situate.

The Bill also provides for penalizing an owner who uses or offers for use premises as a public hall without a licence.

BILL

An Act to require the Licensing of Public Halls.

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

1. In this Act,—

Interpretation,—

- (a) "owner" shall mean person who has in respect of "owner"; premises an estate for life or a greater estate, legal or equitable, or a leasehold estate; and
- (b) "public hall" shall mean premises offered for use or used as a place of public assembly where the premises are offered for hire or hired for the purpose of an assembly or where a fee is charged or a collection made for entrance, entertainment or otherwise, but shall not include premises used solely for religious purposes nor a theatre within the meaning of *The Theatres and Cinematographs Act*.

Rev. Stat.,
c. 319.

2. No premises shall be offered for use or used as a public hall unless the owner thereof holds a licence therefor from the municipality in which the premises are situate.

Licence
required.

3. Any owner who contravenes section 2 shall be guilty of an offence and liable to a penalty, recoverable under *The Summary Convictions Act*, of not less than \$50 nor more than \$500 and in default of payment of the penalty imposed or in addition to such penalty, to imprisonment for a term not exceeding six months.

Penalty.

Rev. Stat.,
c. 136.

4. This Act may be cited as *The Public Halls Act, 1946*.

Short title.

An Act to require the Licensing of
Public Halls.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. FROST

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to require the Licensing of Public Halls.

MR. FROST

BILL

An Act to require the Licensing of Public Halls.

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

1. In this Act,—

Interpreta-
tion,—

(a) "owner" shall mean person who has in respect of premises an estate for life or a greater estate, legal or equitable, or a leasehold estate; and

(b) "public hall" shall mean premises offered for use or used as a place of public assembly where the premises are offered for hire or hired for the purpose of an assembly or where a fee is charged or a collection made for entrance, entertainment or otherwise, but shall not include premises used solely for religious purposes nor a theatre within the meaning of *The Theatres and Cinematographs Act*.

Rev. Stat.,
c. 319.

2. No premises shall be offered for use or used as a public hall unless the owner thereof holds a licence therefor from the municipality in which the premises are situate.

Licence
required.

3. Any owner who contravenes section 2 shall be guilty of an offence and liable to a penalty, recoverable under *The Summary Convictions Act*, of not less than \$50 nor more than \$500 and in default of payment of the penalty imposed or in addition to such penalty, to imprisonment for a term not exceeding six months.

Penalty.
Rev. Stat.,
c. 136.

4. This Act may be cited as *The Public Halls Act, 1946*.

Short title.

An Act to require the Licensing of
Public Halls.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. FROST

No. 150

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Charitable Institutions Act.

MR. GOODFELLOW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this Bill and of Bill 151, *An Act to amend The Department of Public Welfare Act*, is to control organizations with regard to appeals to the public for funds for charitable purposes.

BILL

An Act to amend The Charitable Institutions Act.

HIS 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 Charitable Institutions Act* Rev. Stat., c. 381, s. 1, cl. a, re-enacted. is repealed and the following substituted therefor:
- (a) "Charitable institution" shall mean refuge, orphanage and infants' home and any other institution or organization which is declared to be a charitable institution by the Minister of Welfare pursuant to *The Department of Public Welfare Act*. "Charitable institution".
- 2.**—(1) Subsection 2 of section 3 of *The Charitable Institutions Act* is repealed and the following substituted therefor: Rev. Stat., c. 381, s. 3, subs. 2, re-enacted.
- (2) No institution, organization, premises or building shall be created, established, incorporated, acquired, erected, continued, maintained or operated as or for the purposes of a charitable institution until the charitable institution is approved by the Lieutenant-Governor in Council as a charitable institution. Approval of new institutions.
- (2) Subsection 3 of the said section 3 is repealed. Rev. Stat., c. 381, s. 3, subs. 3, repealed.
- 3.** Section 5 of *The Charitable Institutions Act* is amended by striking out the words "Department and it" in the first line and inserting in lieu thereof the words "Minister and he", and by striking out the word "Department" where it occurs in the third and seventh lines respectively and inserting in lieu thereof the word "Minister", so that the said section shall now read as follows: Rev. Stat., c. 381, s. 5, amended.
5. It shall be the duty of the Minister and he shall have power to administer and enforce the provisions of this Act and the regulations, and the Minister may, from time to time declare any or all of the regulations to be in force with respect to all charitable Powers of Minister.

institutions or any specified charitable institution or institutions or class or classes thereof and for such time or times as the Minister may deem expedient.

Rev. Stat.,
c. 381, s. 7,
amended.

4. Section 7 of *The Charitable Institutions Act* is amended by inserting after the word "institution" in the first line the words "which is approved by the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Powers of
institution.

7. Every charitable institution which is approved by the Lieutenant-Governor in Council shall have power to carry on its undertaking, objects and pursuits as may be authorized by law or by general or special Act under which it was created, established, incorporated or is empowered so to do, but where any such law of Ontario or any such general or special Act conflicts with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Rev. Stat.,
c. 381, s. 9,
subs. 1,
amended.

5. Subsection 1 of section 9 of *The Charitable Institutions Act* is amended by striking out the words "on the list of institutions entitled to receive provincial aid" in the fourth and fifth lines and inserting in lieu thereof the words "which is approved by the Lieutenant-Governor in Council and belongs to one of the following classes of charitable institutions", so that the said subsection, exclusive of the clauses, shall now read as follows:

Distribution
of provincial
aid.

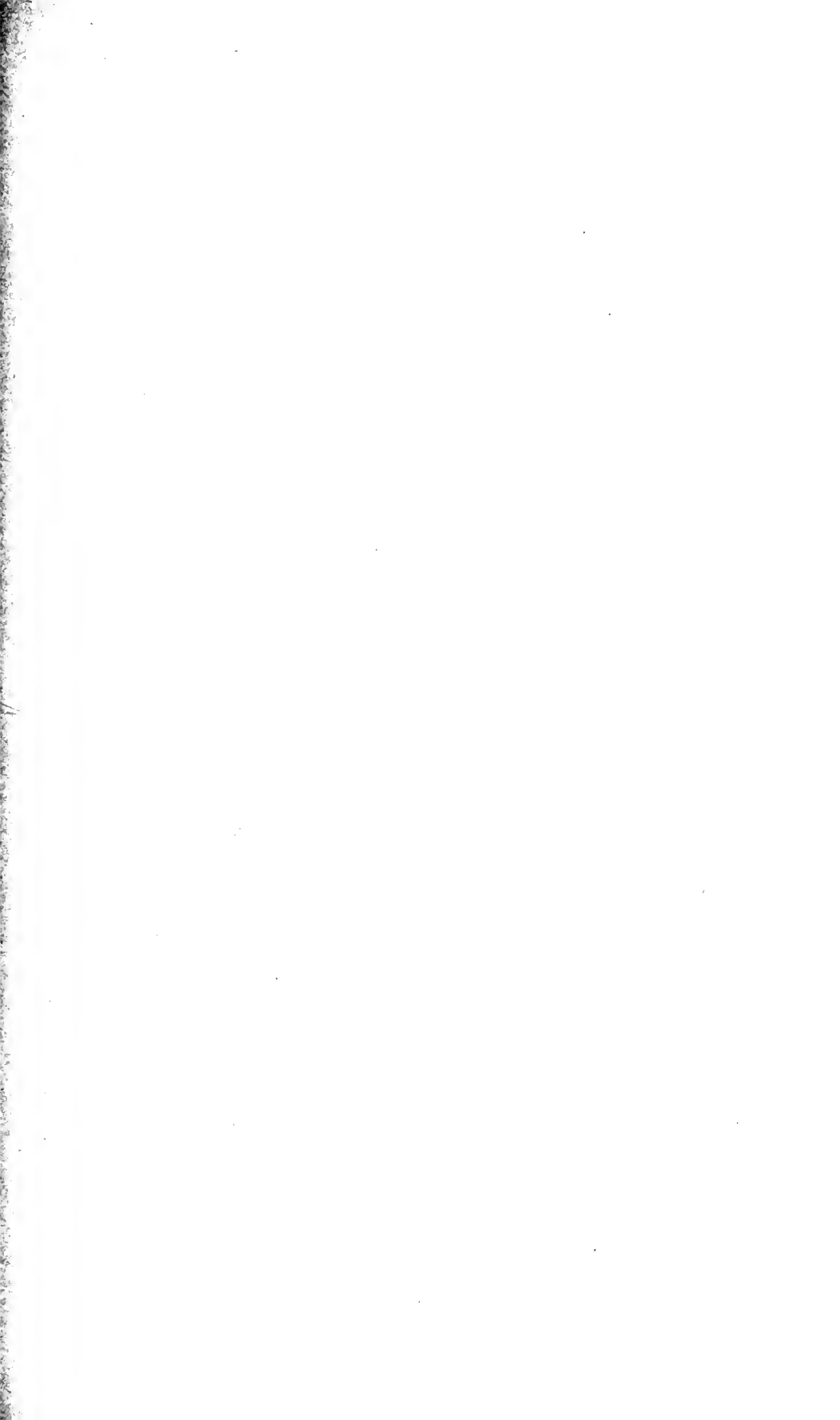
(1) Subject to the provisions of this Act and of the regulations provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, to any charitable institution which is approved by the Lieutenant-Governor in Council and belongs to one of the following classes of charitable institutions, as follows:

.

Short title.

6. This Act may be cited as *The Charitable Institutions Amendment Act, 1946*.





An Act to amend The Charitable
Institutions Act.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. GODFELLOW

No. 150

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Charitable Institutions Act.

MR. GOODFELLOW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Charitable Institutions Act.

HIS 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 Charitable Institutions Act* is repealed and the following substituted therefor: Rev. Stat., c. 381, s. 1, cl. a, re-enacted.
- (a) "Charitable institution" shall mean refuge, orphanage and infants' home and any other institution or organization which is declared to be a charitable institution by the Minister of Welfare pursuant to *The Department of Public Welfare Act*. "Charitable institution".
- 2.—(1) Subsection 2 of section 3 of *The Charitable Institutions Act* is repealed and the following substituted therefor: Rev. Stat., c. 381, s. 3, subs. 2, re-enacted.
- (2) No institution, organization, premises or building shall be created, established, incorporated, acquired, erected, continued, maintained or operated as or for the purposes of a charitable institution until the charitable institution is approved by the Lieutenant-Governor in Council as a charitable institution. Approval of new institutions.
- (2) Subsection 3 of the said section 3 is repealed. Rev. Stat., c. 381, s. 3, subs. 3, repealed.
3. Section 5 of *The Charitable Institutions Act* is amended by striking out the words "Department and it" in the first line and inserting in lieu thereof the words "Minister and he", and by striking out the word "Department" where it occurs in the third and seventh lines respectively and inserting in lieu thereof the word "Minister", so that the said section shall now read as follows: Rev. Stat., c. 381, s. 5, amended.
5. It shall be the duty of the Minister and he shall have power to administer and enforce the provisions of this Act and the regulations, and the Minister may, from time to time declare any or all of the regulations to be in force with respect to all charitable Powers of Minister.

institutions or any specified charitable institution or institutions or class or classes thereof and for such time or times as the Minister may deem expedient.

Rev. Stat.,
c. 381, s. 7,
amended.

4. Section 7 of *The Charitable Institutions Act* is amended by inserting after the word "institution" in the first line the words "which is approved by the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Powers of
institution.

7. Every charitable institution which is approved by the Lieutenant Governor in Council shall have power to carry on its undertaking, objects and pursuits as may be authorized by law or by general or special Act under which it was created, established, incorporated or is empowered so to do, but where any such law of Ontario or any such general or special Act conflicts with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Rev. Stat.,
c. 381, s. 9.,
subs. 1,
amended.

5. Subsection 1 of section 9 of *The Charitable Institutions Act* is amended by striking out the words "on the list of institutions entitled to receive provincial aid" in the fourth and fifth lines and inserting in lieu thereof the words "which is approved by the Lieutenant-Governor in Council and belongs to one of the following classes of charitable institutions", so that the said subsection, exclusive of the clauses, shall now read as follows:

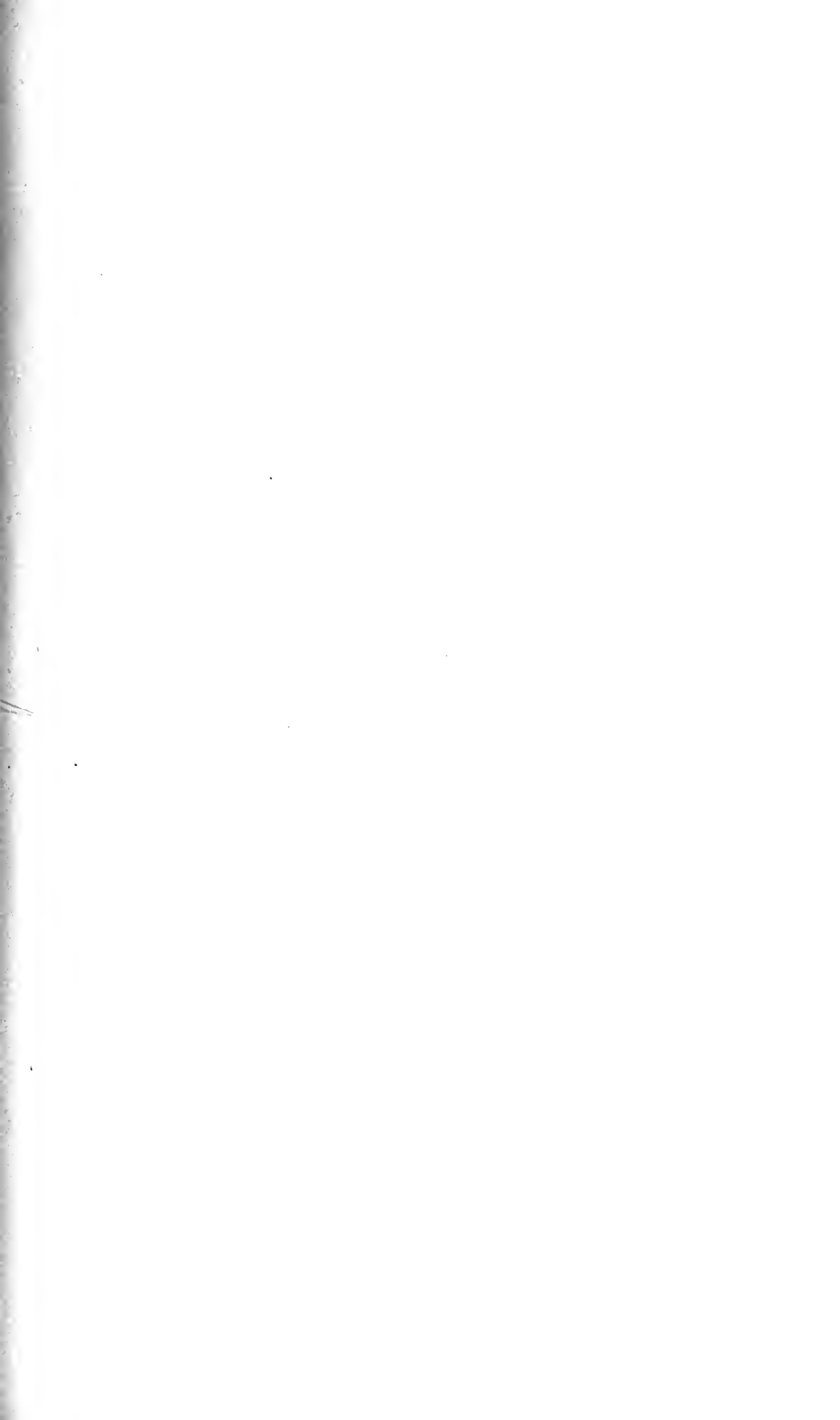
Distribution
of provincial
aid.

(1) Subject to the provisions of this Act and of the regulations provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, to any charitable institution which is approved by the Lieutenant-Governor in Council and belongs to one of the following classes of charitable institutions, as follows:

.

Short title.

6. This Act may be cited as *The Charitable Institutions Amendment Act, 1946*.







An Act to amend The Charitable
Institutions Act.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. GOODFELLOW

No. 151

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Public Welfare Act.

MR. GOODFELLOW

EXPLANATORY NOTE

The purpose of this Bill, as explained in the explanatory note to Bill 150, *An Act to amend The Charitable Institutions Act*, is to control organizations with regard to any appeals made to the public for funds for charitable purposes.

The Act is also clarified by the substitution of "Minister" for "Department" in appropriate provisions.

BILL

An Act to amend The Department of Public Welfare Act.

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

1. Clause *b* of section 1 of *The Department of Public Welfare Act* is repealed and the following substituted therefor: Rev. Stat., c. 61, s. 1, cl. b, re-enacted.

(b) "Minister" shall mean Minister of Public Welfare. "Minister".

2. Section 3 of *The Department of Public Welfare Act* is amended by striking out the word "Department" in the first line and inserting in lieu thereof the word "Minister". Rev. Stat., c. 61, s. 3, amended.

3. Section 4 of *The Department of Public Welfare Act* as amended by section 1 of *The Department of Public Welfare Amendment Act, 1942*, is further amended by striking out the word "Department" in the first line and inserting in lieu thereof the word "Minister", and by adding thereto the following clause: Rev. Stat., c. 61, s. 4, amended.

(f) declare any institution or organization to be a charitable institution.

4. Section 5 of *The Department of Public Welfare Act* is amended by striking out the word "Department" in the first line and inserting in lieu thereof the word "Minister". Rev. Stat., c. 61, s. 5, amended.

5. Section 7 of *The Department of Public Welfare Act* is amended by inserting after the word "inspector" where it occurs in the third, fifth and sixth lines respectively the words "or supervisor", and by striking out the word "Department" in the fourth line and inserting in lieu thereof the word "Minister". Rev. Stat., c. 61, s. 7, amended.

6. This Act may be cited as *The Department of Public Welfare Amendment Act, 1946*. short title.

An Act to amend The Department of
Public Welfare Act.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 151

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Public Welfare Act.

MR. GOODFELLOW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Department of Public Welfare Act.

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

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6. This Act may be cited as *The Department of Public Welfare Amendment Act, 1946*. short title.

An Act to amend The Department of
Public Welfare Act.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. GOODFELLOW

No. 152

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Game and Fisheries Act, 1946.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
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EXPLANATORY NOTES

GENERAL. This Bill repeals and replaces *The Game and Fisheries Act*, R.S.O. 1937, c. 353, as amended by 1938, c. 13, 1939, c. 16, 1942, c. 18, 1944, c. 22, and has been prepared under twenty-one headings, which with the respective sections relating thereto, are as follows:

Headings	Sections
1. Interpretation	1
2. Application of Act	2
3. Administration	3- 6
4. Powers and duties of officers	7
5. Licences	8-22
6. Licence fees	23-24
7. Royalties	25
8. Seasons for animals	26-27
9. Bag limit for animals	28
10. Protection of animals	29-33
11. Seasons for birds	34-35
12. Protection of birds	36-37
13. Protection of game	38-47
14. Fish and frogs	48-54
15. General provisions	55-67
16. Procedure	68
17. Evidence	69
18. Penalties	70-71
19. Regulations	72
20. Repeal	73
21. Short title	74

Most of these headings are self-explanatory, but it will be noticed that headings 8, 9 and 10 form a unit relating solely to animals. Similarly 11 and 12 relate to birds; 13 relates to all game including therein birds and animals; and 14 relates to fish and frogs. Heading 15 contains general prohibitions and provisions relating to birds, animals and fish.

The following parts of the present Act have been omitted from the Bill:

1. Unnecessary—the Act speaks for itself.
- 6.—(1) $\left. \begin{matrix} (f) \\ (g) \end{matrix} \right\}$ Now covered by new section 20.
- $\left. \begin{matrix} (j) \\ (k) \\ (l) \\ (p) \end{matrix} \right\}$ Contrary to the *Fisheries Act* (Canada).
- (qq) Unnecessary; covered in Bill. See new section 25.
- (s) Unnecessary; covered in section 72 (n) of Bill.
- (t) Unnecessary; covered in section 4 of Bill.
- (u) Wholly deleted. The powers referred to in the former
- (v) are by the Bill restricted to the ordinary magistrates
The latter clause appears to be unwarranted and unnecessary.
- (w) A number of sections relating to dogs are contained in the Bill and this clause appears to be unnecessary.
- (y) Now covered by section 72 (n) of Bill.
- (2) Now covered by *The Regulations Act, 1944*.
7. (f) Covered by Dominion legislation.
- 32.—(2) Covered by section 69 of the Bill.
- 49.—(4) $\left. \begin{matrix} (9) \\ (9a) \end{matrix} \right\}$ Covered by Dominion legislation.
- (10) Part relating to fish covered by Dominion legislation.
61. Section now obsolete.

62.—(1) Now covered by section 4 of the Bill.

(2) }
(3) } Covered in *The Public Service Act*.
(4) }

(5) These powers restricted to the ordinary magistrates by the Bill.

63.—(5) Covered by other sections of the Bill.

66.—(5) Unnecessary because of other sections of the Bill restricting trial of offences to the ordinary magistrates.

The following are the important parts of the present Act not appearing in the Bill:

6.—(1) The Lieutenant-Governor in Council may make regulations—

(u) conferring upon certain officers by special appointment the powers of justices of the peace for the purposes of this Act and of the regulations;

(v) varying the conditions of section 66 of this Act where conditions may warrant;

62.—(5) The Deputy Minister, Assistant Deputy Minister, inspector and district superintendents shall be justices of the peace in and for every county or district for the purposes of this Act and the regulations and may take informations and issue warrants or summonses in any county or district, returnable in the county or district, in which the offence is alleged to have been committed.

The Lieutenant-Governor in Council has power to make regulations under section 72 of the Bill, but in addition thereto there are other powers of regulating appearing in the following sections of the Bill:

1.—(h) power to designate additional fur-bearing animals;

4. power to appoint and prescribe the duties of officers and servants;

16.—(2) power to issue licences for propagation of game and to fix time, terms and conditions;

25.—(3) power to prescribe royalties and exemptions therefrom;

26.—(e) power to fix the open season for deer in certain counties;

(i) power to fix open season for moose in certain districts;

27.—(1) power to fix open season for beaver and to prescribe the terms and conditions of licences issued for that purpose;

(2) (a) power to prescribe open season for grey and black squirrel;

34. power to prescribe open season for non-migratory birds;

40. power to fix the terms and conditions of licence to propagate and to buy and sell pheasant or quail.

Apart from the powers conferred upon the Lieutenant-Governor in Council there is conferred upon the Minister the power to fix open season for musk-rat under section 27, subsection 2, clause (d) of the Bill.

In order to bring all matters relating to fish and game under the jurisdiction of the Department of Game and Fisheries it has been necessary to amend *The Provincial Parks Act*, *The Long Point Park Act*, and *The Presqu'ile Park Act*, by striking out of these Acts all references to game and fish.

SECTION 1.—Clause *a*. See note to clause *w*.

BILL

The Game and Fisheries Act, 1946.

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

Interpretation.

1. In this Act,—

Interpretation,—

- (a) “angling” shall mean angling as defined in the Special Fishery Regulations for the Province of Ontario; *New.* “angling”;
- (b) “closed season” shall mean a specified period in which game and fish may not be taken; R.S.O. 1937, c. 353, s. 2, cl. (a). *Amended.* “closed season”;
- (c) “Department” shall mean Department of Game and Fisheries; R.S.O. 1937, c. 353, s. 2, cl. (b). *Amended.* “Department”;
- (d) “Deputy Minister” shall mean the deputy head of the Department; R.S.O. 1937, c. 353, s. 2, cl. (c). *Amended.* “Deputy Minister”;
- (e) “dog” shall mean any dog, male or female; “dog”;
- (f) “farmer” shall mean any person actually living upon and tilling his own land, or land to the possession of which he is for the time being entitled, or any *bona fide* settler engaged in clearing the land for the purpose of bringing the same to a state of cultivation; R.S.O. 1937, c. 353, s. 2, cls. (d, e). “farmer”;
- (g) “fishery” shall mean the stretch of water, locality, premises, place or station described in the regulations, or in a licence, in or from which fish may be taken, and all nets, plants and appliances used in connection with any of them; R.S.O. 1937, c. 353, s. 2, cl. (f). *Amended.* “fishery”;

- “fur-bearing animal”;
- (h) “fur-bearing animal” shall mean a beaver, fisher, fox, lynx, marten, mink, musk-rat, otter, raccoon, rabbit, skunk, squirrel, weasel and wolverine or any other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal; *New*.
- “game”;
- (i) “game” shall mean all fur-bearing animals and all animals and birds protected by this Act; R.S.O. 1937, c. 353, s. 2, cl. (g). *Amended*.
- “guide”;
- (j) “guide” shall mean any person who for hire or reward, or hope thereof, renders service as a guide to any other person engaged in angling or hunting; R.S.O. 1937, c. 353, s. 2, cl. (h). *Amended*.
- “holder of a licence”;
- (k) “holder of a licence” shall mean the person named in the licence; *New*.
- “hunting”;
- (l) “hunting” shall include chasing, pursuing, worrying, following after, or on the trail of, or searching for, shooting, shooting at, stalking or lying in wait for any game, whether or not the game be then or subsequently captured, injured or killed, and “hunt” and “hunter” shall have a corresponding meaning; R.S.O. 1937, c. 353, s. 2, cl. (i). *Amended*.
- “licence”;
- (m) “licence” shall mean an instrument issued under this Act conferring upon the holder the privilege to do the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act, but no licence shall be or operate as a lease; R.S.O. 1937, c. 353, s. 2, cl. (j). *Amended*.
- “Minister”;
- (n) “Minister” shall mean the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council; R.S.O. 1937, c. 353, s. 2, cl. (k). *Amended*.
- “non-resident”;
- (o) “non-resident” shall mean any person who has not actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act; R.S.O. 1937, c. 353, s. 2, cl. (m). *Amended*.
- “officer”;
- (p) “officer” shall mean assistant deputy minister, inspector, district superintendent, special patrol, overseer or any other officer or person authorized to assist in the propagation of game and fish and the enforcement of this Act and shall include all officers and members of the Ontario Provincial Police Force,

Clause *h*. "Fur-bearing animal" is now defined for the first time by naming the animals included in the definition and providing that the Lieutenant-Governor in Council may add thereto.

Clause *p*. "Officer" has been extended to include members of the Ontario Provincial Police Force and certain officers of provincial parks.

Clauses *r* and *v*. The terms "skin" and "pelt" have been defined for the first time and the definitions are self-explanatory.

Clause *w*. This is a new clause and is self-explanatory.

SECTION 2. The meaning of "domestic" is left to judicial interpretation.

SECTION 3. The other Acts are *The Provincial Parks Act*, *The Long Point Park Act* and *The Presqu'île Park Act*.

and the superintendents, wardens, and rangers of provincial parks within the meaning of *The Provincial Parks Act*; R.S.O. 1937, c. 353, s. 2, cl. (n). *Amended.* Rev. Stat., c. 94.

- (q) "open season" shall mean a specified period during which game and fish may be taken; R.S.O. 1937, c. 353, s. 2, cl. (p). *Amended.* "open season";
- (r) "pelt" shall mean the untanned skin of a fur-bearing animal; *New.* "pelt";
- (s) "person" shall include an Indian; R.S.O. 1937, c. 353, s. 2, cl. (q). *Amended.* "person";
- (t) "regulations" shall mean the regulations made under this Act; R.S.O. 1937, c. 353, s. 2, cl. (r). *Amended.* "regulations";
- (u) "resident" shall mean any person who has actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act; R.S.O. 1937, c. 353, s. 2, cl. (s). *Amended.* "resident";
- (v) "skin" shall mean the untanned skin of an animal stripped from the body; *New.* "skin";
- (w) "Special Fishery Regulations" shall mean the special fishery regulations for Ontario made under the authority of *The Fisheries Act, 1932* (Canada); and *New.* "Special Fishery Regulations"; 1932, c. 42 (Canada).
- (x) "unprime" where applied to pelts shall mean that the pelts show natural markings of a dark or bluish colour on the flesh side. R.S.O. 1937, c. 353, s. 2, cl. (t). *Amended.* "unprime";

Application of Act.

2. This Act shall not apply to domestic animals and birds. *New.* Application of Act.

Administration.

3. The administration of this Act and all matters in respect to game and fish, notwithstanding any other Act, shall be under the control and direction of the Minister and shall constitute a department of the public service within the meaning of *The Public Service Act*, to be known as Department of Game and Fisheries. R.S.O. 1937, c. 353, s. 3 (1). *Amended.* Administration.

Officers.

4. There shall be a Deputy Minister and the Lieutenant-Governor in Council may appoint and prescribe the duties of an Assistant Deputy Minister, inspector and district superintendents and such other officers and servants as are deemed necessary for the enforcement of this Act. R.S.O. 1937, c. 353, s. 62 (1); s. 63 (1). *Amended.*

Deputy wardens.

5.—(1) The Minister may appoint deputy game and fishery wardens in and for any part of Ontario to serve without remuneration, but all the appointments shall terminate on the 31st day of December in each year. R.S.O. 1937, c. 353, s. 64 (1-2). *Amended.*

Authority of deputy wardens.

(2) Deputy game and fishery wardens shall have the authority of constables for the purposes of this Act. R.S.O. 1937, c. 353, s. 64 (3). *Amended.*

Remuneration of officers.

6. The remuneration of all officers and of all other persons employed to perform any duty for the Department or to assist in the enforcement of this Act and all expenses incident to its enforcement shall be paid out of such money as may be appropriated for the purpose by the Legislature. R.S.O. 1937, c. 353, s. 3 (2). *Amended.*

Powers and Duties of Officers.

Search of vehicles, premises.

7.—(1) An officer shall have the authority of a constable for the purpose of this Act, and may without a search warrant,—

- (a) stop and search any vehicle, motor vehicle, aeroplane or any other flying machine, boat or launch or any railway car, including a caboose, baggage or express car; and
- (b) enter and search any hunting, mining, lumber or construction camp,

where he has reasonable grounds to believe that any of them contains any game or fish taken in violation of this Act. R.S.O. 1937, c. 353, s. 63 (2). *Amended.*

Search of receptacles.

(2) An officer may open and inspect any trunk, box, bag, parcel or receptacle which he has reason to suspect and does suspect contains game or fish killed, taken, shipped or had in possession in violation of this Act and for that purpose may enter all property which by this Act he is authorized to enter and may use necessary force where the owner or person in apparent charge obstructs or refuses to facilitate his inspection, and if he has reason to believe and does believe that it is necessary to enter any store, private house, warehouse or

building which by this Act he is not authorized to enter without a search warrant, he shall make a deposition before a justice of the peace and demand a warrant to search that store, private house, warehouse or building, and thereupon the justice may issue a search warrant. R.S.O. 1937, c. 353, s. 63 (4). *Amended.*

(3) An officer on view may arrest without process any person found committing a violation of this Act or of the regulations and shall bring him with reasonable diligence before a competent court to be dealt with according to law. R.S.O. 1937, c. 353, s. 63 (3). *Amended.* ^{Arrest on view.}

(4) An officer in the discharge of his duties and any person by him accompanied or authorized for the purpose, may enter upon and pass through or over private property without being liable for trespass. R.S.O. 1937, c. 353, s. 63 (7). *Amended.* ^{Entry upon private property.}

(5) An officer may inspect all camps occupied by anglers and hunters and may prescribe methods for sanitation and disposal of refuse and the extinguishing of fires. R.S.O. 1937, c. 353, s. 63 (8). *Amended.* ^{Inspection of camps.}

(6) An officer shall investigate all violations of this Act brought to his notice and prosecute every person whom he may have reasonable cause to believe guilty of an offence against this Act. R.S.O. 1937, c. 353, s. 63 (6). *Amended.* ^{Duty to prosecute.}

(7) No person shall obstruct, hinder or delay or interfere with an officer in the discharge of his duty by violence or threats or by giving false information, or in any other manner. R.S.O. 1937, c. 353, s. 63 (9). *Amended.* ^{Obstructing officers.}

(8) No officer or other person authorized to enforce this Act shall maliciously abuse his authority or neglect or refuse to perform any duty pertaining to his office. R.S.O. 1937, c. 353, s. 63 (10, 11). *Amended.* ^{Neglect of duties.}

(9) An officer may carry such arms and accoutrements as are necessary for self-defence where he possesses the authorities which may be legally necessary for that purpose. R.S.O. 1937, c. 353, s. 63 (12). *Amended.* ^{Arms for self-defence.}

Licences.

8.—(1) Except under a licence no person shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any fur-bearing animal or any bear, deer or moose. ^{Licences.}

Exception. (2) Subsection 1 shall not apply to a farmer or his sons residing upon his lands and hunting and trapping thereon during the open seasons fur-bearing animals other than beaver.

Authority to sell under licence. (3) The holder of a licence may sell pursuant to this Act the fur-bearing animals or their pelts, hunted, taken, trapped, or killed by him under the authority of the licence. R.S.O. 1937, c. 353, s. 10 (2). *Amended.*

Non-residents. **9.** Except under a licence no non-resident shall hunt, take, molest, wound, kill or destroy or attempt to hunt, take, molest, wound, kill or destroy any animal or bird. R.S.O. 1937, c. 353, s. 10 (1). *Amended.*

Fire-arms. **10.**—(1) Except under a licence no person shall carry or use any fire-arm or air-gun for the purpose of hunting any game.

Exceptions as to farmers. (2) Subsection 1 shall not apply to a farmer or his sons residing and hunting on his lands.

Power of fire-arms. (3) The holder of a licence issued under subsection 1 shall not carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a "twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which those animals inhabit or in which they are usually found. R.S.O. 1937, c. 353, s. 10 (4). *Amended.*

Minors. (4) Except as prescribed by the regulations no licence other than a trapper's licence shall be issued to any person under the age of sixteen years. *New.*

11.—(1) Except under a licence no person shall,—

Cold storage licence. (a) engage in the business of cold storage of game; R.S.O. 1937, c. 353, s. 11 (1). *Amended.*

Game dealer's licence. (b) buy, sell or expose for sale, game, other than fur-bearing animals, that may otherwise lawfully be sold; R.S.O. 1937, c. 353, s. 11 (3). *Amended.*

Fur dresser's and tanner's licence. (c) engage in, carry on or be concerned in tanning, dressing, plucking, dyeing, treating or undertake to tan, dress, pluck, dye or treat any fur-bearing animal or bear or any pelt or skin of any of them; R.S.O. 1937, c. 353, s. 12. *Amended.*

Fur dealer's licence. (d) possess, or engage in, or carry on, or be concerned in trading, buying or selling, or soliciting trade in fur-bearing animals or their pelts. R.S.O. 1937, c. 353, s. 16 (1). *Amended.*

(2) Clause *b* of subsection 1 shall not apply to bear but the skins thereof shall be subject to the provisions of section 25. Exception.
R.S.O. 1937, c. 353, s. 11 (3). *Part amended.*

(3) No holder of a licence issued under clause *d* of subsection 1 shall sell, trade or barter, or be concerned in the selling, trading or bartering of any pelts to or with any other person in Ontario except where that other person holds a licence under clause *d* of subsection 1. Trades only between licensed fur dealers.
R.S.O. 1937, c. 353, s. 16 (2).
Amended.

12. Except under a licence, no hotel, boarding-house, camp, restaurant or club shall possess any game. Hotels, restaurants or clubs.
R.S.O. 1937, c. 353, s. 11 (2). *Amended.*

13. Except under a licence no person or his servant, clerk or agent, shall buy, sell, expose or keep for sale, directly or indirectly on any pretence or device, for any valuable consideration, barter, give to or obtain from any other person any moose, deer, caribou or wapiti, wherever killed or procured. Dealing in moose, deer, caribou and wapiti.
R.S.O. 1937, c. 353, s. 11 (4). *Amended.*

14. Notwithstanding anything in this Act any person may under a licence possess and buy or sell the carcass of musk-rat, beaver, raccoon or bear where taken in a lawful way and in the proper open season. Dealing in musk-rat, etc.
R.S.O. 1937, c. 353, s. 11 (5). *Amended.*

15.—(1) Except under a licence no person shall use or be accompanied by a dog while hunting deer, moose or fox. Dog licence for hunting game.
R.S.O. 1937, c. 353, s. 13 (2). *Amended.*

(2) The Department may issue to a resident a licence to use dogs for hunting fox during the open season in an area which deer do not inhabit or in which deer are not usually found. Dog licence for hunting fox.
R.S.O. 1937, c. 353, s. 10 (3). *Amended.*

16.—(1) Except under a licence no person shall breed or propagate game or possess game for that purpose. Licence for propagation of game.

(2) The licence shall be for the period of time and on the terms and conditions prescribed by the Lieutenant-Governor in Council. Duration and terms of licence.

(3) The Deputy Minister may issue a licence to any person to possess live game for scientific and educational purposes. Game for educational purposes.

(4) Except under a licence issued by the Deputy Minister no person shall take game during the closed season for educational or scientific purposes. Closed season.
R.S.O. 1937, c. 353, s. 18 (1, 2).
Amended.

Fish nets. 17.—(1) Except under a licence no person shall buy, sell or possess gill, hoop, pound or seine nets. R.S.O. 1937, c. 353, s. 17. *Amended.*

Restricted sale. (2) No person shall sell a gill, hoop, pound or seine net to any other person not a holder of a commercial fishing licence. *New.*

Fish for exceptional purposes. 18. Except under a licence no person shall take any fish or spawn from Ontario waters for the purpose of stocking, artificial breeding or for scientific or educational purposes. R.S.O. 1937, c. 353, s. 14. *Amended.*

Tourist outfitter's camps. 19.—(1) Except under a licence no person shall erect or establish or attempt to erect or establish, or own or operate, a tourist outfitter's camp in that part of Ontario composed of the Districts of Patricia, Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Sudbury, Manitoulin and Temiskaming and those parts of the Districts of Parry Sound, Nipissing and Haliburton and the County of Renfrew lying north of the line of the Canadian National Railway from Parry Sound to Pembroke by way of Scotia, Madawaska and Golden Lake. 1938, c. 13, s. 6 (1, 2). *Amended.*

Limitation of guests during open season. (2) Notwithstanding the guest accommodation for which a licence is issued, the total number of persons holding licences to hunt deer or moose, who may be accommodated at a tourist outfitter's camp during the whole of the open season for deer and moose in the area in which the camp is located, shall not exceed the number for which the licence is issued and in any case shall not exceed thirty-five. *New.*

Interpretation,— (3) For the purposes of this section,—

"tourist outfitter"; (a) "tourist outfitter" shall mean a person who owns or operates a camp and maintains or provides directly or indirectly for the accommodation and use of tourists any boat, canoe, tent, sleeping bag, blanket, utensil or other article used or required for angling, hunting or camping, or supplies or provides licensed guides;

"camp"; (b) "camp" shall mean a dwelling, lodge, cabin, tent, houseboat or other temporary or permanent structure used as sleeping-quarters; and

"tourist". (c) "tourist" shall mean a guest, tenant, club member or any other person who pays directly or indirectly for accommodation or services rendered at a camp. 1944, c. 22, s. 5.

Guides. 20.—(1) Except under a licence no person shall act as a guide.

SECTION 21—Subsection 7. This subsection is designed to prevent a person from taking more game by hunting in more than one district during different open seasons.

(2) No person shall employ any other person for hire, gain or reward, or hope thereof, to guide him while hunting or angling, who is not the holder of a guide licence. R.S.O. 1937, c. 353, s. 19 (1). *Amended.* Employment of guide.

(3) No non-resident shall hunt, take or kill deer in the Districts of Rainy River and Kenora or moose in any part of Ontario without employing and being accompanied by a licensed guide, but where two or more non-residents hunt together the number of guides employed shall be not less than one guide for each two non-residents. 1938, c. 13, s. 7. *Amended.* Guides for non-resident hunters.

(4) Where any non-resident owner, operator or other person in charge of any boat or vessel, brings the boat or vessel within Ontario under its own power, the owner, operator or other person in charge shall, while any person is angling from the boat or vessel, employ a licensed guide, but the Minister may exempt the non-resident from the provisions of this subsection where he deems it advisable, having regard to the local conditions. R.S.O. 1937, c. 353, s. 19 (3). *Amended.* Guides for non-resident anglers.

21.—(1) A licence shall not be transferable and no person shall buy, sell, exchange or in any way become a party to the transfer of any licence or shipping coupon, or in any way use or attempt to use a licence or coupon issued to any other person. Transfer of licence prohibited.

(2) A licence may be cancelled by the Deputy Minister, subject to appeal to the Minister, for a violation by the holder, or by any other person with his connivance, of this Act or of the licence whether or not a prosecution has been instituted in respect to the violation. Cancellation of licence.

(3) The issue of a licence shall be in the discretion of the Deputy Minister, subject to appeal to the Minister. Issue of licence discretionary.

(4) The holder of a licence shall produce and show it to any officer as often as reasonably requested by him. Production of licence on demand.

(5) No person who is not a resident British subject shall be the holder of a licence to trap fur-bearing animals. Trapping licences issued only to resident British subjects.

(6) No holder of a licence shall hunt, kill or take any game unless at that time he has the licence on his person and he shall wear in a conspicuous place on his person any badge which may be furnished him by the Department at the time of issue of the licence, and the licence with which a badge is furnished at the time of issue shall not be valid unless the holder is wearing the badge in the way required by this subsection. License to be carried on person. Badge to be worn.

(7) No person shall be the holder of more than one licence to hunt deer or moose in any year. *New.* Multiplicity of licences.

Licence obtained by misrepresentation.

(8) The holder of a licence obtained by false representations or by false and misleading statements made to the issuer in respect to the age, nationality, place of residence or other information necessary to be furnished at the time of the issuing of the licence shall be deemed to be the holder of a void licence and the holder may be prosecuted under this Act in the same manner and with the same effect as he could be prosecuted if he were not the holder of a licence. R.S.O. 1937, c. 353, s. 20 (1-7). *Amended.*

Issuers of licences.

22.—(1) No person unless authorized by this Act shall issue any licences or collect any fees in respect to them. R.S.O. 1937, c. 353, s. 23. *Amended.*

Licences not to be issued in blank.

(2) No issuer of licences shall issue and no person, while hunting or in a hunting camp or on his way to or from a hunting camp, shall possess a hunting licence which does not exhibit in the proper place the name of the possessor. R.S.O. 1937, c. 353, s. 21. *Amended.*

Licences not to be antedated.

(3) No issuer of licences shall issue and no person shall accept or receive any antedated licence. R.S.O. 1937, c. 353, s. 22. *Amended.*

Licence Fees.

Fees.

23. A licence may be issued,—

Residents,—

(a) to a resident and the licences and fees shall be,—

Deer.

(i) to hunt deer, where subclause ii does not apply. \$ 3.50
and an issuing fee of50

Farmers.

(ii) for a farmer actually living upon and tilling his own land in the Districts of Haliburton, Muskoka, Parry Sound, Nipissing and Manitoulin and that part of Ontario lying north and west of those Districts, to kill in the county or territorial district in which he resides one deer during the open season for his own use and not to be sold or bartered and restricted to one licence for each household.80
and an issuing fee of20

Moose.

(iii) to hunt moose. 5.50
and an issuing fee of50

Trapping.

(iv) for a British subject to hunt and trap fur-bearing animals. 4.50
and an issuing fee of50

- (v) for a person to use fire-arms or air-guns for hunting purposes pursuant to sub-section 1 of section 1085
 and an issuing fee of15 Fire-arms.
- (b) to an organized hunting camp of not fewer than four residents and the licence and fees shall be,— Hunting
camp.
- for each four holders of resident deer-
 licences \$ 3.50
 and an issuing fee of50
- R.S.O. 1937, c. 353, s. 24 (b-f). *Amended.* Non-
residents,—
- (c) to a non-resident and the licences and fees shall be,— Bear, birds
and rabbits.
- (i) to hunt bear, game, birds and rabbits. . \$15.00
 and an issuing fee of50
- (ii) to hunt deer, bear, game birds and rabbits 25.00 Deer.
 and an issuing fee of75
- (iii) to hunt moose, deer, bear, game birds and rabbits 74.00 Moose.
 and an issuing fee of 1.00
- (iv) to hunt bear from the 1st day of April to the 15th day of June provided that the holder of this licence shall not use a shot gun or a rifle commonly known as a twenty-two calibre low-powered rifle or a rim-fire rifle. 5.00 Bear.
 and an issuing fee of25

1944, c. 22, s. 7. *Amended.*

- (d) for a dog used by or accompanying any person while hunting deer or moose and the licence and fee shall be,— Dogs.
- licence fee \$ 1.85
 and an issuing fee of15

R.S.O. 1937, c. 353, s. 24, cl. (g). *Amended.*

24. A licence may be issued,—

- (a) to any person engaged in the business of cold storage of game and the fee shall be,— Cold
storage.
- (i) in cities \$ 5.00
- (ii) in all other municipalities 2.00

Game dealers.

(b) to any person to buy, sell or deal in any game, other than fur-bearing animals, that may be lawfully bought, sold or dealt in and the fee shall be,—

(i) in cities.....\$10.00

(ii) in towns..... 5.00

(iii) in all other places..... 2.00

Hotels, restaurants or clubs.

(c) to any hotel, boarding-house, camp, restaurant or club to buy, sell or possess any game, other than fur-bearing animals, that may be lawfully sold and the fee shall be,—

(i) in cities.....\$10.00

(ii) in towns..... 5.00

(iii) in other places..... 2.00

R.S.O. 1937, c. 353, s. 25 (a-c). *Amended.*

Fur dealers.

(d) to any person to buy, sell and deal in fur-bearing animals or their pelts and the fee shall be,—

(i) for a resident British subject on specific premises, to be known as “store licence”.....\$25.00

(ii) for a resident British subject where premises are not designated, to be known as “travelling fur buyer”..... 100.00

(iii) for a resident who is not a British subject..... 200.00

(iv) for a non-resident..... 200.00

(v) for a resident British subject on specific premises, to be known as “wholesale licence”..... 100.00

(vi) for non-resident wholesale buyers, purchasing direct from holders of a “wholesale licence”..... 5.00

(vii) for a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as “restricted licence”..... 1.00

R.S.O. 1937, c. 353, s. 26. *Amended.*



- (e) to any person engaged in the business of dressing, plucking, dyeing, tanning or treating pelts and the fee shall be..... 10.00 Tanners.

R.S.O. 1937, c. 353, s. 27. *Amended.*

- (f) to a resident or non-resident owning or operating a tourist outfitter's camp, and the fee shall be as prescribed by the regulations according to the accommodation available. R.S.O. 1937, c. 353, s. 28, *amended.* Tourist outfitters.

Royalties.

25.—(1) No person shall take or ship or attempt to take or ship to any point outside of Ontario any fur-bearing animal or its pelt or any bear or its skin or send or have sent any of them to a tanner or taxidermist to be tanned or plucked or treated in any way without a licence and without paying a royalty. Royalties payable.

(2) The royalties shall apply to any pelts or bear skins that are damaged or destroyed by any means, but they shall not apply, where the holder furnishes the Department with satisfactory proof by affidavit or statutory declaration of their origin,— Exceptions.

(a) to silver, black, cross and blue fox and mink, bred on fur-farms operating within Ontario under a licence; or

(b) to pelts imported from any place outside of Ontario. R.S.O. 1937, c. 353, s. 29; 1944, c. 22, s. 8. *Amended.*

(3) The Lieutenant-Governor in Council may prescribe the royalty payable under this section, and may exempt rabbit and squirrel from the provisions of subsections 1 and 2. *New.* Amount of royalty.

(4) Notwithstanding anything in this section any person holding the proper hunting licence may without any other licence and without paying royalty take or export to a point outside Ontario any bear taken or killed by him or its skin, or may have the skin tanned, plucked or treated in any way within Ontario. 1939, c. 16, s. 1. *Amended.* Bear exempt.

Seasons for Animals.

26. No person shall hunt, kill or destroy,—

Open season.

Deer and
moose north
of C.N.R.

- (a) except from and including the 20th day of September to and including the 25th day of November, in any year, any deer or moose in that part of Ontario lying north of the main line of the Canadian National Railway from Quebec to the Manitoba boundary; R.S.O. 1937, c. 353, s. 7, cl. (a). *Amended.*

Deer and
moose north
of Lake
Nipissing,
French and
Mattawa
Rivers.

- (b) except from and including the 15th day of October to and including the 25th day of November, in any year, any deer or moose in that part of Ontario lying south of the main line of the Canadian National Railway from Quebec to the Manitoba boundary and north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Cascaden Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Cascaden, Ermatinger, 107, 113 and 120 to the northwest angle of 120 Township; thence southerly along the westerly boundary of 120 Township to the southwest angle of 120 Township; thence westerly along the southerly boundaries of Townships 125, 132, 139, 145, 151, 157, 163 and 169 in the District of Algoma to the Kendogami River; thence northerly along the Kendogami River to Lake Kendogami; thence northerly along the westerly boundaries of Townships 3B and 4B in the District of Algoma, to the northwest angle of 4B Township; thence westerly along the southerly boundaries of Townships 5C, 5D, 5E and 5F to the southwest angle of 5F Township; thence northerly along the westerly boundaries of Townships 5F, 6F and 7F to the northwest angle of 7F Township; thence westerly along the southerly boundaries of Townships 8G, 8H, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14, to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, but the provisions of this clause shall not apply to moose in those parts described as,—

Exception
as to moose.

- (i) that portion of Ontario bounded on the north by the road running east from Westree on the line of the Canadian National Railway through Shiningtree, Gowganda and Elk Lake

to Highway Number 11 south of Englehart; thence south along Highway Number 11, through Earlton, Thornloe and Hanbury to New Liskeard; thence east and north along the road from New Liskeard to the inter-provincial boundary; thence southerly along the interprovincial boundary, Lake Temiskaming and the Ottawa River to the confluence of the Ottawa and Mattawa Rivers; thence westerly along the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence northerly along the Toronto-Sudbury branch of the Canadian Pacific Railway to its intersection with the line of the Canadian National Railway south of Wanup, and continuing northerly along the line of the Canadian National Railway from the aforesaid intersection to the point of commencement,

- (ii) that portion of Ontario bounded on the north by the main line of the Canadian National Railway running east from the Manitoba boundary to Superior Junction; thence south-easterly along the line of the Canadian National Railway from Superior Junction to Fort William; thence southwesterly along the north shore of Lake Superior to the mouth of the Pigeon River; thence westerly along the International Boundary from the mouth of the Pigeon River to the Manitoba boundary at the North West Angle Inlet of the Lake of the Woods; thence northerly along the Manitoba boundary from the North West Angle Inlet of the Lake of the Woods to the point of commencement; 1944, c. 22, s. 3 (1).
Amended.

- (c) except from and including the 1st day of November to and including the 25th day of November in each year any deer or moose in that part of Ontario being the District of Manitoulin and parts of the Districts of Algoma and Sudbury, which may be more particularly described as lying south of the southerly boundary of the area defined in clause *b*, and north of the French River, but excepting there-out St. Joseph's Island in the District of Algoma and Manitoulin Island and Fitzwilliam Island in the District of Manitoulin;
- Deer and moose in Manitoulin, Sudbury and Algoma.

Deer and moose on St. Joseph's, Manitoulin and Fitzwilliam Islands.

- (d) except from and including the 10th day of November to and including the 25th day of November in each year any deer or moose on St. Joseph's Island in the District of Algoma and on Manitoulin Island and Fitzwilliam Island in the District of Manitoulin; R.S.O. 1937, c. 353, s. 7, cl. (c). *Amended.*

Deer in counties and townships.

- (e) at any time any deer in the Counties of Brant, Bruce, Carleton, Dufferin, Dundas, Durham, Elgin, Essex, Glengarry, Grenville, Grey, Haldimand, Halton, Huron, Kent, Lambton, Leeds, Lincoln, Middlesex, Norfolk, Northumberland, Oxford, Peel, Perth, Prince Edward, Simcoe, Stormont, Waterloo, Welland, Wellington, Wentworth and York, the Township of Howe Island in the County of Frontenac, the Townships of Scott and Brock and all townships lying south thereof in the County of Ontario and the Township of Cambridge in the County of Russell, except during such times and in such of those Counties or parts thereof and under such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;

Deer in Parry Sound, Muskoka, Haliburton, Victoria, Peterborough, Nipissing.

- (f) except for a period of sixteen days in each year from and including the first Monday in November, any deer in the Districts of Parry Sound, Muskoka, the Provisional County of Haliburton, the Counties of Victoria and Peterborough, and that part of the District of Nipissing lying south of the Mattawa River, north of the northerly boundary of Algonquin Park, and west of the westerly boundary of Algonquin Park;

Deer south of French and Mattawa Rivers and Lake Nipissing.

- (g) except for a period of sixteen days in each year from and including the second Monday in November, any deer in that part of Ontario lying south of the French and Mattawa Rivers and Lake Nipissing and not included in those parts of Ontario described in clauses *e* and *f*; 1944, c. 22, s. 3 (2). *Amended.*

Caribou or wapiti.

- (h) at any time, any caribou or wapiti, or possess the whole or any part of the carcass of either of them; R.S.O. 1937, c. 353, s. 7, cl. (g). *Amended.*

Moose south of French and Mattawa Rivers.

- (i) at any time any moose in that part of Ontario lying south of the French and Mattawa Rivers and in those parts of Ontario described in subclauses *i* and *ii* of clause *b*, except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe; R.S.O. 1937, c. 353, s. 7, cl. (h); 1938, c. 13, s. 4 (2). *Amended.*

27.—(1) No person shall at any time hunt, take, or kill ^{Beaver.} any beaver, or possess the carcass, pelt or any part of any beaver, except during such period and on such terms and conditions as the Lieutenant-Governor in Council may prescribe, but the Minister may at any time by order in writing authorize the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in which, in the opinion of the Minister, beaver are causing damage to a highway or to property of His Majesty or private property, and the beaver taken or killed shall be accounted for and delivered to the Department. R.S.O. 1937, c. 353, s. 9 (1); s. 32 (3). *Amended.*

(2) No person shall hunt, take or kill, or possess the carcass, pelt or any part of,—

- (a) any gray or black squirrel except during such periods ^{Squirrel.} and on such terms and conditions as the Lieutenant-Governor in Council may prescribe; R.S.O. 1937, c. 353, s. 9 (5). *Amended.*
- (b) any fisher, fox, marten, mink or otter except from ^{Fisher, fox, marten, mink and otter.} and including the 1st day of November to and including the 28th day of February next following;
- (c) any raccoon except from and including the 1st day of ^{Raccoon.} November to and including the 31st day of December next following; R.S.O. 1937, c. 353, s. 9 (3, 4). *Amended.*
- (d) any musk-rat except in such localities and during ^{Musk-rat.} such periods as the Minister may authorize in writing; 1938, c. 13, s. 5. *Amended.*

(3) No person shall,—

- (a) at any time shoot or spear any musk-rat, beaver or ^{Musk-rat, beaver and otter.} otter; R.S.O. 1937, c. 353, s. 31 (1) *part.* *Amended.*
- (b) at any time hunt, take, kill or molest any female ^{Female moose and moose calves.} moose of any age or any male moose under the age of one year;
- (c) at any time hunt, take, kill or molest any female ^{Female deer and deer under one year.} deer of any age or any male deer under the age of one year except under subsections 3 and 4 of section 28;
- (d) hunt, take, kill or molest any deer while it is swimming ^{Swimming deer.} in any waters. R.S.O. 1937, c. 353, s. 33 (1-3). *Amended.*

Bag Limits for Animals.

Number of deer which residents may take.

28.—(1) No resident shall during any one year or season take or kill more than one male deer over one year of age under a resident deer-licence and one bull moose over one year of age under a moose licence but this subsection shall not apply to deer which are the private property of any resident, and which are killed or taken by him or by his direction or with his consent in or upon his own land in accordance with section 38.

Number of deer which non-residents may take.

(2) No non-resident shall during any one year or season take or kill more than one male deer over one year of age and one bull moose over one year of age under a non-resident hunting licence.

Aggregate kill of deer.

(3) Notwithstanding subsections 1 and 2 a party of two or more persons hunting together and holding licences may kill one female deer of any age or one male deer under the age of one year for every two persons of the party, but those persons shall not take or kill in the aggregate more than one deer for each person of the party.

Deer taken under camp licence.

(4) Notwithstanding subsections 1 and 3 a hunting party of four or more residents having a camp licence or camp licences may, in addition to the aggregate kill in subsection 3, kill one deer for each camp licence held by the party. R.S.O. 1937, c. 353, s. 34 (1-4). *Amended.*

Exception.

(5) Subsections 1, 2, 3 and 4 shall not apply to deer killed in the counties and townships enumerated in clause *e* of section 26 under the authority of regulations made under clause *e* of section 26. *New.*

Cotton-tail rabbits.

(6) No person shall take, kill or destroy more than six cotton-tail rabbits in any one day in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland and York. 1938, c. 13, s. 8 *part*; 1939, c. 16, s. 2 (2); 1944, c. 22, s. 11 (3). *Amended.*

Protection of Animals.

29. No person shall,—

Protection of musk-rat and beaver houses.

(a) cut, spear, break or destroy at any time a musk-rat house or beaver house or beaver dam, or set or place a trap closer than five feet to a beaver house or musk-rat house, burrow, feed-house or push-up;

Dens of fur-bearing animals.

(b) molest, injure or destroy a den or usual place of habitation of any fur-bearing animal other than a skunk; R.S.O. 1937, c. 353, s. 31 (1, 2). *Amended.*

SECTION 29—Clause *g*. This is new and is self-explanatory.

- (c) trap or take any deer or moose by means of traps, nets, snares, baited line or other similar contrivances or set any of them for those animals at any time and if set any person may destroy them without incurring any liability; R.S.O. 1937, c. 353, s. 40 (1). *Amended.* Game not to be taken by traps or snares.
- (d) while having in his possession any device capable of throwing or casting rays of light upon an object, have in his possession during the period between one-half hour after sunset and one-half hour before sunrise any rifle or other fire-arm capable of killing deer or moose unless that rifle or fire-arm is unloaded, encased or dismantled; Device for casting rays.
- (e) use snares for any purpose in the Counties of Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria and York, provided that snares may be used for the taking of wolves in the Townships of Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April; R.S.O. 1937, c. 353, s. 40 (2); 1939, c. 16, s. 2 (2); 1944, c. 22, s. 11 (1, 2). *Amended.* Snares prohibited in certain counties. Proviso.
- (f) use snares for any purpose in any part of Ontario during the open season for deer and moose in that part and during a period of one month immediately preceding the open season; Snares in open seasons.
- (g) use snares for the taking of beaver at any time; or *New.* Snares for beaver prohibited.
- (h) when using ferrets in hunting rabbits use at the same time the hands or any contrivances other than a fire-arm in the actual taking of the rabbits. R.S.O. c. 353, s. 40 (3, 4). *Amended.* Ferrets.

30.—(1) No person shall use or be accompanied by a dog commonly known as a police dog or any cross-breed thereof while hunting deer or moose. Police dogs not to be used in hunting big game.

(2) While hunting deer or moose no person alone shall use or be accompanied by a dog, but a party of two or more, four or more, six or more or eight or more may use and be accompanied by not more than one, two, three or four dogs respectively. Number of dogs allowed in hunting big game.

Dogs at large.

(3) No person owning, harbouring or claiming to own a dog shall allow it to run at large during the closed season for deer in a locality which deer, moose, caribou or wapiti usually inhabit or in which they are usually found.

Power to kill dogs at large on sight.

(4) A dog found running deer, moose, caribou or wapiti during the closed season for deer in that locality shall be deemed to be at large with the leave of the owner and may be killed on sight by an officer without being liable for damages to any other person or to a penalty.

Notice to be given of dogs lost in hunting.

(5) A person who loses a dog while used in the hunting of deer or moose and is unable to find it at the end of the hunt shall immediately report the loss to the Department in writing giving a description of the dog and the locality in which it was lost. R.S.O. 1937, c. 353, s. 35. *Amended.*

Dogs not to be used for hunting small game.

31.—(1) No owner of a dog shall use it or allow it to be used in any manner for the hunting, taking or killing of any mink, beaver or otter.

Greyhounds.

(2) No owner of a dog commonly known as a greyhound, or any cross-breed thereof, shall allow it to pursue game or run at large on Sunday in any area which game usually inhabit or in which game is usually found.

“Owner”, defined.

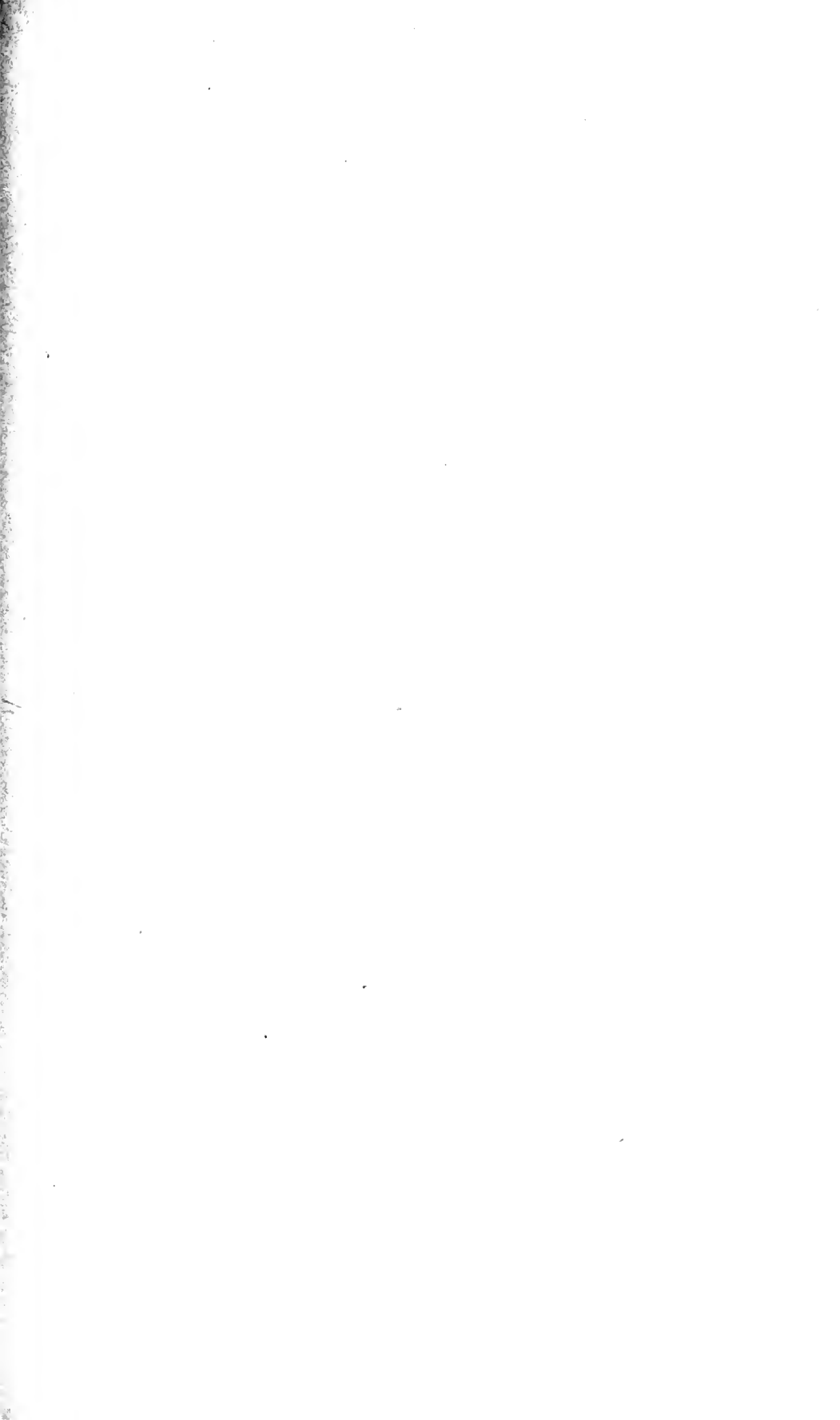
(3) In this section “owner” shall include any person having a dog in his possession or charge or under his control. 1944, c. 22, s. 10. *Amended.*

Power to take fur-bearing animals for preservation of property.

32. Nothing in this Act shall apply to any person taking or destroying any fur-bearing animal, other than beaver, on his own lands, in defence or preservation of his property by any means at any time, but he shall within ten days report the pelts of those animals in respect of which there is a closed season to the Department and he shall not offer them for sale or barter during the closed season except under a licence and any fur dealer possessing the pelts shall hold the licence and forward it to the Department when applying for a licence to ship them out of Ontario or to dress or tan them. R.S.O. 1937, c. 353, s. 32 (1). *Amended.*

Possession of unprime skins prohibited.

33. No person shall without lawful excuse have in his possession or in the possession of his servant or agent or any other person on his behalf at any time any pelts while they



are in an unprime condition, except the pelts of musk-rat taken in accordance with section 32. R.S.O. 1937, c. 353, s. 31 (3). *Amended.*

Seasons for Birds.

34. No person shall hunt, kill or destroy any ruffed grouse, spruce partridge, Hungarian partridge, pheasant, sharp-tailed grouse, prairie-hen, ptarmigan, quail or wild turkey, except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe. R.S.O. 1937, c. 353, s. 7, cl. (e). *Amended.* Open season for grouse and other birds.

35. No person shall shoot, destroy, wound, molest, take or possess, or attempt to shoot, destroy, wound, molest or take any bird protected by this Act, during a closed season, or any other wild native bird at any time, including ospreys and eagles, but excluding hawks, owls, crows, cow-birds, blackbirds, starlings and house-sparrows. R.S.O. 1937, c. 353, s. 8 (1). *Amended.* Wild native birds.

Protection of Birds.

36.—(1) No person shall use, set or maintain any net, trap, snare, springe, cage or other appliance for the purpose of capturing or killing any bird protected under section 35, and any person may destroy those appliances, where so used, set or maintained, without incurring any liability therefor and without penalty. R.S.O. 1937, c. 353, s. 8 (2). *Amended.* Traps and snares prohibited.

(2) No owner of a dog shall allow it to molest or follow upon the track of any wild game bird or disturb its nest during the months of April, May, June or July in any year, except in any field trial approved by the Department. 1944, c. 22, s. 10, cl. (c). *Amended.* Restricted use of dogs.

37. No person shall take or possess at any time any live bird protected by this Act or take, destroy or possess its eggs or nests, except a holder of a licence to engage in the business of propagating the birds or to take or possess the eggs or nests for educational or scientific purposes. R.S.O. 1937, c. 353, s. 43. *Amended.* Live birds, eggs and nests protected.

Protection of Game.

38. Notwithstanding anything in this Act, a person who puts, breeds or imports game, other than fur-bearing animals, upon his own land for the purpose of breeding and preserving them may hunt, take or kill that game during the open seasons for the territory in which the game is kept. R.S.O. 1937, c. 353, s. 30. *Amended.* Breeders of game.

Possession
of game
in closed
seasons.

39. No person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any game wherever killed or procured, except that,—

deer, moose
and birds.

(a) any deer, moose, or bird protected by this Act, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the next following year, unless otherwise provided under the regulations;

fur-bearing
animals
taken in
Ontario.

(b) any pelts of animals taken in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which they were taken;

fur-bearing
animals
taken out-
side of
Ontario.

(c) any pelts of animals taken outside of Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelts are received; and

donations
of deer or
moose.

(d) any person who has lawfully taken and lawfully possesses any deer or moose may donate to any other person for his own use or for the use of his immediate family any portion of the deer or moose when there is attached to the donated portion a statement signed by the donor exhibiting his full name and address and the number of the licence under which the animal was taken. R.S.O. 1937, c. 353, s. 37. *Amended.*

Purchase
or sale
of game
prohibited.

40. No person shall sell or purchase any bird mentioned in section 34, or any deer, moose, caribou or wapiti, or expose any of them on any commercial premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them, but any person may propagate, buy or sell any pheasant or quail under a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe. R.S.O. 1937, c. 353, s. 38. *Amended.*

Exception
as to
quail and
pheasant.

Cotton-tail
rabbits.

41. No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of any cotton-tail rabbits in those counties named in subsection 6 of section 28. 1938, c. 13, s. 8, *part*; 1939, c. 18, s. 2 (3); 1944, c. 22, s. 11 (4). *Amended.*

Poison
prohibited.

42. No person shall take or kill, or attempt to take or kill, any game by using poison, and possession of poison by any trapper shall be *prima facie* evidence that it was used by him



SECTION 47.—This is new and self-explanatory.

in violation of this section; but the Department may issue to a limited number of trappers licences to use poison for the taking of wolves. R.S.O. 1937, c. 353, s. 39. *Amended.* ^{Exception as to wolves.}

43. No person shall discharge any air-gun, gun, rifle or other fire-arm in any locality which game usually inhabit, or in which game is usually found between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following or between one-half hour after sunset and one-half hour before sunrise at any other time, except as may be provided by regulations. 1939, c. 16, s. 3. *Amended.* ^{Shooting prohibited at certain times.}

44. No person shall for hire, gain or reward, or hope thereof, hunt, take or kill any game, or employ, hire or for valuable consideration induce any other person to do any of those acts. R.S.O. 1937, c. 353, s. 42. *Amended.* ^{Hunting for hire prohibited.}

45. Nothing in this Act shall prevent the importation of game into Ontario from any place outside of Ontario where it is accompanied by an affidavit or statutory declaration, satisfactory to the Department, that the game was legally taken. R.S.O. 1937, c. 353, s. 55. *Amended.* ^{Importation of game.}

46.—(1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one bull moose, all bears or their skins, one hundred ducks, fifty geese and small game animals and birds not in excess of the number authorized to be taken or killed by this Act in respect to which open seasons are provided. 1939, c. 16, s. 7 (1); 1944, c. 22, s. 13. *Amended.* ^{Export of game by non-residents.}

(2) The holder of the licence shall attach the shipping coupon to each of those animals or to the receptacle containing them, or any part of them, or containing birds. R.S.O. 1938, c. 353, s. 59 (2); 1939, c. 16, s. 7 (2). *Amended.* ^{Coupons.}

47. No lease or conveyance having for its principal purpose or one of its principal purposes the granting of the exclusive rights to any person to hunt game on any property shall be valid unless the lease or conveyance has been submitted to and approved in writing by the Minister. *New.* ^{Lease of hunting rights.}

Fish and Frogs.

48. The Lieutenant-Governor in Council may set apart any waters for the natural or artificial propagation of fish. R.S.O. 1937, c. 353, s. 48. *Amended.* ^{Waters set apart for propagation of fish.}

49.—(1) No person shall angle for or take fish by any means from waters set apart for the propagation of fish, under section 48, but the Department may take fish for the stocking and rearing of fish for public waters or may permit ^{Fishing in protected waters prohibited.}

fish to be taken for scientific purposes. R.S.O. 1937, c. 353, s. 49 (1). *Amended.*

Angling in licensed waters restricted.

(2) No person shall, for purposes of sale or traffic, angle for or take fish in fishing grounds or waters licensed for the purpose of net fishing and occupied by the holder of a licence for that purpose, or angle for any purpose within twenty-five yards of a pound net. R.S.O. 1937, c. 353, s. 49 (5). *Amended.*

No traffic in certain fish.

50.—(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 or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout or Aurora trout, where they are propagated by the holder of the licence.

Idem.

(2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of yellow pickerel (also called pike-perch or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a licence.

Prohibition against buying, selling and possessing fish taken out of season. R.S.C., c. 73.

(3) No person shall buy, sell or possess any fish or portion of any fish, taken from Ontario waters during a closed season for that fish under the *Fisheries Act* (Canada). R.S.O. 1937, c. 353, s. 49 (6-8). *Amended.*

Artificial lights.

51. Except under a licence, no person shall use artificial lights for the taking of frogs. 1938, c. 13, s. 11. *Amended.*

Buoys on nets.

52.—(1) Every person who sets a net for the taking of fish shall attach a buoy to each end of it when in use.

Nets and poles to bear identification marks.

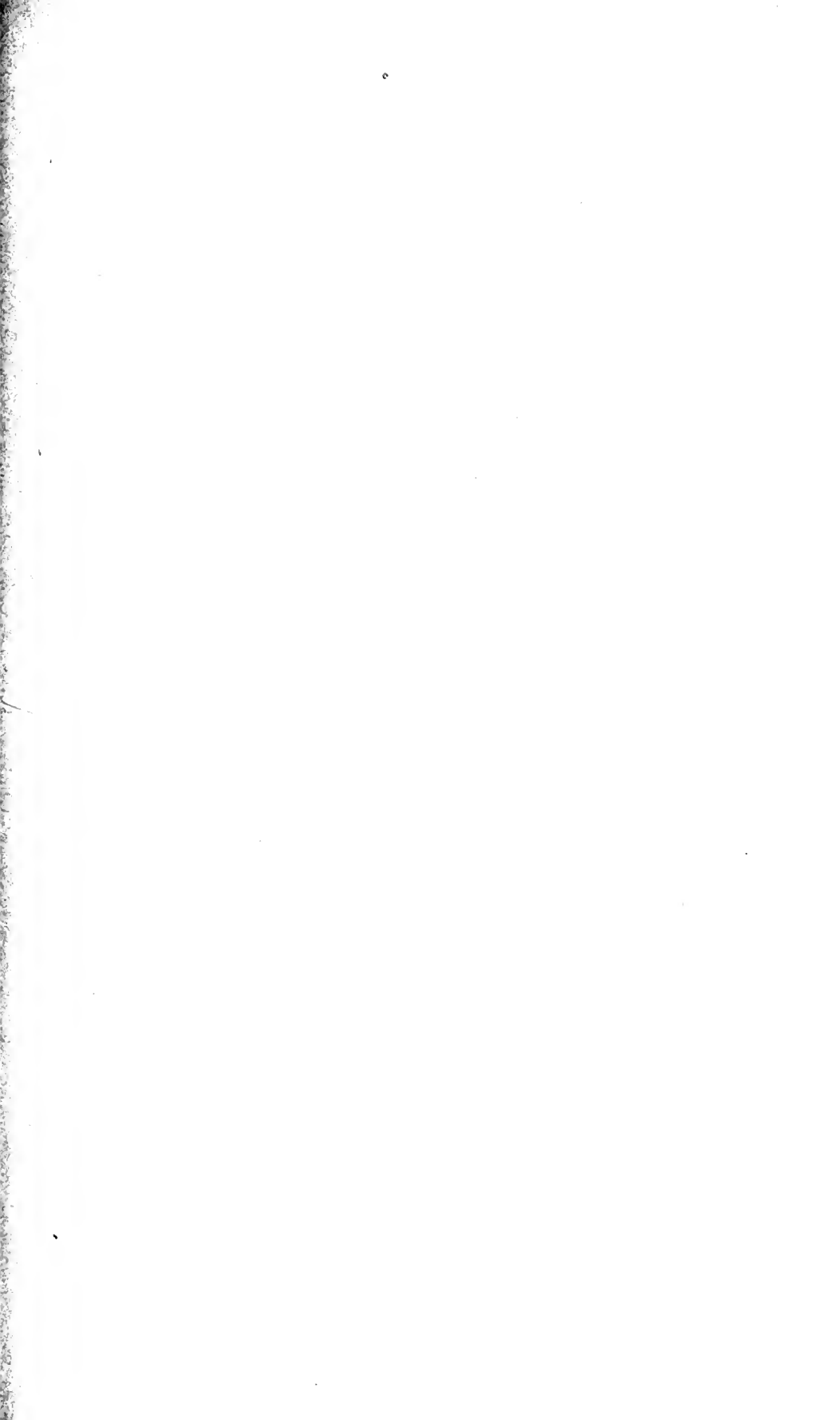
(2) Every person who sets a net, or uses a pole for setting baited hooks, shall attach to it the name of the owner legibly marked on two pieces of metal or wood and he shall so preserve those marks during the fishing season as to be visible without taking up the net or pole, and any net or pole without those marks, and the hooks attached to the pole, shall be liable to confiscation. R.S.O. 1937, c. 353, s. 49 (2). *Amended.*

Joint liability of owner and agent.

53. Where a fishery is in charge of any person other than the owner, either as occupant or servant, and any of the provisions of this Act are violated by that person or by the owner, they shall be jointly and severally liable for any penalties incurred and all damages recoverable in respect to the violation. R.S.O. 1937, c. 353, s. 49 (3). *Amended.*

Exclusive right to fish in navigable waters only by express grant.

54.—(1) The grant by patent, issued before or after the passing of this Act, of the bed of any navigable water, or of any lake or river shall not carry or include the exclusive right of fishing in the water which covers or flows over the land granted unless that exclusive right is expressly granted by the patent. R.S.O. 1937, c. 353, s. 4. *Amended.*



SECTION 56—Subsection 1, clause *a*. This clause is designed to restrict the operation of present section 44 so as to keep it within the powers of the Legislature.

Clause *b*. This clause is designed to define "King's Highway" referred to in present section 41 of the Act.

(2) No lease or conveyance made on or after the 26th day of June, 1939, granting exclusive rights to any person in or along any stream or lake which has been stocked with fish of any variety by the Department at any time after the 1st day of May, 1934, shall be valid unless the lease or conveyance has been submitted to and approved by the Minister. 1939, c. 16, s. 9. *Amended.*

Lease of fishing rights.

General Provisions.

55. No person who has taken or killed any bird, animal or fish, suitable for food, shall allow the flesh to be destroyed or spoiled, and no person who has taken or killed a fur-bearing animal shall allow the pelt to be destroyed or spoiled. R.S.O. 1937, c. 353, s. 36. *Amended.*

Flesh and pelt not to be wasted.

56.—(1) No person, while engaged in hunting or trapping game, or while going to or returning from a hunting camp or locality which game inhabits or where game is usually found, shall,—

(a) carry a loaded air-gun, shot-gun, rifle, or other fire-arm in or on, or discharge any of them from an aeroplane, motor car or other vehicle; or R.S.O. 1937, c. 353, s. 44, *part.* *Amended.*

Fire-arms in vehicles.

(b) discharge any of them from or across a highway within the meaning of *The Highway Traffic Act*. 1944, c. 22, s. 12.

Discharge of fire-arms.

Rev. Stat., c. 288.

(2) An air-gun, shot-gun, rifle or other fire-arm carrying loaded shells or cartridges in the magazine shall be deemed to be loaded within the meaning of clause *a* of subsection 1. R.S.O. 1937, c. 353, s. 44, *part.* *Amended.*

Loaded fire-arm.

57.—(1) No person shall,—

(a) hunt any protected or unprotected bird or animal with an automatic or auto-loading shot-gun, in which the recoil is utilized to reload the gun, or carry a gun of this description for those purposes; 1938, c. 13, s. 9; 1939, c. 16, s. 4 (1), *part.* *Amended.*

Automatic shot-gun.

(b) in those parts where pheasant may be legally taken, killed or shot, hunt any protected or unprotected bird or animal with a rifle or possess a rifle for that purpose during the open season for pheasants; 1939, c. 16, s. 4 (2). *Amended.*

Use of rifle restricted.

(c) while employed in any lumber or mining camp or in connection with the construction or maintenance of

Certain employees not to carry fire-arms.

any railway or public work, possess in the vicinity of any of them any gun or other fire-arm except under a licence, but this clause shall not apply to a resident employed by a railway company who does not carry or possess a fire-arm on a railway velocipede or hand-car however propelled; or 1938, c. 13, s. 10. *Amended.*

Hunting equipment not to be used on Crown game preserves.

(d) possess or carry or use on Crown lands which have been designated by the Lieutenant-Governor in Council as a Crown game preserve, any fire-arm, trap or snare or any instrument for hunting, trapping, catching or killing any bird or animal, except as permitted by this Act. R.S.O. 1937, c. 353, s. 47 (2). *Amended.*

Exception.

(2) Clause *a* of subsection 1 shall not apply to any automatic or auto-loading shot-gun which has been reconstructed and plugged so as to be incapable of holding more than three shells at one time, one shell in the barrel and the others in the magazine. 1938, c. 13, s. 9; 1939, c. 16, s. 4 (1), *part.* *Amended.*

Special licence.

(3) During the open season for deer and moose a licence to hunt deer or moose shall be deemed to be a licence within the meaning of clause *c* of subsection 1. R.S.O. 1937, c. 353, s. 46 (2). *Amended.*

Entrance upon growing crops.

58.—(1) No person shall, at any time, with any sporting implement or fishing rod or tackle in his possession, enter or allow any dog to enter into any growing or standing grain or any other crop, whether of the same kind or not, without the permission of the owner.

Entrance without notice.

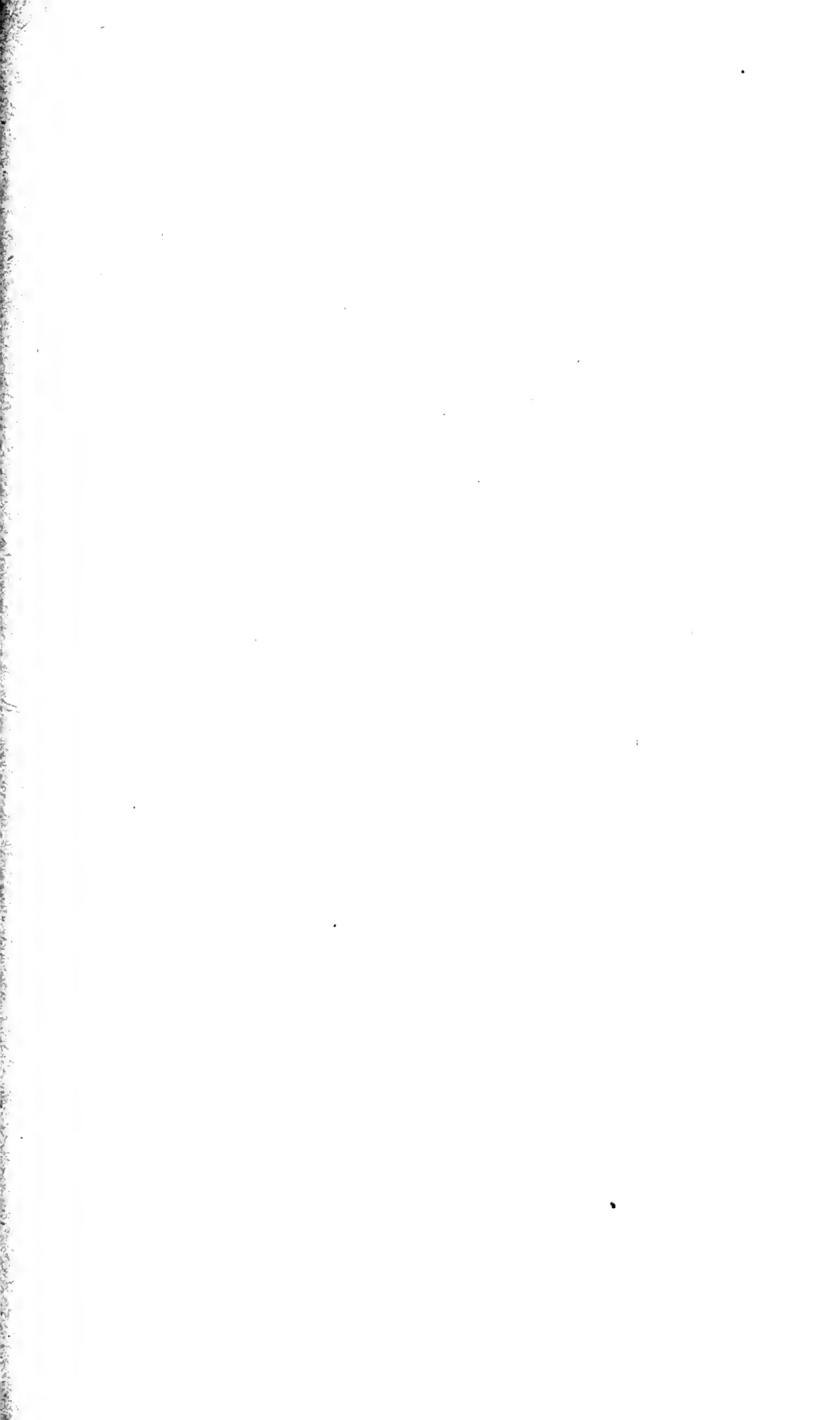
(2) No person shall at any time hunt or fish or with any sporting implement, fishing rod or tackle in his possession, go upon any enclosed or unenclosed land or water after he has had notice not to hunt or fish thereon by the owner, but this subsection shall not apply to any person travelling upon any water when the sporting implement, fishing rod or tackle is so encased or dismantled as to prevent its use while in transit. 1942, c. 18, s. 2 (1-2). *Amended.*

Notice of prohibition.

(3) The notice in subsection 2 may be given,— R.S.O. 1937, c. 353, s. 65 (2). *Amended.*

(a) in writing; or R.S.O. 1937, c. 353, s. 65 (2), cl. (a).

(b) by maintaining sign-boards at least one foot square and not more than eighty rods apart on or near the boundary of the land intended to be protected, or upon the shores of any water covering the land, or any part of the land, bearing in a conspicuous



manner words in the following form or to the like effect: "Hunting, shooting or fishing is prohibited".
R.S.O. 1937, c. 353, s. 65 (2), cl. (b). *Amended.*

(4) No person shall,—

(a) without authority put up or cause to be put up the notice in clause *b* of subsection 3 on land of which he is not the owner; or

Wrongful
erection or
destruction
of notices.

(b) tear down, remove, injure, deface or interfere with any notice put up pursuant to this section or any notice or sign posted or placed by the Department.
R.S.O. 1937, c. 353, s. 47 (1) and s. 65 (3), cl. (a-b).
Amended.

(5) No person shall trespass upon, or without proper authority enter upon, the lands owned by the Crown designated as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break, or cut through the fences surrounding the lands for the purpose of entering on them or, while on the lands, possess or carry or use any spear, fire-arm, fishing net, fishing tackle, night-line or other contrivance or instrument for the hunting, trapping, fishing, spearing, catching or killing of any fish, bird or animal except as may be permitted by this Act. R.S.O. 1937, c. 353, s. 65 (5). *Amended.*

Trespassing
on experi-
mental
farms.

(6) In this section "owner" shall include any person who is the owner of an interest in any land entitling him to the possession of it, but shall not include the holder of a timber licence. 1942, c. 18, s. 2 (2). *Amended.*

"Owner".

(7) Nothing in this section shall limit or in any way affect the remedy at common law of any owner for trespass. R.S.O. 1937, c. 353, s. 65 (4).

Common
law remedy
for trespass.

59.—(1) No person shall sublet, transfer or assign any right, interest, or privilege granted to or conferred upon him under this Act, without the written consent of the Minister.

Transfer
of right or
privilege.

(2) The Deputy Minister may, subject to appeal to the Minister, cancel any licence where an error has been made when issuing it from any cause, but the holder shall have no claim for indemnity or compensation with respect to it other than the adjustment and refund of any excess fee collected. R.S.O. 1937, c. 353, s. 50 (1-2). *Amended.*

Cancell-
ation of
licence in
event of
error.

60. No hotel, restaurant, boarding-house, camp or club shall serve as a part of a meal any game or fish under any pretended name, or serve under a false name any article of food classified as any game or fish the sale of which is prohibited under this Act. R.S.O. 1937, c. 353, s. 51. *Amended.*

Food
falsely
described.

Coupons on
hunting
licences.

61.—(1) There shall be attached to every hunting licence one or more shipping coupons plainly marked with the description of the game, for hunting which, the licence is issued, and there shall be printed or stamped upon the coupon the date of expiry, which shall not be later than four days after the last day of the open season for which the licence is issued.

Detachment
and can-
cellation
of coupons
upon ship-
ment of
big game.

(2) Where any deer or moose, or any part of them, is presented for shipment to a common carrier, a coupon shall be detached from the licence and signed by the holder of the licence in the presence of the shipping agent or clerk in charge of the office at the point of shipment and attached to each animal or part thereof or to the receptacle containing it, and then the shipping agent or clerk shall write "cancelled" across the face of the coupon, but where the animal or any part of it is transported by other than a common carrier the coupon shall be attached to the animal or part of it and similarly cancelled by the holder of the licence before transporting it.

Offences
related to
shipping.

(3) No person shall violate any provision of subsections 1 and 2 or use an expired coupon or ship or assist in shipping anything without a coupon where a coupon is by this Act required. R.S.O. 1937, c. 353, s. 54 (1-3). *Amended.*

Power of
inspection
by officers.

62. No person employed by a railway company, express company, or other common carrier or engaged in the business of cold storage, or lumbering, or dealing in game and fish, or in charge of any camp near any fishery or near any place which game inhabit or where game is usually found, or holding a licence, or owning or in charge of a motor vehicle, aeroplane, or any other flying machine, shall refuse to allow an officer to enter and inspect any railway car, building, premises, enclosure or motor vehicle, aeroplane, or any other flying machine, or any receptacle for the purpose of examining all game and fish taken, and all implements and appliances for hunting and fishing, or refuse an officer examination of any book, invoice or document containing any entry or memorandum relating to game and fish, which the officer suspects of being killed or possessed in violation of this Act, but he shall afford every reasonable facility for the examination and upon refusal the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct the examination. R.S.O. 1937, c. 353, s. 52. *Amended.*

63.—(1) No railway or express company, or other common carrier, or any other person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport,—

- (a) any deer or moose or the head or any other part of them unless there is attached to it or the receptacle containing it, a shipping coupon detached from a licence; R.S.O. 1937, c. 353, s. 53 (1); 1939, c. 16, s. 51. *Amended.* Transport of deer or moose.
- (b) the head or antlers or both of any moose, unless there are produced at the same time at least the hind quarters of the carcass to which the head or antlers or both belonged; Transport of moose head or antlers.
- (c) any deer or moose or any part of them during the closed season or after the expiry of the shipping coupon attached thereto, except under a licence; or R.S.O. 1937, c. 353, s. 53 (2-3). *Amended.* Transport of big game in closed season.
- (d) fish or game caught, taken or killed within Ontario at a time or in a manner prohibited by law. R.S.O. 1937, c. 353, s. 56. *Amended.* Transport of fish or game illegally taken.

(2) No person shall during the transporting of any deer or moose or the head or other part of them, conceal or attempt to conceal the whole or any part of the carcass. R.S.O. 1937, c. 353, s. 53 (5). *Amended.* Carcass concealed during transport.

(3) The Department may issue at any time a licence to transport deer or moose or any part of them, upon proof by affidavit or statutory declaration satisfactory to the Department that the deer, moose or part thereof has been lawfully taken. R.S.O. 1937, c. 353, s. 53 (4). Transport of deer, moose, etc., without shipping coupon.

64.—(1) All receptacles in which game or fish or pelts or the skins of any other protected animals are packed for transportation, including transportation by hand or otherwise, shall be plainly marked on the outside in such a manner as to give a list and description of the contents and the name and address of the consignee and consignor. Receptacles to be marked.

(2) Shipments of pelts shall only be made by express or parcel post, and no shipment of pelts shall be made by aeroplane or in any other manner not provided for in this subsection, except under the authority of a licence. R.S.O. 1937, c. 353, s. 58; 1939, c. 16, s. 6. *Amended.* Shipment of pelts.

65. The Department may issue licences, not inconsistent with any law of Canada, to export from Ontario or to transport within Ontario, at any time, any game or fish, whether dead or alive. R.S.O. 1937, c. 353, s. 57. *Amended.* Transport of game or fish under licence.

66. The Minister may direct the refund of the whole or any part of the fee paid for any licence, where, owing to the Refund of fees.

licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made to the holder of the licence. R.S.O. 1937, c. 353, s. 60. *Amended.*

Revenue.

67. Save as otherwise provided by this Act all rentals, licence fees, fines, penalties, proceeds of the sales of game and fish, and of all articles confiscated, and other receipts, fees and revenue under this Act, or under any lease, licence or instrument by this Act authorized, shall be paid to the Treasurer of Ontario. R.S.O. 1937, c. 353, s. 5. *Amended.*

Procedure.

Prosecu-
tions.

68.—(1) Prosecutions for offences against this Act or for the recovery of penalties imposed by it, may be brought and heard before any magistrate for the county, district, village, town or city in which the offence was committed, but where the offence was committed near or on a boundary line between two counties or between two districts or between a county and a district the prosecution may be brought and heard before a magistrate in either of them.

Limitation.

(2) The information upon which the prosecution is based, shall be laid within twelve months after the commission of the offence, except where the prosecution is for omission to make any return required by this Act.

Offences.

(3) A violation of this Act or of the regulations or of the terms or conditions of a licence shall be, and may be stated as, an offence against this Act.

Description
of offence.

(4) The description of an offence in the words of this Act or of the regulations, or in any words to the like effect shall be sufficient, and an information may be for more than one offence.

Multiple
offences.

(5) A violation of this Act shall constitute a separate offence in respect to each animal or bird which is the subject of the prosecution.

Similar
offences
on the
same day.

(6) Where at the trial of any prosecution under this Act it appears in evidence that more than one offence of the same kind was committed at the same time, or on the same day, the court shall in one conviction impose all the penalties at the same time.

Committal
of non-
payment
of penalty.

(7) The court shall in the conviction adjudge that the person accused and found guilty be imprisoned for a term not exceed-

SECTION 68—Subsection 7. The term of imprisonment has been increased from three months to two years.

ing two years, unless the penalty and the costs of prosecution and committal and of conveying him to prison are sooner paid.

(8) A conviction or order made under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person has a right of appeal, shall not be removed, at the instance of any person or of the Crown into the Supreme Court by *certiorari* or otherwise. ^{Defects of form.}

(9) *The Summary Convictions Act* shall apply to all prosecutions under this Act, except where herein otherwise provided. R.S.O. 1937, c. 353, s. 66 (1-4), (6-10). *Amended.* ^{Procedure. Rev. Stat., c. 136.}

Evidence.

69. In actions and prosecutions under this Act in respect to,— ^{Onus of proof,—}

- (a) taking, killing, procuring or possessing any game or fish, or any part of either of them, the onus shall be upon the person charged to prove that the game or fish or any part of either of them was lawfully taken, killed, procured or possessed by him;
- (b) setting a net, fishing device or other article, the finding of any of them set in violation of this Act shall be *prima facie* evidence of the guilt of the person owning, possessing or operating any of them; ^{Fishing devices.}
or
- (c) hunting, the possession in or near any place which game inhabit or where game is likely to be found, of a gun, decoy or other implement for hunting, shall be *prima facie* evidence that the person in possession of any of them was hunting. ^{Fire-arms.} R.S.O. 1937, c. 353, s. 67 (1-3). *Amended.*

Penalties.

70.—(1) A person who commits an offence against this Act in respect to,—

- (a) deer, moose, caribou or wapiti shall incur a penalty of not less than \$20 and not more than \$100; ^{Deer.}
- (b) otter, fisher or marten or their pelts, other than the exporting of any of them, shall incur a penalty of not less than \$20 and not more than \$100 for each animal or pelt the subject of the prosecution. ^{Otter, fisher, or marten.}

- Export of beaver, otter, fisher, or marten. (c) the exporting of otter, fisher or marten or their pelts shall incur a penalty of not less than \$30 and not more than \$200 for each animal or pelt the subject of the prosecution;
- Beaver. (d) beaver or their pelts, other than the exporting of them, shall incur a penalty of not less than \$50 and not more than \$100 for each animal or pelt the subject of the prosecution;
- Export of beaver. (e) the exporting of beaver or their pelts shall incur a penalty of not less than \$50 and not more than \$200 for each animal or pelt the subject of the prosecution; or
- All other fur-bearing animals. (f) any fur-bearing animal upon which a royalty is levied under section 25 other than beaver, otter, fisher or marten, shall incur a penalty of not less than \$1 and not more than \$20 for each animal or pelt the subject of the prosecution. R.S.O. 1937, c. 353, s. 68 (2-5). *Amended.*
- Violation of terms of licence. (2) A person who violates the terms or conditions of his licence shall incur a penalty of not less than \$10 and not more than \$300. R.S.O. 1937, c. 353, s. 68 (1). *Amended.*
- Shipment of pelts of animals by aeroplane. (3) A person who commits an offence against section 64 in respect to the shipment of pelts by aeroplane or by any other manner not provided for in that section, shall incur a penalty of not less than \$50 and not more than \$500. 1939, c. 16, s. 8, *part.* *Amended.*
- Fire-arms on Crown game preserves. (4) A person who commits an offence against the provisions of clause *d* of subsection 1 of section 57, shall incur a penalty of not less than \$50 and not more than \$500. R.S.O. 1937, c. 353, s. 68 (6).
- Maskinonge. (5) A person who commits an offence against this Act in respect to maskinonge shall incur a penalty of not less than \$10 and not more than \$100 for each maskinonge the subject of the prosecution. 1939, c. 16, s. 8, *part.* *Amended.*
- Trespass on property. (6) A person who commits an offence against the provisions of subsection 5 of section 58 shall incur a penalty of not less than \$100 and not more than \$500. R.S.O. 1937, c. 353, s. 68 (7).
- Interference with officers. (7) A person convicted of an offence against subsection 7 of section 7 shall incur a penalty of not less than \$100 and not more than \$500. R.S.O. 1937, c. 353, s. 68 (10). *Amended.*

SECTION 70.—Clauses *d* and *e* increase the minimum penalties in respect to beaver to \$50.

SECTION 70—Subsection 8. This subsection provides penalty for holding more than one licence.

Subsection 12. This subsection provides for an increase of penalties in the case of offences committed in provincial parks.

(8) A person who commits an offence against subsection 7 of section 21 shall incur a penalty of not less than \$20 and not more than \$100. *New.* Multiplicity of licences.

(9) Except as herein otherwise provided, a person who commits an offence against this Act shall incur a penalty of not less than \$10 and not more than \$100. R.S.O. 1937, c. 353, s. 68 (8). *Amended.* General penalty.

(10) A person who, after having been convicted of an offence against this Act, within two years again offends against this Act, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter he shall incur a penalty of not less than the maximum penalty provided for the offence. R.S.O. 1937, c. 353, s. 68 (9). *Amended.* Second and subsequent offences.

(11) No court shall remit any penalty or reduce the amount of the penalty after conviction, but where the penalty exceeds \$200 the Minister may remit the excess. R.S.O. 1937, c. 353, s. 68 (11). *Amended.* Remission or reduction of penalties.

(12) Where an offence against this Act is committed in a Provincial park within the meaning of *The Provincial Parks Act*, or within one mile thereof, the minimum and maximum penalties incurred shall be increased to double the amount set forth in this section for that offence. *New.* Offence in Provincial parks. Rev. Stat., c. 94.

71.—(1) All motor vehicles, or vehicles of any description, aeroplanes, guns, ammunition, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all fishing gear, materials, implements or appliances of every kind used for hunting and fishing, and all game and fish, together with packages, crates or containers of every description used in violation of this Act and found in the possession of any person suspected of having committed an offence against this Act shall be seized, and upon conviction, be forfeited to and become the property of 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 forfeited to and become the property of the Crown in right of Ontario and sold forthwith by the Department, and any other property seized shall be forfeited to, and become the property of the Crown in right of Ontario and sold by the Department after the expiration of thirty days. Seizure and confiscation of game and other property.

(2) A seine net found in or near waters in which fishing by seines is permitted, where the net is not claimed within two days by a person holding a licence to fish with a seine Unlicensed seines to be seized.

net, or found in or near waters in which fishing by seines is prohibited, shall be seized and forfeited to and become the property of the Crown in right of Ontario and sold by the Department.

Relief from forfeiture.

(3) Where the Minister is satisfied that the seizure of any property other than game or fish would work undue hardship or injustice and the value of that property is in excess of \$100, the Minister may grant relief from forfeiture and direct the return of the property to the person from whom taken upon such terms as he may deem just.

Disposal of certain properties seized.

(4) The Deputy Minister may after a conviction authorize any officer to destroy any property forfeited, the possession of which is at all times unlawful, or any property having no commercial value, and also authorize any perishable game or fish to be given to a charitable institution.

Cancellation and revival of licence after conviction.

(5) A licence held by a person convicted of an offence against this Act or the Special Fishery Regulations shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence where there has been no conviction for an offence against this Act during the period of two years immediately preceding the cancellation. R.S.O. 1937, c. 353, s. 69 (1-5). *Amended.*

Regulations.

Regulations.

72. The Lieutenant-Governor in Council may make regulations,—

- (a) governing the issue, form, renewal, transfer, refusal and cancellation of licences under this Act and the Special Fishery Regulations, prescribing their duration, territorial limitation, terms and conditions, and the fees payable in respect to them, where those fees are not prescribed by this Act; R.S.O. 1937, c. 353, s. 6 (1), cl. (g). *Amended.*
- (b) prescribing the terms and conditions governing the issue of a licence other than a trapper's licence to person under the age of sixteen years; *New.*
- (c) providing that every person holding any lease or licence under this Act, and all fish companies and fish dealers, keep such records and make such reports and returns as may be prescribed; R.S.O. 1937, c. 353, s. 6 (1), cl. (b). *Amended.*

- (d) authorizing townships or township organization approved by the Minister to issue and charge fees for licences to hunt, during the open season, pheasants and rabbits within the township or within the lands controlled by the township organizations; 1938, c. 13, s. 3. *Amended.*
- (e) for granting without fee a licence to a guest of Ontario to angle and hunt; R.S.O. 1937, c. 353, s. 6 (1), cl. (r).
- (f) prescribing a closed season for, and restricting the taking of, frogs and setting apart any suitable waters for their propagation; R.S.O. 1937, c. 353, s. 6 (1), cl. (m). *Amended.*
- (g) restricting or prohibiting the possession of air-guns, guns, rifles, or other fire-arms in any part of Ontario in which it may appear desirable to take special means to prevent violations of this Act; R.S.O. 1937, c. 353, s. 6 (1), cl. (e). *Amended.*
- (h) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed, or procured according to the law of the place in which the same was killed or procured; R.S.O. 1937, c. 353, s. 6 (1), cl. (o). *Amended.*
- (i) varying the open season for any game in any part of Ontario, the variation not to extend beyond one season; R.S.O. 1937, c. 353, s. 6 (1), cl. (d). *Amended.*
- (j) designating parts of Ontario in which no person shall hunt, take, pursue, kill, wound or destroy any game at any time of the year, subject to such exceptions as may be deemed reasonable; R.S.O. 1937, c. 353, s. 6 (1), cl. (h). *Amended.*
- (k) prohibiting for a period of not more than three years at a time the hunting, purchase, sale or possession in any part of Ontario of any game bird, non-game bird or any insectivorous bird, where they are not protected by the *Migratory Birds Convention Act* R.S.C., (Canada); R.S.O. 1937, c. 353, s. 6 (1), cl. (c).^{c. 130.} *Amended.*
- (l) governing or prohibiting the purchase and sale of or traffic in quail, partridge, pheasants or other game birds not protected by the *Migratory Birds Convention Act* (Canada); R.S.O. 1937, c. 353, s. 6 (1), cl. (n), *part.* *Amended.*
- (m) exempting Indians in the northerly or north-westerly or any sparsely settled parts of Ontario whether

organized or unorganized, from any provisions of this Act; R.S.O. 1937, c. 353, s. 6 (1), cl. (i).
Amended.

- (n) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, Orders-in-Council, documents and accounts in the custody of the Government of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario; R.S.O. 1937, c. 353, s. 6 (1), cl. (a).
- (o) prescribing royalties; and
- (p) generally for the better carrying-out of the provisions of this Act. *New.*

Repeal.

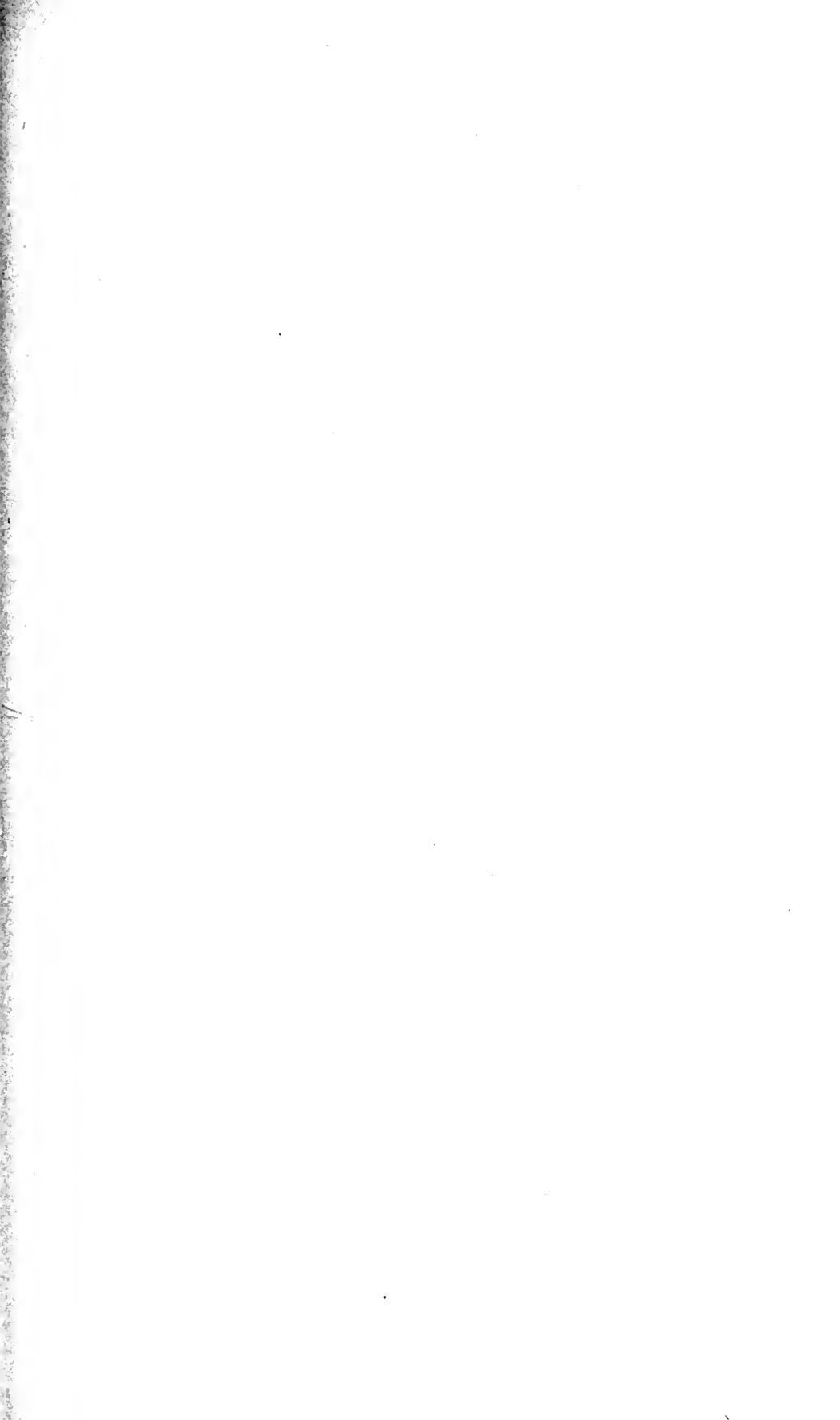
Rev. Stat.,
c. 353,
1938, c. 13,
1939, c. 16,
1942, c. 18,
1944, c. 22,
repealed.

73. *The Game and Fisheries Act, The Game and Fisheries Amendment Act, 1938, The Game and Fisheries Amendment Act, 1939, The Game and Fisheries Amendment Act, 1942, and The Game and Fisheries Amendment Act, 1944, are repealed.*

Short Title.

Short title.

74. This Act may be cited as *The Game and Fisheries Act, 1946.*



BILL

The Game and Fisheries Act, 1946.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. DUNBAR

No. 152

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Game and Fisheries Act, 1946.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Game and Fisheries Act, 1946.

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

Interpretation.

1. In this Act,—

Interpre-
tation.—

- (a) "angling" shall mean angling as defined in the Special Fishery Regulations for the Province of Ontario; *New.*
- (b) "closed season" shall mean a specified period in which game and fish may not be taken; R.S.O. 1937, c. 353, s. 2, cl. (a). *Amended.*
- (c) "Department" shall mean Department of Game and Fisheries; R.S.O. 1937, c. 353, s. 2, cl. (b). *Amended.*
- (d) "Deputy Minister" shall mean the deputy head of the Department; R.S.O. 1937, c. 353, s. 2, cl. (c). *Amended.*
- (e) "dog" shall mean any dog, male or female;
- (f) "farmer" shall mean any person actually living upon and tilling his own land, or land to the possession of which he is for the time being entitled, or any *bona fide* settler engaged in clearing the land for the purpose of bringing the same to a state of cultivation; R.S.O. 1937, c. 353, s. 2, cls. (d, e).
- (g) "fishery" shall mean the stretch of water, locality, premises, place or station described in the regulations, or in a licence, in or from which fish may be taken, and all nets, plants and appliances used in connection with any of them; R.S.O. 1937, c. 353, s. 2, cl. (f). *Amended.*

- "fur-bearing animal"; (h) "fur-bearing animal" shall mean a beaver, fisher, fox, lynx, marten, mink, musk-rat, otter, raccoon, rabbit, skunk, squirrel, weasel and wolverine or any other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal; *New*.
- "game"; (i) "game" shall mean all fur-bearing animals and all animals and birds protected by this Act; R.S.O. 1937, c. 353, s. 2, cl. (g). *Amended*.
- "guide"; (j) "guide" shall mean any person who for hire or reward, or hope thereof, renders service as a guide to any other person engaged in angling or hunting; R.S.O. 1937, c. 353, s. 2, cl. (h). *Amended*.
- "holder of a licence"; (k) "holder of a licence" shall mean the person named in the licence; *New*.
- "hunting"; (l) "hunting" shall include chasing, pursuing, worrying, following after, or on the trail of, or searching for, shooting, shooting at, stalking or lying in wait for any game, whether or not the game be then or subsequently captured, injured or killed, and "hunt" and "hunter" shall have a corresponding meaning; R.S.O. 1937, c. 353, s. 2, cl. (i). *Amended*.
- "licence"; (m) "licence" shall mean an instrument issued under this Act conferring upon the holder the privilege to do the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act, but no licence shall be or operate as a lease; R.S.O. 1937, c. 353, s. 2, cl. (j). *Amended*.
- "Minister"; (n) "Minister" shall mean the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council; R.S.O. 1937, c. 353, s. 2, cl. (k). *Amended*.
- "non-resident"; (o) "non-resident" shall mean any person who has not actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act; R.S.O. 1937, c. 353, s. 2, cl. (m). *Amended*.
- "officer"; (p) "officer" shall mean assistant deputy minister, inspector, district superintendent, special patrol, overseer or any other officer or person authorized to assist in the propagation of game and fish and the enforcement of this Act and shall include all officers and members of the Ontario Provincial Police Force,

and the superintendents, wardens, and rangers of provincial parks within the meaning of *The Provincial Parks Act*; R.S.O. 1937, c. 353, s. 2, cl. (n). *Amended.* Rev. Stat., c. 94.

- (q) "open season" shall mean a specified period during ^{"open season";} which game and fish may be taken; R.S.O. 1937, c. 353, s. 2, cl. (p). *Amended.*
- (r) "pelt" shall mean the untanned skin of a fur-bearing "pelt"; animal; *New.*
- (s) "person" shall include an Indian; R.S.O. 1937, c. 353, "person"; s. 2, cl. (q). *Amended.*
- (t) "regulations" shall mean the regulations made under ^{"regula- tions";} this Act; R.S.O. 1937, c. 353, s. 2, cl. (r). *Amended.*
- (u) "resident" shall mean any person who has actually ^{"resident";} resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act; R.S.O. 1937, c. 353, s. 2, cl. (s). *Amended.*
- (v) "skin" shall mean the untanned skin of an animal ^{"skin";} stripped from the body; *New.*
- (w) "Special Fishery Regulations" shall mean the special ^{"Special Fishery Regula- tions";} fishery regulations for Ontario made under the authority of *The Fisheries Act, 1932* (Canada); and ^{1932, c. 42 (Canada).} *New.*
- (x) "unprime" where applied to pelts shall mean that ^{"unprime";} the pelts show natural markings of a dark or bluish colour on the flesh side. R.S.O. 1937, c. 353, s. 2, cl. (t). *Amended.*

Application of Act.

2. This Act shall not apply to domestic animals and birds. ^{Application of Act.} *New.*

Administration.

3. The administration of this Act and all matters in respect ^{Adminis- tration.} to game and fish, notwithstanding any other Act, shall be under the control and direction of the Minister and shall constitute a department of the public service within the meaning of *The Public Service Act*, to be known as Department of Game and Fisheries. R.S.O., 1937, c. 353, s. 3 (1). *Amended.*

Officers.

4. There shall be a Deputy Minister and the Lieutenant-Governor in Council may appoint and prescribe the duties of an Assistant Deputy Minister, inspector and district superintendents and such other officers and servants as are deemed necessary for the enforcement of this Act. R.S.O. 1937, c. 353, s. 62 (1); s. 63 (1). *Amended.*

Deputy wardens.

5.—(1) The Minister may appoint deputy game and fishery wardens in and for any part of Ontario to serve without remuneration, but all the appointments shall terminate on the 31st day of December in each year. R.S.O. 1937, c. 353, s. 64 (1-2). *Amended.*

Authority of deputy wardens.

(2) Deputy game and fishery wardens shall have the authority of constables for the purposes of this Act. R.S.O. 1937, c. 353, s. 64 (3). *Amended.*

Remuneration of officers.

6. The remuneration of all officers and of all other persons employed to perform any duty for the Department or to assist in the enforcement of this Act and all expenses incident to its enforcement shall be paid out of such money as may be appropriated for the purpose by the Legislature. R.S.O. 1937, c. 353, s. 3 (2). *Amended.*

Powers and Duties of Officers.

Search of vehicles, premises.

7.—(1) An officer shall have the authority of a constable for the purpose of this Act, and may without a search warrant,—

- (a) stop and search any vehicle, motor vehicle, aeroplane or any other flying machine, boat or launch or any railway car, including a caboose, baggage or express car; and
- (b) enter and search any hunting, mining, lumber or construction camp,

where he has reasonable grounds to believe that any of them contains any game or fish taken in violation of this Act. R.S.O. 1937, c. 353, s. 63 (2). *Amended.*

Search of receptacles.

(2) An officer may open and inspect any trunk, box, bag, parcel or receptacle which he has reason to suspect and does suspect contains game or fish killed, taken, shipped or had in possession in violation of this Act and for that purpose may enter all property which by this Act he is authorized to enter and may use necessary force where the owner or person in apparent charge obstructs or refuses to facilitate his inspection, and if he has reason to believe and does believe that it is necessary to enter any store, private house, warehouse or

building which by this Act he is not authorized to enter without a search warrant, he shall make a deposition before a justice of the peace and demand a warrant to search that store, private house, warehouse or building, and thereupon the justice may issue a search warrant. R.S.O. 1937, c. 353, s. 63 (4). *Amended.*

(3) An officer on view may arrest without process any person found committing a violation of this Act or of the regulations and shall bring him with reasonable diligence before a competent court to be dealt with according to law. R.S.O. 1937, c. 353, s. 63 (3). *Amended.* Arrest on view.

(4) An officer in the discharge of his duties and any person by him accompanied or authorized for the purpose, may enter upon and pass through or over private property without being liable for trespass. R.S.O. 1937, c. 353, s. 63 (7). *Amended.* Entry upon private property.

(5) An officer may inspect all camps occupied by anglers and hunters and may prescribe methods for sanitation and disposal of refuse and the extinguishing of fires. R.S.O. 1937, c. 353, s. 63 (8). *Amended.* Inspection of camps.

(6) An officer shall investigate all violations of this Act brought to his notice and prosecute every person whom he may have reasonable cause to believe guilty of an offence against this Act. R.S.O. 1937, c. 353, s. 63 (6). *Amended.* Duty to prosecute.

(7) No person shall obstruct, hinder or delay or interfere with an officer in the discharge of his duty by violence or threats or by giving false information, or in any other manner. R.S.O. 1937, c. 353, s. 63 (9). *Amended.* Obstructing officers.

(8) No officer or other person authorized to enforce this Act shall maliciously abuse his authority or neglect or refuse to perform any duty pertaining to his office. R.S.O. 1937, c. 353, s. 63 (10, 11). *Amended.* Neglect of duties.

(9) An officer may carry such arms and accoutrements as are necessary for self-defence where he possesses the authorities which may be legally necessary for that purpose. R.S.O. 1937, c. 353, s. 63 (12). *Amended.* Arms for self-defence.

Licences.

8.—(1) Except under a licence no person shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any fur-bearing animal or any bear, deer or moose. Licences.

Exception. (2) Subsection 1 shall not apply to a farmer or his sons residing upon his lands and hunting and trapping thereon during the open seasons fur-bearing animals other than beaver.

Authority to sell under licence. (3) The holder of a licence may sell pursuant to this Act the fur-bearing animals or their pelts, hunted, taken, trapped, or killed by him under the authority of the licence. R.S.O. 1937, c. 353, s. 10 (2). *Amended.*

Non-residents. 9. Except under a licence no non-resident shall hunt, take, molest, wound, kill or destroy or attempt to hunt, take, molest, wound, kill or destroy any animal or bird. R.S.O. 1937, c. 353, s. 10 (1). *Amended.*

Fire-arms. 10.—(1) Except under a licence no person shall carry or use any fire-arm or air-gun for the purpose of hunting any game.

Exceptions as to farmers. (2) Subsection 1 shall not apply to a farmer or his sons residing and hunting on his lands.

Power of fire-arms. (3) The holder of a licence issued under subsection 1 shall not carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a "twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which those animals inhabit or in which they are usually found. R.S.O. 1937, c. 353, s. 10 (4). *Amended.*

Minors. (4) Except as prescribed by the regulations no licence other than a trapper's licence shall be issued to any person under the age of sixteen years. *New.*

11.—(1) Except under a licence no person shall,—

Cold storage licence. (a) engage in the business of cold storage of game; R.S.O. 1937, c. 353, s. 11 (1). *Amended.*

Game dealer's licence. (b) buy, sell or expose for sale, game, other than fur-bearing animals, that may otherwise lawfully be sold; R.S.O. 1937, c. 353, s. 11 (3). *Amended.*

Fur dresser's and tanner's licence. (c) engage in, carry on or be concerned in tanning, dressing, plucking, dyeing, treating or undertake to tan, dress, pluck, dye or treat any fur-bearing animal or bear or any pelt or skin of any of them; R.S.O. 1937, c. 353, s. 12. *Amended.*

Fur dealer's licence. (d) possess, or engage in, or carry on, or be concerned in trading, buying or selling, or soliciting trade in fur-bearing animals or their pelts. R.S.O. 1937, c. 353, s. 16 (1). *Amended.*

(2) Clause *b* of subsection 1 shall not apply to bear but the Exception skins thereof shall be subject to the provisions of section 25. R.S.O. 1937, c. 353, s. 11 (3). *Part amended.*

(3) No holder of a licence issued under clause *d* of subsection 1 shall sell, trade or barter, or be concerned in the selling, ^{Trades only between licensed fur dealers.} trading or bartering of any pelts to or with any other person in Ontario except where that other person holds a licence under clause *d* of subsection 1. R.S.O. 1937, c. 353, s. 16 (2). *Amended.*

12. Except under a licence, no hotel, boarding-house, ^{Hotels, restaurants or clubs.} camp, restaurant or club shall possess any game. R.S.O. 1937, c. 353, s. 11 (2). *Amended.*

13. Except under a licence no person or his servant, clerk ^{Dealing in moose, deer, caribou and wapiti.} or agent, shall buy, sell, expose or keep for sale, directly or indirectly on any pretence or device, for any valuable consideration, barter, give to or obtain from any other person any moose, deer, caribou or wapiti, wherever killed or procured. R.S.O. 1937, c. 353, s. 11 (4). *Amended.*

14. Notwithstanding anything in this Act any person ^{Dealing in musk-rat, etc.} may under a licence possess and buy or sell the carcass of musk-rat, beaver, raccoon or bear where taken in a lawful way and in the proper open season. R.S.O. 1937, c. 353, s. 11 (5). *Amended.*

15.—(1) Except under a licence no person shall use or be ^{Dog licence for hunting game.} accompanied by a dog while hunting deer, moose or fox. R.S.O. 1937, c. 353, s. 13 (2). *Amended.*

(2) The Department may issue to a resident a licence to ^{Dog licence for hunting fox.} use dogs for hunting fox during the open season in an area which deer do not inhabit or in which deer are not usually found. R.S.O. 1937, c. 353, s. 10 (3). *Amended.*

16.—(1) Except under a licence no person shall breed or ^{Licence for propagation of game.} propagate game or possess game for that purpose.

(2) The licence shall be for the period of time and on the ^{Duration and terms of licence.} terms and conditions prescribed by the Lieutenant-Governor in Council.

(3) The Deputy Minister may issue a licence to any person ^{Game for educational purposes.} to possess live game for scientific and educational purposes.

(4) Except under a licence issued by the Deputy Minister ^{Closed season.} no person shall take game during the closed season for educational or scientific purposes. R.S.O. 1937, c. 353, s. 18 (1, 2). *Amended.*

Fish nets. **17.**—(1) Except under a licence no person shall buy, sell or possess gill, hoop, pound or seine nets. R.S.O. 1937, c. 353, s. 17. • *Amended.*

Restricted sale. (2) No person shall sell a gill, hoop, pound or seine net to any other person not a holder of a commercial fishing licence. *New.*

Fish for exceptional purposes. **18.** Except under a licence no person shall take any fish or spawn from Ontario waters for the purpose of stocking, artificial breeding or for scientific or educational purposes. R.S.O. 1937, c. 353, s. 14. *Amended.*

Tourist outfitter's camps. **19.**—(1) Except under a licence no person shall erect or establish or attempt to erect or establish, or own or operate, a tourist outfitter's camp in that part of Ontario composed of the Districts of Patricia, Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Sudbury, Manitoulin and Temiskaming and those parts of the Districts of Parry Sound, Nipissing and Haliburton and the County of Renfrew lying north of the line of the Canadian National Railway from Parry Sound to Pembroke by way of Scotia, Madawaska and Golden Lake. 1938, c. 13, s. 6 (1, 2). *Amended.*

Limitation of guests during open season. (2) Notwithstanding the guest accommodation for which a licence is issued, the total number of persons holding licences to hunt deer or moose, who may be accommodated at a tourist outfitter's camp during the whole of the open season for deer and moose in the area in which the camp is located, shall not exceed the number for which the licence is issued and in any case shall not exceed thirty-five. *New.*

Interpretation,— (3) For the purposes of this section,—

"tourist outfitter"; (a) "tourist outfitter" shall mean a person who owns or operates a camp and maintains or provides directly or indirectly for the accommodation and use of tourists any boat, canoe, tent, sleeping bag, blanket, utensil or other article used or required for angling, hunting or camping, or supplies or provides licensed guides;

"camp": (b) "camp" shall mean a dwelling, lodge, cabin, tent, houseboat or other temporary or permanent structure used as sleeping-quarters; and

"tourist". (c) "tourist" shall mean a guest, tenant, club member or any other person who pays directly or indirectly for accommodation or services rendered at a camp. 1944, c. 22, s. 5.

Guides. **20.**—(1) Except under a licence no person shall act as a guide.

(2) No person shall employ any other person for hire, gain or reward, or hope thereof, to guide him while hunting or angling, who is not the holder of a guide licence. R.S.O. 1937, c. 353, s. 19 (1). *Amended.* Employment of guide.

(3) No non-resident shall hunt, take or kill deer in the Districts of Rainy River and Kenora or moose in any part of Ontario without employing and being accompanied by a licensed guide, but where two or more non-residents hunt together the number of guides employed shall be not less than one guide for each two non-residents. 1938, c. 13, s. 7. *Amended.* Guides for non-resident hunters.

(4) Where any non-resident owner, operator or other person in charge of any boat or vessel, brings the boat or vessel within Ontario under its own power, the owner, operator or other person in charge shall, while any person is angling from the boat or vessel, employ a licensed guide, but the Minister may exempt the non-resident from the provisions of this subsection where he deems it advisable, having regard to the local conditions. R.S.O. 1937, c. 353, s. 19 (3). *Amended.* Guides for non-resident anglers.

21.—(1) A licence shall not be transferable and no person shall buy, sell, exchange or in any way become a party to the transfer of any licence or shipping coupon, or in any way use or attempt to use a licence or coupon issued to any other person. Transfer of licence prohibited.

(2) A licence may be cancelled by the Deputy Minister, subject to appeal to the Minister, for a violation by the holder, or by any other person with his connivance, of this Act or of the licence whether or not a prosecution has been instituted in respect to the violation. Cancellation of licence.

(3) The issue of a licence shall be in the discretion of the Deputy Minister, subject to appeal to the Minister. Issue of licence discretionary.

(4) The holder of a licence shall produce and show it to any officer as often as reasonably requested by him. Production of licence on demand.

(5) No person who is not a resident British subject shall be the holder of a licence to trap fur-bearing animals. Trapping licences issued only to resident British subjects.

(6) No holder of a licence shall hunt, kill or take any game unless at that time he has the licence on his person and he shall wear in a conspicuous place on his person any badge which may be furnished him by the Department at the time of issue of the licence, and the licence with which a badge is furnished at the time of issue shall not be valid unless the holder is wearing the badge in the way required by this subsection. Licence to be carried on person. Badge to be worn.

(7) No person shall be the holder of more than one licence to hunt deer or moose in any year. *New.* Multiplicity of licences.

Licence obtained by misrepresentation. (8) The holder of a licence obtained by false representations or by false and misleading statements made to the issuer in respect to the age, nationality, place of residence or other information necessary to be furnished at the time of the issuing of the licence shall be deemed to be the holder of a void licence and the holder may be prosecuted under this Act in the same manner and with the same effect as he could be prosecuted if he were not the holder of a licence. R.S.O. 1937, c. 353, s. 20 (1-7). *Amended.*

Issuers of licences. **22.**—(1) No person unless authorized by this Act shall issue any licences or collect any fees in respect to them. R.S.O. 1937, c. 353, s. 23. *Amended.*

Licences not to be issued in blank. (2) No issuer of licences shall issue and no person, while hunting or in a hunting camp or on his way to or from a hunting camp, shall possess a hunting licence which does not exhibit in the proper place the name of the possessor. R.S.O. 1937, c. 353, s. 21. *Amended.*

Licences not to be antedated. (3) No issuer of licences shall issue and no person shall accept or receive any antedated licence. R.S.O. 1937, c. 353, s. 22. *Amended.*

Licence Fees.

Fees. **23.** A licence may be issued,—

Residents.— (a) to a resident and the licences and fees shall be,—

Deer.	(i) to hunt deer, where subclause ii does not apply.	\$ 3.50
	and an issuing fee of50
Farmers.	(ii) for a farmer actually living upon and tilling his own land in the Districts of Haliburton, Muskoka, Parry Sound, Nipissing and Manitoulin and that part of Ontario lying north and west of those Districts, to kill in the county or territorial district in which he resides one deer during the open season for his own use and not to be sold or bartered and restricted to one licence for each household.80
	and an issuing fee of20
Moose.	(iii) to hunt moose.	5.50
	and an issuing fee of50
Trapping.	(iv) for a British subject to hunt and trap fur-bearing animals.	4.50
	and an issuing fee of50

Game
dealers.

- (b) to any person to buy, sell or deal in any game, other than fur-bearing animals, that may be lawfully bought, sold or dealt in and the fee shall be,—
- (i) in cities.....\$10.00
 - (ii) in towns..... 5.00
 - (iii) in all other places..... 2.00

Hotels,
restaurants
or clubs.

- (c) to any hotel, boarding-house, camp, restaurant or club to buy, sell or possess any game, other than fur-bearing animals, that may be lawfully sold and the fee shall be,—
- (i) in cities.....\$10.00
 - (ii) in towns..... 5.00
 - (iii) in other places..... 2.00

R.S.O. 1937, c. 353, s. 25 (a-c). *Amended.*

Fur dealers.

- (d) to any person to buy, sell and deal in fur-bearing animals or their pelts and the fee shall be,—
- (i) for a resident British subject on specific premises, to be known as "store licence".....\$25.00
 - (ii) for a resident British subject where premises are not designated, to be known as "travelling fur. buyer".....100.00
 - (iii) for a resident who is not a British subject.....200.00
 - (iv) for a non-resident.....200.00
 - (v) for a resident British subject on specific premises, to be known as "wholesale licence".....100.00
 - (vi) for non-resident wholesale buyers, purchasing direct from holders of a "wholesale licence"..... 5.00
 - (vii) for a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "restricted licence"..... 1.00

R.S.O. 1937, c. 353, s. 26. *Amended.*

- (e) to any person engaged in the business of dressing, plucking, dyeing, tanning or treating pelts and the fee shall be..... 10.00 Tanners.

R.S.O. 1937, c. 353, s. 27. *Amended.*

- (f) to a resident or non-resident owning or operating a tourist outfitter's camp, and the fee shall be as prescribed by the regulations according to the accommodation available. R.S.O. 1937, c. 353, s. 28, *amended.* Tourist outfitters.

Royalties.

25.—(1) No person shall take or ship or attempt to take or ship to any point outside of Ontario any fur-bearing animal or its pelt or any bear or its skin or send or have sent any of them to a tanner or taxidermist to be tanned or plucked or treated in any way without a licence and without paying a royalty. Royalties payable.

(2) The royalties shall apply to any pelts or bear skins that are damaged or destroyed by any means, but they shall not apply, where the holder furnishes the Department with satisfactory proof by affidavit or statutory declaration of their origin,— Exceptions.

- (a) to silver, black, cross and blue fox and mink, bred on fur-farms operating within Ontario under a licence; or
- (b) to pelts imported from any place outside of Ontario. R.S.O. 1937, c. 353, s. 29; 1944, c. 22, s. 8. *Amended.*

(3) The Lieutenant-Governor in Council may prescribe the royalty payable under this section, and may exempt rabbit and squirrel from the provisions of subsections 1 and 2. *New.* Amount of royalty.

(4) Notwithstanding anything in this section any person holding the proper hunting licence may without any other licence and without paying royalty take or export to a point outside Ontario any bear taken or killed by him or its skin, or may have the skin tanned, plucked or treated in any way within Ontario. 1939, c. 16, s. 1. *Amended.* Bear exempt.

Seasons for Animals.

26. No person shall hunt, kill or destroy,— Open season.

Deer and
moose north
of C.N.R.

- (a) except from and including the 20th day of September to and including the 25th day of November, in any year, any deer or moose in that part of Ontario lying north of the main line of the Canadian National Railway from Quebec to the Manitoba boundary; R.S.O. 1937, c. 353, s. 7, cl. (a). *Amended.*

Deer and
moose north
of Lake
Nipissing,
French and
Mattawa
Rivers.

- (b) except from and including the 15th day of October to and including the 25th day of November, in any year, any deer or moose in that part of Ontario lying south of the main line of the Canadian National Railway from Quebec to the Manitoba boundary and north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Cascaden Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Cascaden, Ermatinger, 107, 113 and 120 to the northwest angle of 120 Township; thence southerly along the westerly boundary of 120 Township to the southwest angle of 120 Township; thence westerly along the southerly boundaries of Townships 125, 132, 139, 145, 151, 157, 163 and 169 in the District of Algoma to the Kendogami River; thence northerly along the Kendogami River to Lake Kendogami; thence northerly along the westerly boundaries of Townships 3B and 4B in the District of Algoma, to the northwest angle of 4B Township; thence westerly along the southerly boundaries of Townships 5C, 5D, 5E and 5F to the southwest angle of 5F Township; thence northerly along the westerly boundaries of Townships 5F, 6F and 7F to the northwest angle of 7F Township; thence westerly along the southerly boundaries of Townships 8G, 8H, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14, to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, but the provisions of this clause shall not apply to moose in those parts described as,—

Exception
as to moose.

- (i) that portion of Ontario bounded on the north by the road running east from Westree on the line of the Canadian National Railway through Shiningtree, Gowganda and Elk Lake

to Highway Number 11 south of Englehart; thence south along Highway Number 11, through Earlton, Thornloe and Hanbury to New Liskeard; thence east and north along the road from New Liskeard to the interprovincial boundary; thence southerly along the interprovincial boundary, Lake Temiskaming and the Ottawa River to the confluence of the Ottawa and Mattawa Rivers; thence westerly along the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence northerly along the Toronto-Sudbury branch of the Canadian Pacific Railway to its intersection with the line of the Canadian National Railway south of Wanup, and continuing northerly along the line of the Canadian National Railway from the aforesaid intersection to the point of commencement,

- (ii) that portion of Ontario bounded on the north by the main line of the Canadian National Railway running east from the Manitoba boundary to Superior Junction; thence southeasterly along the line of the Canadian National Railway from Superior Junction to Fort William; thence southwesterly along the north shore of Lake Superior to the mouth of the Pigeon River; thence westerly along the International Boundary from the mouth of the Pigeon River to the Manitoba boundary at the North West Angle Inlet of the Lake of the Woods; thence northerly along the Manitoba boundary from the North West Angle Inlet of the Lake of the Woods to the point of commencement; 1944, c. 22, s. 3 (1).
Amended.

- (c) except from and including the 1st day of November to and including the 25th day of November in each year any deer or moose in that part of Ontario being the District of Manitoulin and parts of the Districts of Algoma and Sudbury, which may be more particularly described as lying south of the southerly boundary of the area defined in clause *b*, and north of the French River, but excepting there-out St. Joseph's Island in the District of Algoma and Manitoulin Island and Fitzwilliam Island in the District of Manitoulin;
- Deer and moose in Manitoulin, Sudbury and Algoma.

Deer and moose on St. Joseph's, Manitoulin and Fitzwilliam Islands.

- (d) except from and including the 10th day of November to and including the 25th day of November in each year any deer or moose on St. Joseph's Island in the District of Algoma and on Manitoulin Island and Fitzwilliam Island in the District of Manitoulin; R.S.O. 1937, c. 353, s. 7, cl. (c). *Amended.*

Deer in counties and townships.

- (e) at any time any deer in the Counties of Brant, Bruce, Carleton, Dufferin, Dundas, Durham, Elgin, Essex, Glengarry, Grenville, Grey, Haldimand, Halton, Huron, Kent, Lambton, Leeds, Lincoln, Middlesex, Norfolk, Northumberland, Oxford, Peel, Perth, Prince Edward, Simcoe, Stormont, Waterloo, Welland, Wellington, Wentworth and York, the Township of Howe Island in the County of Frontenac, the Townships of Scott and Brock and all townships lying south thereof in the County of Ontario and the Township of Cambridge in the County of Russell, except during such times and in such of those Counties or parts thereof and under such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;

Deer in Parry Sound, Muskoka, Haliburton, Victoria, Peterborough, Nipissing.

- (f) except for a period of sixteen days in each year from and including the first Monday in November, any deer in the Districts of Parry Sound, Muskoka, the Provisional County of Haliburton, the Counties of Victoria and Peterborough, and that part of the District of Nipissing lying south of the Mattawa River, north of the northerly boundary of Algonquin Park, and west of the westerly boundary of Algonquin Park;

Deer south of French and Mattawa Rivers and Lake Nipissing.

- (g) except for a period of sixteen days in each year from and including the second Monday in November, any deer in that part of Ontario lying south of the French and Mattawa Rivers and Lake Nipissing and not included in those parts of Ontario described in clauses *e* and *f*; 1944, c. 22, s. 3 (2). *Amended.*

Caribou or wapiti.

- (h) at any time, any caribou or wapiti, or possess the whole or any part of the carcass of either of them; R.S.O. 1937, c. 353, s. 7, cl. (g). *Amended.*

Moose south of French and Mattawa Rivers.

- (i) at any time any moose in that part of Ontario lying south of the French and Mattawa Rivers and in those parts of Ontario described in subclauses *i* and *ii* of clause *b*, except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe; R.S.O. 1937, c. 353, s. 7, cl. (h); 1938, c. 13, s. 4 (2). *Amended.*

27.—(1) No person shall at any time hunt, take, or kill ^{Beaver.} any beaver, or possess the carcass, pelt or any part of any beaver, except during such period and on such terms and conditions as the Lieutenant-Governor in Council may prescribe, but the Minister may at any time by order in writing authorize the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in which, in the opinion of the Minister, beaver are causing damage to a highway or to property of His Majesty or private property, and the beaver taken or killed shall be accounted for and delivered to the Department. R.S.O. 1937, c. 353, s. 9 (1); s. 32 (3). *Amended.*

(2) No person shall hunt, take or kill, or possess the carcass, pelt or any part of,—

- (a) any gray or black squirrel except during such periods ^{Squirrel.} and on such terms and conditions as the Lieutenant-Governor in Council may prescribe; R.S.O. 1937, c. 353, s. 9 (5). *Amended.*
- (b) any fisher, fox, marten, mink or otter except from ^{Fisher, fox, marten, mink and otter.} and including the 1st day of November to and including the 28th day of February next following;
- (c) any raccoon except from and including the 1st day of ^{Raccoon.} November to and including the 31st day of December next following; R.S.O. 1937, c. 353, s. 9 (3, 4). *Amended.*
- (d) any musk-rat except in such localities and during ^{Musk-rat.} such periods as the Minister may authorize in writing; 1938, c. 13, s. 5. *Amended.*

(3) No person shall,—

- (a) at any time shoot or spear any musk-rat, beaver or ^{Musk-rat, beaver and otter.} otter; R.S.O. 1937, c. 353, s. 31 (1) *part.* *Amended.*
- (b) at any time hunt, take, kill or molest any female ^{Female moose and moose calves.} moose of any age or any male moose under the age of one year;
- (c) at any time hunt, take, kill or molest any female ^{Female deer and deer under one year.} deer of any age or any male deer under the age of one year except under subsections 3 and 4 of section 28;
- (d) hunt, take, kill or molest any deer while it is swimming ^{Swimming deer.} in any waters. R.S.O. 1937, c. 353, s. 33 (1-3). *Amended.*

Bag Limits for Animals.

Number of deer which residents may take.

28.—(1) No resident shall during any one year or season take or kill more than one male deer over one year of age under a resident deer-licence and one bull moose over one year of age under a moose licence but this subsection shall not apply to deer which are the private property of any resident, and which are killed or taken by him or by his direction or with his consent in or upon his own land in accordance with section 38.

Number of deer which non-residents may take.

(2) No non-resident shall during any one year or season take or kill more than one male deer over one year of age and one bull moose over one year of age under a non-resident hunting licence.

Aggregate kill of deer.

(3) Notwithstanding subsections 1 and 2 a party of two or more persons hunting together and holding licences may kill one female deer of any age or one male deer under the age of one year for every two persons of the party, but those persons shall not take or kill in the aggregate more than one deer for each person of the party.

Deer taken under camp licence.

(4) Notwithstanding subsections 1 and 3 a hunting party of four or more residents having a camp licence or camp licences may, in addition to the aggregate kill in subsection 3, kill one deer for each camp licence held by the party. R.S.O. 1937, c. 353, s. 34 (1-4). *Amended.*

Exception.

(5) Subsections 1, 2, 3 and 4 shall not apply to deer killed in the counties and townships enumerated in clause *e* of section 26 under the authority of regulations made under clause *e* of section 26. *New.*

Cotton-tail rabbits.

(6) No person shall take, kill or destroy more than six cotton-tail rabbits in any one day in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland and York. 1938, c. 13, s. 8 *part*; 1939, c. 16, s. 2 (2); 1944, c. 22, s. 11 (3). *Amended.*

Protection of Animals.

29. No person shall,—

Protection of musk-rat and beaver houses.

(a) cut, spear, break or destroy at any time a musk-rat house or beaver house or beaver dam, or set or place a trap closer than five feet to a beaver house or musk-rat house, burrow, feed-house or push-up;

Dens of fur-bearing animals.

(b) molest, injure or destroy a den or usual place of habitation of any fur-bearing animal other than a skunk; R.S.O. 1937, c. 353, s. 31 (1, 2). *Amended.*

- (c) trap or take any deer or moose by means of traps, nets, snares, baited line or other similar contrivances or set any of them for those animals at any time and if set any person may destroy them without incurring any liability; R.S.O. 1937, c. 353, s. 40 (1). *Amended.* Game not to be taken by traps or snares.
- (d) while having in his possession any device capable of throwing or casting rays of light upon an object, have in his possession during the period between one-half hour after sunset and one-half hour before sunrise any rifle or other fire-arm capable of killing deer or moose unless that rifle or fire-arm is unloaded, encased or dismantled; Device for casting rays.
- (e) use snares for any purpose in the Counties of Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria and York, provided that snares may be used for the taking of wolves in the Townships of Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April; R.S.O. 1937, c. 353, s. 40 (2); 1939, c. 16, s. 2 (2); 1944, c. 22, s. 11 (1, 2). *Amended.* Snares prohibited in certain counties. Proviso.
- (f) use snares for any purpose in any part of Ontario during the open season for deer and moose in that part and during a period of one month immediately preceding the open season; Snares in open seasons.
- (g) use snares for the taking of beaver at any time; or *New.* Snares for beaver prohibited.
- (h) when using ferrets in hunting rabbits use at the same time the hands or any contrivances other than a fire-arm in the actual taking of the rabbits. R.S.O. c. 353, s. 40 (3, 4). *Amended.* Ferrets.

30.—(1) No person shall use or be accompanied by a dog commonly known as a police dog or any cross-breed thereof while hunting deer or moose. Police dogs not to be used in hunting big game.

(2) While hunting deer or moose no person alone shall use or be accompanied by a dog, but a party of two or more, four or more, six or more or eight or more may use and be accompanied by not more than one, two, three or four dogs respectively. Number of dogs allowed in hunting big game.

Dogs at large.

(3) No person owning, harbouring or claiming to own a dog shall allow it to run at large during the closed season for deer in a locality which deer, moose, caribou or wapiti usually inhabit or in which they are usually found.

Power to kill dogs at large on sight.

(4) A dog found running deer, moose, caribou or wapiti during the closed season for deer in that locality shall be deemed to be at large with the leave of the owner and may be killed on sight by an officer without being liable for damages to any other person or to a penalty.

Notice to be given of dogs lost in hunting.

(5) A person who loses a dog while used in the hunting of deer or moose and is unable to find it at the end of the hunt shall immediately report the loss to the Department in writing giving a description of the dog and the locality in which it was lost. R.S.O. 1937, c. 353, s. 35. *Amended.*

Dogs not to be used for hunting small game.

31.—(1) No owner of a dog shall use it or allow it to be used in any manner for the hunting, taking or killing of any mink, beaver or otter.

Grey-hounds.

(2) No owner of a dog commonly known as a greyhound, or any cross-breed thereof, shall allow it to pursue game or run at large on Sunday in any area which game usually inhabit or in which game is usually found.

"Owner", defined.

(3) In this section "owner" shall include any person having a dog in his possession or charge or under his control. 1944, c. 22, s. 10. *Amended.*

Power to take fur-bearing animals for preservation of property.

32. Nothing in this Act shall apply to any person taking or destroying any fur-bearing animal, other than beaver, on his own lands, in defence or preservation of his property by any means at any time, but he shall within ten days report the pelts of those animals in respect of which there is a closed season to the Department and he shall not offer them for sale or barter during the closed season except under a licence and any fur dealer possessing the pelts shall hold the licence and forward it to the Department when applying for a licence to ship them out of Ontario or to dress or tan them. R.S.O. 1937, c. 353, s. 32 (1). *Amended.*

Possession of unprime skins prohibited.

33. No person shall without lawful excuse have in his possession or in the possession of his servant or agent or any other person on his behalf at any time any pelts while they

are in an unprime condition, except the pelts of musk-rat taken in accordance with section 32. R.S.O. 1937, c. 353, s. 31 (3). *Amended.*

Seasons for Birds.

34. No person shall hunt, kill or destroy any ruffed grouse, spruce partridge, Hungarian partridge, pheasant, sharp-tailed grouse, prairie-hen, ptarmigan, quail or wild turkey, except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe. R.S.O. 1937, c. 353, s. 7, cl. (e). *Amended.*

Open season for grouse and other birds.

35. No person shall shoot, destroy, wound, molest, take or possess, or attempt to shoot, destroy, wound, molest or take any bird protected by this Act, during a closed season, or any other wild native bird at any time, including ospreys and eagles, but excluding hawks, owls, crows, cow-birds, blackbirds, starlings and house-sparrows. R.S.O. 1937, c. 353, s. 8 (1). *Amended.*

Wild native birds.

Protection of Birds.

36.—(1) No person shall use, set or maintain any net, trap, snare, springe, cage or other appliance for the purpose of capturing or killing any bird protected under section 35, and any person may destroy those appliances, where so used, set or maintained, without incurring any liability therefor and without penalty. R.S.O. 1937, c. 353, s. 8 (2). *Amended.*

Traps and snares prohibited.

(2) No owner of a dog shall allow it to molest or follow upon the track of any wild game bird or disturb its nest during the months of April, May, June or July in any year, except in any field trial approved by the Department. 1944, c. 22, s. 10, cl. (c). *Amended.*

Restricted use of dogs.

37. No person shall take or possess at any time any live bird protected by this Act or take, destroy or possess its eggs or nests, except a holder of a licence to engage in the business of propagating the birds or to take or possess the eggs or nests for educational or scientific purposes. R.S.O. 1937, c. 353, s. 43. *Amended.*

Live birds, eggs and nests protected.

Protection of Game.

38. Notwithstanding anything in this Act, a person who puts, breeds or imports game, other than fur-bearing animals, upon his own land for the purpose of breeding and preserving them may hunt, take or kill that game during the open seasons for the territory in which the game is kept. R.S.O. 1937, c. 353, s. 30. *Amended.*

Breeders of game.

39. No person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any game wherever killed or procured, except that,—

(a) any deer, moose, or bird protected by this Act, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the next following year, unless otherwise provided under the regulations;

(b) any pelts of animals taken in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which they were taken;

(c) any pelts of animals taken outside of Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelts are received; and

(d) any person who has lawfully taken and lawfully possesses any deer or moose may donate to any other person for his own use or for the use of his immediate family any portion of the deer or moose when there is attached to the donated portion a statement signed by the donor exhibiting his full name and address and the number of the licence under which the animal was taken. R.S.O. 1937, c. 353, s. 37. *Amended.*

40. No person shall sell or purchase any bird mentioned in section 34, or any deer, moose, caribou or wapiti, or expose any of them on any commercial premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them, but any person may propagate, buy or sell any pheasant or quail under a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe. R.S.O. 1937, c. 353, s. 38. *Amended.*

41. No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of any cotton-tail rabbits in those counties named in subsection 6 of section 28. 1938, c. 13, s. 8, *part*; 1939, c. 18, s. 2 (3); 1944, c. 22, s. 11 (4). *Amended.*

42. No person shall take or kill, or attempt to take or kill, any game by using poison, and possession of poison by any trapper shall be *prima facie* evidence that it was used by him

in violation of this section; but the Department may issue to a limited number of trappers licences to use poison for the taking of wolves. R.S.O. 1937, c. 353, s. 39. *Amended.* ^{Exception as to wolves.}

43. No person shall discharge any air-gun, gun, rifle or other fire-arm in any locality which game usually inhabit, or in which game is usually found between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following or between one-half hour after sunset and one-half hour before sunrise at any other time, except as may be provided by regulations. 1939, c. 16, s. 3. *Amended.* ^{Shooting prohibited at certain times.}

44. No person shall for hire, gain or reward, or hope thereof, hunt, take or kill any game, or employ, hire or for valuable consideration induce any other person to do any of those acts. R.S.O. 1937, c. 353, s. 42. *Amended.* ^{Hunting for hire prohibited.}

45. Nothing in this Act shall prevent the importation of game into Ontario from any place outside of Ontario where it is accompanied by an affidavit or statutory declaration, satisfactory to the Department, that the game was legally taken. R.S.O. 1937, c. 353, s. 55. *Amended.* ^{Importation of game.}

46.—(1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one bull moose, all bears or their skins, one hundred ducks, fifty geese and small game animals and birds not in excess of the number authorized to be taken or killed by this Act in respect to which open seasons are provided. 1939, c. 16, s. 7 (1); 1944, c. 22, s. 13. *Amended.* ^{Export of game by non-residents.}

(2) The holder of the licence shall attach the shipping coupon to each of those animals or to the receptacle containing them, or any part of them, or containing birds. R.S.O. 1938, c. 353, s. 59 (2); 1939, c. 16, s. 7 (2). *Amended.* ^{Coupons.}

47. No lease or conveyance having for its principal purpose or one of its principal purposes the granting of the exclusive rights to any person to hunt game on any property shall be valid unless the lease or conveyance has been submitted to and approved in writing by the Minister. *New.* ^{Lease of hunting rights.}

Fish and Frogs.

48. The Lieutenant-Governor in Council may set apart any waters for the natural or artificial propagation of fish. R.S.O. 1937, c. 353, s. 48. *Amended.* ^{Waters set apart for propagation of fish.}

49.—(1) No person shall angle for or take fish by any means from waters set apart for the propagation of fish, under section 48, but the Department may take fish for the stocking and rearing of fish for public waters or may permit ^{Fishing in protected waters prohibited.}

fish to be taken for scientific purposes. R.S.O. 1937, c. 353, s. 49 (1). *Amended.*

Angling in licensed waters restricted.

(2) No person shall, for purposes of sale or traffic, angle for or take fish in fishing grounds or waters licensed for the purpose of net fishing and occupied by the holder of a licence for that purpose, or angle for any purpose within twenty-five yards of a pound net. R.S.O. 1937, c. 353, s. 49 (5). *Amended.*

No traffic in certain fish.

50.—(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 or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout or Aurora trout, where they are propagated by the holder of the licence.

Idem.

(2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of yellow pickerel (also called pike-perch or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a licence.

Prohibition against buying, selling and possessing fish taken out of season. R.S.O., c. 73.

(3) No person shall buy, sell or possess any fish or portion of any fish, taken from Ontario waters during a closed season for that fish under the *Fisheries Act* (Canada). R.S.O. 1937, c. 353, s. 49 (6-8). *Amended.*

Artificial lights.

51. Except under a licence, no person shall use artificial lights for the taking of frogs. 1938, c. 13, s. 11. *Amended.*

Buoys on nets.

52.—(1) Every person who sets a net for the taking of fish shall attach a buoy to each end of it when in use.

Nets and poles to bear identification marks.

(2) Every person who sets a net, or uses a pole for setting baited hooks, shall attach to it the name of the owner legibly marked on two pieces of metal or wood and he shall so preserve those marks during the fishing season as to be visible without taking up the net or pole, and any net or pole without those marks, and the hooks attached to the pole, shall be liable to confiscation. R.S.O. 1937, c. 353, s. 49 (2). *Amended.*

Joint liability of owner and agent.

53. Where a fishery is in charge of any person other than the owner, either as occupant or servant, and any of the provisions of this Act are violated by that person or by the owner, they shall be jointly and severally liable for any penalties incurred and all damages recoverable in respect to the violation. R.S.O. 1937, c. 353, s. 49 (3). *Amended.*

Exclusive right to fish in navigable waters only by express grant.

54.—(1) The grant by patent, issued before or after the passing of this Act, of the bed of any navigable water, or of any lake or river shall not carry or include the exclusive right of fishing in the water which covers or flows over the land granted unless that exclusive right is expressly granted by the patent. R.S.O. 1937, c. 353, s. 4. *Amended.*

(2) No lease or conveyance made on or after the 26th day of June, 1939, granting exclusive rights to any person in or along any stream or lake which has been stocked with fish of any variety by the Department at any time after the 1st day of May, 1934, shall be valid unless the lease or conveyance has been submitted to and approved by the Minister. 1939, c. 16, s. 9. *Amended.*

General Provisions.

55. No person who has taken or killed any bird, animal or fish, suitable for food, shall allow the flesh to be destroyed or spoilt, and no person who has taken or killed a fur-bearing animal shall allow the pelt to be destroyed or spoilt. R.S.O. 1937, c. 353, s. 36. *Amended.*

56.—(1) No person, while engaged in hunting or trapping game, or while going to or returning from a hunting camp or locality which game inhabits or where game is usually found, shall,—

(a) carry a loaded air-gun, shot-gun, rifle, or other fire-arm in or on, or discharge any of them from an aeroplane, motor car or other vehicle; or R.S.O. 1937, c. 353, s. 44, *part.* *Amended.*

(b) discharge any of them from or across a highway within the meaning of *The Highway Traffic Act*. 1944, c. 22, s. 12.

(2) An air-gun, shot-gun, rifle or other fire-arm carrying loaded shells or cartridges in the magazine shall be deemed to be loaded within the meaning of clause *a* of subsection 1. R.S.O. 1937, c. 353, s. 44, *part.* *Amended.*

57.—(1) No person shall,—

(a) hunt any protected or unprotected bird or animal with an automatic or auto-loading shot-gun, in which the recoil is utilized to reload the gun, or carry a gun of this description for those purposes; 1938, c. 13, s. 9; 1939, c. 16, s. 4 (1), *part.* *Amended.*

(b) in those parts where pheasant may be legally taken, killed or shot, hunt any protected or unprotected bird or animal with a rifle or possess a rifle for that purpose during the open season for pheasants; 1939, c. 16, s. 4 (2). *Amended.*

(c) while employed in any lumber or mining camp or in connection with the construction or maintenance of

any railway or public work, possess in the vicinity of any of them any gun or other fire-arm except under a licence, but this clause shall not apply to a resident employed by a railway company who does not carry or possess a fire-arm on a railway velocipede or hand-car however propelled; or 1938, c. 13, s. 10. *Amended.*

Hunting equipment not to be used on Crown game preserves.

(d) possess or carry or use on Crown lands which have been designated by the Lieutenant-Governor in Council as a Crown game preserve, any fire-arm, trap or snare or any instrument for hunting, trapping, catching or killing any bird or animal, except as permitted by this Act. R.S.O. 1937, c. 353, s. 47 (2). *Amended.*

Exception.

(2) Clause *a* of subsection 1 shall not apply to any automatic or auto-loading shot-gun which has been reconstructed and plugged so as to be incapable of holding more than three shells at one time, one shell in the barrel and the others in the magazine. 1938, c. 13, s. 9; 1939, c. 16, s. 4 (1), *part.* *Amended.*

Special licence.

(3) During the open season for deer and moose a licence to hunt deer or moose shall be deemed to be a licence within the meaning of clause *c* of subsection 1. R.S.O. 1937, c. 353, s. 46 (2). *Amended.*

Entrance upon growing crops.

58.—(1) No person shall, at any time, with any sporting implement or fishing rod or tackle in his possession, enter or allow any dog to enter into any growing or standing grain or any other crop, whether of the same kind or not, without the permission of the owner.

Entrance without notice.

(2) No person shall at any time hunt or fish or with any sporting implement, fishing rod or tackle in his possession, go upon any enclosed or unenclosed land or water after he has had notice not to hunt or fish thereon by the owner, but this subsection shall not apply to any person travelling upon any water when the sporting implement, fishing rod or tackle is so encased or dismantled as to prevent its use while in transit. 1942, c. 18, s. 2 (1-2). *Amended.*

Notice of prohibition.

(3) The notice in subsection 2 may be given,— R.S.O. 1937, c. 353, s. 65 (2). *Amended.*

(a) in writing; or R.S.O. 1937, c. 353, s. 65 (2), cl. (a).

(b) by maintaining sign-boards at least one foot square and not more than eighty rods apart on or near the boundary of the land intended to be protected, or upon the shores of any water covering the land, or any part of the land, bearing in a conspicuous

manner words in the following form or to the like effect: "Hunting, shooting or fishing is prohibited".
R.S.O. 1937, c. 353, s. 65 (2), cl. (b). *Amended.*

(4) No person shall,—

(a) without authority put up or cause to be put up the notice in clause *b* of subsection 3 on land of which he is not the owner; or

Wrongful
erection or
destruction
of notices.

(b) tear down, remove, injure, deface or interfere with any notice put up pursuant to this section or any notice or sign posted or placed by the Department.
R.S.O. 1937, c. 353, s. 47 (1) and s. 65 (3), cl. (a-b).
Amended.

(5) No person shall trespass upon, or without proper authority enter upon, the lands owned by the Crown designated as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break, or cut through the fences surrounding the lands for the purpose of entering on them or, while on the lands, possess or carry or use any spear, fire-arm, fishing net, fishing tackle, night-line or other contrivance or instrument for the hunting, trapping, fishing, spearing, catching or killing of any fish, bird or animal except as may be permitted by this Act. R.S.O. 1937, c. 353, s. 65 (5). *Amended.*

Trespassing
on experi-
mental
farms.

(6) In this section "owner" shall include any person who is the owner of an interest in any land entitling him to the possession of it, but shall not include the holder of a timber licence. 1942, c. 18, s. 2 (2). *Amended.*

"Owner".

(7) Nothing in this section shall limit or in any way affect the remedy at common law of any owner for trespass. R.S.O. 1937, c. 353, s. 65 (4).

Common
law remedy
for trespass.

59.—(1) No person shall sublet, transfer or assign any right, interest, or privilege granted to or conferred upon him under this Act, without the written consent of the Minister.

Transfer
of right or
privilege.

(2) The Deputy Minister may, subject to appeal to the Minister, cancel any licence where an error has been made when issuing it from any cause, but the holder shall have no claim for indemnity or compensation with respect to it other than the adjustment and refund of any excess fee collected. R.S.O. 1937, c. 353, s. 50 (1-2). *Amended.*

Cancellat-
ion of
licence in
event of
error.

60. No hotel, restaurant, boarding-house, camp or club shall serve as a part of a meal any game or fish under any pretended name, or serve under a false name any article of food classified as any game or fish the sale of which is prohibited under this Act. R.S.O. 1937, c. 353, s. 51. *Amended.*

Food
falsely
described.

Coupons on
hunting
licences.

61.—(1) There shall be attached to every hunting licence one or more shipping coupons plainly marked with the description of the game, for hunting which, the licence is issued, and there shall be printed or stamped upon the coupon the date of expiry, which shall not be later than four days after the last day of the open season for which the licence is issued.

Detachment
and cancellation
of coupons
upon shipment
of big game.

(2) Where any deer or moose, or any part of them, is presented for shipment to a common carrier, a coupon shall be detached from the licence and signed by the holder of the licence in the presence of the shipping agent or clerk in charge of the office at the point of shipment and attached to each animal or part thereof or to the receptacle containing it, and then the shipping agent or clerk shall write "cancelled" across the face of the coupon, but where the animal or any part of it is transported by other than a common carrier the coupon shall be attached to the animal or part of it and similarly cancelled by the holder of the licence before transporting it.

Offences
related to
shipping.

(3) No person shall violate any provision of subsections 1 and 2 or use an expired coupon or ship or assist in shipping anything without a coupon where a coupon is by this Act required. R.S.O. 1937, c. 353, s. 54 (1-3). *Amended.*

Power of
inspection
by officers.

62. No person employed by a railway company, express company, or other common carrier or engaged in the business of cold storage, or lumbering, or dealing in game and fish, or in charge of any camp near any fishery or near any place which game inhabit or where game is usually found, or holding a licence, or owning or in charge of a motor vehicle, aeroplane, or any other flying machine, shall refuse to allow an officer to enter and inspect any railway car, building, premises, enclosure or motor vehicle, aeroplane, or any other flying machine, or any receptacle for the purpose of examining all game and fish taken, and all implements and appliances for hunting and fishing, or refuse an officer examination of any book, invoice or document containing any entry or memorandum relating to game and fish, which the officer suspects of being killed or possessed in violation of this Act, but he shall afford every reasonable facility for the examination and upon refusal the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct the examination. R.S.O. 1937, c. 353, s. 52. *Amended.*

63.—(1) No railway or express company, or other common carrier, or any other person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport,—

- (a) any deer or moose or the head or any other part of them unless there is attached to it or the receptacle containing it, a shipping coupon detached from a licence; R.S.O. 1937, c. 353, s. 53 (1); 1939, c. 16, s. 51. *Amended.* Transport of deer or moose.
- (b) the head or antlers or both of any moose, unless there are produced at the same time at least the hind quarters of the carcass to which the head or antlers or both belonged; Transport of moose head or antlers.
- (c) any deer or moose or any part of them during the closed season or after the expiry of the shipping coupon attached thereto, except under a licence; or R.S.O. 1937, c. 353, s. 53 (2-3). *Amended.* Transport of big game in closed season.
- (d) fish or game caught, taken or killed within Ontario at a time or in a manner prohibited by law. R.S.O. 1937, c. 353, s. 56. *Amended.* Transport of fish or game illegally taken.
- (2) No person shall during the transporting of any deer or moose or the head or other part of them, conceal or attempt to conceal the whole or any part of the carcass. R.S.O. 1937, c. 353, s. 53 (5). *Amended.* Carcass concealed during transport.
- (3) The Department may issue at any time a licence to transport deer or moose or any part of them, upon proof by affidavit or statutory declaration satisfactory to the Department that the deer, moose or part thereof has been lawfully taken. R.S.O. 1937, c. 353, s. 53 (4). Transport of deer, moose, etc., without shipping coupon.
- 64.**—(1) All receptacles in which game or fish or pelts or the skins of any other protected animals are packed for transportation, including transportation by hand or otherwise, shall be plainly marked on the outside in such a manner as to give a list and description of the contents and the name and address of the consignee and consignor. Receptacles to be marked.
- (2) Shipments of pelts shall only be made by express or parcel post, and no shipment of pelts shall be made by aeroplane or in any other manner not provided for in this subsection, except under the authority of a licence. R.S.O. 1937, c. 353, s. 58; 1939, c. 16, s. 6. *Amended.* Shipment of pelts.
- 65.** The Department may issue licences, not inconsistent with any law of Canada, to export from Ontario or to transport within Ontario, at any time, any game or fish, whether dead or alive. R.S.O. 1937, c. 353, s. 57. *Amended.* Transport of game or fish under licence.
- 66.** The Minister may direct the refund of the whole or any part of the fee paid for any licence, where, owing to the Refund of fees.

licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made to the holder of the licence. R.S.O. 1937, c. 353, s. 60. *Amended.*

Revenue.

67. Save as otherwise provided by this Act all rentals, licence fees, fines, penalties, proceeds of the sales of game and fish, and of all articles confiscated, and other receipts, fees and revenue under this Act, or under any lease, licence or instrument by this Act authorized, shall be paid to the Treasurer of Ontario. R.S.O. 1937, c. 353, s. 5. *Amended.*

Procedure.

Prosecu-
tions.

68.—(1) Prosecutions for offences against this Act or for the recovery of penalties imposed by it, may be brought and heard before any magistrate for the county, district, village, town or city in which the offence was committed, but where the offence was committed near or on a boundary line between two counties or between two districts or between a county and a district the prosecution may be brought and heard before a magistrate in either of them.

Limitation.

(2) The information upon which the prosecution is based, shall be laid within twelve months after the commission of the offence, except where the prosecution is for omission to make any return required by this Act.

Offences.

(3) A violation of this Act or of the regulations or of the terms or conditions of a licence shall be, and may be stated as, an offence against this Act.

Description
of offence.

(4) The description of an offence in the words of this Act or of the regulations, or in any words to the like effect shall be sufficient, and an information may be for more than one offence.

Multiple
offences.

(5) A violation of this Act shall constitute a separate offence in respect to each animal or bird which is the subject of the prosecution.

Similar
offences
on the
same day.

(6) Where at the trial of any prosecution under this Act it appears in evidence that more than one offence of the same kind was committed at the same time, or on the same day, the court shall in one conviction impose all the penalties at the same time.

Committal
of non-
payment
of penalty.

(7) The court shall in the conviction adjudge that the person accused and found guilty be imprisoned for a term not exceed-

ing two years, unless the penalty and the costs of prosecution and committal and of conveying him to prison are sooner paid.

(8) A conviction or order made under this Act, either ^{Defects of form.} originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person has a right of appeal, shall not be removed, at the instance of any person or of the Crown into the Supreme Court by *certiorari* or otherwise.

(9) *The Summary Convictions Act* shall apply to all prosecutions under this Act, except where herein otherwise provided. R.S.O. 1937, c. 353, s. 66 (1-4), (6-10). *Amended.* ^{Procedure. Rev. Stat., c. 136.}

Evidence.

69. In actions and prosecutions under this Act in respect ^{Onus of proof,—} to,—

- (a) taking, killing, procuring or possessing any game or fish, or any part of either of them, the onus shall be upon the person charged to prove that the game or fish or any part of either of them was lawfully taken, killed, procured or possessed by him;
- (b) setting a net, fishing device or other article, the ^{Fishing devices.} finding of any of them set in violation of this Act shall be *prima facie* evidence of the guilt of the person owning, possessing or operating any of them; or
- (c) hunting, the possession in or near any place which ^{Fire-arms.} game inhabit or where game is likely to be found, of a gun, decoy or other implement for hunting, shall be *prima facie* evidence that the person in possession of any of them was hunting. R.S.O. 1937, c. 353, s. 67 (1-3). *Amended.*

Penalties.

70.—(1) A person who commits an offence against this Act in respect to,—

- (a) deer, moose, caribou or wapiti shall incur a penalty ^{Deer.} of not less than \$20 and not more than \$100;
- (b) otter, fisher or marten or their pelts, other than the ^{Otter, fisher, or marten.} exporting of any of them, shall incur a penalty of not less than \$20 and not more than \$100 for each animal or pelt the subject of the prosecution.

Export of
beaver,
otter,
fisher,
or marten.

(c) the exporting of otter, fisher or marten or their pelts shall incur a penalty of not less than \$30 and not more than \$200 for each animal or pelt the subject of the prosecution;

Beaver.

(d) beaver or their pelts, other than the exporting of them, shall incur a penalty of not less than \$50 and not more than \$100 for each animal or pelt the subject of the prosecution;

Export of
beaver.

(e) the exporting of beaver or their pelts shall incur a penalty of not less than \$50 and not more than \$200 for each animal or pelt the subject of the prosecution; or

All other
fur-bearing
animals.

(f) any fur-bearing animal upon which a royalty is levied under section 25 other than beaver, otter, fisher or marten, shall incur a penalty of not less than \$1 and not more than \$20 for each animal or pelt the subject of the prosecution. R.S.O. 1937, c. 353, s. 68 (2-5). *Amended.*

Violation
of terms
of licence.

(2) A person who violates the terms or conditions of his licence shall incur a penalty of not less than \$10 and not more than \$300. R.S.O. 1937, c. 353, s. 68 (1). *Amended.*

Shipment of
pelts of
animals by
aeroplane.

(3) A person who commits an offence against section 64 in respect to the shipment of pelts by aeroplane or by any other manner not provided for in that section, shall incur a penalty of not less than \$50 and not more than \$500. 1939, c. 16, s. 8, *part.* *Amended.*

Fire-arms
on Crown
game
preserves.

(4) A person who commits an offence against the provisions of clause *d* of subsection 1 of section 57, shall incur a penalty of not less than \$50 and not more than \$500. R.S.O. 1937, c. 353, s. 68 (6).

Maskinonge.

(5) A person who commits an offence against this Act in respect to maskinonge shall incur a penalty of not less than \$10 and not more than \$100 for each maskinonge the subject of the prosecution. 1939, c. 16, s. 8, *part.* *Amended.*

Trespass
on
property.

(6) A person who commits an offence against the provisions of subsection 5 of section 58 shall incur a penalty of not less than \$100 and not more than \$500. R.S.O. 1937, c. 353, s. 68 (7).

Interference
with officers.

(7) A person convicted of an offence against subsection 7 of section 7 shall incur a penalty of not less than \$100 and not more than \$500. R.S.O. 1937, c. 353, s. 68 (10). *Amended.*

(8) A person who commits an offence against subsection 7 of section 21 shall incur a penalty of not less than \$20 and not more than \$100. *New.* Multiplicity of licences.

(9) Except as herein otherwise provided, a person who commits an offence against this Act shall incur a penalty of not less than \$10 and not more than \$100. R.S.O. 1937, c. 353, s. 68 (8). *Amended.* General penalty.

(10) A person who, after having been convicted of an offence against this Act, within two years again offends against this Act, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter he shall incur a penalty of not less than the maximum penalty provided for the offence. R.S.O. 1937, c. 353, s. 68 (9). *Amended.* Second and subsequent offences.

(11) No court shall remit any penalty or reduce the amount of the penalty after conviction, but where the penalty exceeds \$200 the Minister may remit the excess. R.S.O. 1937, c. 353, s. 68 (11). *Amended.* Remission or reduction of penalties.

(12) Where an offence against this Act is committed in a Provincial park within the meaning of *The Provincial Parks Act*, or within one mile thereof, the minimum and maximum penalties incurred shall be increased to double the amount set forth in this section for that offence. *New.* Offence in Provincial parks. Rev. Stat., c. 94.

71.—(1) All motor vehicles, or vehicles of any description, aeroplanes, guns, ammunition, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all fishing gear, materials, implements or appliances of every kind used for hunting and fishing, and all game and fish, together with packages, crates or containers of every description used in violation of this Act and found in the possession of any person suspected of having committed an offence against this Act shall be seized, and upon conviction, be forfeited to and become the property of 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 forfeited to and become the property of the Crown in right of Ontario and sold forthwith by the Department, and any other property seized shall be forfeited to, and become the property of the Crown in right of Ontario and sold by the Department after the expiration of thirty days. Seizure and confiscation of game and other property.

(2) A seine net found in or near waters in which fishing by seines is permitted, where the net is not claimed within two days by a person holding a licence to fish with a seine Unlicensed seines to be seized.

net, or found in or near waters in which fishing by seines is prohibited, shall be seized and forfeited to and become the property of the Crown in right of Ontario and sold by the Department.

Relief from forfeiture.

(3) Where the Minister is satisfied that the seizure of any property other than game or fish would work undue hardship or injustice and the value of that property is in excess of \$100, the Minister may grant relief from forfeiture and direct the return of the property to the person from whom taken upon such terms as he may deem just.

Disposal of certain properties seized.

(4) The Deputy Minister may after a conviction authorize any officer to destroy any property forfeited, the possession of which is at all times unlawful, or any property having no commercial value, and also authorize any perishable game or fish to be given to a charitable institution.

Cancellation and revival of licence after conviction.

(5) A licence held by a person convicted of an offence against this Act or the Special Fishery Regulations shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence where there has been no conviction for an offence against this Act during the period of two years immediately preceding the cancellation. R.S.O. 1937, c. 353, s. 69 (1-5). *Amended.*

Regulations.

Regulations. **72.** The Lieutenant-Governor in Council may make regulations,—

- (a) governing the issue, form, renewal, transfer, refusal and cancellation of licences under this Act and the Special Fishery Regulations, prescribing their duration, territorial limitation, terms and conditions, and the fees payable in respect to them, where those fees are not prescribed by this Act; R.S.O. 1937; c. 353, s. 6 (1), cl. (g). *Amended.*
- (b) prescribing the terms and conditions governing the issue of a licence other than a trapper's licence to a person under the age of sixteen years; *New.*
- (c) providing that every person holding any lease or licence under this Act, and all fish companies and fish dealers, keep such records and make such reports and returns as may be prescribed; R.S.O. 1937, c. 353, s. 6 (1), cl. (b). *Amended.*

- (d) authorizing townships or township organization approved by the Minister to issue and charge fees for licences to hunt, during the open season, pheasants and rabbits within the township or within the lands controlled by the township organizations; 1938, c. 13, s. 3. *Amended.*
- (e) for granting without fee a licence to a guest of Ontario to angle and hunt; R.S.O. 1937, c. 353, s. 6¹(1), cl. (r).
- (f) prescribing a closed season for, and restricting the taking of, frogs and setting apart any suitable waters for their propagation; R.S.O. 1937, c. 353, s. 6 (1), cl. (m). *Amended.*
- (g) restricting or prohibiting the possession of air-guns, guns, rifles, or other fire-arms in any part of Ontario in which it may appear desirable to take special means to prevent violations of this Act; R.S.O. 1937, c. 353, s. 6 (1), cl. (e). *Amended.*
- (h) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed, or procured according to the law of the place in which the same was killed or procured; R.S.O. 1937, c. 353, s. 6 (1), cl. (o). *Amended.*
- (i) varying the open season for any game in any part of Ontario, the variation not to extend beyond one season; R.S.O. 1937, c. 353, s. 6 (1), cl. (d). *Amended.*
- (j) designating parts of Ontario in which no person shall hunt, take, pursue, kill, wound or destroy any game at any time of the year, subject to such exceptions as may be deemed reasonable; R.S.O. 1937, c. 353, s. 6 (1), cl. (h). *Amended.*
- (k) prohibiting for a period of not more than three years at a time the hunting, purchase, sale or possession in any part of Ontario of any game bird, non-game bird or any insectivorous bird, where they are not protected by the *Migratory Birds Convention Act* (Canada); R.S.O. 1937, c. 353, s. 6 (1), cl. (c). ^{R.S.C. c. 130.} *Amended.*
- (l) governing or prohibiting the purchase and sale of or traffic in quail, partridge, pheasants or other game birds not protected by the *Migratory Birds Convention Act* (Canada); R.S.O. 1937, c. 353, s. 6 (1), cl. (n), *part.* *Amended.*
- (m) exempting Indians in the northerly or north-westerly or any sparsely settled parts of Ontario whether

organized or unorganized, from any provisions of this Act; R.S.O. 1937, c. 353, s. 6 (1), cl. (i).
Amended.

- (n) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, Orders-in-Council, documents and accounts in the custody of the Government of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario; R.S.O. 1937, c. 353, s. 6 (1), cl. (a).
- (o) prescribing royalties; and
- (p) generally for the better carrying-out of the provisions of this Act. *New.*

Repeal.

Rev. Stat.,
c. 353,
1938, c. 13,
1939, c. 16,
1942, c. 18,
1944, c. 22,
repealed.

73. *The Game and Fisheries Act, The Game and Fisheries Amendment Act, 1938, The Game and Fisheries Amendment Act, 1939, The Game and Fisheries Amendment Act, 1942, and The Game and Fisheries Amendment Act, 1944, are repealed.*

Short Title.

Short title. **74.** This Act may be cited as *The Game and Fisheries Act, 1946.*

BILL

The Game and Fisheries Act, 1946.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DUNBAR

No. 153

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Long Point Park Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Bill is complementary to Bills 152 and 155 which amend *The Game and Fisheries Act* and *The Provincial Parks Act*.

SECTION 1. This amendment is to bring this section into line with the practice since the passing of *The Regulations Act, 1944*.

BILL

An Act to amend The Long Point Park Act.

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

1. Section 5 of *The Long Point Park Act* is amended by striking out the words "any direction" in the first line and inserting in lieu thereof the words "the approval", so that the first two lines of the said section shall now read as follows:

.
5. Subject to the approval of the Lieutenant-Governor in Council, the Commission shall have power,—

Powers of Commission.
2. Section 27 of *The Long Point Park Act* is repealed.

Rev. Stat., c. 96, s. 27, repealed.
3. This Act may be cited as *The Long Point Park Amendment Act, 1946*.

Short title.

An Act to amend The Long Point
Park Act.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. THOMPSON

No. 153

2ND SESSION, 22ND LEGISLATURE, ONTARIO
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HIS 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 Long Point Park Act* is amended by Rev. Stat., c. 96, s. 5, amended. striking out the words "any direction" in the first line and inserting in lieu thereof the words "the approval", so that the first two lines of the said section shall now read as follows:

5. Subject to the approval of the Lieutenant-Governor in Powers of Commission. Council, the Commission shall have power,—

.

2. Section 27 of *The Long Point Park Act* is repealed. Rev. Stat., c. 96, s. 27, repealed.

3. This Act may be cited as *The Long Point Park Amendment Act, 1946*. Short title.

An Act to amend The Long Point
Park Act.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. THOMPSON

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Presqu'ile Park Act.

MR. THOMPSON

EXPLANATORY NOTE

The Bill is complementary to Bills 152 and 155 which amend *The Game and Fisheries Act* and *The Provincial Parks Act*.

SECTION 1. The amendment to this section corrects an obvious omission. The section simply declares the Park to be "vested", and does not say in whom it is vested.

BILL

An Act to amend The Presqu'ile Park Act.

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

1. Section 2 of *The Presqu'ile Park Act* is amended by Rev. Stat., c. 97, s. 2, amended. inserting after the word "vested" in the twentieth line the words "in The Presqu'ile Park Commission", so that the said section shall now read as follows:

2. The tract of land and marsh land hereinafter mentioned, that is to say: All that parcel or tract of land and marsh land in the Township of Brighton, in the County of Northumberland being composed of Presqu'ile Peninsula and High Bluff Island as shown on plans of survey by A. B. Perry, dated December 6th, 1869, on record in the Department of Lands and Forests, together with any small islands or bars and all marsh land lying adjacent to the said peninsula and south of the Village of Brighton and of Lots 4 and 5 in the broken front concession of Brighton Township, excepting from the above mentioned lands, the light-house reserve, containing some 125 acres, and two other small lots on the northerly shore of the Point, containing together one acre and sixty-five one hundredths of an acre, more or less, and a strip, 30 feet wide adjoining the westerly boundary produced of the said lighthouse reserve to give connection with the public road, as described in the Report of the Committee of the Privy Council and approved November 6th, 1920, and shown on a plan attached to the said report, containing an area of 875 acres, more or less, is hereby vested in The Presqu'ile Park Commission and set apart as a park, forest reservation and health resort for the benefit, advantage and enjoyment of the people of Ontario and shall be known as the "Presqu'ile Park."
- What lands to be set apart for purposes of Park.

Rev. Stat.,
c. 97, s. 5,
amended.

2. Section 5 of *The Presqu'ile Park Act* is amended by striking out the words "any direction" in the first line and inserting in lieu thereof the words "the approval", so that the first two lines of the said section shall now read as follows:

Powers of
Commission.

5. Subject to the approval of the Lieutenant-Governor in Council, the Commission shall have power,—

.

Rev. Stat.,
c. 97, s. 27,
repealed.

3. Section 27 of *The Presqu'ile Park Act* is repealed.

Short title.

4. This Act may be cited as *The Presqu'ile Park Amendment Act, 1946*.

SECTION 2. This amendment is to bring this section into line with the practice since the passing of *The Regulations Act, 1944*.



An Act to amend The Presqu'ile
Park Act.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. THOMPSON

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Presqu'ile Park Act.

MR. THOMPSON



BILL

An Act to amend The Presqu'ile Park Act.

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

1. Section 2 of *The Presqu'ile Park Act* is amended by inserting after the word "vested" in the twentieth line the words "in The Presqu'ile Park Commission", so that the said section shall now read as follows: Rev. Stat., c. 97, s. 2, amended.

2. The tract of land and marsh land hereinafter mentioned, that is to say: All that parcel or tract of land and marsh land in the Township of Brighton, in the County of Northumberland being composed of Presqu'ile Peninsula and High Bluff Island as shown on plans of survey by A. B. Perry, dated December 6th, 1869, on record in the Department of Lands and Forests, together with any small islands or bars and all marsh land lying adjacent to the said peninsula and south of the Village of Brighton and of Lots 4 and 5 in the broken front concession of Brighton Township, excepting from the above mentioned lands, the light-house reserve, containing some 125 acres, and two other small lots on the northerly shore of the Point, containing together one acre and sixty-five one hundredths of an acre, more or less, and a strip, 30 feet wide adjoining the westerly boundary produced of the said lighthouse reserve to give connection with the public road, as described in the Report of the Committee of the Privy Council and approved November 6th, 1920, and shown on a plan attached to the said report, containing an area of 875 acres, more or less, is hereby vested in The Presqu'ile Park Commission and set apart as a park, forest reservation and health resort for the benefit, advantage and enjoyment of the people of Ontario and shall be known as the "Presqu'ile Park." What lands to be set apart for purposes of Park.

Rev. Stat.,
c. 97, s. 5,
amended.

2. Section 5 of *The Presqu'ile Park Act* is amended by striking out the words "any direction" in the first line and inserting in lieu thereof the words "the approval", so that the first two lines of the said section shall now read as follows:

Powers of
Commission.

5. Subject to the approval of the Lieutenant-Governor in Council, the Commission shall have power,—

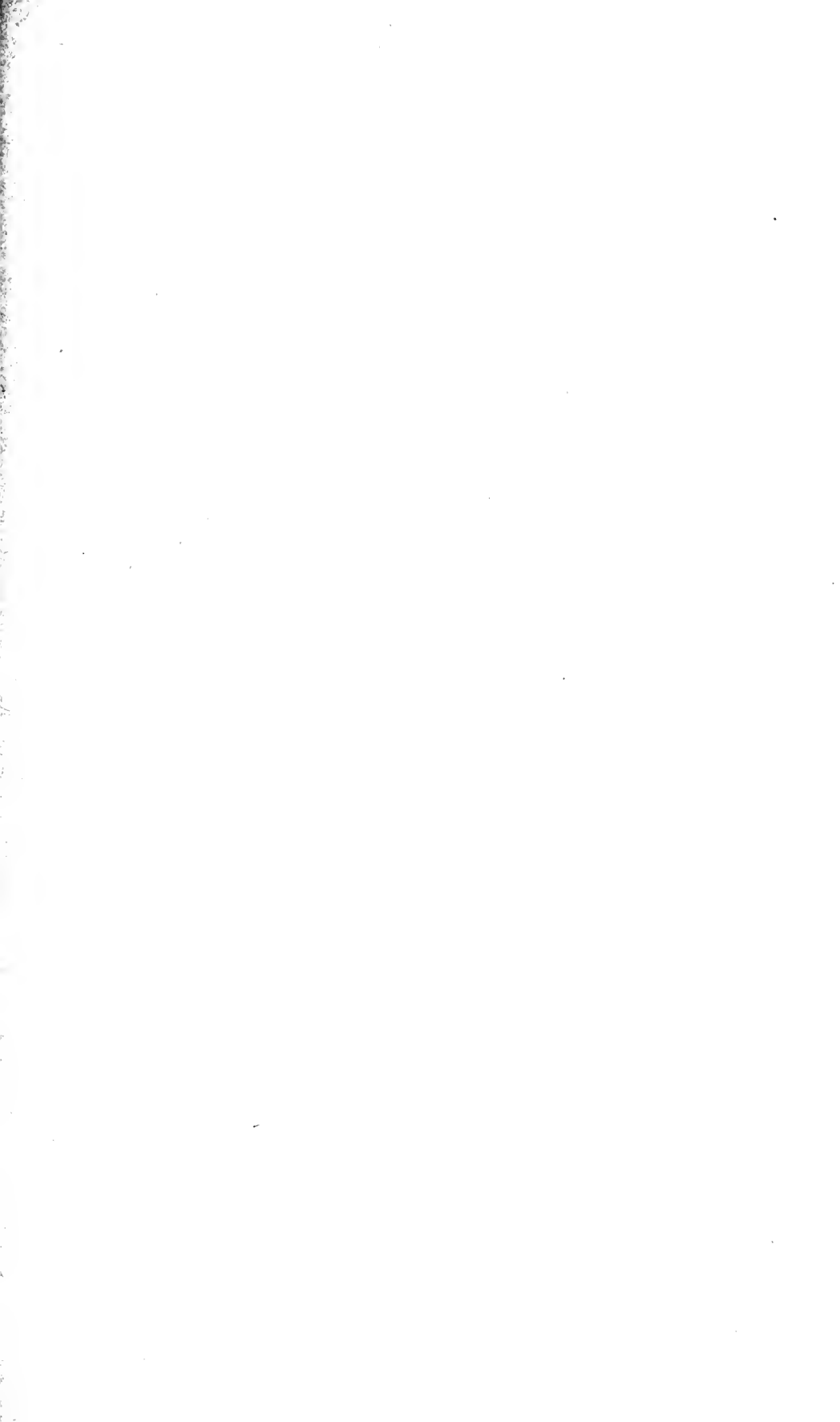
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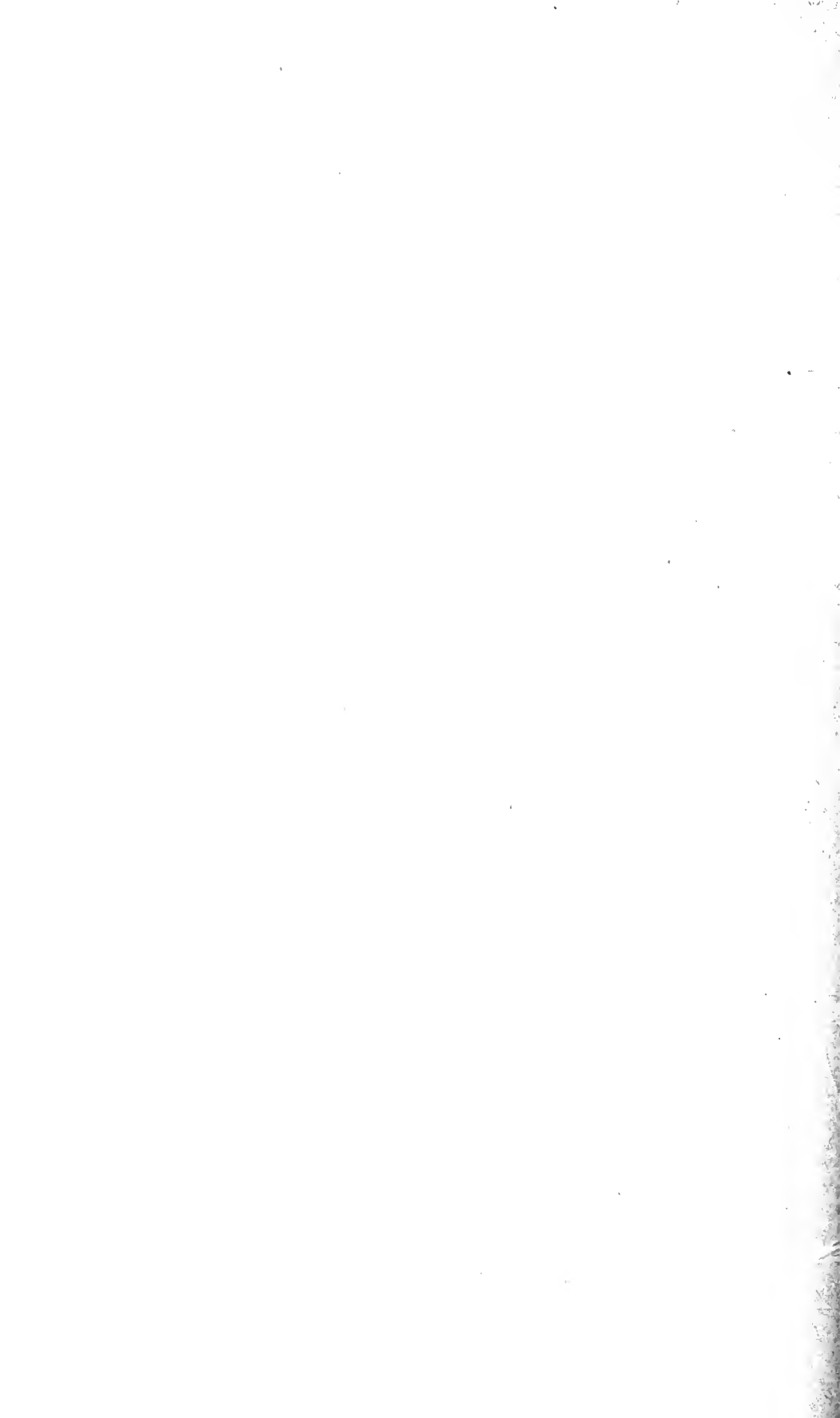
Rev. Stat.,
c. 97, s. 27,
repealed.

3. Section 27 of *The Presqu'ile Park Act* is repealed.

Short title.

4. This Act may be cited as *The Presqu'ile Park Amendment Act, 1946*.







An Act to amend The Presqu'ile
Park Act.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. THOMPSON

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Provincial Parks Act.

MR. THOMPSON

EXPLANATORY NOTE

GENERAL. This Bill repeals those parts of *The Provincial Parks Act* relating to game and fish. Under Bill 152 whereby *The Game and Fisheries Act* is repealed and replaced all matters relating to game and fish are administered by the Department of Game and Fisheries, and all provincial parks are included. Special penalties are provided in *The Game and Fisheries Act* for offences committed within the parks or within a limited radius thereof.

SECTION 2. This amendment is to make the section conform to the practice since the passing of *The Regulations Act, 1944*.

BILL

An Act to amend The Provincial Parks Act.

HIS 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 Provincial Parks Act* is amended by striking out the words "fish and game preserve" in the seventh line, so that the said section shall now read as follows:

<p>Rev. Stat., c. 94, s. 2, amended.</p>
--

2. The Lieutenant-Governor in Council may withdraw from sale, settlement and occupancy under the provisions of *The Public Lands Act*, and *The Mining Act*, any tract of land being the property of the Crown, and not suitable for settlement or agricultural purposes, and may reserve and set apart the same as a public park and forest reserve, health resort and pleasure ground for the benefit, advantage and enjoyment of the people of Ontario, and for the protection of the fish, birds, game and fur-bearing animals therein, subject to the provisions of this Act and of the regulations made thereunder, and any such tract shall be known as a provincial park and called by a distinctive name.

<p>Reservation of land the property of the Crown. Rev. Stat., cc. 33, 47.</p>
--

2. Section 3 of *The Provincial Parks Act* is amended by inserting after the word "Council" in the first line the words "by regulation", and by striking out all the words after the word "therefrom" in the fourth line, so that the said section shall now read as follows:

<p>Rev. Stat., c. 94, s. 3, amended.</p>
--

3. The Lieutenant-Governor in Council by regulation may add to the park any adjacent tract of land the property of the Crown, alter the boundaries of the park, or withdraw any tract of land therefrom.

<p>Powers of Lieutenant- Governor as to park boundaries.</p>
--

- 3.—(1) Clause *h* of section 6 of *The Provincial Parks Act* is repealed.

<p>Rev. Stat., c. 94, s. 6, cl. <i>h</i>, repealed.</p>

- (2) Clause *i* of the said section 6 is amended by striking out all the words after the word "trespassers" in the second line, so that the said clause shall now read as follows:

<p>Rev. Stat., c. 94, s. 6, cl. <i>i</i>, amended.</p>
--

Trespassers. (i) the removal and exclusion of pedlars, travelling salesmen and trespassers.

Rev. Stat.,
c. 94, ss. 7,
8, 9, 10
and 11,
repealed.

4. Sections 7, 8, 9, 10 and 11 of *The Provincial Parks Act* are repealed.

Rev. Stat.,
c. 94, s. 12,
amended.

5. Section 12 of *The Provincial Parks Act* is amended by striking out all the words after the word "Act" in the twelfth line, so that the said section shall now read as follows:

Power to
arrest on
view of
offence.

12. Any park ranger or member of the Ontario Provincial Police Force, or other person appointed by the Minister for the purpose, may, on view without warrant or legal process, arrest and bring before a justice of the peace or before the superintendent to be dealt with according to law, any person found violating any provision of this Act or of the regulations made thereunder and the superintendent shall have the like power of arresting such person and when he is arrested may summarily try him for any of the offences hereinafter mentioned, and a park ranger or the superintendent may on view arrest and remove from the park any person found violating the provisions of this Act.

Rev. Stat.,
c. 94, s. 13,
repealed.

6. Section 13 of *The Provincial Parks Act* is repealed.

Rev. Stat.,
c. 94, s. 15,
amended.

7. Section 15 of *The Provincial Parks Act* is amended by striking out all the words after the word "Crown" in the fifth line, so that the said section shall now read as follows:

Effect of
license.

15. A timber license over or in respect of any land within the park shall not entitle the holder thereof to exclusive possession of such land as against the Crown or its agents, servants, licensees or lessees, or the holder of any permit from the Crown.

Rev. Stat.,
c. 94, s. 28,
re-enacted.

8. Section 28 of *The Provincial Parks Act* is repealed and the following substituted therefor:

Enforcement
of game
laws.

1946, c. . .

28. Nothing herein shall withdraw the territory comprising the park or that within a mile from any part thereof from the operation of *The Game and Fisheries Act, 1946*.

Rev. Stat.,
c. 94, s. 29,
subs. 2
amended.

9. Subsection 2 of section 29 of *The Provincial Parks Act* is amended by striking out the symbol and figure "\$1" in the second line and inserting in lieu thereof the symbol and figure "\$5", so that the said subsection shall now read as follows:

Annual
fee.

(2) The annual fee to be paid for a license shall not exceed \$5.

SECTION 9. The maximum annual fee chargeable for a licence issued to a person authorizing him to act as a guide to tourists in any of the Provincial Parks is increased from \$1 to \$5.



10. Section 41 of *The Provincial Parks Act* is repealed.

Rev. Stat.,
c. 94, s. 41,
repealed.

11. This Act may be cited as *The Provincial Parks Amendment Act, 1946*. Short title.

An Act to amend The Provincial
Parks Act.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. THOMPSON

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Provincial Parks Act.

MR. THOMPSON

BILL

An Act to amend The Provincial Parks Act.

HIS 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 Provincial Parks Act* is amended by striking out the words "fish and game preserve" in the seventh line, so that the said section shall now read as follows:

Rev. Stat.,
c. 94, s. 2,
amended.
2. The Lieutenant-Governor in Council may withdraw from sale, settlement and occupancy under the provisions of *The Public Lands Act*, and *The Mining Act*, any tract of land being the property of the Crown, and not suitable for settlement or agricultural purposes, and may reserve and set apart the same as a public park and forest reserve, health resort and pleasure ground for the benefit, advantage and enjoyment of the people of Ontario, and for the protection of the fish, birds, game and fur-bearing animals therein, subject to the provisions of this Act and of the regulations made thereunder, and any such tract shall be known as a provincial park and called by a distinctive name.

Reservation
of land the
property of
the Crown.

Rev. Stat.,
cc. 33, 47.
2. Section 3 of *The Provincial Parks Act* is amended by inserting after the word "Council" in the first line the words "by regulation", and by striking out all the words after the word "therefrom" in the fourth line, so that the said section shall now read as follows:

Rev. Stat.,
c. 94, s. 3,
amended.
3. The Lieutenant-Governor in Council by regulation may add to the park any adjacent tract of land the property of the Crown, alter the boundaries of the park, or withdraw any tract of land therefrom.

Powers of
Lieutenant-
Governor
as to park
boundaries.
- 3.—(1) Clause *h* of section 6 of *The Provincial Parks Act* is repealed.

Rev. Stat.,
c. 94, s. 6,
cl. h,
repealed.
- (2) Clause *i* of the said section 6 is amended by striking out all the words after the word "trespassers" in the second line, so that the said clause shall now read as follows:

Rev. Stat.,
c. 94, s. 6,
cl. i,
amended.

Trespassers. (i) the removal and exclusion of pedlars, travelling salesmen and trespassers.

Rev. Stat., c. 94, ss. 7, 8, 9, 10 and 11, repealed. 4. Sections 7, 8, 9, 10 and 11 of *The Provincial Parks Act* are repealed.

Rev. Stat., c. 94, s. 12, amended. 5. Section 12 of *The Provincial Parks Act* is amended by striking out all the words after the word "Act" in the twelfth line, so that the said section shall now read as follows:

Power to arrest on view of offence. 12. Any park ranger or member of the Ontario Provincial Police Force, or other person appointed by the Minister for the purpose, may, on view without warrant or legal process, arrest and bring before a justice of the peace or before the superintendent to be dealt with according to law, any person found violating any provision of this Act or of the regulations made thereunder and the superintendent shall have the like power of arresting such person and when he is arrested may summarily try him for any of the offences hereinafter mentioned, and a park ranger or the superintendent may on view arrest and remove from the park any person found violating the provisions of this Act.

Rev. Stat., c. 94, s. 13, repealed. 6. Section 13 of *The Provincial Parks Act* is repealed.

Rev. Stat., c. 94, s. 15, amended. 7. Section 15 of *The Provincial Parks Act* is amended by striking out all the words after the word "Crown" in the fifth line, so that the said section shall now read as follows:

Effect of license. 15. A timber license over or in respect of any land within the park shall not entitle the holder thereof to exclusive possession of such land as against the Crown or its agents, servants, licensees or lessees, or the holder of any permit from the Crown.

Rev. Stat., c. 94, s. 28, re-enacted. 8. Section 28 of *The Provincial Parks Act* is repealed and the following substituted therefor:

Enforcement of game laws, 1946, c. ... 28. Nothing herein shall withdraw the territory comprising the park or that within a mile from any part thereof from the operation of *The Game and Fisheries Act, 1946*.

Rev. Stat., c. 94, s. 29, subs. 2, amended. 9. Subsection 2 of section 29 of *The Provincial Parks Act* is amended by striking out the symbol and figure "\$1" in the second line and inserting in lieu thereof the symbol and figure "\$5", so that the said subsection shall now read as follows:

Annual fee. (2) The annual fee to be paid for a license shall not exceed \$5.

10. Section 41 of *The Provincial Parks Act* is repealed.

Rev. Stat.,
c. 94, s. 41,
repealed.

11. This Act may be cited as *The Provincial Parks Amendment Act, 1946*. Short title.



An Act to amend The Provincial
Parks Act.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. THOMPSON

No. 156

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Gasoline Handling Act.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The provision repealed is obsolete in view of the discontinuance of the use of marked gasoline for the purposes of *The Gasoline Tax Act*.

BILL

An Act to amend The Gasoline Handling Act.

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

1. Clause *ii* of section 12 of *The Gasoline Handling Act*, as enacted by section 1 of *The Gasoline Handling Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 332, s. 12,
cl. *ii*
(1943,
c. 8, s. 1),
repealed.

2. This Act may be cited as *The Gasoline Handling Amendment Act, 1946*.

Short title.

An Act to amend The Gasoline
Handling Act.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. DOUGETT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Gasoline Handling Act.

· MR. DOUCETT



BILL

An Act to amend The Gasoline Handling Act.

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

1. Clause *ii* of section 12 of *The Gasoline Handling Act*, as enacted by section 1 of *The Gasoline Handling Amendment Act, 1943*, is repealed. Rev. Stat.,
c. 332, s. 12,
cl. *ii*
(1943,
c. 8, s. 1),
repealed.
2. This Act may be cited as *The Gasoline Handling Amendment Act, 1946*. Short title.

An Act to amend The Gasoline
Handling Act.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DOUGETT

No. 157

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Gasoline Tax Act.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Bill repeals certain provisions which were inserted in *The Gasoline Tax Act* in 1943 in order to facilitate the administration of a system exempting certain coloured gasoline from the tax.

The provisions which by section 1 of the Bill are inserted in the Act clarify and extend the scope of the section of the Act which authorizes the making of regulations.

BILL

An Act to amend The Gasoline Tax Act.

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

1.—(1) Clauses *aa* and *aaa* of section 3 of *The Gasoline Tax Act*, as enacted by section 1 of *The Gasoline Tax Amendment Act, 1943*, are repealed and the following substituted therefor: Rev. Stat., c. 32, s. 3, cls. *aa*, *aaa* (1943, c. 9, s. 1), re-enacted.

(*aa*) prescribing the remuneration to be paid to persons charged with the collection of the tax;

(*aaa*) requiring the furnishing of surety bonds by persons charged with the collection of the tax and prescribing the form and amount of such bonds.

(2) The said section 3 is further amended by adding thereto the following clause: Rev. Stat., c. 32, s. 3, amended.

(*cc*) exempting any class of persons from the payment of the charge or tax imposed by this Act.

(3) Clause *d* of the said section 3 is amended by inserting after the word "the" in the third line the words "records and", so that the said clause shall now read as follows: Rev. Stat., c. 32, s. 3, cl. *d*, amended.

(*d*) refunding any charge or tax paid under the provisions of this Act, or any portion thereof to any purchaser or class of purchasers and prescribing the records and material to be furnished upon any application for a refund.

2. Section 5*a* of *The Gasoline Tax Act*, as enacted by section 3 of *The Gasoline Tax Amendment Act, 1943*, is repealed. Rev. Stat., c. 32, s. 5*a* (1943, c. 9, s. 3), repealed.

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1946*. Short title.

An Act to amend The Gasoline Tax Act.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. DOUGETT

No. 157

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Gasoline Tax Act.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Gasoline Tax Act.

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

1.—(1) Clauses *aa* and *aaa* of section 3 of *The Gasoline Tax Act*, as enacted by section 1 of *The Gasoline Tax Amendment Act, 1943*, are repealed and the following substituted therefor: Rev. Stat., c. 32, s. 3, cls. *aa*, *aaa* (1943, c. 9, s. 1), re-enacted.

(*aa*) prescribing the remuneration to be paid to persons charged with the collection of the tax;

(*aaa*) requiring the furnishing of surety bonds by persons charged with the collection of the tax and prescribing the form and amount of such bonds.

(2) The said section 3 is further amended by adding thereto the following clause: Rev. Stat., c. 32, s. 3, amended.

(*cc*) exempting any class of persons from the payment of the charge or tax imposed by this Act.

(3) Clause *d* of the said section 3 is amended by inserting after the word "the" in the third line the words "records and", so that the said clause shall now read as follows: Rev. Stat., c. 32, s. 3, cl. *d*, amended.

(*d*) refunding any charge or tax paid under the provisions of this Act, or any portion thereof to any purchaser or class of purchasers and prescribing the records and material to be furnished upon any application for a refund.

2. Section *5a* of *The Gasoline Tax Act*, as enacted by section 3 of *The Gasoline Tax Amendment Act, 1943*, is repealed. Rev. Stat., c. 32, s. 5*a* (1943, c. 9, s. 3), repealed.

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1946*. Short title.

An Act to amend The Gasoline Tax Act.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DOUGETT

No. 158

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
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EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is clarification only.

SECTION 2. The definition of "cost of work" is extended to include the salary of the secretary of the road commissioners and the sheriff's cost, as indicated, the other items being in the present definition. This section is in Part IVA of *The Highway Improvement Act* which is the part dealing with roads in territory without municipal organization.

BILL

An Act to amend The Highway Improvement Act.

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

1. Section 52 of *The Highway Improvement Act* is amended by striking out all the words after the word "in" in the fourteenth line and inserting in lieu thereof the words "determining the expenditure of the township on which any grant may be paid out of the Fund", so that the said section shall now read as follows:

Rev. Stat.,
c. 56, s. 52,
amended.

52. The council of a township which has by by-law abolished statute labour and,
- (a) in which subdivisions have been laid out, or
 - (b) portions of which are used or occupied as summer resorts or are adjacent to a city,

Different
rates in
summer
resort or
suburban
areas.

may by by-law separate such subdivisions or portions for the purposes of taxation under this Act from the remainder of the township by defining the limit of such subdivisions or portions and in imposing the township rate for road purposes may impose and levy a higher rate upon such subdivisions or portions than upon the remainder of the township, but no such by-law shall have effect until the same has been approved of in writing by the Minister and the amount raised by increasing such rate shall not be included in determining the expenditure of the township on which any grant may be paid out of the Fund.

2. Clause *a* of subsection 3 of section 52*b* of *The Highway Improvement Act* as enacted by section 26 of *The Highway Improvement Amendment Act, 1944*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 56, s. 52*b*,
subs. 3, cl. *a*
(1944,
c. 23, s. 26),
re-enacted.

"cost of work".

- (a) "cost of work" shall include the actual amount paid for materials and rental of machinery, the value of labour employed on the work, the salary of the secretary-treasurer of the road commissioners elected under *The Statute Labour Act* and the sheriff's costs in connection with the sale of land for arrears of statute labour; and

Rev. Stat.,
c. 274.

Rev. Stat.,
c. 56,
amended.

3. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART IVB

DEVELOPMENT ROADS.

"Development road".

- 52c. The Minister may designate as a "development road" any road or proposed road which he may deem it expedient to construct, improve or maintain in order to promote or maintain settlement or development in any part of Ontario.

Agreement with municipality as to construction, etc.

- 52d.—(1) Where a road under the jurisdiction of the council of any municipality not being a city or separated town is designated as a development road the Minister may enter into an agreement with the corporation of the municipality for the construction, improvement, maintenance or repair of such development road, and may direct payment out of the Fund of such proportion of the cost thereof as he may deem requisite.

Road not to become property of Crown.

- (2) A development road constructed, improved or maintained under an agreement made pursuant to subsection 1 shall not become or be the property of the Crown, but shall remain under the jurisdiction of the council of the municipality.

In unorganized territory.

- 52e. Where a development road is situate in territory without municipal organization the Minister may arrange for its construction, improvement, maintenance or repair as provided in subsection 1 of section 52b.

Rev. Stat.,
c. 56,
Part VA
(1939,
c. 19, s. 8),
repealed.

4. Part VA of *The Highway Improvement Act* as enacted by section 8 of *The Highway Improvement Amendment Act, 1939*, and amended by section 30 of *The Highway Improvement Amendment Act, 1944*, is repealed.

Short title.

5. This Act may be cited as *The Highway Improvement Amendment Act, 1946*.

SECTIONS 3 and 4. The amendments repeal and re-enact the provisions relating to development roads and clarify their status. It is not intended that the Department shall be liable for the maintenance and repair of development roads but in order to deal adequately with the problems which arise in those parts of Ontario where such roads are necessary, it is essential that the Department shall have power to construct and improve such roads in the public interest.



An Act to amend The Highway
Improvement Act.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. DOUGETT

No. 158

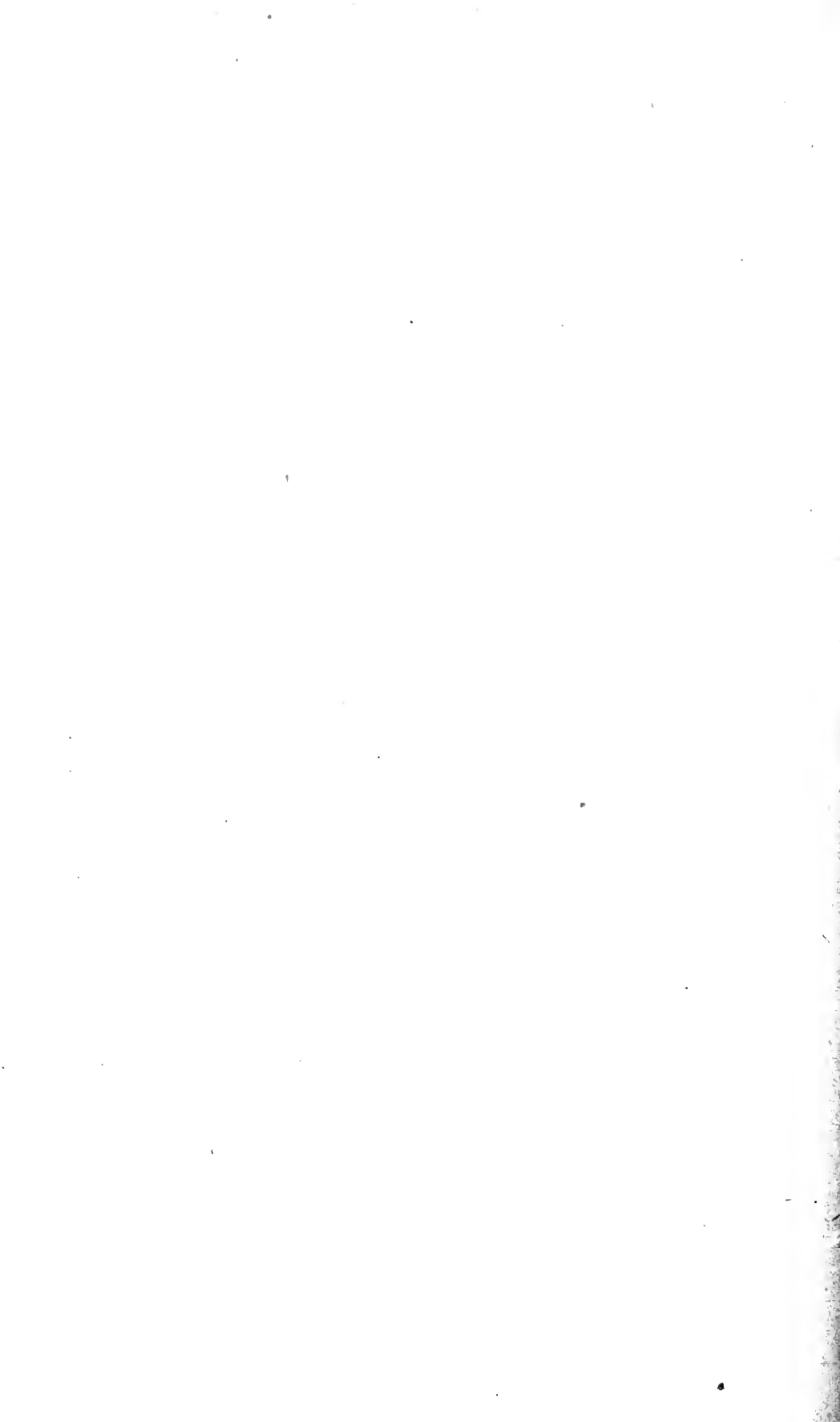
2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Highway Improvement Act.

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

1. Section 52 of *The Highway Improvement Act* is amended by striking out all the words after the word "in" in the fourteenth line and inserting in lieu thereof the words "determining the expenditure of the township on which any grant may be paid out of the Fund", so that the said section shall now read as follows:

Rev. Stat.,
c. 56, s. 52,
amended.

52. The council of a township which has by by-law abolished statute labour and,
- (a) in which subdivisions have been laid out, or
- (b) portions of which are used or occupied as summer resorts or are adjacent to a city,

Different
rates in
summer
resort or
suburban
areas.

may by by-law separate such subdivisions or portions for the purposes of taxation under this Act from the remainder of the township by defining the limit of such subdivisions or portions and in imposing the township rate for road purposes may impose and levy a higher rate upon such subdivisions or portions than upon the remainder of the township, but no such by-law shall have effect until the same has been approved of in writing by the Minister and the amount raised by increasing such rate shall not be included in determining the expenditure of the township on which any grant may be paid out of the Fund.

2. Clause *a* of subsection 3 of section 52*b* of *The Highway Improvement Act* as enacted by section 26 of *The Highway Improvement Amendment Act, 1944*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 56, s. 52*b*,
subs. 3, cl. *a*
(1944,
c. 23, s. 26),
re-enacted.

“cost of work”.

- (a) “cost of work” shall include the actual amount paid for materials and rental of machinery, the value of labour employed on the work, the salary of the secretary-treasurer of the road commissioners elected under *The Statute Labour Act* and the sheriff’s costs in connection with the sale of land for arrears of statute labour; and

Rev. Stat.,
c. 274.

Rev. Stat.,
c. 56,
amended.

3. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART IVB

DEVELOPMENT ROADS.

“Development road”.

- 52c. The Minister may designate as a “development road” any road or proposed road which he may deem it expedient to construct, improve or maintain in order to promote or maintain settlement or development in any part of Ontario.

Agreement with municipality as to construction, etc.

- 52d.—(1) Where a road under the jurisdiction of the council of any municipality not being a city or separated town is designated as a development road the Minister may enter into an agreement with the corporation of the municipality for the construction, improvement, maintenance or repair of such development road, and may direct payment out of the Fund of such proportion of the cost thereof as he may deem requisite.

Road not to become property of Crown.

- (2) A development road constructed, improved or maintained under an agreement made pursuant to subsection 1 shall not become or be the property of the Crown, but shall remain under the jurisdiction of the council of the municipality.

In unorganized territory.

- 52e. Where a development road is situate in territory without municipal organization the Minister may arrange for its construction, improvement, maintenance or repair as provided in subsection 1 of section 52b.

Rev. Stat.,
c. 56,
Part VA
(1939,
c. 19, s. 8),
repealed.

4. Part VA of *The Highway Improvement Act* as enacted by section 8 of *The Highway Improvement Amendment Act, 1939*, and amended by section 30 of *The Highway Improvement Amendment Act, 1944*, is repealed.

Short title.

5. This Act may be cited as *The Highway Improvement Amendment Act, 1946*.





BILL

An Act to amend The Highway
Improvement Act.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DOUGETT

No. 159

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Statute Labour Act.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. To ensure continuity of jurisdiction the term of office of road commissioners is made to expire on the date of the election of their successors as provided in section 28 instead of on December 31st.

SECTION 2. Self-explanatory.

SECTION 3. The provision repealed is replaced by a provision enacted by section 4.

SECTION 4—Subsection 1. In order to remove doubt it is declared that the commissioners shall not have the power to purchase at a sheriff's sale.

BILL

An Act to amend The Statute Labour Act.

HIS 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 Statute Labour Act* as amended by section 5 of *The Statute Labour Amendment Act, 1945*, is repealed and the following substituted therefor:
 20. The commissioners elected shall take before a justice of the peace a declaration of office (Form 2) and shall hold office until their successors are elected at the meeting called as provided in section 28 or where no such meeting is called until the 31st day of May in the year following that in which they were elected.

Rev. Stat.,
c. 274, s. 20,
re-enacted.

Declaration,
Term of
office.
2. Section 26 of *The Statute Labour Act* as amended by section 8 of *The Statute Labour Amendment Act, 1945*, is further amended by adding thereto the following subsection:
 - (2) The statute labour in respect of unoccupied land of a non-resident owner shall in all cases be commuted.

Rev. Stat.,
c. 274, s. 26,
amended.

Unoccupied
land of
non-resident
owner.
3. Subsection 6 of section 30d of *The Statute Labour Act*, as enacted by section 12 of *The Statute Labour Amendment Act, 1945*, is repealed.

Rev. Stat.,
c. 274, s. 30d,
subs. 6
(1945,
c. 23, s. 12.)
repealed.
4. *The Statute Labour Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 274,
amended.

 - 30e.—(1) Where it appears from the entries in the book kept by the sheriff that any amount chargeable for statute labour is in arrear for three years from the 31st day of December in the year in which the amount became payable, the sheriff shall proceed to collect such amount together with the penalties provided by section 29 and interest as provided by subsection 5 of section 30d and all other lawful charges and costs by the sale of the lands in respect

Sale of
land by
sheriff for
arrears.

of which such arrears are chargeable and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to purchasers shall be the same as nearly as possible as in the case of the sale of lands by the sheriff under the provisions of *The Assessment Act* for arrears of taxes in organized municipalities in the Provisional Judicial Districts of Muskoka and Parry Sound but the commissioners shall not purchase such land.

Rev. Stat.,
c. 272.

Notice of
adjourned
sale.

- (2) The sheriff shall give notice in the advertisement of an adjourned sale that if no price is offered for any land or any interest therein at such adjourned sale the land or the interest therein of the owner or person liable for the statute labour in arrear may be forfeited to the Crown and if, at the adjourned sale, no price is in fact offered, he shall forthwith notify the Minister of Lands and Forests accordingly giving a description of the land, the name of the owner or person liable for the statute labour in arrear and the amount of the arrears together with any penalties, interest, charges and costs which may be payable in respect thereof.

Forfeiture.

- (3) Upon notification by the sheriff that no price has been offered for any land or any interest therein at an adjourned sale the Minister of Lands and Forests may declare the land or the interest therein forfeited to the Crown as provided in *The Provincial Land Tax Act* in the case of land or the interest therein in respect of which the taxes imposed under that Act remain unpaid for a period of two years and the provisions of *The Provincial Land Tax Act* shall apply *mutatis mutandis* to the land or the interest therein so forfeited.

Rev. Stat.,
c. 30.

Where
forfeiture
annulled
on payment
of arrears.

- (4) Where forfeiture is annulled upon payment to the Minister of Lands and Forests in addition to any amounts payable under *The Provincial Land Tax Act* by reason of the forfeiture, of the amount of the arrears, penalties, interest, charges and costs referred to in subsection 1, the Minister of Lands and Forests shall remit to the secretary-treasurer of the commissioners the amount of such arrears, penalties and interest, and to the Minister of Highways such charges and costs.

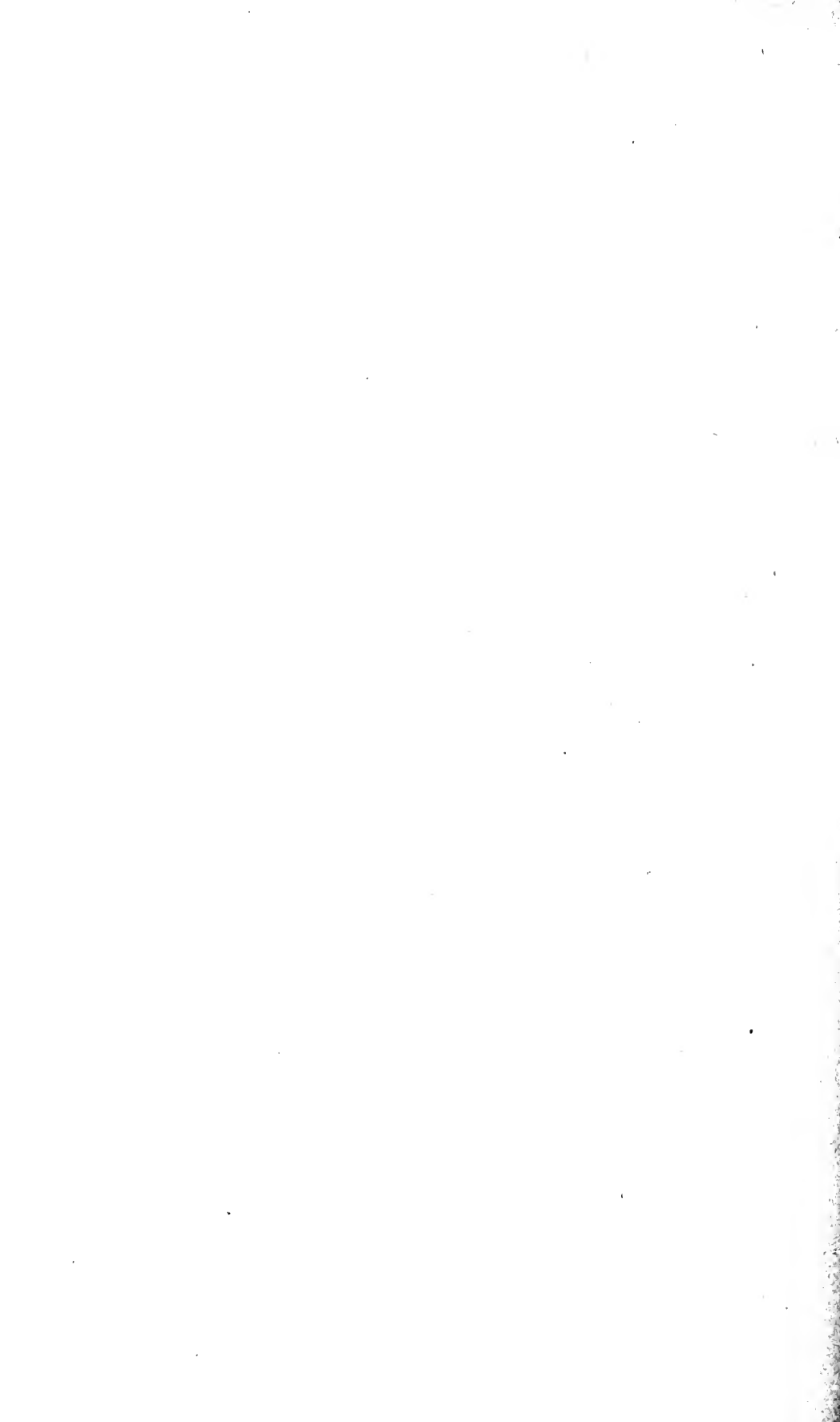
Short title.

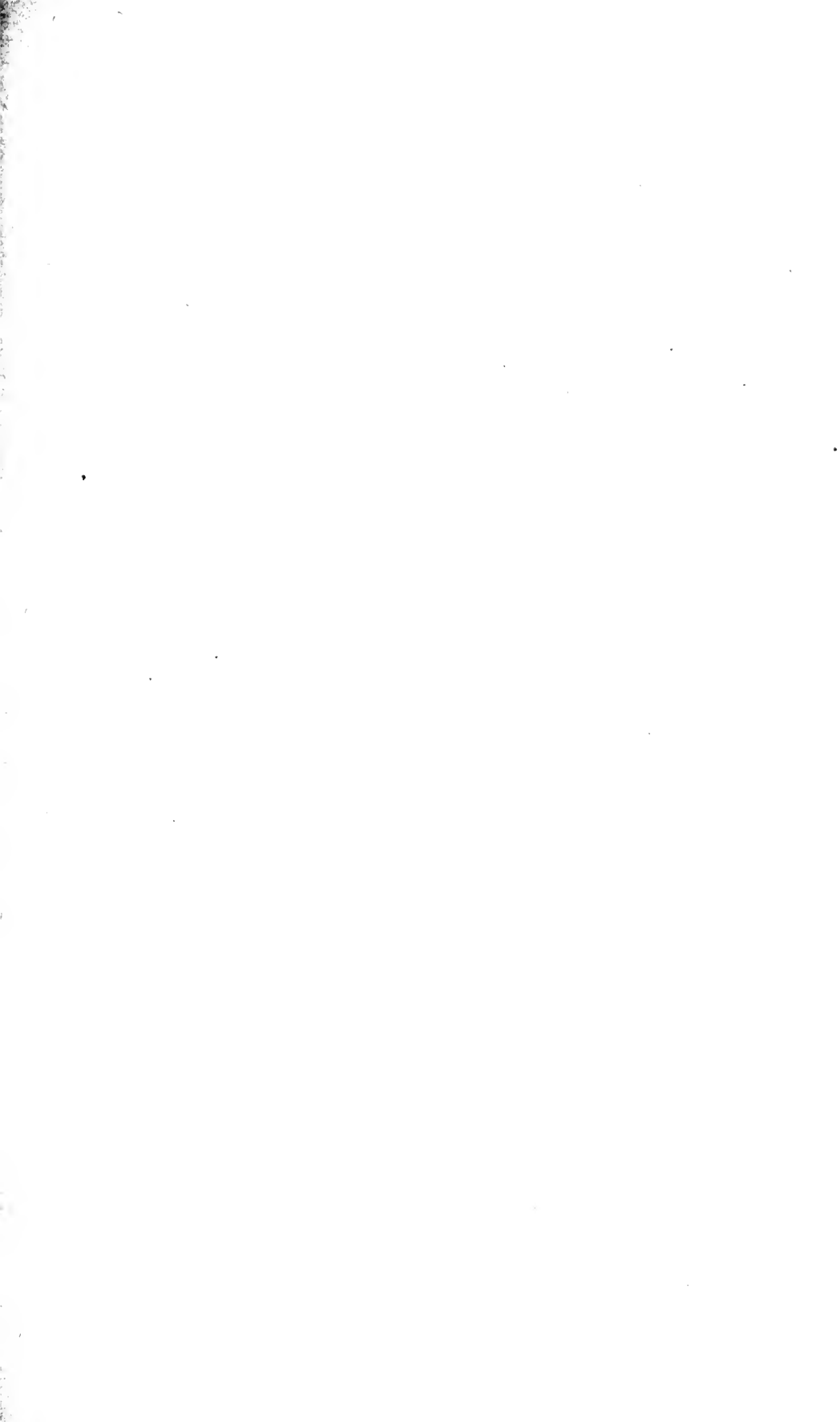
5. This Act may be cited as *The Statute Labour Amendment Act, 1946*.

Subsection 2. In some cases the land cannot be sold at any price and arrears continue to pile up with no hope of payment. The amendment provides that in such cases the land may be forfeited to the Crown.

Subsection 3. The amendment provides for forfeiture in the same manner as that provided in *The Provincial Land Tax Act* in the case of non-payment of taxes imposed under that Act.

Subsection 4. The amendment provides for the return to the secretary-treasurer of statute labour commissioners of arrears paid to the Minister of Lands and Forests where the land is redeemed by the owner within the time prescribed.





An Act to amend The Statute Labour
Act.

1st Reading

April 1st, 1946

2nd Reading

3rd Reading

MR. DOUGETT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Statute Labour Act.

MR. DOUCETT

BILL

An Act to amend The Statute Labour Act.

HIS 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 Statute Labour Act* as amended by section 5 of *The Statute Labour Amendment Act, 1945*, is repealed and the following substituted therefor:

20. The commissioners elected shall take before a justice of the peace a declaration of office (Form 2) and shall hold office until their successors are elected at the meeting called as provided in section 28 or where no such meeting is called until the 31st day of May in the year following that in which they were elected.

2. Section 26 of *The Statute Labour Act* as amended by section 8 of *The Statute Labour Amendment Act, 1945*, is further amended by adding thereto the following subsection:

(2) The statute labour in respect of unoccupied land of a non-resident owner shall in all cases be commuted.

3. Subsection 6 of section 30d of *The Statute Labour Act*, as enacted by section 12 of *The Statute Labour Amendment Act, 1945*, is repealed.

4. *The Statute Labour Act* is amended by adding thereto the following section:

30e.—(1) Where it appears from the entries in the book kept by the sheriff that any amount chargeable for statute labour is in arrear for three years from the 31st day of December in the year in which the amount became payable, the sheriff shall proceed to collect such amount together with the penalties provided by section 29 and interest as provided by subsection 5 of section 30d and all other lawful charges and costs by the sale of the lands in respect

of which such arrears are chargeable and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to purchasers shall be the same as nearly as possible as in the case of the sale of lands by the sheriff under the provisions of *The Assessment Act* for arrears of taxes in organized municipalities in the Provisional Judicial Districts of Muskoka and Parry Sound but the commissioners shall not purchase such land.

Rev. Stat.,
c. 272.

Notice of
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- (2) The sheriff shall give notice in the advertisement of an adjourned sale that if no price is offered for any land or any interest therein at such adjourned sale the land or the interest therein of the owner or person liable for the statute labour in arrear may be forfeited to the Crown and if, at the adjourned sale, no price is in fact offered, he shall forthwith notify the Minister of Lands and Forests accordingly giving a description of the land, the name of the owner or person liable for the statute labour in arrear and the amount of the arrears together with any penalties, interest, charges and costs which may be payable in respect thereof.

Forfeiture.

- (3) Upon notification by the sheriff that no price has been offered for any land or any interest therein at an adjourned sale the Minister of Lands and Forests may declare the land or the interest therein forfeited to the Crown as provided in *The Provincial Land Tax Act* in the case of land or the interest therein in respect of which the taxes imposed under that Act remain unpaid for a period of two years and the provisions of *The Provincial Land Tax Act* shall apply *mutatis mutandis* to the land or the interest therein so forfeited.

Rev. Stat.,
c. 30.

Where
forfeiture
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- (4) Where forfeiture is annulled upon payment to the Minister of Lands and Forests in addition to any amounts payable under *The Provincial Land Tax Act* by reason of the forfeiture, of the amount of the arrears, penalties, interest, charges and costs referred to in subsection 1, the Minister of Lands and Forests shall remit to the secretary-treasurer of the commissioners the amount of such arrears, penalties and interest, and to the Minister of Highways such charges and costs.

Short title.

5. This Act may be cited as *The Statute Labour Amendment Act, 1946*.





An Act to amend The Statute Labour
Act.

1st Reading

April 1st, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DOUGERTT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Boards of Education Act.

MR. DREW

EXPLANATORY NOTE

This amendment is to provide for the dissolution of a municipal board of education. *The Boards of Education Act* consists of two parts, (a) dealing with municipal boards of education, and (b) with unions boards of education. Provision is made in section 14 for the dissolution of a union board of education but no provision is made for the dissolution of a municipal board of education.

BILL

An Act to amend The Boards of Education Act.

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

1. *The Boards of Education Act* is amended by adding thereto the following section: Rev. Stat., c. 361, amended.

- 11a.—(1) If at a meeting of a municipal board of education specially called for that purpose, a majority of the members of the board vote in favour of a dissolution of such board, a copy of the resolution shall be submitted forthwith to the municipal council with the request that the question "Are you in favour of dissolution of the municipal board of education?" be submitted to a vote of the electors of the municipality. Dissolution of municipal board of education,—question submitted to electors.
- (2) The council shall at the next municipal election submit the question to a vote of the electors, and in case the question is answered in the affirmative by a majority of the electors voting thereon, such municipal board of education shall be dissolved on the 31st day of December of the year in which such vote is taken. Board dissolved upon affirmative vote.
- (3) Upon the dissolution of the municipal board of education, a high school board and a public school board shall be established in the municipality, and the provisions of *The High Schools Act* and *The Public Schools Act* shall apply with reference to the appointment of high school trustees and the election of public school trustees respectively. High school and public school board established. Rev. Stat., cc. 360, 357.
- (4) Upon the dissolution of such municipal board of education, all property held or possessed by such board for high school purposes shall vest in the high school board and all property held or possessed by such board for public school purposes shall vest in the public school board, and all debts, contracts and Disposition of assets and liabilities.

agreements for which the municipal board was liable, shall become obligations of the high school board or the public school board as the case may be.

in the event of dispute.

- (5) In the event of a dispute as to the division of the property and debts of the municipal board of education, the division shall be made by the municipal council, whose decision shall be final.

Municipal board of education dissolved upon enlargement or dissolution of high school district.

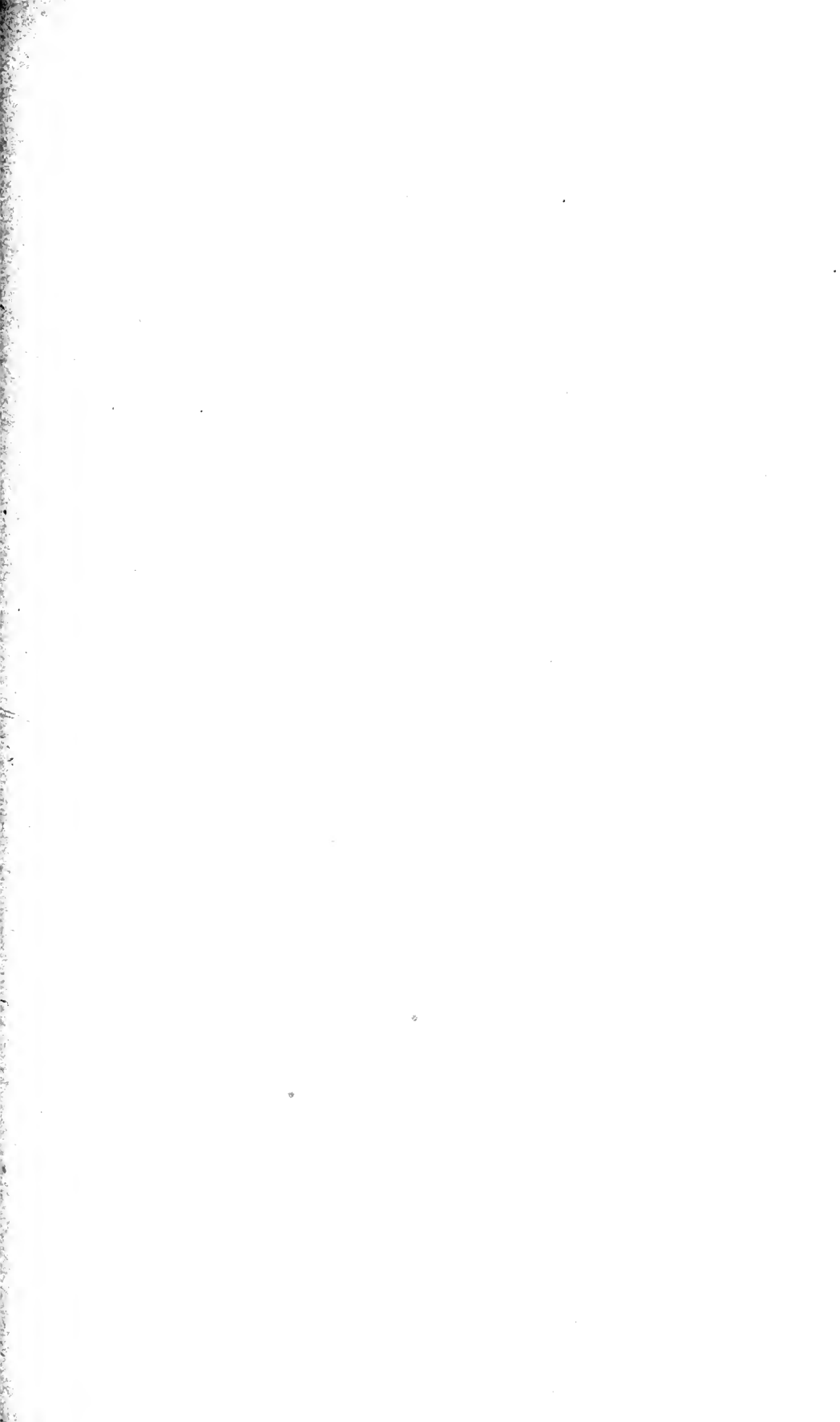
- (6) Where a high school district for which a municipal board of education has been formed is dissolved or enlarged to include other municipalities, the municipal board of education shall *ipso facto* be dissolved and a high school board and a public school board shall be established for the municipality as provided in subsection 3.

Commencement of Act.

- 2.** This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946.

Short title.

- 3.** This Act may be cited as *The Boards of Education Amendment Act, 1946*.





BILL

An Act to amend The Boards of
Education Act.

1st Reading

April 2nd, 1946

2nd Reading

3rd Reading

MR. DREW

No. 160

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Boards of Education Act.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Boards of Education Act.

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

1. *The Boards of Education Act* is amended by adding thereto the following section: Rev. Stat.,
c. 361,
amended.

- 11a.—(1) If at a meeting of a municipal board of education specially called for that purpose, a majority of the members of the board vote in favour of a dissolution of such board, a copy of the resolution shall be submitted forthwith to the municipal council with the request that the question "Are you in favour of dissolution of the municipal board of education?" be submitted to a vote of the electors of the municipality. Dissolution
of municipal
board of
education,—
question
submitted
to electors.
- (2) The council shall at the next municipal election submit the question to a vote of the electors, and in case the question is answered in the affirmative by a majority of the electors voting thereon, such municipal board of education shall be dissolved on the 31st day of December of the year in which such vote is taken. Board dis-
solved upon
affirmative
vote.
- (3) Upon the dissolution of the municipal board of education, a high school board and a public school board shall be established in the municipality, and the provisions of *The High Schools Act* and *The Public Schools Act* shall apply with reference to the appointment of high school trustees and the election of public school trustees respectively. High school
and public
school board
established.

Rev. Stat.,
cc. 360, 357.
- (4) Upon the dissolution of such municipal board of education, all property held or possessed by such board for high school purposes shall vest in the high school board and all property held or possessed by such board for public school purposes shall vest in the public school board, and all debts, contracts and Disposition
of assets
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agreements for which the municipal board was liable, shall become obligations of the high school board or the public school board as the case may be.

in the event
of dispute.

(5) In the event of a dispute as to the division of the property and debts of the municipal board of education, the division shall be made by the municipal council, whose decision shall be final.

Municipal
board of
education
dissolved
upon en-
largement
or dissolu-
tion of
high school
district.

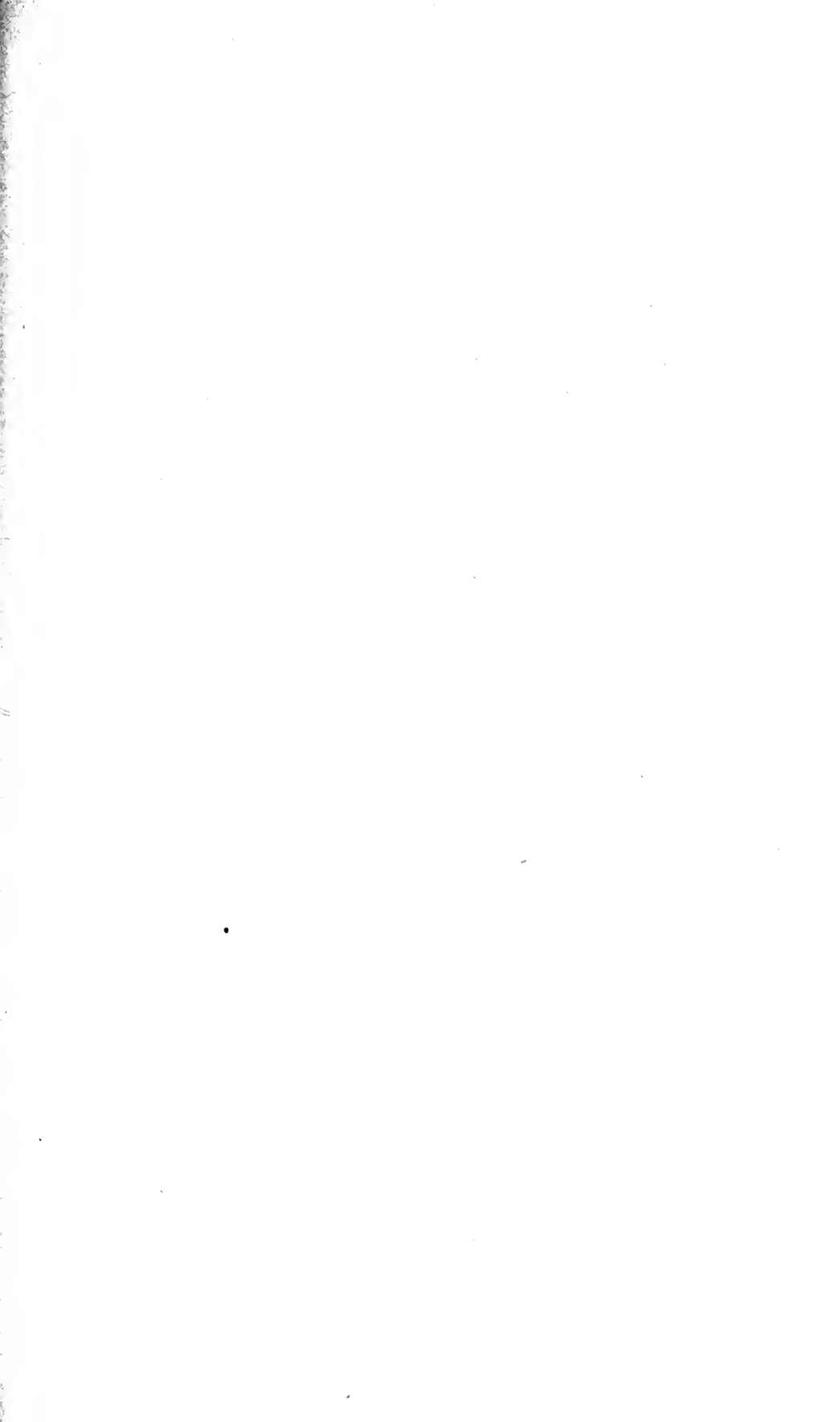
(6) Where a high school district for which a municipal board of education has been formed is dissolved or enlarged to include other municipalities, the municipal board of education shall *ipso facto* be dissolved and a high school board and a public school board shall be established for the municipality as provided in subsection 3.

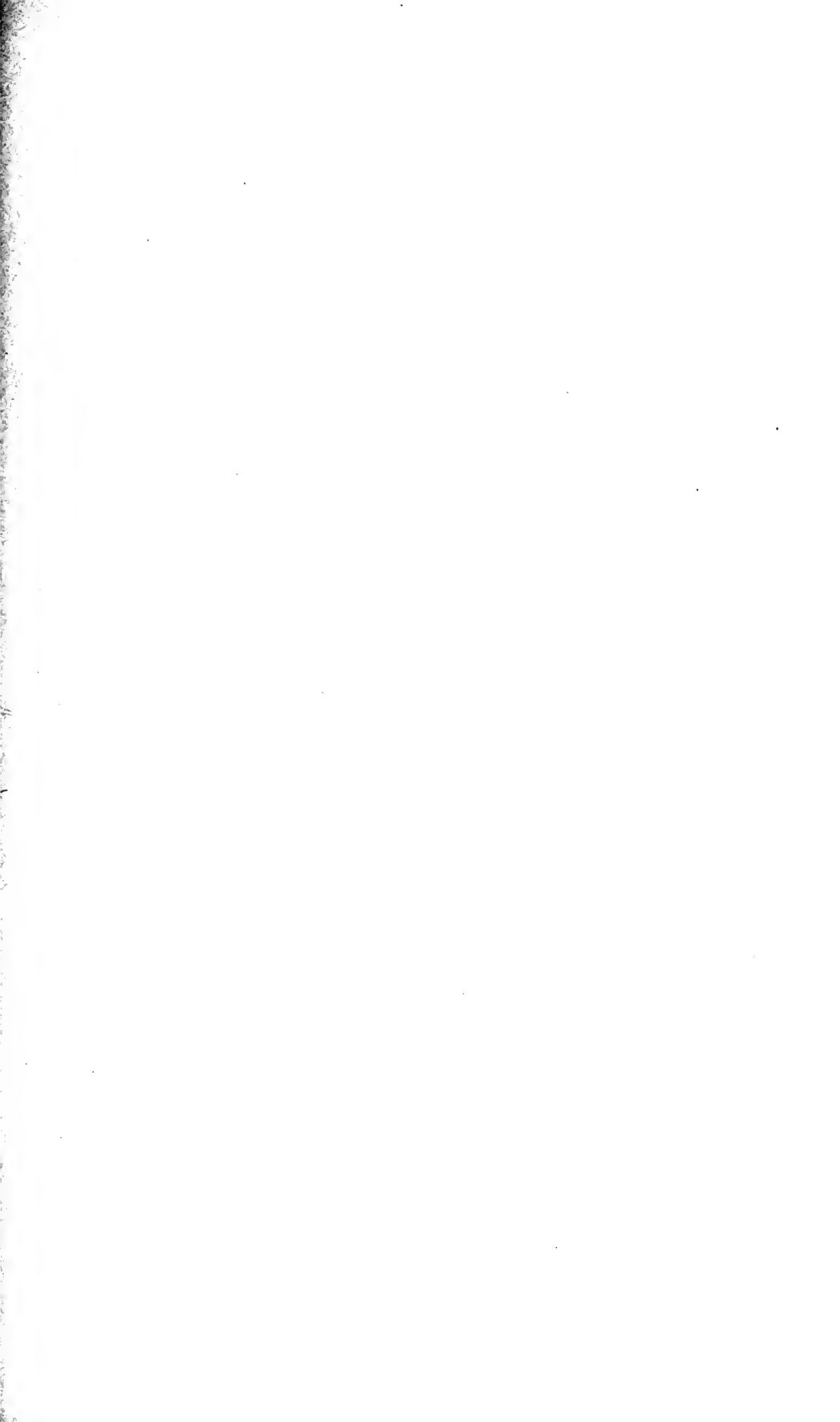
Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946.

Short title.

3. This Act may be cited as *The Boards of Education Amendment Act, 1946*.





An Act to amend The Boards of
Education Act.

1st Reading

April 2nd, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DREW

No. 161

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Education Act.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
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EXPLANATORY NOTE

The repealed subclause reads as follows:

- (i) A statement showing the amount apportioned to every rural public school and to every separate school under clause *a* shall be laid before the Assembly within ten days after the commencement of the session held in the year next after that in which the apportionment takes place.

The same information may be obtained on request from the Department with considerable saving in clerical work to the Department.

BILL

An Act to amend The Department of Education Act.

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

1. Subsection i of clause a of section 5 of *The Department of Education Act* is repealed. Rev. Stat., c. 356, s. 5, cl. a, subcl. i, repealed.
2. This Act may be cited as *The Department of Education Amendment Act, 1946*. short title.

An Act to amend The Department of
Education Act.

1st Reading

April 2nd, 1946

2nd Reading

3rd Reading

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Education Act.

MR. DREW



BILL

An Act to amend The Department of Education Act.

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

1. Subclause i of clause *a* of section 5 of *The Department of Education Act* is repealed. Rev. Stat.,
c. 356, s. 5,
cl. *a*,
subcl. i,
repealed.
2. This Act may be cited as *The Department of Education Amendment Act, 1946*. Short title.

An Act to amend The Department of
Education Act.

1st Reading

April 2nd, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Vocational Education Act.

MR. DREW

EXPLANATORY NOTE

The provisions of *The Vocational Education Act* respecting reserve fund deposits with the Treasurer of Ontario for future capital expenditures for buildings and equipment, are repealed.

BILL

An Act to amend The Vocational Education Act.

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

1. Sections 12a and 12b of *The Vocational Education Act*, Rev. Stat., c. 369, ss. 12a, 12b (1944, c. 56, s. 22), repealed. as enacted by section 22 of *The School Law Amendment Act, 1944*, are repealed.
2. This Act may be cited as *The Vocational Education Amendment Act, 1946*. Short title.

An Act to amend The Vocational
Education Act.

1st Reading

April 2nd, 1946

2nd Reading

3rd Reading

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Vocational Education Act.

MR. DREW



BILL

An Act to amend The Vocational Education Act.

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

1. Sections 12*a* and 12*b* of *The Vocational Education Act*, as enacted by section 22 of *The School Law Amendment Act, 1944*, are repealed.

Rev. Stat.,
c. 369,
ss. 12*a*, 12*b*
(1944,
c. 56, s. 22),
repealed.

2. This Act may be cited as *The Vocational Education Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Vocational
Education Act.

1st Reading

April 2nd, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting The Hamilton Street Railway Company.

MR. BLACKWELL

EXPLANATORY NOTES

All of the issued shares of The Hamilton Street Railway Company are held by The Hydro-Electric Power Commission of Ontario. The Bill reduces the capital of the Company and provides that the shares held by the Commission shall be offered for sale to the city of Hamilton before being sold elsewhere.

BILL

An Act respecting The Hamilton Street Railway Company.

WHEREAS The Hamilton Street Railway Company, Preamble.
 incorporated by an Act to incorporate The Hamilton Street Railway Company, being Chapter 100 of the statutes passed at the session of the second Parliament of Ontario, has an authorized share capital of \$4,000,000 divided into 80,000 shares of \$50 each, of which 64,100 have been issued and are owned by The Hydro-Electric Power Commission of Ontario; and whereas the Commission desires to sell or dispose of the shares of the Company;

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

1. In this Act,—

- (a) "Commission" shall mean The Hydro-Electric Power Commission of Ontario; and Interpre-
tation,— "Commis-
sion";
- (b) "Company" shall mean The Hamilton Street Railway Company. "Company";

2.—(1) The share capital of the Company is hereby reduced from \$4,000,000 divided into 80,000 shares of \$50 each to \$2,000,000 divided into 80,000 shares of \$25 each. Share
capital
reduced.

(2) Such reduction shall be effected by returning to the Commission the sum of \$25 per share of its holdings of such shares and by reducing the par value of all the shares of the capital stock of the Company from the par value of \$50 per share to the par value of \$25 per share. How
reduction
effected.

3. Forthwith upon the coming into force of this section,—

- (a) the Company shall pay to the Commission the sum of \$25 per share of its holdings of such shares; and Payment by
Company to
Commission
- (b) the Commission shall surrender its share certificates to the Company and on such surrender shall be Surrender of
certificates
by Commis-
sion.

entitled to receive a certificate for one fully paid share of the par value of \$25 for each fully paid share of \$50 represented by the certificates so surrendered.

Sale of shares by Commission to City.

4.—(1) The Commission shall not later than the 15th day of April, 1946, offer to sell as of May 31, 1946, to the Corporation of the City of Hamilton all of the issued shares in the capital stock of the Company for the price of \$1,300,000 upon such terms and subject to such conditions with respect to prior disposal to the Commission of certain assets of the Company, other than its franchises, rolling stock, tracks, overhead distribution system, equipment, lands and interests in lands, materials and supplies, and with respect to adjustment of other matters as to the Commission seems proper.

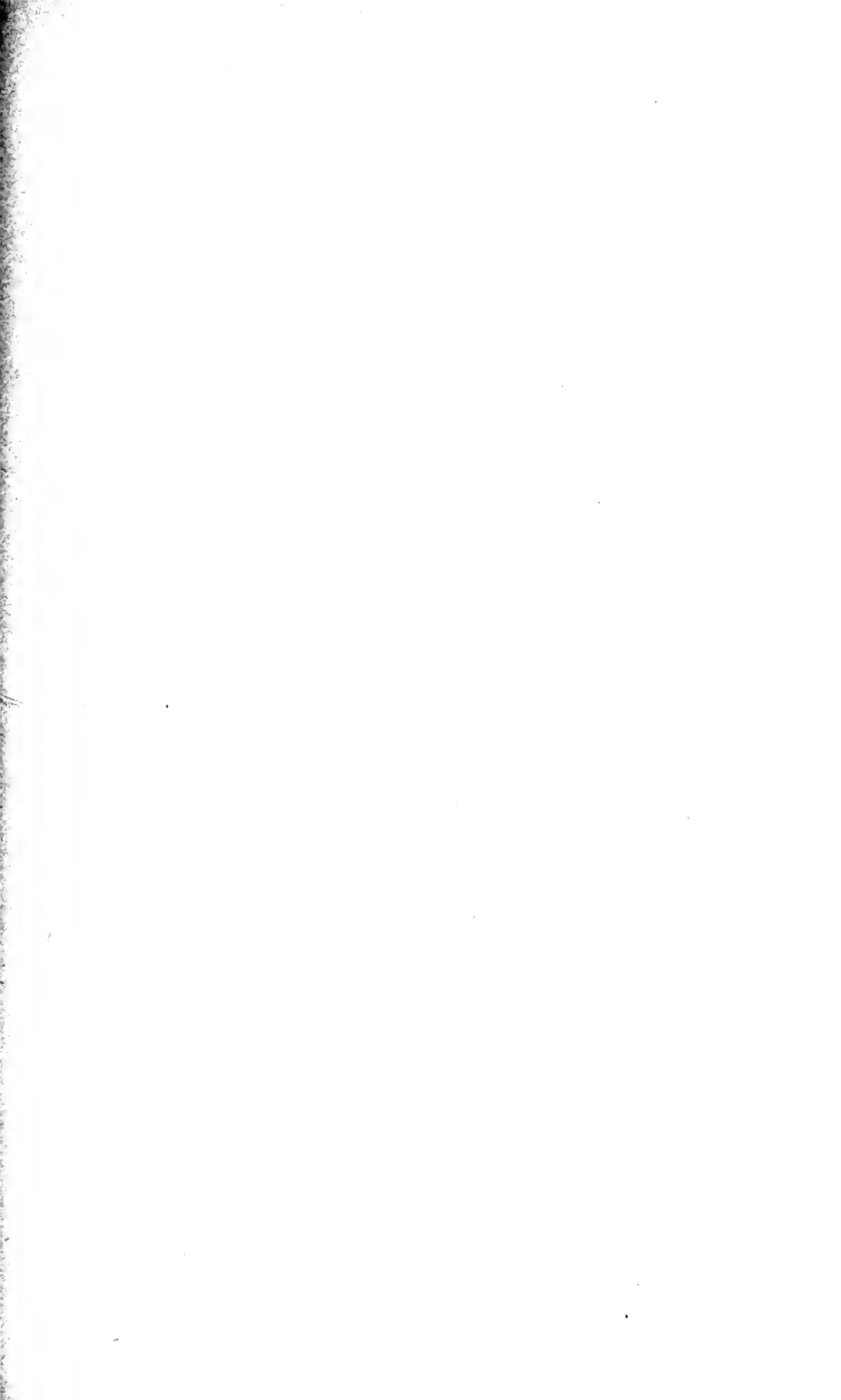
Notice as to submission of by-law.

(2) The municipal council of the city of Hamilton shall not later than the 30th day of April, 1946, give notice in writing to the Commission of its intention to submit or not to submit a proposed by-law for the purchase of the said shares to the electors for their assent.

Submission of by-law.

5. In the event that the municipal council of the city of Hamilton determines to submit a proposed by-law to the electors, then notwithstanding anything contained in any general Act,—

- (a) the proposed by-law shall be so submitted not later than the 15th day of June, 1946;
- (b) a copy of the proposed by-law shall be published once a week for three successive weeks together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law and that, if the assent of the electors is obtained to it, it will be taken into consideration by the council forthwith and that a tenant who desires to vote must deliver to the Clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 283 of *The Municipal Act* and stating also the day and places appointed for taking the votes and the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk;
- (c) if a majority of the electors shall vote in favour of the proposed by-law, it shall within seven days after its submission to the electors be submitted to the Ontario Municipal Board for approval and, upon such approval being obtained, the council, if it



determines to pass the said by-law, shall do so within seven days after the date of such approval and not afterwards;

- (d) No person shall be entitled to apply for a scrutiny of votes and no promulgation of the by-law shall be required; and
- (e) upon being passed by the council, the by-law shall be valid and binding according to its terms, and the purchase of the shares authorized thereby shall be completed not later than the 31st day of August, 1946.

6. If the municipal council of the city of Hamilton fails to give notice as required by subsection 2 of section 4 or does not submit a proposed by-law to the electors on or before the 15th day of June, 1946, or if, upon being so submitted, the electors refuse their assent thereto, the Commission may sell its share in the Company to any person other than the corporation of the city of Hamilton for such price and upon such terms and conditions as to the Commission seems proper.

7. Neither the Company nor any present or future shareholder of the Company nor any other person shall have any claim, demand or cause of action against the Commission or any director or officer of the Company or any person who has purported to act as such director or officer for or by reason of any act, contract, by-law, proceeding, appointment or payment enacted, made, done, taken or omitted in good faith by the directors or officers of the Company or by persons purporting to act as such directors or officers in their capacities as such directors or officers since the date upon which the Commission acquired the ownership of all the outstanding shares in the capital stock of the Company and all such acts, contracts, by-laws, proceedings, appointments and payments are hereby validated, ratified and confirmed.

8. Section 7 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and the remaining sections shall come into force on the day upon which this Act receives the Royal Assent.

9. This Act may be cited as *The Hamilton Street Railway Act, 1946.*

BILL

An Act respecting The Hamilton Street
Railway Company.

1st Reading

April 2nd, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 163

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting The Hamilton Street Railway Company.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting The Hamilton Street Railway Company.

WHEREAS The Hamilton Street Railway Company, Preamble. incorporated by an Act to incorporate The Hamilton Street Railway Company, being Chapter 100 of the statutes passed at the session of the second Parliament of Ontario, has an authorized share capital of \$4,000,000 divided into 80,000 shares of \$50 each, of which 64,100 have been issued and are owned by The Hydro-Electric Power Commission of Ontario; and whereas the Commission desires to sell or dispose of the shares of the Company;

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

1. In this Act,—

Interpre-
tation,—

- (a) "Commission" shall mean The Hydro-Electric Power "Commis-
sion"; Commission of Ontario; and
- (b) "Company" shall mean The Hamilton Street Railway "Company"; Company.

2.—(1) The share capital of the Company is hereby Share
capital
reduced. reduced from \$4,000,000 divided into 80,000 shares of \$50 each to \$2,000,000 divided into 80,000 shares of \$25 each.

(2) Such reduction shall be effected by returning to the How
reduction
effected. Commission the sum of \$25 per share of its holdings of such shares and by reducing the par value of all the shares of the capital stock of the Company from the par value of \$50 per share to the par value of \$25 per share.

3. Forthwith upon the coming into force of this section, —

- (a) the Company shall pay to the Commission the sum of Payment by
Company to
Commission \$25 per share of its holdings of such shares; and
- (b) the Commission shall surrender its share certificates Surrender of
certificates
by Commis-
sion. to the Company and on such surrender shall be

entitled to receive a certificate for one fully paid share of the par value of \$25 for each fully paid share of \$50 represented by the certificates so surrendered.

Sale of shares by Commission to City.

4.—(1) The Commission shall not later than the 15th day of April, 1946, offer to sell as of May 31, 1946, to the Corporation of the City of Hamilton all of the issued shares in the capital stock of the Company for the price of \$1,300,000 upon such terms and subject to such conditions with respect to prior disposal to the Commission of certain assets of the Company, other than its franchises, rolling stock, tracks, overhead distribution system, equipment, lands and interests in lands, materials and supplies, and with respect to adjustment of other matters as to the Commission seems proper.

Notice as to submission of by-law.

(2) The municipal council of the city of Hamilton shall not later than the 30th day of April, 1946, give notice in writing to the Commission of its intention to submit or not to submit a proposed by-law for the purchase of the said shares to the electors for their assent.

Submission of by-law.

5. In the event that the municipal council of the city of Hamilton determines to submit a proposed by-law to the electors, then notwithstanding anything contained in any general Act,—

- (a) the proposed by-law shall be so submitted not later than the 15th day of June, 1946;
- (b) a copy of the proposed by-law shall be published once a week for three successive weeks together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law and that, if the assent of the electors is obtained to it, it will be taken into consideration by the council forthwith and that a tenant who desires to vote must deliver to the Clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 283 of *The Municipal Act* and stating also the day and places appointed for taking the votes and the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk;
- (c) if a majority of the electors shall vote in favour of the proposed by-law, it shall within seven days after its submission to the electors be submitted to the Ontario Municipal Board for approval and, upon such approval being obtained, the council, if it

determines to pass the said by-law, shall do so within seven days after the date of such approval and not afterwards;

- (d) No person shall be entitled to apply for a scrutiny of votes and no promulgation of the by-law shall be required; and
- (e) upon being passed by the council, the by-law shall be valid and binding according to its terms, and the purchase of the shares authorized thereby shall be completed not later than the 31st day of August, 1946.

6. If the municipal council of the city of Hamilton fails to give notice as required by subsection 2 of section 4 or does not submit a proposed by-law to the electors on or before the 15th day of June, 1946, or if, upon being so submitted, the electors refuse their assent thereto, the Commission may sell its share in the Company to any person other than the corporation of the city of Hamilton for such price and upon such terms and conditions as to the Commission seems proper.

Sale of shares to other than City.

7. Neither the Company nor any present or future shareholder of the Company nor any other person shall have any claim, demand or cause of action against the Commission or any director or officer of the Company or any person who has purported to act as such director or officer for or by reason of any act, contract, by-law, proceeding, appointment or payment enacted, made, done, taken or omitted in good faith by the directors or officers of the Company or by persons purporting to act as such directors or officers in their capacities as such directors or officers since the date upon which the Commission acquired the ownership of all the outstanding shares in the capital stock of the Company and all such acts, contracts, by-laws, proceedings, appointments and payments are hereby validated, ratified and confirmed.

Claim, etc., against Commission.

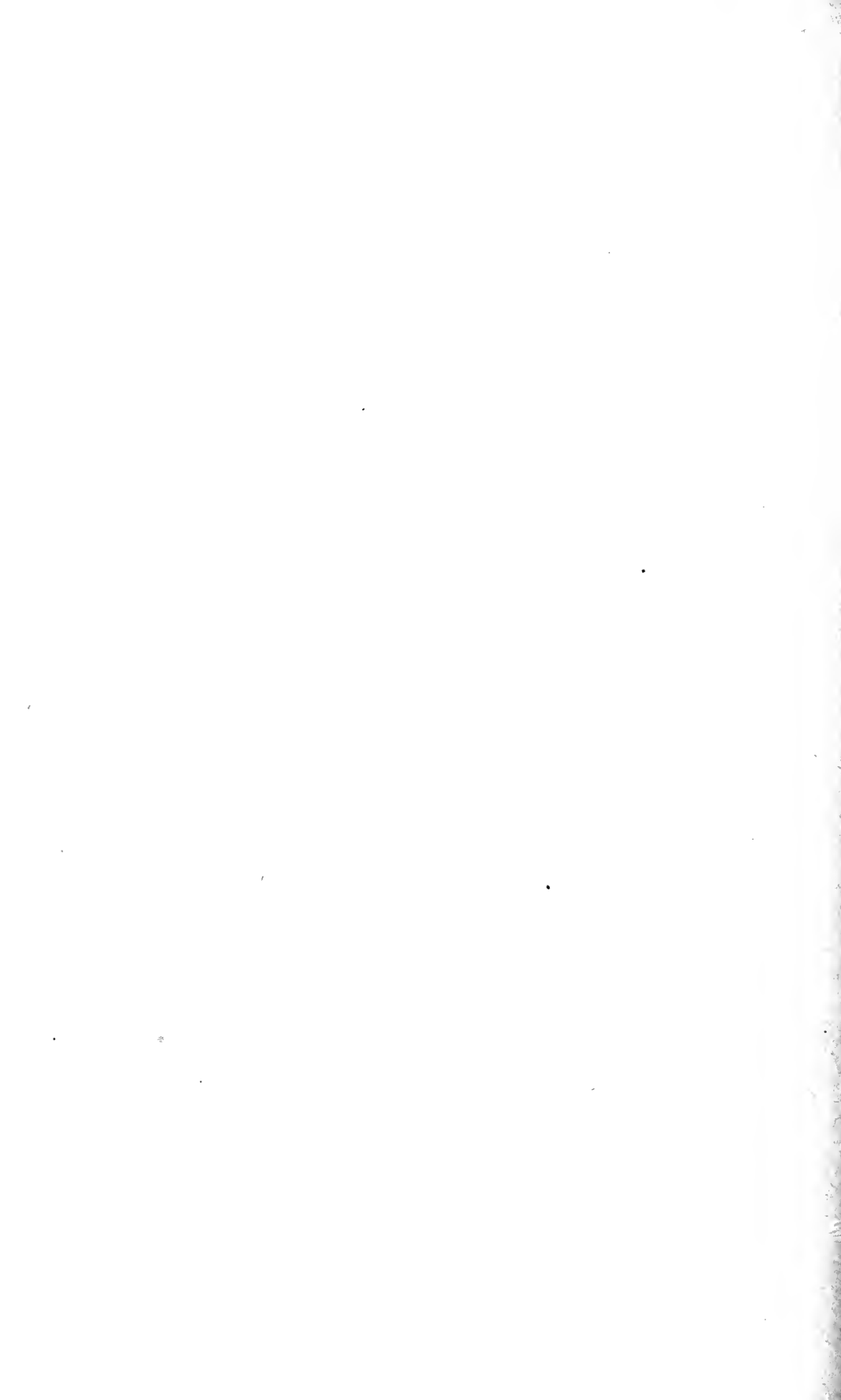
Validation of contracts, by-laws, etc.

8. Section 7 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and the remaining sections shall come into force on the day upon which this Act receives the Royal Assent.

Commencement of Act.

9. This Act may be cited as *The Hamilton Street Railway Act, 1946*.

Short title.





An Act respecting The Hamilton Street
Railway Company.

1st Reading

April 2nd, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. BLACKWELL.

No. 164

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The District Houses of Refuge Act.

MR. GOODFELLOW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Bill is self-explanatory.

BILL

An Act to amend The District Houses of Refuge Act.

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

1. Subsection 1 of section 14 of *The District Houses of Refuge Act* is amended by striking out the words "seventy cents" in the sixth line and inserting in lieu thereof the words "one dollar", so that the said subsection shall now read as follows:

- (1) Where an inmate in a district house of refuge was at the time of his admission a resident in a municipality in a territorial district other than the one for which the house of refuge is established, such municipality shall if the inmate is an indigent person be liable to pay to the board for the maintenance of such inmate at the rate of one dollar per day for every day in which he is an inmate in the house of refuge.

2. This Act may be cited as *The District Houses of Refuge Amendment Act, 1946*.

BILL

An Act to amend The District Houses
of Refuge Act.

1st Reading

April 2nd, 1946

2nd Reading

3rd Reading

MR. GODFELLOW

No. 164

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The District Houses of Refuge Act.

MR. GOODFELLOW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The District Houses of Refuge Act.

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

1. Subsection 1 of section 14 of *The District Houses of Refuge Act* is amended by striking out the words "seventy cents" in the sixth line and inserting in lieu thereof the words "one dollar", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 386, s. 14,
subs. 1,
amended.

- (1) Where an inmate in a district house of refuge was at the time of his admission a resident in a municipality in a territorial district other than the one for which the house of refuge is established, such municipality shall if the inmate is an indigent person be liable to pay to the board for the maintenance of such inmate at the rate of one dollar per day for every day in which he is an inmate in the house of refuge.

Liability for
indigent in-
mates from
municipalities
in other
districts.

2. This Act may be cited as *The District Houses of Refuge Amendment Act, 1946*.

Short title.

An Act to amend The District Houses
of Refuge Act.

1st Reading

April 2nd, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. GOODFELLOW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

**An Act for Raising Money on the Credit of the Consolidated Revenue
Fund.**

MR. FROST

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

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

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Sixty Million Dollars (\$60,000,000).

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

5. This Act may be cited as *The Ontario Loan Act, 1946*.

Loan of
\$60,000,000
authorized.

Terms to be
fixed by
Lieutenant-
Governor
in Council.

Sinking
Fund.

Rev. Stat.,
c. 22.

Commence-
ment of Act.

Short title.

An Act for Raising Money on the Credit of
the Consolidated Revenue Fund.

1st Reading

April 3rd, 1946

2nd Reading

3rd Reading

MR. FROST

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue
Fund.

MR. FROST

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

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

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Sixty Million Dollars (\$60,000,000). Loan of \$60,000,000 authorized.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon. Terms to be fixed by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*. Sinking Fund.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Rev. Stat., c. 22. Commencement of Act.

5. This Act may be cited as *The Ontario Loan Act, 1946*. Short title.

An Act for Raising Money on the Credit of
the Consolidated Revenue Fund.

1st Reading

April 3rd, 1946

2nd Reading

April 4th, 1946

3rd Reading

April 5th, 1946

MR. FROST

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Liquor Control Act.

MR. BLACKWELL

EXPLANATORY NOTES

The main purpose of this Bill is to bring *The Liquor Control Act* into line with *The Liquor Licence Act, 1946*, and that is the sole purpose of section 1, subsections 2 and 3 of section 2 and sections 4, 5, 6, 8 and 9.

Subsection 1 of section 2 is for the purpose of bringing *The Liquor Control Act* into line with *The Regulations Act, 1944*.

BILL

An Act to amend The Liquor Control Act.¹

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

1.—(1) Clause *a* of section 1 of *The Liquor Control Act* as re-enacted by subsection 1 of section 1 of *The Liquor Control Amendment Act, 1944*, and clause (*i*) of the said section are repealed.

Rev. Stat.,
c. 294, s. 1,
cl. *a*,
(1944,
c. 34, s. 1,
subs. 1)
and cl. (*i*),
repealed.

(2) Clause *f* of the said section 1 is amended by adding at the end thereof the words "or for the sale of beer only" so that the said clause shall now read as follows:

Rev. Stat.,
c. 294, s. 1,
cl. *f*,
amended.

(*f*) "Government store" shall mean store established by the Board under this Act for the sale of liquor or for the sale of beer only.

"Govern-
ment
store."

2.—(1) Subsection 1 of section 11 of *The Liquor Control Act* is amended by striking out the words "not inconsistent with this Act" in the second and third lines, and by striking out all the words after the word "thereof" in the fifth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 294, s. 11,
subs. 1,
amended.

(1) The Board with the approval of the Lieutenant-Governor in Council may make such regulations as the Board may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof.

Regulations.

(2) Clause *o* of subsection 2 of the said section 11 as amended by section 26 of *The Liquor Control Amendment Act, 1944*, is further amended by striking out the words "licenses and authorities" in the second line and inserting in lieu thereof the words "and licenses" so that the said clause shall now read as follows:

Rev. Stat.,
c. 294, s. 11,
subs. 2, cl. *o*,
amended.

(*o*) prescribing the fees payable in respect of permits and licenses issued under this Act, and prescribing the tax, fees and assessments payable by any brewer, distiller or producer of Ontario wine;

Fees.

Rev. Stat., c. 294, s. 11, subs. 2, amended. (3) Subsection 2 of the said section 11 is amended by adding thereto the following clause:

Governing sale of liquor. 1946, c. . . (s) governing the sale to and purchase by holders of licenses under *The Liquor Licence Act, 1946*, of liquor for sale upon premises licensed under *The Liquor Licence Act, 1946*.

Rev. Stat., c. 294, amended. **3.** *The Liquor Control Act* is amended by adding thereto the following section:

Acquiring land, etc. 13a.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board,—

(a) shall have power to acquire by purchase, lease or in any other manner or without the consent of the owner thereof to enter upon, take possession of, expropriate and use any land or property which it may deem necessary for its undertakings; and

(b) shall have and may exercise and enjoy in addition to the powers conferred by this Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act* and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act, they shall, where the context permits, mean the Board.

Rev. Stat., c. 54.

Mode of perfecting title. (2) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired by the Board, signed by the chairman of the Board and by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Board.

Procedure. (3) Except as otherwise provided in this Act the Board shall, in the exercise of its compulsory powers authorized by this section, proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.

Exercise of powers not to be enjoined. (4) No action or proceeding of the Board taken pursuant to this section shall be restrained by injunction or process or proceeding in any court.

Section 3 provides the Board with authority to acquire premises by expropriation.

SECTION 7 extends the privileges now applicable to members of the naval, military and air forces to those who have been members of such forces.

4. Section 31 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 294, s. 31, re-enacted.

31.—(1) Stores to be known as Government stores may be established by the Board in accordance with the provisions of this Act and *The Liquor Licence Act, 1946*, and the regulations hereunder and thereunder. Government stores.

(2) The Board may fix the prices at which the various classes, varieties and brands of liquor shall be sold and except in the case of beer such prices shall be the same at all Government stores. Prices set.

5. Section 69, as amended by section 1 of *The Liquor Control Amendment Act, 1942*, and section 13 of *The Liquor Control Amendment Act, 1944*, sections 86, 139, and 160, and section 163, as enacted by section 25 of *The Liquor Control Amendment Act, 1944*, of *The Liquor Control Act* are repealed. Rev. Stat., c. 296, ss. 69, 86, 139, 160, 163 (1944), c. 34, s. 25), repealed.

6. Subsection 1 of section 106 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "or *The Liquor Licence Act, 1946*", so that the said subsection shall now read as follows: Rev. Stat., c. 294, s. 106, subs. 1, amended.

(1) Except as authorized by this Act, or *The Liquor Licence Act, 1946*, no person, not holding a permit under this Act entitling him so to do, shall have any liquor in his possession within the Province. Having liquor without permit.

7. Section 162 of *The Liquor Control Act* as enacted by section 25 of *The Liquor Control Amendment Act, 1944*, is amended by inserting after the word "serving" in the fourth line the words "or has served" so that the said section shall now read as follows: Rev. Stat., c. 294, s. 162, (1944), c. 34, s. 25), amended.

162. For the purposes of this Act a member of the naval, military or air forces of Canada who having been placed on active service or called out for training, service or duty, is serving or has served in any of such forces, shall be deemed to be twenty-one years of age or over. Member of forces.

8. Section 164 of *The Liquor Control Act* as enacted by section 25 of *The Liquor Control Amendment Act, 1944*, is amended by striking out the words "beer and wine" in the third line and inserting in lieu thereof the word "liquor" so that the said section shall now read as follows: Rev. Stat., c. 294, s. 164, (1944), c. 34, s. 25), amended.

64. The provisions of this Act relating to the sale, purchase, having, supplying, serving and consuming of Effect of 1944, c. 33.

liquor shall be read and construed subject to the provisions of *The Liquor Authority Control Act, 1944*.

Rev. Stat.,
c. 294,
amended.

9. *The Liquor Control Act* is amended by striking out the terms in the first column of the following schedule wherever they appear and substituting therefor the respective terms appearing in the second column of the schedule:

SCHEDULE

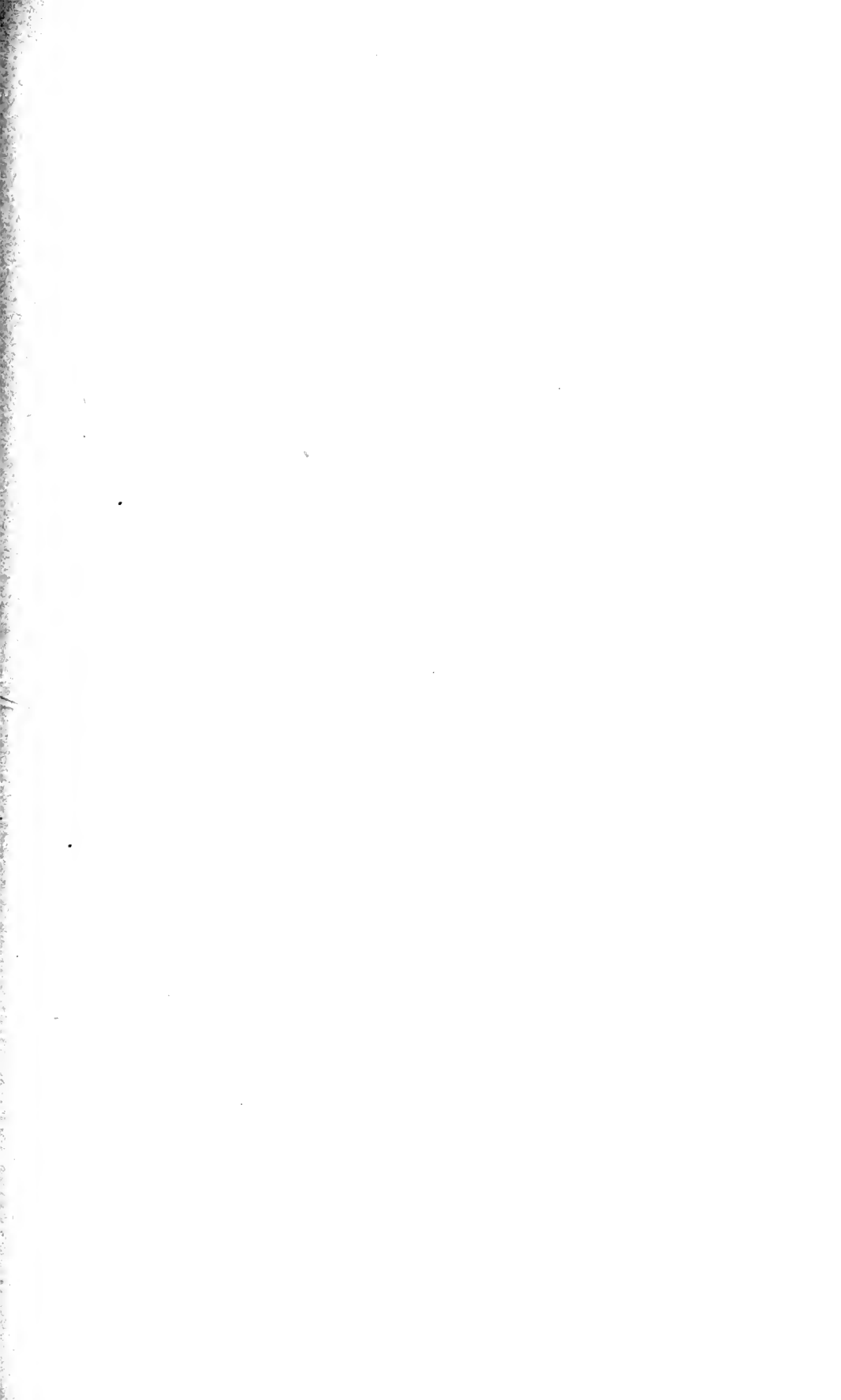
<i>First Column</i>	<i>Second Column</i>
authority	licence under <i>The Liquor Licence Act, 1946</i> .
authorities	licences under <i>The Liquor Licence Act, 1946</i> .
authorized premises	premises licensed under <i>The Liquor Licence Act, 1946</i> .
<i>The Liquor Authority Control Act, 1944</i> .	<i>The Liquor Licence Act, 1946</i> .

Commence-
ment of Act.

10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Liquor Control Amendment Act, 1946*.





BILL

An Act to amend The Liquor Control Act.

1st Reading

April 3rd, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 166

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Liquor Control Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Liquor Control Act.

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

1.—(1) Clause *a* of section 1 of *The Liquor Control Act* as re-enacted by subsection 1 of section 1 of *The Liquor Control Amendment Act, 1944*, and clause (*i*) of the said section are repealed.

Rev. Stat.,
c. 294, s. 1,
cl. *a*,
(1944,
c. 34, s. 1,
subs. 1)
and cl. (*i*),
repealed.

(2) Clause *f* of the said section 1 is amended by adding at the end thereof the words "or for the sale of beer only" so that the said clause shall now read as follows:

Rev. Stat.,
c. 294, s. 1,
cl. *f*,
amended.

(*f*) "Government store" shall mean store established by the Board under this Act for the sale of liquor or for the sale of beer only.

"Government
store."

2.—(1) Subsection 1 of section 11 of *The Liquor Control Act* is amended by striking out the words "not inconsistent with this Act" in the second and third lines, and by striking out all the words after the word "thereof" in the fifth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 294, s. 11,
subs. 1,
amended.

(1) The Board with the approval of the Lieutenant-Governor in Council may make such regulations as the Board may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof.

Regulations.

(2) Clause *o* of subsection 2 of the said section 11 as amended by section 26 of *The Liquor Control Amendment Act, 1944*, is further amended by striking out the words "licenses and authorities" in the second line and inserting in lieu thereof the words "and licenses" so that the said clause shall now read as follows:

Rev. Stat.,
c. 294, s. 11,
subs. 2, cl. *o*,
amended.

(*o*) prescribing the fees payable in respect of permits and licenses issued under this Act, and prescribing the tax, fees and assessments payable by any brewer, distiller or producer of Ontario wine;

Fees.

Rev. Stat., c. 294, s. 11, subs. 2, amended. (3) Subsection 2 of the said section 11 is amended by adding thereto the following clause:

Governing sale of liquor. 1946, c. ... (s) governing the sale to and purchase by holders of licenses under *The Liquor Licence Act, 1946*, of liquor for sale upon premises licensed under *The Liquor Licence Act, 1946*.

Rev. Stat., c. 294, amended. **3.** *The Liquor Control Act* is amended by adding thereto the following section:

Acquiring land, etc. 13a.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board,—

(a) shall have power to acquire by purchase, lease or in any other manner or without the consent of the owner thereof to enter upon, take possession of, expropriate and use any land or property which it may deem necessary for its undertakings; and

(b) shall have and may exercise and enjoy in addition to the powers conferred by this Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act* and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act, they shall, where the context permits, mean the Board.

Rev. Stat., c. 54.

Mode of perfecting title. (2) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired by the Board, signed by the chairman of the Board and by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Board.

Procedure. (3) Except as otherwise provided in this Act the Board shall, in the exercise of its compulsory powers authorized by this section, proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.

Exercise of powers not to be enjoined. (4) No action or proceeding of the Board taken pursuant to this section shall be restrained by injunction or process or proceeding in any court.

4. Section 31 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 294, s. 31, re-enacted.

31.—(1) Stores to be known as Government stores may be established by the Board in accordance with the provisions of this Act and *The Liquor Licence Act, 1946*, and the regulations hereunder and thereunder. Government stores.

(2) The Board may fix the prices at which the various classes, varieties and brands of liquor shall be sold and except in the case of beer such prices shall be the same at all Government stores. Prices set.

5. Section 69, as amended by section 1 of *The Liquor Control Amendment Act, 1942*, and section 13 of *The Liquor Control Amendment Act, 1944*, sections 86, 139, and 160, and section 163, as enacted by section 25 of *The Liquor Control Amendment Act, 1944*, of *The Liquor Control Act* are repealed. Rev. Stat., c. 296, ss. 69, 86, 139, 160, 163 (1944), c. 34, s. 25), repealed.

6. Subsection 1 of section 106 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "*or The Liquor Licence Act, 1946*", so that the said subsection shall now read as follows: Rev. Stat., c. 294, s. 106, subs. 1, amended.

(1) Except as authorized by this Act, or *The Liquor Licence Act, 1946*, no person, not holding a permit under this Act entitling him so to do, shall have any liquor in his possession within the Province. Having liquor without permit.

7. Section 162 of *The Liquor Control Act* as enacted by section 25 of *The Liquor Control Amendment Act, 1944*, is amended by inserting after the word "serving" in the fourth line the words "or has served" so that the said section shall now read as follows: Rev. Stat., c. 294, s. 162, (1944), c. 34, s. 25), amended.

162. For the purposes of this Act a member of the naval, military or air forces of Canada who having been placed on active service or called out for training, service or duty, is serving or has served in any of such forces, shall be deemed to be twenty-one years of age or over. Member of forces.

8. Section 164 of *The Liquor Control Act* as enacted by section 25 of *The Liquor Control Amendment Act, 1944*, is amended by striking out the words "beer and wine" in the third line and inserting in lieu thereof the word "liquor" so that the said section shall now read as follows: Rev. Stat., c. 294, s. 164, (1944), c. 34, s. 25), amended.

64. The provisions of this Act relating to the sale, purchase, having, supplying, serving and consuming of Effect of 1944, c. 33.

liquor shall be read and construed subject to the provisions of *The Liquor Authority Control Act, 1944*.

Rev. Stat.,
c. 294,
amended.

9. *The Liquor Control Act* is amended by striking out the terms in the first column of the following schedule wherever they appear and substituting therefor the respective terms appearing in the second column of the schedule:

SCHEDULE

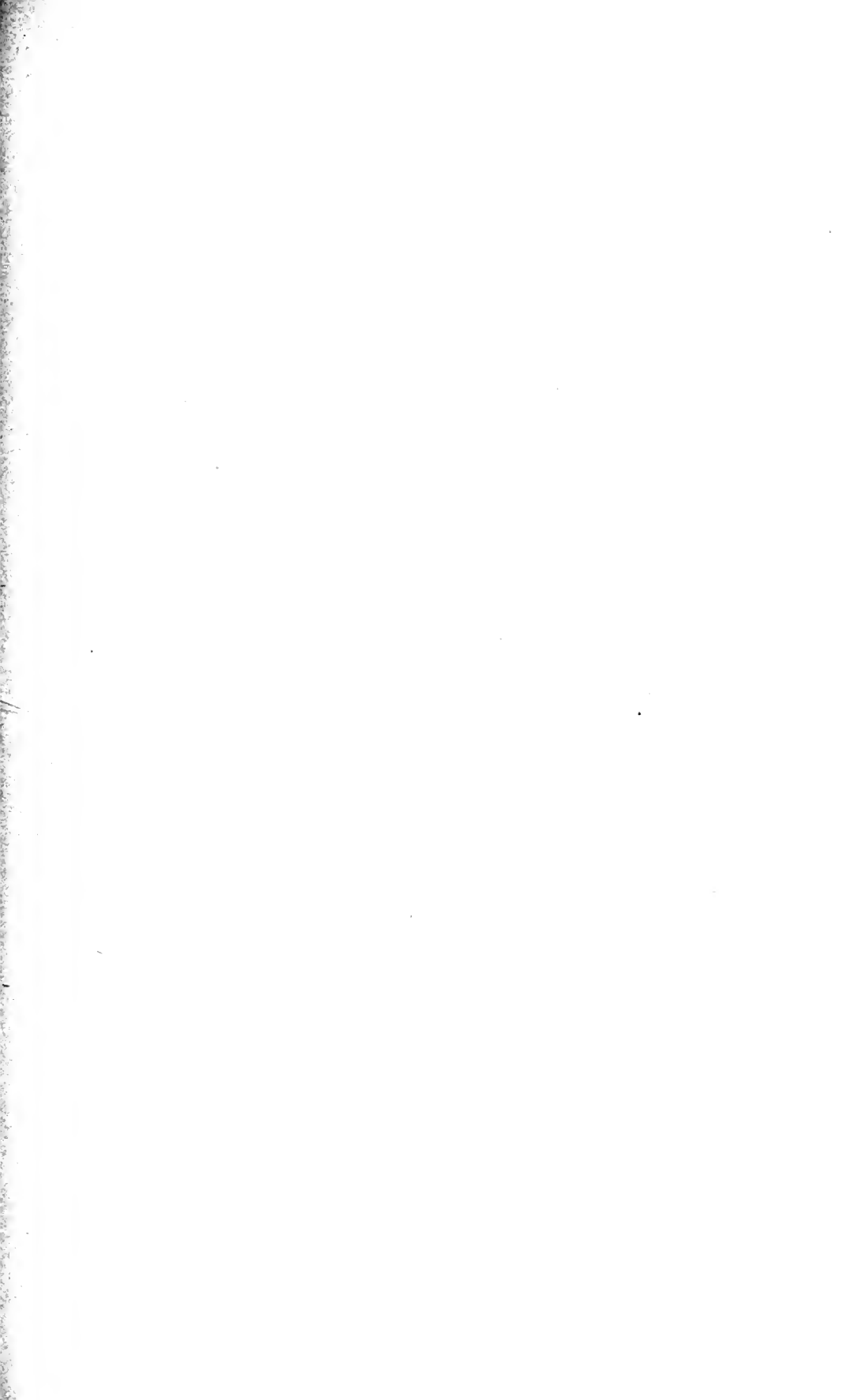
<i>First Column</i>	<i>Second Column</i>
authority	licence under <i>The Liquor Licence Act, 1946</i> .
authorities	licences under <i>The Liquor Licence Act, 1946</i> .
authorized premises	premises licensed under <i>The Liquor Licence Act, 1946</i> .
<i>The Liquor Authority Control Act, 1944</i> .	<i>The Liquor Licence Act, 1946</i> .

Commence-
ment of Act.

10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Liquor Control Amendment Act, 1946*.



An Act to amend The Liquor Control Act.

1st Reading

April 3rd, 1946

2nd Reading

April 4th, 1946

3rd Reading

April 5th, 1946

MR. BLACKWELL.

No. 167

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Statute Law Amendment Act, 1946.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

GENERAL. "Regulation" as defined by *The Regulations Act, 1944*, shall mean

any regulation, rule, order or by-law of a legislative nature made or approved under the provisions of any Act of this Legislature by the Lieutenant-Governor in Council, a Minister of the Crown, a department of the public service, an official of the government or a board or commission all the members of which are appointed by the Lieutenant-Governor in Council, but shall not include a by-law of a municipality or local board, as defined in *The Department of Municipal Affairs Act*.

All regulations must be filed with the Registrar of Regulations and the Act provides for publication in the *Ontario Gazette* and also provides that

unless otherwise stated therein a regulation shall come into force and have effect on and after the day upon which it is filed.

Consequently, and in the interest of uniform practice, the statutes are being cleared of all provisions requiring publication and regarding the effective date of orders, etc., which fall within the above definition of "regulation".

The sporadic requirements found occasionally in the statutes requiring regulations to be tabled in the House will be replaced by the standard and uniform publication in the *Ontario Gazette*.

For the purposes of consistency and to save duplicate publication, proclamations which fall within the above definition of "regulation" are being replaced by Orders-in-Council.

Provisions that regulations shall have the same force and effect as if contained in the statute authorizing them may have the effect of closing the door to an attack on the regulations in the courts. Consequently these provisions are being removed from the statutes.

The sections and subsections of this Bill to which the above notes are applicable are as follows:

2, 3, 4, 6, 8 (1), 9 (1), 9 (2), 10, 13, 18, 19, 20, 21 (1), 22 (1), 22 (2), 22 (3), 22 (4), 22 (5), 23 (2), 24 (1), 24 (2), 25 (3), 28 (1), 28 (3), 28 (5), 28 (6), 28 (7), 31, 33, 36, 38, 39, 40, 42, 43, 45, 46, 48, 52, 57 and 59.

SECTION 1. This amendment corrects a typographical error.

SECTION 5. The proposed amendment permits two committees to be formed in any county or district which has two agricultural representatives.

BILL

The Statute Law Amendment Act, 1946.

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

1. Section 12 of *The Active Service Financial Protection Act, 1944*, is amended by striking out the word "or" where it occurs the second time in the second line and inserting in lieu thereof the word "of", so that the said section shall now read as follows:

12. This Act shall not apply to any proceedings by way of foreclosure, or sale under power of sale, execution of any judgment or order of any court, distress, forfeiture, judgment or order of possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

Application
of Act.

2. Subsection 2 of section 2 of *The Administration of Justice Expenses Act* as amended by section 1 of *The Statute Law Amendment Act, 1940*, is further amended by striking out all the words after the word "thereto" in the third line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 141, s. 2,
subs. 2,
amended.

(2) The Lieutenant-Governor in Council may from time to time amend or repeal any of the items and Forms in the Schedules to this Act or add thereto.

Amendments
and addi-
tions to
Schedules.

3. Subsection 2 of section 20 of *The Agricultural Associations Act* is repealed.

Rev. Stat.,
c. 80, s. 20,
subs. 2, re-
pealed.

4. Clause g of section 14 of *The Agricultural College Act* is repealed.

Rev. Stat.,
c. 374, s. 14,
cl. g, re-
pealed.

5. Section 2 of *The Agricultural Committees Act, 1944*, is amended by adding thereto the following subsection:

1944,
c. 5, s. 2,
amended.

Two committees for one county or district.

- (3) Where two agricultural representatives have been appointed for one county or district, two committees may be formed for the county or district.

Rev. Stat., c. 233, s. 12, subs. 4, re-enacted.

6. Subsection 4 of section 12 of *The Architects Act* is repealed and the following substituted therefor:

Regulations to be furnished to members.

- (4) A copy of any regulations made under subsection 3 shall be furnished to every member of the Association.

Rev. Stat., c. 348, s. 12, subs. 1, amended.

7. Subsection 1 of section 12 of *The Bees Act*, as amended by section 5 of *The Bees Amendment Act, 1941*, is further amended by striking out the word "permit" in the fourth line and inserting in lieu thereof the word "certificate", so that the said subsection shall now read as follows:

Sale of infected bees or articles.

- (1) The owner or possessor of an apiary shall not sell, by auction or otherwise, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a certificate from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease.

Rev. Stat., c. 351, s. 33, amended.

- 8.—(1) Section 33 of *The Cemetery Act* as amended by section 4 of *The Cemetery Amendment Act, 1941*, is further amended by striking out the words "by proclamation" in the sixth line, so that the said section shall now read as follows:

Closing cemetery for defective drainage, etc.

33. Where the Department of Health reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the same has become or is likely to become dangerous to the health of the inhabitants of the locality or that for any other reason it is expedient that a cemetery should be closed the Lieutenant-Governor in Council may declare that the cemetery shall be closed and that no further interments shall take place therein.

Rev. Stat., c. 351, s. 34, subs. 1, cl. a, re-enacted.

- (2) Clause *a* of subsection 1 of section 34 of *The Cemetery Act* is repealed and the following substituted therefor:

- (a) a cemetery has been closed by the Lieutenant-Governor in Council as hereinbefore provided; and

Rev. Stat., c. 251, s. 35, amended.

- 9.—(1) Section 35 of *The Companies Act* is amended by striking out the four lines immediately following clause *d*, so that the said section shall now read as follows:

SECTION 7. This amendment is to make the wording of the subsection consistent.

SECTION 8—Subsection 2. The deletion of the words “proclamation of” is complementary to the amendment to section 33 of the Act in this Bill. The substitution of the word “and” for the word “or” is to correct an obvious error.

SECTION 9—Subsection 3. This subsection extends the powers of a pension fund and employees' mutual benefit society to provide payment of benefits to officers and employees whose dependants have been incapacitated.

Subsection 4. This subsection defines "dependants".

35. The Lieutenant-Governor in Council may make regulations with respect to,—

Regulations
by
Lieutenant-
Governor
in Council.

- (a) the cases in which notice of application for letters patent or supplementary letters patent must be given;
- (b) the forms of letters patent, supplementary letters patent, notices and other instruments and documents relating to applications and other proceedings;
- (c) the form and manner of the giving of any notice required by this Act;
- (d) such other matters as he may deem necessary or expedient for carrying out the objects and provisions of this Act.

(2) Subsection 1 of section 168 of *The Companies Act* is amended by striking out the words "and in the *Ontario Gazette*", in the eleventh line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 251, s. 168,
subs. 1,
amended.

- (1) The Company may pass by-laws regarding the control and management of its undertaking, its dealings with the public, the collection of tolls, charges, rates or levies for the public service given by the company, and for the use, protection and care of its property while being used, enjoyed or otherwise subject to public use; but no such by-laws shall have any force or effect or be acted upon until approved by the Lieutenant-Governor in Council and notice of the approval has been published four times in a public newspaper published at the place where the undertaking of the company is carried on, or as near thereto as may be unless such publication is dispensed with by the Minister.

Company
may pass
by-laws for
control, etc.,
of under-
taking.

(3) Section 292 of *The Companies Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 251, s. 292,
amended.

- (cc) provide for the payment of benefits to officers and employees of the parent or a subsidiary corporation in respect of illness, accident or disability which has incapacitated dependants of such officers or employees.

(4) The said section 292 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 251, s. 292,
amended.

"Dependants",
defined.

- (2) The word "dependants" in subsection 1 shall mean the wives, husbands, and children under the age of eighteen years, including adopted children, of such officers or employees.

Rev. Stat.,
c. 11, s. 4,
subs. 2,
repealed.

- 10.** Subsection 2 of section 4 of *The Controverted Elections Act* is repealed.

1922,
c. 14, s. 5,
repealed.

- 11.** Section 5 of *The Corporations Tax Act, 1922*, (2) is repealed.

Rev. Stat.,
c. 102, s. 19,
subs. 1,
amended.

- 12.**—(1) Subsection 1 of section 19 of *The County Judges Act* is amended by striking out all the words after the word "Act" in the third line, so that the said subsection shall now read as follows:

County
court
districts.

- (1) The Lieutenant-Governor in Council may order that a county or two or more counties shall form a county court district for the purposes of this Act.

Rev. Stat.,
c. 102, s. 19,
subs. 2,
repealed.

- (2) Subsection 2 of the said section 19 is repealed

Rev. Stat.,
c. 36, s. 2,
subs. 2,
repealed.

- 13.** Subsection 2 of section 2 of *The Crown Timber Act* is repealed.

Rev. Stat.,
c. 69, s. 8,
subs. 2,
repealed.

- 14.** Subsection 2 of section 8 of *The Department of Labour Act* is repealed.

1934,
c. 10, s. 3,
repealed.

- 15.** Section 3 of *The Deserted Wives' and Children's Maintenance Act, 1934*, is repealed.

1930, c. 3,
repealed.

- 16.** *The Election Act, 1930*, as amended by section 2 of *The Election Amendment Act, 1936*, is repealed.

Rev. Stat.,
c. 242, s. 5,
subs. 1,
amended.

- 17.**—(1) Subsection 1 of section 5 of *The Embalmers and Funeral Directors Act* is amended by adding at the commencement thereof the words "Subject to the approval of the Lieutenant-Governor in Council", so that the subsection, exclusive of the clauses, shall now read as follows:

Regulations.

- (1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

Rev. Stat.,
c. 242, s. 5,
subs. 2,
repealed.

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

Rev. Stat.,
c. 252, s. 9,
subs. 1,
amended.

- 18.** Subsection 1 of section 9 of *The Extra Provincial Corporations Act* is amended by striking out the words "which shall be published in the *Ontario Gazette*" in the second line, so that the subsection, exclusive of the clauses, shall now read as follows:

SECTION 11. This section has been unproclaimed for twenty-four years. It deals with the tax on pari-mutuel betting. Most of its provisions have already been dealt with elsewhere and the balance are covered by *The Race Tracks Tax Act, 1939*.

SECTION 12. The words deleted deal with publication of the order and its effective date, and are no longer necessary under *The Regulations Act, 1944*.

Subsection 2 of section 19 of *The County Judges Act* conferred power to dissolve, re-establish, alter or re-arrange. This power is already given by clause g of section 29 of *The Interpretation Act*.

SECTION 14. The subsection that it is proposed to repeal reads as follows:

- (2) All such regulations heretofore made are declared to be and to have been legal, valid and binding.

SECTION 15. This provision, which has never been proclaimed, was intended to do away with the limit of the amount a father who has deserted his child might be required to pay. The present provision, with a limit of \$20 a week, seems quite adequate and the amendment is not required.

SECTION 16. *The Election Act, 1930*, amended *The Election Act* (R.S.O. 1927, c. 8) by adding thereto sections 57a and 57b and by repealing section 92. The Act was to come into force on a day named by the Lieutenant-Governor by his proclamation. No proclamation has yet been made, and *The Election Amendment Act, 1936*, repealed section 57a as added. This section repeals the balance of the 1930 Act.

SECTION 17. Subsection 2 of section 5 at present reads:

- (2) The regulations shall not come into force or take effect until they have been approved by the Lieutenant-Governor in Council and such approval has been published in the *Ontario Gazette*.

The provision re publication is no longer necessary due to *The Regulations Act, 1944*, and the requirement of the approval of the Lieutenant-Governor in Council is now incorporated in subsection 1 of section 5.

SECTION 21—Subsection 2: Subsection 2 of section 2 of *The Forest Fires Prevention Act* is a provision as to publication and effective date and falls within the general explanatory note.

Subsection 3 of section 2 gives power to terminate, extend, reduce or otherwise change fire districts. As the power to create fire districts is given, these powers to revoke or alter are given by virtue of clause *g* of section 29 of *The Interpretation Act*.

- (1) The Lieutenant-Governor in Council may make regulations respecting,— Regulations.

19. Section 25 of *The Factory, Shop and Office Building Act* Rev. Stat., c. 194, s. 25, amended. is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows:

25. The Lieutenant-Governor in Council may prohibit the employment of young girls and youths in factories the work in which he deems dangerous or unwholesome. Prohibiting employment of young girls and youths.

20. Section 47 of *The Farm Loans Act* is amended by striking out all the words after the word "Act" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 79, s. 47, amended.

47. The Lieutenant-Governor in Council may make regulations for the better carrying out of this Act. Regulations.

21.—(1) Subsection 1 of section 2 of *The Forest Fires Prevention Act* is amended by striking out the words "by proclamation" in the first and second lines and the words "described in the proclamation" in the second and third lines, so that the said subsection shall now read as follows: Rev. Stat., c. 325, s. 2, subs. 1, amended.

- (1) The Lieutenant-Governor in Council may declare any part of Ontario a fire district. Declaration as to fire districts.

- (2) Subsections 2 and 3 of the said section 2 are repealed. Rev. Stat., c. 325, s. 2, subs. 2, 3, repealed.

22.—(1) Section 8 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fifth and sixth lines, so that the said section shall now read as follows: Rev. Stat., c. 39, s. 8, amended.

8. Notwithstanding anything contained in *The Municipal Act*, when a township forming part of a union of townships has less than twenty-five resident freeholders whose names are entered on the last revised assessment roll, the Lieutenant-Governor in Council may, for forestry purposes, detach such township from such union of townships, upon such terms as may seem proper, and thereupon such township so detached shall cease to be incorporated and shall not thereafter without the approval of the Lieutenant-Governor in Council, become, be annexed to, or form part of a municipal corporation, and the said Order-in-Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said Order-in-Council. Taking townships out of unions. Rev. Stat., c. 266.

Rev. Stat.,
c. 39, s. 9,
amended.

(2) Section 9 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fifth line, so that the said section shall now read as follows:

Declaring
incorporated
townships
part of
provincial
forest.

Rev. Stat.,
c. 266.

9. Notwithstanding anything contained in *The Municipal Act*, where any township has an area of less than ten per centum of such township used for farming purposes the Lieutenant-Governor in Council may for forestry purposes, declare that the township or such part of the said township as may be designated by the said Order-in-Council shall form part of a provincial forest, or be otherwise used for forestry purposes, upon such terms as may be set out in the said Order-in-Council, and for municipal or administrative purposes any balance of the said township may be attached to any adjoining township, and the said Order-in-Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said Order-in-Council.

Rev. Stat.,
c. 39, s. 12,
amended.

(3) Section 12 of *The Forestry Act* is amended by striking out the words "by proclamation" in the second line, so that the said section shall now read as follows:

Setting apart
lands for
settlement
of settlers
removing
from un-
suitable
lands.

12. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that any township or portion of a township in Ontario suitable for settlement purposes, may be set aside for the purpose of location of settlers whom the Minister may desire to move from locations that have been found to be unsuitable for agricultural purposes, and which it is desired to take over for forestry purposes, and the terms and conditions of location upon such lands may be fixed and determined by the said Order-in-Council.

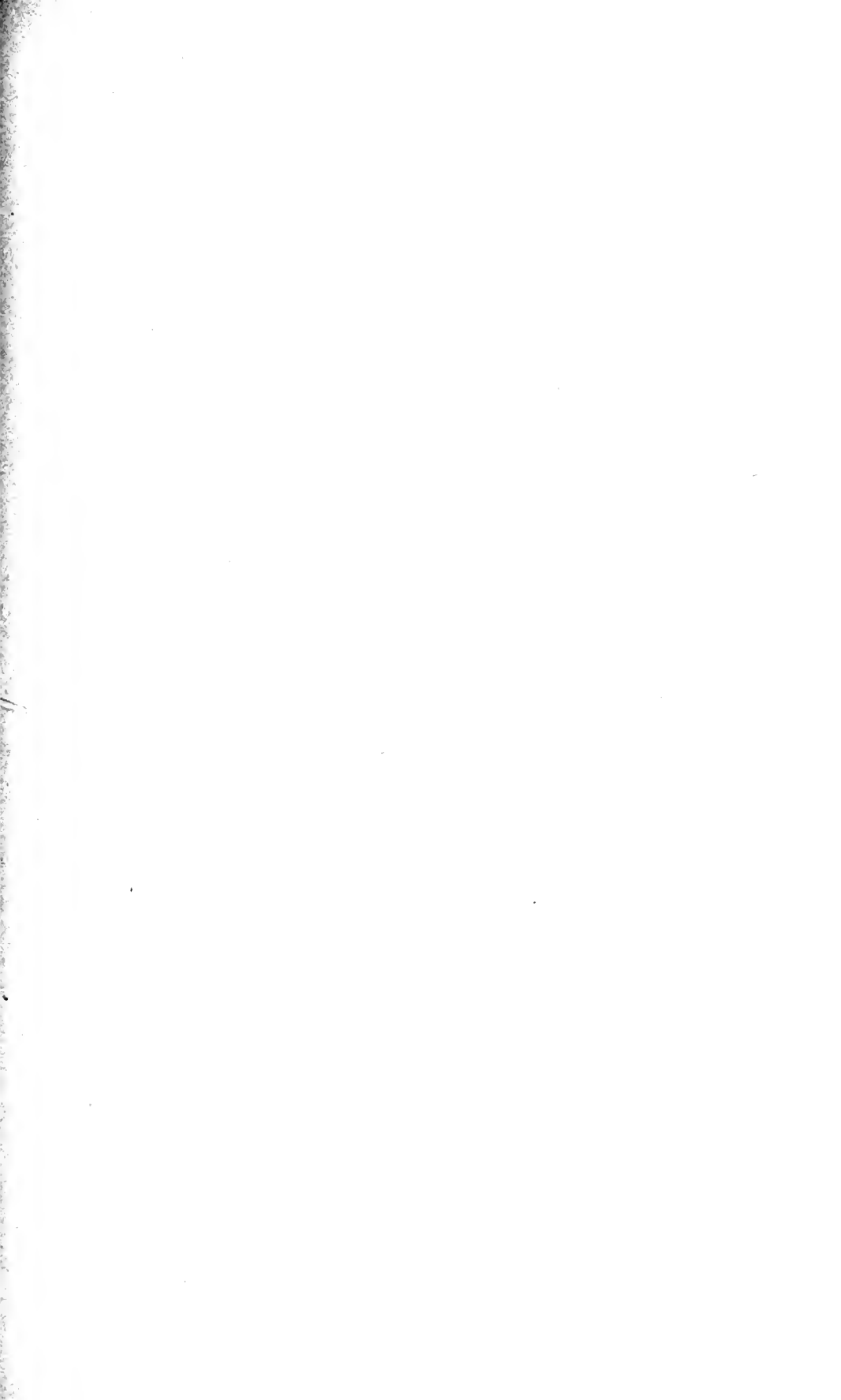
Rev. Stat.,
c. 39, s. 14,
amended.

(4) Section 14 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fourth line, so that the said section shall now read as follows:

Creation of
provincial
forest.

14. Whenever in the opinion of the Minister any lands required under this Act, or otherwise, are suitable for the creation of a provincial forest, the Lieutenant-Governor in Council may set apart such lands as a provincial forest under *The Provincial Forests Act*, notwithstanding the fact that such lands may be valuable or used for the preservation or reproduction of timber other than pine.

Rev. Stat.,
c. 38.



SECTION 22—Subsection 6. The subsection which it is proposed to repeal prescribes the general powers of the Commission.

SECTION 23—Subsection 1. This amendment is inserted to clarify the meaning of the section.

SECTION 24—Subsection 3. The words “not inconsistent with this Act” are deleted because in the absence of express authorization, regulations must be consistent with the authorizing Act. The other words deleted are covered by the general explanatory note.

SECTION 25—Subsection 1. The words deleted from subsection 1 of section 48 of *The Insurance Act* give power to revoke or alter the Order-in-Council. This provision is unnecessary as clause g of section 29 of *The Interpretation Act* gives this power.

(5) Section 15 of *The Forestry Act* is amended by striking out the words "by proclamation" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 39, s. 15, amended.

15. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that no person shall enter upon any lands acquired under this Act or lands forming a part of any provincial forest without a permit obtained for that purpose and upon such terms and conditions as may be proper and necessary, and subject to such penalties for a breach of the terms and conditions as may be provided for by the Order-in-Council. Requiring permit for entering provincial forest.

(6) Subsection 2 of section 16 of *The Forestry Act*, as enacted by section 4 of *The Statute Law Amendment Act, 1944*, is repealed. Rev. Stat., c. 39, s. 16, subs. 2 (1944, c. 58, s. 4), repealed.

23.—(1) Section 1 of *The Guarantee Companies Securities Act* is repealed and the following substituted therefor: Rev. Stat., c. 263, s. 1, re-enacted.

1. In this Act "guarantee company" shall mean an incorporated company approved by the Lieutenant-Governor in Council and empowered to grant guarantees, bonds, policies, or contracts for the integrity and fidelity of employed persons, or in respect of any legal proceedings or for other like purposes. "Guarantee company"; meaning of.

(2) Section 7 of *The Guarantee Companies Securities Act* is repealed. Rev. Stat., c. 263, s. 7, repealed.

24.—(1) Clause *c* of section 5 of *The Industrial Standards Act* is amended by striking out all the words after the word "schedule" in the third line, so that the said clause shall now read as follows: Rev. Stat., c. 191, s. 5, cl. c, amended.

(c) with the concurrence of the proper advisory committee, make an order amending the provisions of any schedule.

(2) Section 9 of *The Industrial Standards Act* is repealed. Rev. Stat., c. 191, s. 9, repealed.

(3) Section 13 of *The Industrial Standards Act* is repealed and the following substituted therefor: Rev. Stat., c. 191, s. 13, re-enacted.

13. The Lieutenant-Governor in Council may make such regulations as he may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof. Regulations.

25.—(1) Subsection 1 of section 48 of *The Insurance Act* is Rev. Stat., c. 256, s. 48, subs. 1, amended.

amended by striking out all the words after the word "province" in the fifth line, so that the said subsection shall now read as follows:

Power to apply ss. 45 to 47 to other provinces.

- (1) The Lieutenant-Governor in Council may, on being satisfied that any other province has enacted provisions identical with or substantially the same as sections 45 to 47, direct by Order-in-Council that those sections shall apply to that province.

Rev. Stat., c. 256, s. 48, subs. 2, re-enacted.

- (2) Subsection 2 of the said section 48 is repealed and the following substituted therefor:

Orders-in-Council to be sent to Superintendent in each Province.

- (2) A copy of every Order-in-Council under this section shall be sent to the Superintendent of Insurance in each province.

Rev. Stat., c. 256, s. 84, subs. 4, repealed.

- (3) Subsection 4 of section 84 of *The Insurance Act* is repealed.

1942, c. 22, s. 1, repealed.

- 26.** Section 1 of *The Insurance Amendment Act, 1942*, is repealed.

1932, c. 26, repealed.

- 27.** *The Insurance (Temporary Provisions) Act, 1932*, is repealed.

Rev. Stat., c. 45, s. 2, subs. 3, repealed.

- 28.—**(1) Subsection 3 of section 2 of *The Lakes and Rivers Improvement Act* is repealed.

Rev. Stat., c. 45, s. 12, subs. 1, re-enacted.

- (2) Subsection 1 of section 12 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: *

Penalty for contravention of Act.

- 12.—(1) Every person who,—

- (a) constructs or maintains any dam in contravention of this Part;
- (b) refuses or neglects to comply with any order of the Lieutenant-Governor in Council or any requirement or direction of the Minister made under this Part; or
- (c) hinders or obstructs the engineer in the performance of his duties under this Part, or refuses or neglects to produce any plans, accounts, documents or report relating to the construction of a dam when required by such engineer,

shall on summary conviction, incur a penalty not

Subsection 2. The re-enactment of subsection 2 of section 48 is occasioned by *The Regulations Act, 1944*, which requires publication in the *Ontario Gazette*. See general note.

SECTION 26. This section provided for the repeal of several clauses of section 1 of *The Insurance Act*. It has never been proclaimed and there is no immediate prospect of these clauses being amended or superseded by other clauses covering the same subject matter.

SECTION 27. This was to be a purely temporary measure pending a new code of insurance law. *The Insurance Act* is now complete and this Act would serve no useful purpose even if it were proclaimed.

SECTION 28.—Subsection 2. This amendment is merely to correct a constructional defect. No change in law is involved.

SECTION 28—Subsection 4. This amendment is complementary to the amendment to section 21 of *The Lakes and Rivers Improvement Act* made by subsection 3 of this section.

exceeding \$500, and if after conviction such default continues, such person shall be liable to a further penalty of \$10 for each day upon which such default continues.

(3) Section 21 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows:

21. The Lieutenant-Governor in Council may declare that any lake or river shall be subject to the provisions of this Part.

(4) Subsection 1 of section 22 of *The Lakes and Rivers Improvement Act* is amended by striking out the word "proclamation" in the first and second lines and inserting in lieu thereof the words "declaration made under section 21", so that the first two lines of the said subsection shall now read as follows:

(1) From and after a date named in the declaration made under section 21, all questions arising in relation to such lake or river,—

(5) Subsection 3 of section 27 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "An order made by the Minister under this section shall take effect upon its publication in the *Ontario Gazette*, and" in the first and second lines, so that the said subsection shall now read as follows:

(3) Any person contravening or neglecting to obey the terms of the order shall on summary conviction incur a penalty not exceeding \$500.

(6) Section 78 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

78. The Lieutenant-Governor in Council may from time to time declare that any part of Ontario or any water therein shall, until further declaration, be exempt from the operation of this Part, and thereupon the same shall be exempt accordingly.

(7) Section 79 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

79. Any part of Ontario or any water therein exempted by declaration from the operation of this Part may, by declaration, be again brought within its operation.

tion until further declaration and so on from time to time.

1929,
c. 69, s. 5,
repealed.

29. Section 5 of *The Liquor Control Amendment Act, 1929*, is repealed.

Rev. Stat.,
c. 392, s. 5,
subs. 1,
amended.

30. Subsection 1 of section 5 of *The Mental Hospitals Act* is amended by striking out the words "not inconsistent with this Act" in the second line and by striking out all the words after the word "thereof" in the fourth line, so that the said subsection shall now read as follows:

Regulations.

(1) The Lieutenant-Governor in Council may make such regulations as are necessary for carrying out the provisions of this Act and for the efficient administration thereof.

Rev. Stat.,
c. 110, s. 35,
subs. 2,
repealed.

31. Subsection 2 of section 35 of *The Mental Incompetency Act* is repealed.

Rev. Stat.,
c. 76,
ss. 10, 16,
repealed.

32. Sections 10 and 16 of *The Milk Control Act* are repealed.

Rev. Stat.,
c. 190, s. 6,
repealed.

33. Section 6 of *The Minimum Wage Act* is repealed.

Rev. Stat.,
1927, c. 229,
repealed.

34. *The Minority Shareholders Rights Act* is repealed.

Rev. Stat.,
c. 313, s. 1,
cl. 4,
amended.

35. Clause *d* of section 1 of *The Mothers' Allowances Act* is amended by striking out the words "by the Lieutenant-Governor in Council" in the first and second lines, so that the said clause shall now read as follows:

"Regulations".

(d) "Regulations" shall mean regulations made under the authority of this Act.

Rev. Stat.,
c. 278, s. 118,
subs. 2,
repealed.

36. Subsection 2 of section 118 of *The Municipal Drainage Act* as amended by subsection 2 of section 22 of *The Statute Law Amendment Act, 1941*, is repealed.

Rev. Stat.,
c. 275,
repealed.

37. *The Municipal Employees Pensions Fund Act* is repealed.

Rev. Stat.,
c. 34, s. 7,
amended.

38. Section 7 of *The Northern Development Act* is amended by adding after the word "Act" in the first line the words "to which the provisions of *The Regulations Act, 1944*, do not apply", so that the said section shall now read as follows:

Orders-in-Council to be laid before Assembly.
1944, c. 52.

7. Every Order-in-Council made under this Act to which the provisions of *The Regulations Act, 1944*, do not apply, shall be laid before the Assembly forthwith if the Assembly is then in session and if the Assembly is not then in session, then within the first fifteen days after the opening of the next session thereafter.

SECTION 29. This section prohibited the sale in Ontario of beer, ale, etc., not manufactured from malt produced from barley grown and malted in Ontario. Excepted were beers, etc., imported from other provinces, Great Britain, and Ireland. This section has never been proclaimed and is impracticable at present. The Board now sells small quantities of American beer and ale.

SECTION 30. The words "not inconsistent with this Act" are meaningless as, in the absence of express words, regulations must be consistent with the authorizing Act. The other words struck out deal with publication and effect of regulations and these matters are covered by *The Regulations Act, 1944*. See general note.

SECTION 32—Section 10 of *The Milk Control Act* deals with the publication of regulations under the Act and is no longer necessary by reason of the provisions of *The Regulations Act, 1944*. See general note.

Section 16 of *The Milk Control Act* which prohibits the use of milk bottles, milk cans, etc., by other than the owner thereof, has not been used in recent years and has been impracticable during the war. Section 490 of the *Criminal Code* permits the use of bottles bearing the name of another distributor where written consent has been obtained. This provision covers the requirements and The Milk Control Board of Ontario has requested the repeal of section 16.

SECTION 34. This Act has never been proclaimed. It was passed with the knowledge that it would be of little or no value unless the Dominion passed similar legislation. No such legislation has been enacted and there is no value in keeping the Act on the books.

SECTION 35. This amendment is inserted for consistency. Section 11 of *The Mothers' Allowances Act* provides that regulations may be made by the Minister.

SECTION 37. This Act provides for pensions for municipal employees. It has never been proclaimed and its provisions are adequately covered in *The Municipal Act* and there is therefore no reason to retain it.

39. Section 2 of *The Patricia Act* is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows:

Rev. Stat.,
c. 5, s. 2,
amended.

2. The Lieutenant-Governor in Council may at any time and from time to time detach the whole or any portion of the above described territory from the Territorial District of Kenora and may in like manner annex the whole or such part thereof to any other territorial or provisional judicial district, or may designate the whole of the above described territory or any part thereof as a separate territorial district or provisional judicial district, and nothing in this Act contained shall restrict the powers of the Lieutenant-Governor in Council under this section.

Lieutenant-Governor in Council empowered to detach or annex territory.

40.—(1) Section 31 of *The Pharmacy Act* is amended by striking out the words "such resolution and the approval thereof shall be published in the *Ontario Gazette*, and on the expiration of one month from such publication" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "and on the expiration of one month from publication in accordance with the provisions of *The Regulations Act, 1944*", so that the said section shall now read as follows:

Rev. Stat.,
c. 228, s. 31,
amended.

31. The articles mentioned in Schedule C shall be deemed to be poisons within the meaning of this Act, and the Council may by resolution declare that any article in the resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the Council shall submit the resolution for the approval of the Lieutenant-Governor in Council and if approved and on the expiration of one month from publication in accordance with the provisions of *The Regulations Act, 1944*, the article named in the resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions thereof, or such of them as may be directed by the Lieutenant-Governor in Council.

Certain articles to be deemed poisons.

1944, c. 52.

(2) Subsection 2 of section 33 of *The Pharmacy Act* is amended by striking out all the words after the word "publication" in the fourth line and inserting in lieu thereof the words "thereof in accordance with the provisions of *The Regulations Act, 1944*", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 228, s. 33,
subs. 2,
amended.

- (2) The Lieutenant-Governor in Council may amend Schedule D by adding any article thereto or striking any article therefrom, but no such amendment shall come into force until thirty days after the publica-

Amendment to Schedule D.

- 1944, c. 52.
- 1937, c. 58,
repealed.
- Rev. Stat.,
c. 38, s. 2,
amended.
- Power to
set apart
provincial
forests.
- Rev. Stat.,
c. 38, s. 4,
subs. 2,
repealed.
- Rev. Stat.,
c. 22, s. 8,
subs. 1,
repealed.
- Rev. Stat.,
c. 299, s. 7,
repealed.
- Rev. Stat.,
c. 33, s. 4,
subs. 2,
re-enacted.
- Publication.
1944, c. 52.
- Rev. Stat.,
c. 18, s. 13,
subs. 1,
amended.
- Alteration of
percentages
and provi-
sions re
income.
- Rev. Stat.,
c. 18, s. 13,
subs. 2,
amended.
- Alterations
of fees under
Ontario
Statutes.
- tion thereof in accordance with the provisions of *The Regulations Act, 1944*.
- 41.** *The Power Commission Declaratory Act, 1937*, is repealed.
- 42.**—(1) Section 2 of *The Provincial Forests Act* is amended by striking out the words “by proclamation” in the first and second lines, so that the said section shall now read as follows:
2. The Lieutenant-Governor in Council may establish and set apart any other portions of the public domain as provincial forests, and may add to any provincial forests hereby or hereafter established.
- (2) Subsection 2 of section 4 of *The Provincial Forests Act* as amended by subsection 2 of section 29 of *The Statute Law Amendment Act, 1943*, is repealed.
- 43.** Subsection 1 of section 8 of *The Provincial Loans Act* is repealed.
- 44.** Section 7 of *The Public Health Act* is repealed.
- 45.** Subsection 2 of section 4 of *The Public Lands Act* is repealed and the following substituted therefor:
- (2) The regulations shall be filed in accordance with the provisions of *The Regulations Act, 1944*, and published in such newspaper as the Minister may direct.
- 46.**—(1) Subsection 1 of section 13 of *The Public Officers' Fees Act* is amended by striking out all the words after the word “use” in the sixth line, so that the said subsection shall now read as follows:
- (1) The Lieutenant-Governor in Council may from time to time amend or repeal the amount of percentages payable under the provisions of this Act by any officer to whom this Act applies, and the amount of net or gross income that any such officer under this Act is entitled to retain to his own use.
- (2) Subsection 2 of the said section 13 is amended by striking out all the words after the word “Act” in the fifth line, so that the said subsection shall now read as follows:
- (2) The Lieutenant-Governor in Council may from time to time amend or repeal any fees payable under the provisions of any Act of this Legislature to any sheriff, crown attorney, clerk of the peace or any officer within the provisions of this Act.

SECTION 41. *The Power Commission Declaratory Act, 1937*, declared the meaning and effect of subsection 4 of section 6 of *The Power Commission Act*. This is now incorporated in subsection 1 of section 2 of *The Power Commission Amendment Act, 1946* (Bill No. 106).

SECTION 44. As the regulations section (section 5) requires the approval of the Lieutenant-Governor in Council, the first part of subsection 1 of section 7 of *The Public Health Act* is redundant. For the reasons set out in the general explanatory note, the balance of the section is no longer necessary.

SECTION 47. The subsection which it is proposed to repeal provides that an Order-in-Council under section 8 of *The Reciprocal Enforcement of Judgments Act* may be varied or revoked by a subsequent order. By clause g of section 29 of *The Interpretation Act* it is provided that "if power is conferred to make by-laws, regulations, rules or orders, it shall include power to alter or revoke the same from time to time and make others". Subsection 2 of section 8 is therefore unnecessary.

SECTION 49. Subsection 1 of section 23 of *The Statute Law Amendment Act, 1942*, repealed *The Mortgage Tax Act*. Subsection 2 of the said section 23 provided that subsection 1 should come into force on a day named by the Lieutenant-Governor by proclamation. No proclamation has been made and this section repeals the repeal provisions.

SECTION 50. Subsection 2 provides for the repeal of subsection 2 of section 123 of *The Registry Act* which reads as follows:

(2) If at any time the receipts of the office are not sufficient to pay the salaries and retiring allowances of the registrar and the members of his staff the same shall be a charge upon and be payable out of the receipts of the corporation under *The Mortgage Tax Act*.

At one time the earnings of the Toronto Registry Office were not sufficient to pay salaries, and as this case may arise again the protection afforded by subsection 2 of section 123 should remain.

Subsection 3 of section 34 of *The Statute Law Amendment Act, 1942*, provided that subsection 2 of that section would come into force when proclaimed, and no proclamation has been made.

SECTION 51. The section proposed to be repealed is inserted, in amended form, in section 37 of *The Real Estate and Business Brokers Act, 1946* (Bill No. 146).

SECTION 53—Subsections 1 and 2. These amendments are to clarify the borrowing power of the Board constituted under *The Stock Yards Act, 1944*. These powers are necessary for the proper carrying out of the objects of the Act.

- 47.** Subsection 2 of section 8 of *The Reciprocal Enforcement of Judgments Act* is repealed. Rev. Stat., c. 124, s. 8, subs. 2, repealed.
- 48.**—(1) Section 96 of *The Registry Act* is amended by striking out all the words after the figures "95" in the third line, so that the said section shall now read as follows: Rev. Stat., c. 170, s. 96, amended.
96. The Lieutenant-Governor in Council may from time to time amend, repeal or add to any of the clauses or items in section 95. Alterations in registrars' fees.
- (2) Subsection 2 of section 116 of *The Registry Act* is repealed. Rev. Stat., c. 170, s. 116, subs. 2, repealed.
- 49.** Section 23 of *The Statute Law Amendment Act, 1942*, is repealed. 1942, c. 34, s. 23, repealed.
- 50.** Subsections 2 and 3 of section 34 of *The Statute Law Amendment Act, 1942*, are repealed. 1942, c. 34, s. 34, subs. 2, 3, repealed.
- 51.** Section 12 of *The Statute of Frauds* is repealed. Rev. Stat., c. 146, s. 12, repealed.
- 52.** Section 3 of *The Steam Boiler Act* as enacted by section 2 of *The Steam Boiler Amendment Act, 1938*, is repealed. Rev. Stat., c. 343, s. 3, (1938, c. 38, s. 2), repealed.
- 53.**—(1) Section 1 of *The Stock Yards Act, 1944*, is amended by adding thereto the following clause: 1944, c. 59, s. 1, amended.
- (f) "securities" shall include bonds, debentures and promissory notes. "securities".
- (2) Section 4 of *The Stock Yards Act, 1944*, is repealed and the following substituted therefor: 1944, c. 59, s. 4, re-enacted.
- 4.—(1) The objects of the Board shall be to,— Objects of the Board.
- (a) acquire, construct, equip and operate livestock markets, and acquire and operate such facilities for the transportation of livestock as may be necessary for the purposes of such markets; and
- (b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.
- (2) The Board shall have power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine. Power to borrow money and issue securities.

General
objects and
powers.
Rev. Stat.,
c. 251.

(3) The Board shall have the objects and powers set out in section 24 of *The Companies Act*.

1944,
c. 59, s. 6,
subs. 1,
re-enacted.

(3) Subsection 1 of section 6 of *The Stock Yards Act, 1944*, is repealed and the following substituted therefor:

Guarantee
by Province.

(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Board, and repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

Rev. Stat.,
c. 106, s. 30,
subs. 6,
re-enacted.

54. Subsection 6 of section 30 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Rules and
regulations.

(6) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules and regulations for the better carrying out of the provisions of subsections 3 and 4.

Rev. Stat.,
c. 165, s. 27,
subs. 4,
repealed.

55. Subsection 4 of section 27 of *The Trustee Act* is repealed.

Rev. Stat.,
c. 372, s. 4,
repealed.

56. Section 4 of *The University Act* is repealed.

Rev. Stat.,
c. 7, s. 2,
subs. 1,
amended.

57.—(1) Subsection 1 of section 2 of *The Voters' Lists Act* is amended by striking out all the words after the word "Act" in the third line, so that the said subsection shall now read as follows:

Rules and
forms.

(1) The Lieutenant-Governor in Council may prescribe rules and forms of procedure for the purpose of better carrying out the provisions of Parts I and II of this Act.

Rev. Stat.,
c. 7, s. 68,
subs. 2,
repealed.

(2) Subsection 2 of section 68 of *The Voters' Lists Act* is repealed.

Rev. Stat.,
c. 7, s. 108,
subs. 2,
repealed.

(3) Subsection 2 of section 108 of *The Voters' Lists Act* is repealed.

Rev. Stat.,
c. 186, s. 1,
re-enacted.

58.—(1) Section 1 of *The Warehousemen's Lien Act* is repealed and the following substituted therefor:

Interpre-
tation,—

1. In this Act,—

"charges";

(a) "charges" shall have the meaning assigned to it in section 2;

"goods";

(b) "goods" shall include all chattels personal other than things in action and money; and

Subsection 3. This amendment is to clarify the provision for the guarantee of the accounts of the Board by the province.

SECTION 54. This amendment is provided to render the section consistent with *The Judicature Act*, which gives the Rules Committee power to make rules and regulations in respect of surrogate courts.

SECTION 55. The subsection which it is proposed to repeal provides that an Order-in-Council made under the authority of subsection 2 of section 27 may at any time be revoked. Under clause g of section 29 of *The Interpretation Act* this power is already given.

SECTION 56. Section 4 of *The University Act* provided, on the fulfilment of certain conditions, for changing the name of the University of Toronto to "The University of Ontario". Such a change is not desirable.

SECTION 58—Subsection 1. The re-enactment of section 1 of *The Warehousemen's Lien Act* is complementary to *The Warehouse Receipts Act, 1946*, Bill No. 70.

SECTION 58—Subsection 2. Subsection 2 of section 2 of *The Warehousemen's Lien Act* provides for the amount of a warehouseman's lien, and as section 17 of *The Warehouse Receipts Act, 1946*, Bill No. 70, requires certain notice to be given, provision is made to allow him to add the cost of this notice to his lien.

SECTION 58—Subsection 3. The words and provisions deleted are now contained in subsection 5 of section 2 of *The Warehouse Receipts Act, 1946* (Bill No. 70).

SECTION 60. This amendment increases the number of members of the commission from three to five, and provides that all the members, except the mayor, shall be appointed by the council of the corporation.

- (c) "warehouseman" shall mean a person who receives goods for storage for reward. "warehouseman".

(2) Clause *c* of subsection 2 of section 2 of *The Warehousemen's Lien Act* is amended by inserting after the word "Act" in the second line the words "and *The Warehouse Receipts Act, 1946*," so that the said clause shall now read as follows: Rev. Stat., c. 186, s. 2, subs. 2, cl. c, amended.

- (c) all reasonable charges for any notice required to be given under the provisions of this Act and *The Warehouse Receipts Act, 1946*, and for notice and advertisement of sale, and for sale of the goods where default is made in satisfying the warehouseman's lien. 1946. c. ...

(3) Section 9 of *The Warehousemen's Lien Act* is amended by striking out all the words after the word "warehouseman" in the third line, so that the said section shall now read as follows: Rev. Stat., c. 186, s. 9, amended.

9. Nothing in this Act contained shall be deemed to affect the terms of the contract between the owner or bailor and the warehouseman. Contract not affected.

59.—(1) Subsection 1 of section 6 of *The Woodmen's Employment Act* is amended by striking out all the words after the word "Act" in the fifth line, so that the said subsection shall now read as follows: Rev. Stat., c. 202, s. 6, subs. 1, amended.

- (1) The Lieutenant-Governor in Council may make regulations respecting any of the several matters made the subject of investigation under this Act, or respecting the procedure to be followed in carrying out the provisions of this Act. Regulations.

(2) Subsection 2 of the said section 6 is repealed. Rev. Stat., c. 202, s. 6, subs. 2, repealed.

60.—(1) Subsection 2 of section 9 of *The Guelph Railway Act, 1939*, is repealed and the following substituted therefor: 1939, c. 18, s. 2, re-enacted.

- (2) The Transportation Commission shall consist of five members, of whom the mayor shall *ex officio* be one. Number of Commissioners.

(2a) Four members, who shall not be members of the council, shall be appointed by the council of the corporation at its first meeting in 1947, two of whom shall hold office for two years, and until their successors are appointed, and the others shall hold office for one year and until their successors are appointed, and thereafter the council shall appoint two members at its first meeting in each year, who shall hold Method of appointment.

office for two years and until their successors are appointed.

Commence-
ment. (2) This section shall come into force on the 1st day of January, 1947.

Toronto
General
Hospital
Amendment
Act. **61.** The Act entitled *An Act to amend The Toronto General Hospital Act*, passed at this session of the Legislature shall come into force on the day upon which it receives the Royal Assent.

Rev. Stat.,
c. 251, s. 300,
amended. **62.** Section 300 of *The Companies Act* is amended by adding thereto the following subsection:

Power to
form holding
companies
and housing
corporations
under.
*National
Housing Act,
1944*
(Canada)
and to
invest
therein.
1944, c. 46,
(Dom.).

(7a) Notwithstanding any contained in this Act or in any other Act, an insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may cause to be formed, or may join with one or more life insurance companies in forming, one or more institutional holding companies and one or more institutional housing corporations as defined in *The National Housing Act, 1944* (Canada), as amended by 9-10 George VI, chapter 26 (Canada), and may invest its funds in shares or debentures of the said holding companies, and in shares of the said housing corporations to an aggregate amount which, when added to the aggregate amount invested by the said insurer under section 300a of this Act, does not exceed five per centum of its total assets in Canada allowed by the Superintendent of Insurance.

University
Lands Act. **63.** Notwithstanding the provisions of *The University Lands Act, 1928*, or *The University Lands Act, 1929*, the Minister of Public Works may for and in the name of His Majesty purchase or acquire, and may without the consent of the owner thereof, enter upon, take and expropriate any of the lands mentioned in section 2 of *The University Lands Act, 1928*, as amended by section 2 of *The University Lands Act, 1929*, or any interest therein, which he may deem necessary for the public purposes of Ontario or for the purposes of the University of Toronto and all the provisions of *The Public Works Act* relating to the purchase, acquisition or expropriation of lands shall apply thereto, and the Minister may convey any lands so purchased, acquired or expropriated to the University of Toronto.

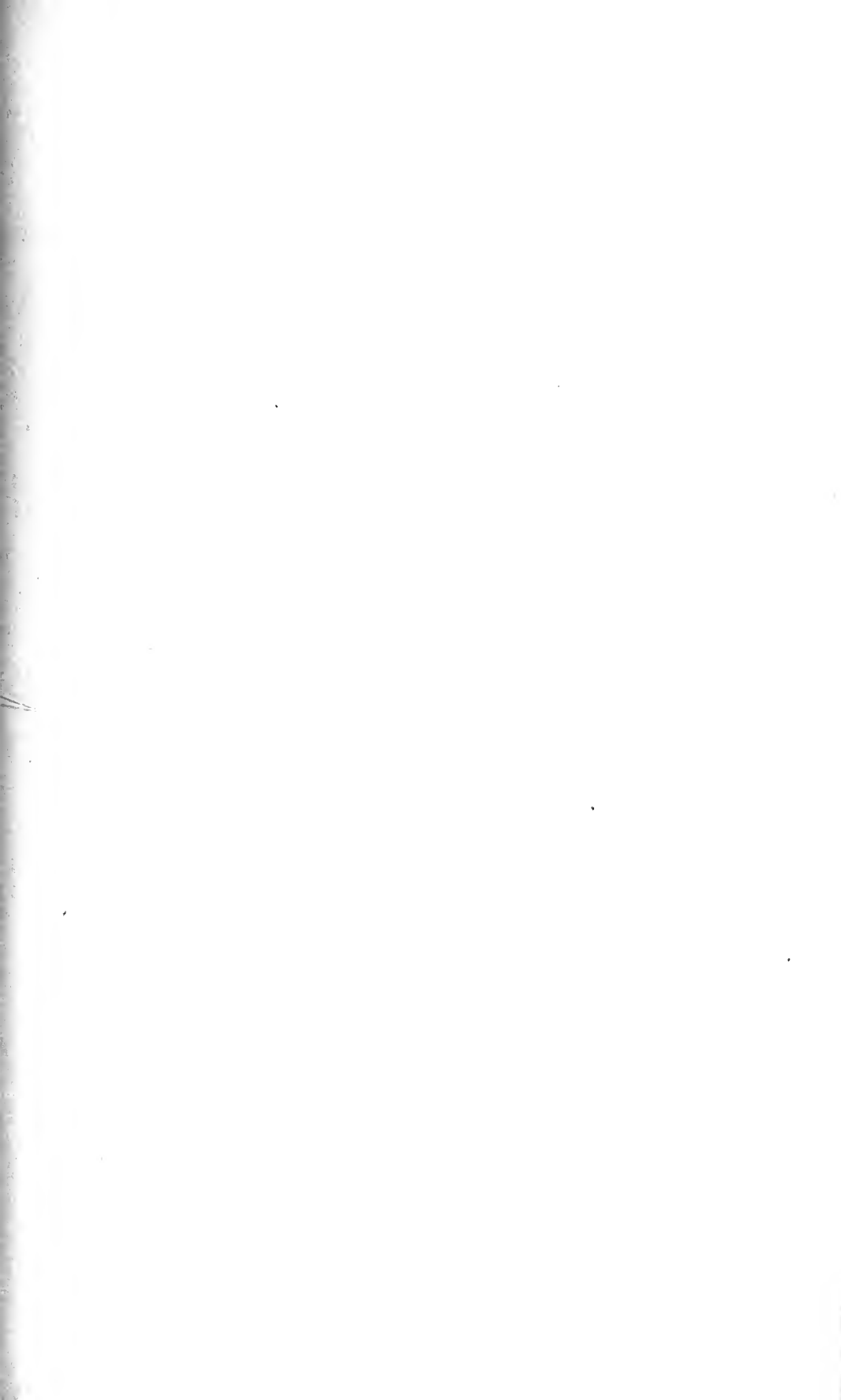
Short title. **64.** This Act may be cited as *The Statute Law Amendment Act, 1946*.

SECTION 61. Self-explanatory.

SECTION 62. This amendment makes applicable to insurance companies incorporated in this province the provisions of the amendment to *The National Housing Act, 1944* (Canada), which gives Dominion-incorporated insurance companies power to form institutional holding companies and institutional housing corporations, and to invest in the debentures or shares of the holding companies, and the shares of housing corporations. A limitation is placed on the aggregate amount of investments under the new subsection and under section 300*a*.

SECTION 63. Self-explanatory.





The Statute Law Amendment Act, 1946.

1st Reading

April 3rd, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 167

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Statute Law Amendment Act, 1946.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

TORONTO
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EXPLANATORY NOTES

GENERAL. "Regulation" as defined by *The Regulations Act, 1944*, shall mean

any regulation, rule, order or by-law of a legislative nature made or approved under the provisions of any Act of this Legislature by the Lieutenant-Governor in Council, a Minister of the Crown, a department of the public service, an official of the government or a board or commission all the members of which are appointed by the Lieutenant-Governor in Council, but shall not include a by-law of a municipality or local board, as defined in *The Department of Municipal Affairs Act*.

All regulations must be filed with the Registrar of Regulations and the Act provides for publication in the *Ontario Gazette* and also provides that

unless otherwise stated therein a regulation shall come into force and have effect on and after the day upon which it is filed.

Consequently, and in the interest of uniform practice, the statutes are being cleared of all provisions requiring publication and regarding the effective date of orders, etc., which fall within the above definition of "regulation".

The sporadic requirements found occasionally in the statutes requiring regulations to be tabled in the House will be replaced by the standard and uniform publication in the *Ontario Gazette*.

For the purposes of consistency and to save duplicate publication, proclamations which fall within the above definition of "regulation" are being replaced by Orders-in-Council.

Provisions that regulations shall have the same force and effect as if contained in the statute authorizing them may have the effect of closing the door to an attack on the regulations in the courts. Consequently these provisions are being removed from the statutes.

The sections and subsections of this Bill to which the above notes are applicable are as follows:

2, 3, 4, 6, 8 (1), 9 (1), 9 (2), 10, 13, 18, 19, 20, 21 (1), 22 (1), 22 (2), 22 (3), 22 (4), 22 (5), 23 (2), 24 (1), 24 (2), 25 (3), 28 (1), 28 (3), 28 (5), 28 (6), 28 (7), 31, 33, 36, 38, 39, 40, 42, 43, 45, 46, 48, 52, 57 and 59.

SECTION 1. This amendment corrects a typographical error.

SECTION 5. The proposed amendment permits two committees to be formed in any county or district which has two agricultural representatives.

BILL

The Statute Law Amendment Act, 1946.

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

1. Section 12 of *The Active Service Financial Protection Act, 1944*, is amended by striking out the word "or" where it occurs the second time in the second line and inserting in lieu thereof the word "of", so that the said section shall now read as follows:

12. This Act shall not apply to any proceedings by way of foreclosure, or sale under power of sale, execution of any judgment or order of any court, distress, forfeiture, judgment or order of possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

2. Subsection 2 of section 2 of *The Administration of Justice Expenses Act* as amended by section 1 of *The Statute Law Amendment Act, 1940*, is further amended by striking out all the words after the word "thereto" in the third line, so that the said subsection shall now read as follows:

(2) The Lieutenant-Governor in Council may from time to time amend or repeal any of the items and Forms in the Schedules to this Act or add thereto.

3. Subsection 2 of section 20 of *The Agricultural Associations Act* is repealed.

4. Clause g of section 14 of *The Agricultural College Act* is repealed.

5. Section 2 of *The Agricultural Committees Act, 1944*, is amended by adding thereto the following subsection:

Two committees for one county or district.

- (3) Where two agricultural representatives have been appointed for one county or district, two committees may be formed for the county or district.

Rev. Stat., c. 233, s. 12, subs. 4, re-enacted.

6. Subsection 4 of section 12 of *The Architects Act* is repealed and the following substituted therefor:

Regulations to be furnished to members.

- (4) A copy of any regulations made under subsection 3 shall be furnished to every member of the Association.

Rev. Stat., c. 348, s. 12, subs. 1, amended.

7. Subsection 1 of section 12 of *The Bees Act*, as amended by section 5 of *The Bees Amendment Act, 1941*, is further amended by striking out the word "permit" in the fourth line and inserting in lieu thereof the word "certificate", so that the said subsection shall now read as follows:

Sale of infected bees or articles.

- (1) The owner or possessor of an apiary shall not sell, by auction or otherwise, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a certificate from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease.

Rev. Stat., c. 351, s. 33, amended.

- 8.—(1) Section 33 of *The Cemetery Act* as amended by section 4 of *The Cemetery Amendment Act, 1941*, is further amended by striking out the words "by proclamation" in the sixth line, so that the said section shall now read as follows:

Closing cemetery for defective drainage, etc.

33. Where the Department of Health reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the same has become or is likely to become dangerous to the health of the inhabitants of the locality or that for any other reason it is expedient that a cemetery should be closed the Lieutenant-Governor in Council may declare that the cemetery shall be closed and that no further interments shall take place therein.

Rev. Stat., c. 351, s. 34, subs. 1, cl. a, re-enacted.

- (2) Clause *a* of subsection 1 of section 34 of *The Cemetery Act* is repealed and the following substituted therefor:

- (a) a cemetery has been closed by the Lieutenant-Governor in Council as hereinbefore provided; and

Rev. Stat., c. 251, s. 35, amended.

- 9.—(1) Section 35 of *The Companies Act* is amended by striking out the four lines immediately following clause *d*, so that the said section shall now read as follows:

SECTION 7. This amendment is to make the wording of the subsection consistent.

SECTION 8—Subsection 2. The deletion of the words “proclamation of” is complementary to the amendment to section 33 of the Act in this Bill. The substitution of the word “and” for the word “or” is to correct an obvious error.

SECTION 9—Subsection 3. This subsection extends the powers of a pension fund and employees' mutual benefit society to provide payment of benefits to officers and employees whose dependants have been incapacitated.

Subsection 4. This subsection defines "dependants".

35. The Lieutenant-Governor in Council may make regulations with respect to,—

Regulations
by
Lieutenant-
Governor
in Council.

- (a) the cases in which notice of application for letters patent or supplementary letters patent must be given;
- (b) the forms of letters patent, supplementary letters patent, notices and other instruments and documents relating to applications and other proceedings;
- (c) the form and manner of the giving of any notice required by this Act;
- (d) such other matters as he may deem necessary or expedient for carrying out the objects and provisions of this Act.

(2) Subsection 1 of section 168 of *The Companies Act* is amended by striking out the words "and in the *Ontario Gazette*", in the eleventh line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 251, s. 168,
subs. 1,
amended.

- (1) The Company may pass by-laws regarding the control and management of its undertaking, its dealings with the public, the collection of tolls, charges, rates or levies for the public service given by the company, and for the use, protection and care of its property while being used, enjoyed or otherwise subject to public use; but no such by-laws shall have any force or effect or be acted upon until approved by the Lieutenant-Governor in Council and notice of the approval has been published four times in a public newspaper published at the place where the undertaking of the company is carried on, or as near thereto as may be unless such publication is dispensed with by the Minister.

Company
may pass
by-laws for
control, etc.,
of under-
taking.

(3) Section 292 of *The Companies Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 251, s. 292,
amended.

- (cc) provide for the payment of benefits to officers and employees of the parent or a subsidiary corporation in respect of illness, accident or disability which has incapacitated dependants of such officers or employees.

(4) The said section 292 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 251, s. 292,
amended.

“Dependants”,
defined.

- (2) The word “dependants” in subsection 1 shall mean the wives, husbands, and children under the age of eighteen years, including adopted children, of such officers or employees.

Rev. Stat.,
c. 11, s. 4,
subs. 2,
repealed.

- 10.** Subsection 2 of section 4 of *The Controverted Elections Act* is repealed.

1922,
c. 14, s. 5,
repealed.

- 11.** Section 5 of *The Corporations Tax Act, 1922*, (2) is repealed.

Rev. Stat.,
c. 102, s. 19,
subs. 1,
amended.

- 12.**—(1) Subsection 1 of section 19 of *The County Judges Act* is amended by striking out all the words after the word “Act” in the third line, so that the said subsection shall now read as follows:

County
court
districts.

- (1) The Lieutenant-Governor in Council may order that a county or two or more counties shall form a county court district for the purposes of this Act.

Rev. Stat.,
c. 102, s. 19,
subs. 2,
repealed.

- (2) Subsection 2 of the said section 19 is repealed.

Rev. Stat.,
c. 36, s. 2,
subs. 2,
repealed.

- 13.** Subsection 2 of section 2 of *The Crown Timber Act* is repealed.

Rev. Stat.,
c. 69, s. 8,
subs. 2,
repealed.

- 14.** Subsection 2 of section 8 of *The Department of Labour Act* is repealed.

1934,
c. 10, s. 3,
repealed.

- 15.** Section 3 of *The Deserted Wives' and Children's Maintenance Act, 1934*, is repealed.

1930, c. 3,
repealed.

- 16.** *The Election Act, 1930*, as amended by section 2 of *The Election Amendment Act, 1936*, is repealed.

Rev. Stat.,
c. 242, s. 5,
subs. 1,
amended.

- 17.**—(1) Subsection 1 of section 5 of *The Embalmers and Funeral Directors Act* is amended by adding at the commencement thereof the words “Subject to the approval of the Lieutenant-Governor in Council”, so that the subsection, exclusive of the clauses, shall now read as follows:

Regulations.

- (1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

Rev. Stat.,
c. 242, s. 5,
subs. 2,
repealed.

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

Rev. Stat.,
c. 252, s. 9,
subs. 1,
amended.

- 18.** Subsection 1 of section 9 of *The Extra Provincial Corporations Act* is amended by striking out the words “which shall be published in the *Ontario Gazette*” in the second line, so that the subsection, exclusive of the clauses, shall now read as follows:

SECTION 11. This section has been unproclaimed for twenty-four years. It deals with the tax on pari-mutuel betting. Most of its provisions have already been dealt with elsewhere and the balance are covered by *The Race Tracks Tax Act, 1939*.

SECTION 12. The words deleted deal with publication of the order and its effective date, and are no longer necessary under *The Regulations Act, 1944*.

Subsection 2 of section 19 of *The County Judges Act* conferred power to dissolve, re-establish, alter or re-arrange. This power is already given by clause g of section 29 of *The Interpretation Act*.

SECTION 14. The subsection that it is proposed to repeal reads as follows:

- (2) All such regulations heretofore made are declared to be and to have been legal, valid and binding.

SECTION 15. This provision, which has never been proclaimed, was intended to do away with the limit of the amount a father who has deserted his child might be required to pay. The present provision, with a limit of \$20 a week, seems quite adequate and the amendment is not required.

SECTION 16. *The Election Act, 1930*, amended *The Election Act* (R.S.O. 1927, c. 8) by adding thereto sections 57a and 57b and by repealing section 92. The Act was to come into force on a day named by the Lieutenant-Governor by his proclamation. No proclamation has yet been made, and *The Election Amendment Act, 1936*, repealed section 57a as added. This section repeals the balance of the 1930 Act.

SECTION 17. Subsection 2 of section 5 at present reads:

- (2) The regulations shall not come into force or take effect until they have been approved by the Lieutenant-Governor in Council and such approval has been published in the *Ontario Gazette*.

The provision re publication is no longer necessary due to *The Regulations Act, 1944*, and the requirement of the approval of the Lieutenant-Governor in Council is now incorporated in subsection 1 of section 5.

SECTION 21—Subsection 2: Subsection 2 of section 2 of *The Forest Fires Prevention Act* is a provision as to publication and effective date and falls within the general explanatory note.

Subsection 3 of section 2 gives power to terminate, extend, reduce or otherwise change fire districts. As the power to create fire districts is given, these powers to revoke or alter are given by virtue of clause g of section 29 of *The Interpretation Act*.

(1) The Lieutenant-Governor in Council may make regulations respecting,— Regulations.

.

19. Section 25 of *The Factory, Shop and Office Building Act* Rev. Stat., c. 194, s. 25, amended. is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows:

25. The Lieutenant-Governor in Council may prohibit Prohibiting employment of young girls and youths. the employment of young girls and youths in factories the work in which he deems dangerous or unwholesome.

20. Section 47 of *The Farm Loans Act* is amended by striking out all the words after the word "Act" in the second line, Rev. Stat., c. 79, s. 47, amended. so that the said section shall now read as follows:

47. The Lieutenant-Governor in Council may make regulations for the better carrying out of this Act. Regulations.

21.—(1) Subsection 1 of section 2 of *The Forest Fires Prevention Act* is amended by striking out the words "by proclamation" in the first and second lines and the words "described in the proclamation" in the second and third lines, Rev. Stat., c. 325, s. 2, subs. 1, amended. so that the said subsection shall now read as follows:

(1) The Lieutenant-Governor in Council may declare any part of Ontario a fire district. Declaration as to fire districts.

(2) Subsections 2 and 3 of the said section 2 are repealed. Rev. Stat., c. 325, s. 2, subs. 2, 3, repealed.

22.—(1) Section 8 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fifth and sixth lines, Rev. Stat., c. 39, s. 8, amended. so that the said section shall now read as follows:

8. Notwithstanding anything contained in *The Municipal Act*, when a township forming part of a union of townships has less than twenty-five resident freeholders whose names are entered on the last revised assessment roll, the Lieutenant-Governor in Council may, for forestry purposes, detach such township from such union of townships, upon such terms as may seem proper, and thereupon such township so detached shall cease to be incorporated and shall not thereafter without the approval of the Lieutenant-Governor in Council, become, be annexed to, or form part of a municipal corporation, and the said Order-in-Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said Order-in-Council. Taking townships out of unions. Rev. Stat., c. 266.

Rev. Stat.,
c. 39, s. 9,
amended.

(2) Section 9 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fifth line, so that the said section shall now read as follows:

Declaring
incorporated
townships
part of
provincial
forest.

Rev. Stat.,
c. 266.

9. Notwithstanding anything contained in *The Municipal Act*, where any township has an area of less than ten per centum of such township used for farming purposes the Lieutenant-Governor in Council may for forestry purposes, declare that the township or such part of the said township as may be designated by the said Order-in-Council shall form part of a provincial forest, or be otherwise used for forestry purposes, upon such terms as may be set out in the said Order-in-Council, and for municipal or administrative purposes any balance of the said township may be attached to any adjoining township, and the said Order-in-Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said Order-in-Council.

Rev. Stat.,
c. 39, s. 12,
amended.

(3) Section 12 of *The Forestry Act* is amended by striking out the words "by proclamation" in the second line, so that the said section shall now read as follows:

Setting apart
lands for
settlement
of settlers
removing
from un-
suitable
lands.

12. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that any township or portion of a township in Ontario suitable for settlement purposes, may be set aside for the purpose of location of settlers whom the Minister may desire to move from locations that have been found to be unsuitable for agricultural purposes, and which it is desired to take over for forestry purposes, and the terms and conditions of location upon such lands may be fixed and determined by the said Order-in-Council.

Rev. Stat.,
c. 39, s. 14,
amended.

(4) Section 14 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fourth line, so that the said section shall now read as follows:

Creation of
provincial
forest.

Rev. Stat.,
c. 38.

14. Whenever in the opinion of the Minister any lands required under this Act, or otherwise, are suitable for the creation of a provincial forest, the Lieutenant-Governor in Council may set apart such lands as a provincial forest under *The Provincial Forests Act*, notwithstanding the fact that such lands may be valuable or used for the preservation or reproduction of timber other than pine.



SECTION 22—Subsection 6. The subsection which it is proposed to repeal prescribes the general powers of the Commission.

SECTION 23—Subsection 1. This amendment is inserted to clarify the meaning of the section.

SECTION 24—Subsection 3. The words “not inconsistent with this Act” are deleted because in the absence of express authorization, regulations must be consistent with the authorizing Act. The other words deleted are covered by the general explanatory note.

SECTION 25—Subsection 1. The words deleted from subsection 1 of section 48 of *The Insurance Act* give power to revoke or alter the Order-in-Council. This provision is unnecessary as clause g of section 29 of *The Interpretation Act* gives this power.

(5) Section 15 of *The Forestry Act* is amended by striking out the words "by proclamation" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 39, s. 15, amended.

15. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that no person shall enter upon any lands acquired under this Act or lands forming a part of any provincial forest without a permit obtained for that purpose and upon such terms and conditions as may be proper and necessary, and subject to such penalties for a breach of the terms and conditions as may be provided for by the Order-in-Council. Requiring permit for entering provincial forest.

(6) Subsection 2 of section 16 of *The Forestry Act*, as enacted by section 4 of *The Statute Law Amendment Act, 1944*, is repealed. Rev. Stat., c. 39, s. 16, subs. 2 (1944, c. 58, s. 4), repealed.

23.—(1) Section 1 of *The Guarantee Companies Securities Act* is repealed and the following substituted therefor: Rev. Stat., c. 263, s. 1, re-enacted.

1. In this Act "guarantee company" shall mean an incorporated company approved by the Lieutenant-Governor in Council and empowered to grant guarantees, bonds, policies, or contracts for the integrity and fidelity of employed persons, or in respect of any legal proceedings or for other like purposes. "Guarantee company" meaning of.

(2) Section 7 of *The Guarantee Companies Securities Act* is repealed. Rev. Stat., c. 263, s. 7, repealed.

24.—(1) Clause *c* of section 5 of *The Industrial Standards Act* is amended by striking out all the words after the word "schedule" in the third line, so that the said clause shall now read as follows: Rev. Stat., c. 191, s. 5, cl. c, amended.

(*c*) with the concurrence of the proper advisory committee, make an order amending the provisions of any schedule.

(2) Section 9 of *The Industrial Standards Act* is repealed. Rev. Stat., c. 191, s. 9, repealed.

(3) Section 13 of *The Industrial Standards Act* is repealed and the following substituted therefor: Rev. Stat., c. 191, s. 13, re-enacted.

13. The Lieutenant-Governor in Council may make such regulations as he may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof. Regulations.

25.—(1) Subsection 1 of section 48 of *The Insurance Act* is Rev. Stat., c. 256, s. 48, subs. 1, amended.

amended by striking out all the words after the word "province" in the fifth line, so that the said subsection shall now read as follows:

Power to apply ss. 45 to 47 to other provinces.

- (1) The Lieutenant-Governor in Council may, on being satisfied that any other province has enacted provisions identical with or substantially the same as sections 45 to 47, direct by Order-in-Council that those sections shall apply to that province.

Rev. Stat., c. 256, s. 48, subs. 2, re-enacted.

- (2) Subsection 2 of the said section 48 is repealed and the following substituted therefor:

Orders-in-Council to be sent to Superintendent in each Province.

- (2) A copy of every Order-in-Council under this section shall be sent to the Superintendent of Insurance in each province.

Rev. Stat., c. 256, s. 84, subs. 4, repealed.

- (3) Subsection 4 of section 84 of *The Insurance Act* is repealed.

1942, c. 22, s. 1, repealed.

- 26.** Section 1 of *The Insurance Amendment Act, 1942*, is repealed.

1932, c. 26, repealed.

- 27.** *The Insurance (Temporary Provisions) Act, 1932*, is repealed.

Rev. Stat., c. 45, s. 2, subs. 3, repealed.

- 28.—**(1) Subsection 3 of section 2 of *The Lakes and Rivers Improvement Act* is repealed.

Rev. Stat., c. 45, s. 12, subs. 1, re-enacted.

- (2) Subsection 1 of section 12 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Penalty for contravention of Act.

- 12.—(1) Every person who,—

- (a) constructs or maintains any dam in contravention of this Part;
- (b) refuses or neglects to comply with any order of the Lieutenant-Governor in Council or any requirement or direction of the Minister made under this Part; or
- (c) hinders or obstructs the engineer in the performance of his duties under this Part, or refuses or neglects to produce any plans, accounts, documents or report relating to the construction of a dam when required by such engineer,

shall on summary conviction, incur a penalty not

Subsection 2. The re-enactment of subsection 2 of section 48 is occasioned by *The Regulations Act, 1944*, which requires publication in the *Ontario Gazette*. See general note.

SECTION 26. This section provided for the repeal of several clauses of section 1 of *The Insurance Act*. It has never been proclaimed and there is no immediate prospect of these clauses being amended or superseded by other clauses covering the same subject matter.

SECTION 27. This was to be a purely temporary measure pending a new code of insurance law. *The Insurance Act* is now complete and this Act would serve no useful purpose even if it were proclaimed.

SECTION 28.—Subsection 2. This amendment is merely to correct a constructional defect. No change in law is involved.

SECTION 28—Subsection 4. This amendment is complementary to the amendment to section 21 of *The Lakes and Rivers Improvement Act* made by subsection 3 of this section.

exceeding \$500, and if after conviction such default continues, such person shall be liable to a further penalty of \$10 for each day upon which such default continues.

(3) Section 21 of *The Lakes and Rivers Improvement Act* is Rev. Stat., c. 45, s. 21, amended. amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows:

21. The Lieutenant-Governor in Council may declare Control by Order-in-Council. that any lake or river shall be subject to the provisions of this Part.

(4) Subsection 1 of section 22 of *The Lakes and Rivers Improvement Act* is amended by striking out the word "proclamation" in the first and second lines and inserting in lieu thereof the words "declaration made under section 21", so that the first two lines of the said subsection shall now read as follows:

(1) From and after a date named in the declaration made Jurisdiction of Minister. under section 21, all questions arising in relation to such lake or river,—

.

(5) Subsection 3 of section 27 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "An order made by the Minister under this section shall take effect upon its publication in the *Ontario Gazette*, and" in the first and second lines, so that the said subsection shall now read as follows:

(3) Any person contravening or neglecting to obey the Enforcement of order. terms of the order shall on summary conviction incur a penalty not exceeding \$500.

(6) Section 78 of *The Lakes and Rivers Improvement Act* is Rev. Stat., c. 45, s. 78, re-enacted. repealed and the following substituted therefor:

78. The Lieutenant-Governor in Council may from time Exemption of territory from operation of Part. to time declare that any part of Ontario or any water therein shall, until further declaration, be exempt from the operation of this Part, and thereupon the same shall be exempt accordingly.

(7) Section 79 of *The Lakes and Rivers Improvement Act* is Rev. Stat., c. 45, s. 79, re-enacted. repealed and the following substituted therefor:

79. Any part of Ontario or any water therein exempted Bringing exempted territory again under Part. by declaration from the operation of this Part may, by declaration, be again brought within its opera-

tion until further declaration and so on from time to time.

1929,
c. 392, s. 5,
repealed.

29. Section 5 of *The Liquor Control Amendment Act, 1929*, is repealed.

Rev. Stat.,
c. 392, s. 5,
subs. 1,
amended.

30. Subsection 1 of section 5 of *The Mental Hospitals Act* is amended by striking out the words "not inconsistent with this Act" in the second line and by striking out all the words after the word "thereof" in the fourth line, so that the said subsection shall now read as follows:

Regulations.

(1) The Lieutenant-Governor in Council may make such regulations as are necessary for carrying out the provisions of this Act and for the efficient administration thereof.

Rev. Stat.,
c. 110, s. 35,
subs. 2,
repealed.

31. Subsection 2 of section 35 of *The Mental Incompetency Act* is repealed.

Rev. Stat.,
c. 76,
ss. 10, 16,
repealed.

32. Sections 10 and 16 of *The Milk Control Act* are repealed.

Rev. Stat.,
c. 190, s. 6,
repealed.

33. Section 6 of *The Minimum Wage Act* is repealed.

Rev. Stat.,
1927, c. 229,
repealed.

34. *The Minority Shareholders Rights Act* is repealed.

Rev. Stat.,
c. 313, s. 1,
cl. d,
amended.

35. Clause *d* of section 1 of *The Mothers' Allowances Act* is amended by striking out the words "by the Lieutenant-Governor in Council" in the first and second lines, so that the said clause shall now read as follows:

"Regulations".

(*d*) "Regulations" shall mean regulations made under the authority of this Act.

Rev. Stat.,
c. 278, s. 118,
subs. 2,
repealed.

36. Subsection 2 of section 118 of *The Municipal Drainage Act* as amended by subsection 2 of section 22 of *The Statute Law Amendment Act, 1941*, is repealed.

Rev. Stat.,
c. 275,
repealed.

37. *The Municipal Employees Pensions Fund Act* is repealed.

Rev. Stat.,
c. 34, s. 7,
amended.

38. Section 7 of *The Northern Development Act* is amended by adding after the word "Act" in the first line the words "to which the provisions of *The Regulations Act, 1944*, do not apply", so that the said section shall now read as follows:

Orders-in-Council to be laid before Assembly.
1944, c. 52.

7. Every Order-in-Council made under this Act to which the provisions of *The Regulations Act, 1944*, do not apply, shall be laid before the Assembly forthwith if the Assembly is then in session and if the Assembly is not then in session, then within the first fifteen days after the opening of the next session thereafter.

SECTION 29. This section prohibited the sale in Ontario of beer, ale, etc., not manufactured from malt produced from barley grown and malted in Ontario. Excepted were beers, etc., imported from other provinces, Great Britain, and Ireland. This section has never been proclaimed and is impracticable at present. The Board now sells small quantities of American beer and ale.

SECTION 30. The words "not inconsistent with this Act" are meaningless as, in the absence of express words, regulations must be consistent with the authorizing Act. The other words struck out deal with publication and effect of regulations and these matters are covered by *The Regulations Act, 1944*. See general note.

SECTION 32—Section 10 of *The Milk Control Act* deals with the publication of regulations under the Act and is no longer necessary by reason of the provisions of *The Regulations Act, 1944*. See general note.

Section 16 of *The Milk Control Act* which prohibits the use of milk bottles, milk cans, etc., by other than the owner thereof, has not been used in recent years and has been impracticable during the war. Section 490 of the *Criminal Code* permits the use of bottles bearing the name of another distributor where written consent has been obtained. This provision covers the requirements and The Milk Control Board of Ontario has requested the repeal of section 16.

SECTION 34. This Act has never been proclaimed. It was passed with the knowledge that it would be of little or no value unless the Dominion passed similar legislation. No such legislation has been enacted and there is no value in keeping the Act on the books.

SECTION 35. This amendment is inserted for consistency. Section 11 of *The Mothers' Allowances Act* provides that regulations may be made by the Minister.

SECTION 37. This Act provides for pensions for municipal employees. It has never been proclaimed and its provisions are adequately covered in *The Municipal Act* and there is therefore no reason to retain it.



39. Section 2 of *The Patricia Act* is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows: Rev. Stat., c. 5, s. 2, amended.

2. The Lieutenant-Governor in Council may at any time and from time to time detach the whole or any portion of the above described territory from the Territorial District of Kenora and may in like manner annex the whole or such part thereof to any other territorial or provisional judicial district, or may designate the whole of the above described territory or any part thereof as a separate territorial district or provisional judicial district, and nothing in this Act contained shall restrict the powers of the Lieutenant-Governor in Council under this section. Lieutenant-Governor in Council empowered to detach or annex territory.

40.—(1) Section 31 of *The Pharmacy Act* is amended by striking out the words "such resolution and the approval thereof shall be published in the *Ontario Gazette*, and on the expiration of one month from such publication" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "and on the expiration of one month from publication in accordance with the provisions of *The Regulations Act, 1944*", so that the said section shall now read as follows: Rev. Stat., c. 228, s. 31, amended.

31. The articles mentioned in Schedule C shall be deemed to be poisons within the meaning of this Act, and the Council may by resolution declare that any article in the resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the Council shall submit the resolution for the approval of the Lieutenant-Governor in Council and if approved and on the expiration of one month from publication in accordance with the provisions of *The Regulations Act, 1944*, the article named in the resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions thereof, or such of them as may be directed by the Lieutenant-Governor in Council. Certain articles to be deemed poisons. 1944, c. 52.

(2) Subsection 2 of section 33 of *The Pharmacy Act* is amended by striking out all the words after the word "publication" in the fourth line and inserting in lieu thereof the words "thereof in accordance with the provisions of *The Regulations Act, 1944*", so that the said subsection shall now read as follows: Rev. Stat., c. 228, s. 33, subs. 2, amended.

- (2) The Lieutenant-Governor in Council may amend Schedule D by adding any article thereto or striking any article therefrom, but no such amendment shall come into force until thirty days after the publica- Amendment to Schedule D.

- 1944, c. 52. tion thereof in accordance with the provisions of *The Regulations Act, 1944*.
- 1937, c. 58,
repealed. **41.** *The Power Commission Declaratory Act, 1937*, is repealed.
- Rev. Stat.,
c. 38, s. 2,
amended. **42.**—(1) Section 2 of *The Provincial Forests Act* is amended by striking out the words “by proclamation” in the first and second lines, so that the said section shall now read as follows:
- Power to set apart provincial forests.
2. The Lieutenant-Governor in Council may establish and set apart any other portions of the public domain as provincial forests, and may add to any provincial forests hereby or hereafter established.
- Rev. Stat.,
c. 38, s. 4,
subs. 2,
repealed. (2) Subsection 2 of section 4 of *The Provincial Forests Act* as amended by subsection 2 of section 29 of *The Statute Law Amendment Act, 1943*, is repealed.
- Rev. Stat.,
c. 22, s. 8,
subs. 1,
repealed. **43.** Subsection 1 of section 8 of *The Provincial Loans Act* is repealed.
- Rev. Stat.,
c. 29, s. 7,
repealed. **44.** Section 7 of *The Public Health Act* is repealed.
- Rev. Stat.,
c. 33, s. 4,
subs. 2,
re-enacted. **45.** Subsection 2 of section 4 of *The Public Lands Act* is repealed and the following substituted therefor:
- Publication.
1944, c. 52. (2) The regulations shall be filed in accordance with the provisions of *The Regulations Act, 1944*, and published in such newspaper as the Minister may direct.
- Rev. Stat.,
c. 18, s. 13,
subs. 1,
amended. **46.**—(1) Subsection 1 of section 13 of *The Public Officers' Fees Act* is amended by striking out all the words after the word “use” in the sixth line, so that the said subsection shall now read as follows:
- Alteration of percentages and provisions re income.
- (1) The Lieutenant-Governor in Council may from time to time amend or repeal the amount of percentages payable under the provisions of this Act by any officer to whom this Act applies, and the amount of net or gross income that any such officer under this Act is entitled to retain to his own use.
- Rev. Stat.,
c. 18, s. 13,
subs. 2,
amended. (2) Subsection 2 of the said section 13 is amended by striking out all the words after the word “Act” in the fifth line, so that the said subsection shall now read as follows:
- Alterations of fees under Ontario Statutes.
- (2) The Lieutenant-Governor in Council may from time to time amend or repeal any fees payable under the provisions of any Act of this Legislature to any sheriff, crown attorney, clerk of the peace or any officer within the provisions of this Act.

SECTION 41. *The Power Commission Declaratory Act, 1937*, declared the meaning and effect of subsection 4 of section 6 of *The Power Commission Act*. This is now incorporated in subsection 1 of section 2 of *The Power Commission Amendment Act, 1946* (Bill No. 106).

SECTION 44. As the regulations section (section 5) requires the approval of the Lieutenant-Governor in Council, the first part of subsection 1 of section 7 of *The Public Health Act* is redundant. For the reasons set out in the general explanatory note, the balance of the section is no longer necessary.

SECTION 47. The subsection which it is proposed to repeal provides that an Order-in-Council under section 8 of *The Reciprocal Enforcement of Judgments Act* may be varied or revoked by a subsequent order. By clause g of section 29 of *The Interpretation Act* it is provided that "if power is conferred to make by-laws, regulations, rules or orders, it shall include power to alter or revoke the same from time to time and make others". Subsection 2 of section 8 is therefore unnecessary.

SECTION 49. Subsection 1 of section 23 of *The Statute Law Amendment Act, 1942*, repealed *The Mortgage Tax Act*. Subsection 2 of the said section 23 provided that subsection 1 should come into force on a day named by the Lieutenant-Governor by proclamation. No proclamation has been made and this section repeals the repeal provisions.

SECTION 50. Subsection 2 provides for the repeal of subsection 2 of section 123 of *The Registry Act* which reads as follows:

(2) If at any time the receipts of the office are not sufficient to pay the salaries and retiring allowances of the registrar and the members of his staff the same shall be a charge upon and be payable out of the receipts of the corporation under *The Mortgage Tax Act*.

At one time the earnings of the Toronto Registry Office were not sufficient to pay salaries, and as this case may arise again the protection afforded by subsection 2 of section 123 should remain.

Subsection 3 of section 34 of *The Statute Law Amendment Act, 1942*, provided that subsection 2 of that section would come into force when proclaimed, and no proclamation has been made.

SECTION 51. The section proposed to be repealed is inserted, in amended form, in section 37 of *The Real Estate and Business Brokers Act, 1946* (Bill No. 146).

SECTION 53—Subsections 1 and 2. These amendments are to clarify the borrowing power of the Board constituted under *The Stock Yards Act, 1944*. These powers are necessary for the proper carrying out of the objects of the Act.

- 47.** Subsection 2 of section 8 of *The Reciprocal Enforcement of Judgments Act* is repealed. Rev. Stat., c. 124, s. 8, subs. 2, repealed.
- 48.**—(1) Section 96 of *The Registry Act* is amended by striking out all the words after the figures "95" in the third line, so that the said section shall now read as follows: Rev. Stat., c. 170, s. 96, amended.
96. The Lieutenant-Governor in Council may from time to time amend, repeal or add to any of the clauses or items in section 95. Alterations in registrars' fees.
- (2) Subsection 2 of section 116 of *The Registry Act* is repealed. Rev. Stat., c. 170, s. 116, subs. 2, repealed.
- 49.** Section 23 of *The Statute Law Amendment Act, 1942*, is repealed. 1942, c. 34, s. 23, repealed.
- 50.** Subsections 2 and 3 of section 34 of *The Statute Law Amendment Act, 1942*, are repealed. 1942, c. 34, s. 34, subss. 2, 3, repealed.
- 51.** Section 12 of *The Statute of Frauds* is repealed. Rev. Stat., c. 146, s. 12, repealed.
- 52.** Section 3 of *The Steam Boiler Act* as enacted by section 2 of *The Steam Boiler Amendment Act, 1938*, is repealed. Rev. Stat., c. 343, s. 3, (1938, c. 38, s. 2), repealed.
- 53.**—(1) Section 1 of *The Stock Yards Act, 1944*, is amended by adding thereto the following clause: 1944, c. 59, s. 1, amended.
- (f) "securities" shall include bonds, debentures and promissory notes. "securities".
- (2) Section 4 of *The Stock Yards Act, 1944*, is repealed and the following substituted therefor: 1944, c. 59, s. 4, re-enacted.
- 4.—(1) The objects of the Board shall be to,— Objects of the Board.
- (a) acquire, construct, equip and operate livestock markets, and acquire and operate such facilities for the transportation of livestock as may be necessary for the purposes of such markets; and
- (b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.
- (2) The Board shall have power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine. Power to borrow money and issue securities.

General
objects and
powers.
Rev. Stat.,
c. 251.

(3) The Board shall have the objects and powers set out in section 24 of *The Companies Act*.

1944,
c. 59, s. 6,
subs. 1,
re-enacted.

(3) Subsection 1 of section 6 of *The Stock Yards Act, 1944*, is repealed and the following substituted therefor:

Guarantee
by Province.

(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Board, and repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

Rev. Stat.,
c. 106, s. 30,
subs. 6,
re-enacted.

54. Subsection 6 of section 30 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Rules and
regulations.

(6) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules and regulations for the better carrying out of the provisions of subsections 3 and 4.

Rev. Stat.,
c. 165, s. 27,
subs. 4,
repealed.

55. Subsection 4 of section 27 of *The Trustee Act* is repealed.

Rev. Stat.,
c. 372, s. 4,
repealed.

56. Section 4 of *The University Act* is repealed.

Rev. Stat.,
c. 7, s. 2,
subs. 1,
amended.

57.—(1) Subsection 1 of section 2 of *The Voters' Lists Act* is amended by striking out all the words after the word "Act" in the third line, so that the said subsection shall now read as follows:

Rules and
forms.

(1) The Lieutenant-Governor in Council may prescribe rules and forms of procedure for the purpose of better carrying out the provisions of Parts I and II of this Act.

Rev. Stat.,
c. 7, s. 68,
subs. 2,
repealed.

(2) Subsection 2 of section 68 of *The Voters' Lists Act* is repealed.

Rev. Stat.,
c. 7, s. 108,
subs. 2,
repealed.

(3) Subsection 2 of section 108 of *The Voters' Lists Act* is repealed.

Rev. Stat.,
c. 186, s. 1,
re-enacted.

58.—(1) Section 1 of *The Warehousemen's Lien Act* is repealed and the following substituted therefor:

Interpre-
tation,—

1. In this Act,—

"charges";

(a) "charges" shall have the meaning assigned to it in section 2;

"goods";

(b) "goods" shall include all chattels personal other than things in action and money; and

Subsection 3. This amendment is to clarify the provision for the guarantee of the accounts of the Board by the province.

SECTION 54. This amendment is provided to render the section consistent with *The Judicature Act*, which gives the Rules Committee power to make rules and regulations in respect of surrogate courts.

SECTION 55. The subsection which it is proposed to repeal provides that an Order-in-Council made under the authority of subsection 2 of section 27 may at any time be revoked. Under clause g of section 29 of *The Interpretation Act* this power is already given.

SECTION 56. Section 4 of *The University Act* provided, on the fulfilment of certain conditions, for changing the name of the University of Toronto to "The University of Ontario". Such a change is not desirable.

SECTION 58—Subsection 1. The re-enactment of section 1 of *The Warehousemen's Lien Act* is complementary to *The Warehouse Receipts Act, 1946*, Bill No. 70.

SECTION 58—Subsection 2. Subsection 2 of section 2 of *The Warehousemen's Lien Act* provides for the amount of a warehouseman's lien, and as section 17 of *The Warehouse Receipts Act, 1946*, Bill No. 70, requires certain notice to be given, provision is made to allow him to add the cost of this notice to his lien.

SECTION 58—Subsection 3. The words and provisions deleted are now contained in subsection 5 of section 2 of *The Warehouse Receipts Act, 1946* (Bill No. 70).

SECTION 60. This amendment increases the number of members of the commission from three to five, and provides that all the members, except the mayor, shall be appointed by the council of the corporation.

(c) "warehouseman" shall mean a person who receives ^{warehouse-} goods for storage for reward. ^{man".}

(2) Clause *c* of subsection 2 of section 2 of *The Warehousemen's Lien Act* is amended by inserting after the word "Act" in the second line the words "and *The Warehouse Receipts Act, 1946*," so that the said clause shall now read as follows: ^{Rev. Stat., c. 186, s. 2, subs. 2, cl. c, amended.}

(c) all reasonable charges for any notice required to be given under the provisions of this Act and *The Warehouse Receipts Act, 1946*, and for notice and advertisement of sale, and for sale of the goods where default is made in satisfying the warehouseman's lien. ^{1946. c. ...}

(3) Section 9 of *The Warehousemen's Lien Act* is amended by striking out all the words after the word "warehouseman" in the third line, so that the said section shall now read as follows: ^{Rev. Stat., c. 186, s. 9, amended.}

9. Nothing in this Act contained shall be deemed to affect the terms of the contract between the owner or bailor and the warehouseman. ^{Contract not affected.}

59.—(1) Subsection 1 of section 6 of *The Woodmen's Employment Act* is amended by striking out all the words after the word "Act" in the fifth line, so that the said subsection shall now read as follows: ^{Rev. Stat., c. 202, s. 6, subs. 1, amended.}

(1) The Lieutenant-Governor in Council may make regulations respecting any of the several matters made the subject of investigation under this Act, or respecting the procedure to be followed in carrying out the provisions of this Act. ^{Regulations.}

(2) Subsection 2 of the said section 6 is repealed. ^{Rev. Stat., c. 202, s. 6, subs. 2, repealed.}

60.—(1) Subsection 2 of section 9 of *The Guelph Railway Act, 1939*, is repealed and the following substituted therefor: ^{1939, c. 18, s. 2, re-enacted.}

(2) The Transportation Commission shall consist of five members, of whom the mayor shall *ex officio* be one. ^{Number of Commissioners.}

(2a) Four members, who shall not be members of the council, shall be appointed by the council of the corporation at its first meeting in 1947, two of whom shall hold office for two years, and until their successors are appointed, and the others shall hold office for one year and until their successors are appointed, and thereafter the council shall appoint two members at its first meeting in each year, who shall hold ^{Method of appointment.}

office for two years and until their successors are appointed.

Commence-
ment.

(2) This section shall come into force on the 1st day of January, 1947.

Toronto
General
Hospital
Amendment
Act.

61. The Act entitled *An Act to amend The Toronto General Hospital Act*, passed at this session of the Legislature shall come into force on the day upon which it receives the Royal Assent.

Rev. Stat.,
c. 251, s. 300,
amended.

62. Section 300 of *The Companies Act* is amended by adding thereto the following subsection:

Power to
form holding
companies
and housing
corporations
under
*National
Housing Act,
1944*
(Canada)
and to
invest
therein.

(7a) Notwithstanding any contained in this Act or in any other Act, an insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may cause to be formed, or may join with one or more life insurance companies in forming, one or more institutional holding companies and one or more institutional housing corporations as defined in *The National Housing Act, 1944* (Canada), as amended by 9-10 George VI, chapter 26 (Canada), and may invest its funds in shares or debentures of the said holding companies, and in shares of the said housing corporations to an aggregate amount which, when added to the aggregate amount invested by the said insurer under section 300a of this Act, does not exceed five per centum of its total assets in Canada allowed by the Superintendent of Insurance.

1944, c. 46,
(Dom.).

University
Lands Act.

63. Notwithstanding the provisions of *The University Lands Act, 1928*, or *The University Lands Act, 1929*, the Minister of Public Works may for and in the name of His Majesty purchase or acquire, and may without the consent of the owner thereof, enter upon, take and expropriate any of the lands mentioned in section 2 of *The University Lands Act, 1928*, as amended by section 2 of *The University Lands Act, 1929*, or any interest therein, which he may deem necessary for the public purposes of Ontario or for the purposes of the University of Toronto and all the provisions of *The Public Works Act* relating to the purchase, acquisition or expropriation of lands shall apply thereto, and the Minister may convey any lands so purchased, acquired or expropriated to the University of Toronto.

Rev. Stat.,
c. 226, s. 15a
(1942,
c. 34, s. 2),
amended.

64. Section 15a of *The Anatomy Act*, as enacted by section 2 of *The Statute Law Amendment Act, 1942*, is amended by striking out the word "coroner" in the third line and inserting in lieu thereof the words "duly qualified medical practitioner", so that the said section shall now read as follows:

SECTION 61. Self-explanatory.

SECTION 62. This amendment makes applicable to insurance companies incorporated in this province the provisions of the amendment to *The National Housing Act, 1944* (Canada), which gives Dominion-incorporated insurance companies power to form institutional holding companies and institutional housing corporations, and to invest in the debentures or shares of the holding companies, and the shares of housing corporations. A limitation is placed on the aggregate amount of investments under the new subsection and under section 300a.

SECTION 63. Self-explanatory.

15a. No person shall accept for shipment or ship a dead ^{shipment} body from any place within Ontario to any place _{of body.} outside of Ontario unless a certificate of a duly qualified medical practitioner has been obtained certifying that the cause of death has been definitely ascertained and that there exists no other cause for inquiry or examination.

65. This Act may be cited as *The Statute Law Amendment* Short title *Act, 1946.*

BILL

The Statute Law Amendment Act, 1946.

1st Reading

April 3rd, 1946

2nd Reading

April 4th, 1946

3rd Reading

MR. BLACKWELL

(Reprinted as amended in Committee of the
Whole House.)

No. 167

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Statute Law Amendment Act, 1946.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

The Statute Law Amendment Act, 1946.

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

1. Section 12 of *The Active Service Financial Protection Act, 1944*, is amended by striking out the word "or" where it occurs the second time in the second line and inserting in lieu thereof the word "of", so that the said section shall now read as follows:

12. This Act shall not apply to any proceedings by way of foreclosure, or sale under power of sale, execution of any judgment or order of any court, distress, forfeiture, judgment or order of possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

2. Subsection 2 of section 2 of *The Administration of Justice Expenses Act* as amended by section 1 of *The Statute Law Amendment Act, 1940*, is further amended by striking out all the words after the word "thereto" in the third line, so that the said subsection shall now read as follows:

(2) The Lieutenant-Governor in Council may from time to time amend or repeal any of the items and Forms in the Schedules to this Act or add thereto.

3. Subsection 2 of section 20 of *The Agricultural Associations Act* is repealed.

4. Clause g of section 14 of *The Agricultural College Act* is repealed.

5. Section 2 of *The Agricultural Committees Act, 1944*, is amended by adding thereto the following subsection:

Two committees for one county or district.

- (3) Where two agricultural representatives have been appointed for one county or district, two committees may be formed for the county or district.

Rev. Stat., c. 233, s. 12, subs. 4, re-enacted.

6. Subsection 4 of section 12 of *The Architects Act* is repealed and the following substituted therefor:

Regulations to be furnished to members.

- (4) A copy of any regulations made under subsection 3 shall be furnished to every member of the Association.

Rev. Stat., c. 348, s. 12, subs. 1, amended.

7. Subsection 1 of section 12 of *The Bees Act*, as amended by section 5 of *The Bees Amendment Act, 1941*, is further amended by striking out the word "permit" in the fourth line and inserting in lieu thereof the word "certificate", so that the said subsection shall now read as follows:

Sale of infected bees or articles.

- (1) The owner or possessor of an apiary shall not sell, by auction or otherwise, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a certificate from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease.

Rev. Stat., c. 351, s. 33, amended.

- 8.—(1) Section 33 of *The Cemetery Act* as amended by section 4 of *The Cemetery Amendment Act, 1941*, is further amended by striking out the words "by proclamation" in the sixth line, so that the said section shall now read as follows:

Closing cemetery for defective drainage, etc.

33. Where the Department of Health reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the same has become or is likely to become dangerous to the health of the inhabitants of the locality or that for any other reason it is expedient that a cemetery should be closed the Lieutenant-Governor in Council may declare that the cemetery shall be closed and that no further interments shall take place therein.

Rev. Stat., c. 351, s. 34, subs. 1, cl. a, re-enacted.

- (2) Clause *a* of subsection 1 of section 34 of *The Cemetery Act* is repealed and the following substituted therefor:

- (a) a cemetery has been closed by the Lieutenant-Governor in Council as hereinbefore provided; and

Rev. Stat., c. 251, s. 35, amended.

- 9.—(1) Section 35 of *The Companies Act* is amended by striking out the four lines immediately following clause *d*, so that the said section shall now read as follows:

35. The Lieutenant-Governor in Council may make regulations with respect to,—

Regulations
by
Lieutenant-
Governor
in Council.

- (a) the cases in which notice of application for letters patent or supplementary letters patent must be given;
- (b) the forms of letters patent, supplementary letters patent, notices and other instruments and documents relating to applications and other proceedings;
- (c) the form and manner of the giving of any notice required by this Act;
- (d) such other matters as he may deem necessary or expedient for carrying out the objects and provisions of this Act.

(2) Subsection 1 of section 168 of *The Companies Act* is amended by striking out the words "and in the *Ontario Gazette*", in the eleventh line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 251, s. 168,
subs. 1,
amended.

- (1) The Company may pass by-laws regarding the control and management of its undertaking, its dealings with the public, the collection of tolls, charges, rates or levies for the public service given by the company, and for the use, protection and care of its property while being used, enjoyed or otherwise subject to public use; but no such by-laws shall have any force or effect or be acted upon until approved by the Lieutenant-Governor in Council and notice of the approval has been published four times in a public newspaper published at the place where the undertaking of the company is carried on, or as near thereto as may be unless such publication is dispensed with by the Minister.

Company
may pass
by-laws for
control, etc.,
of under-
taking.

(3) Section 292 of *The Companies Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 251, s. 292,
amended.

- (cc) provide for the payment of benefits to officers and employees of the parent or a subsidiary corporation in respect of illness, accident or disability which has incapacitated dependants of such officers or employees.

(4) The said section 292 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 251, s. 292,
amended.

- “Dependants”,
defined.
- (2) The word “dependants” in subsection 1 shall mean the wives, husbands, and children under the age of eighteen years, including adopted children, of such officers or employees.
- Rev. Stat.,
c. 11, s. 4,
subs. 2,
repealed.
- 10.** Subsection 2 of section 4 of *The Controverted Elections Act* is repealed.
- 1922,
c. 14, s. 5,
repealed.
- 11.** Section 5 of *The Corporations Tax Act, 1922*, (2) is repealed.
- Rev. Stat.,
c. 102, s. 19,
subs. 1,
amended.
- 12.**—(1) Subsection 1 of section 19 of *The County Judges Act* is amended by striking out all the words after the word “Act” in the third line, so that the said subsection shall now read as follows:
- County
court
districts.
- (1) The Lieutenant-Governor in Council may order that a county or two or more counties shall form a county court district for the purposes of this Act.
- Rev. Stat.,
c. 102, s. 19,
subs. 2,
repealed.
- (2) Subsection 2 of the said section 19 is repealed.
- Rev. Stat.,
c. 26, s. 2,
subs. 2,
repealed.
- 13.** Subsection 2 of section 2 of *The Crown Timber Act* is repealed.
- Rev. Stat.,
c. 69, s. 8,
subs. 2,
repealed.
- 14.** Subsection 2 of section 8 of *The Department of Labour Act* is repealed.
- 1934,
c. 10, s. 3,
repealed.
- 15.** Section 3 of *The Deserted Wives’ and Children’s Maintenance Act, 1934*, is repealed.
- 1930, c. 3,
repealed.
- 16.** *The Election Act, 1930*, as amended by section 2 of *The Election Amendment Act, 1936*, is repealed.
- Rev. Stat.,
c. 242, s. 5,
subs. 1,
amended.
- 17.**—(1) Subsection 1 of section 5 of *The Embalmers and Funeral Directors Act* is amended by adding at the commencement thereof the words “Subject to the approval of the Lieutenant-Governor in Council”, so that the subsection, exclusive of the clauses, shall now read as follows:
- Regulations.
- (1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—
- Rev. Stat.,
c. 242, s. 5,
subs. 2,
repealed.
- (2) Subsection 2 of the said section 5 is repealed.
- Rev. Stat.,
c. 252, s. 9,
subs. 1,
amended.
- 18.** Subsection 1 of section 9 of *The Extra Provincial Corporations Act* is amended by striking out the words “which shall be published in the *Ontario Gazette*” in the second line, so that the subsection, exclusive of the clauses, shall now read as follows:

- (1) The Lieutenant-Governor in Council may make regulations respecting,— Regulations.

19. Section 25 of *The Factory, Shop and Office Building Act* Rev. Stat., c. 194, s. 25, amended. is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows:

25. The Lieutenant-Governor in Council may prohibit Prohibiting employment the employment of young girls and youths in fac- of young girls and youths. tories the work in which he deems dangerous or unwholesome.

20. Section 47 of *The Farm Loans Act* is amended by striking out all the words after the word "Act" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 79, s. 47, amended.

47. The Lieutenant-Governor in Council may make regulations for the better carrying out of this Act. Regulations.

21.—(1) Subsection 1 of section 2 of *The Forest Fires Prevention Act* is amended by striking out the words "by proclamation" in the first and second lines and the words "described in the proclamation" in the second and third lines, so that the said subsection shall now read as follows: Rev. Stat., c. 325, s. 2, subs. 1, amended.

- (1) The Lieutenant-Governor in Council may declare any part of Ontario a fire district. Declaration as to fire districts.

- (2) Subsections 2 and 3 of the said section 2 are repealed. Rev. Stat., c. 325, s. 2, subss. 2, 3, repealed.

22.—(1) Section 8 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fifth and sixth lines, so that the said section shall now read as follows: Rev. Stat., c. 39, s. 8, amended.

8. Notwithstanding anything contained in *The Municipal Act*, when a township forming part of a union of townships has less than twenty-five resident freeholders whose names are entered on the last revised assessment roll, the Lieutenant-Governor in Council may, for forestry purposes, detach such township from such union of townships, upon such terms as may seem proper, and thereupon such township so detached shall cease to be incorporated and shall not thereafter without the approval of the Lieutenant-Governor in Council, become, be annexed to, or form part of a municipal corporation, and the said Order-in-Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said Order-in-Council. Taking townships out of unions. Rev. Stat., c. 266.

Rev. Stat.,
c. 39, s. 9,
amended.

(2) Section 9 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fifth line, so that the said section shall now read as follows:

Declaring
incorporated
townships
part of
provincial
forest.

Rev. Stat.,
c. 266.

9. Notwithstanding anything contained in *The Municipal Act*, where any township has an area of less than ten per centum of such township used for farming purposes the Lieutenant-Governor in Council may for forestry purposes, declare that the township or such part of the said township as may be designated by the said Order-in-Council shall form part of a provincial forest, or be otherwise used for forestry purposes, upon such terms as may be set out in the said Order-in-Council, and for municipal or administrative purposes any balance of the said township may be attached to any adjoining township, and the said Order-in-Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said Order-in-Council.

Rev. Stat.,
c. 39, s. 12,
amended.

(3) Section 12 of *The Forestry Act* is amended by striking out the words "by proclamation" in the second line, so that the said section shall now read as follows:

Setting apart
lands for
settlement
of settlers
removing
from un-
suitable
lands.

12. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that any township or portion of a township in Ontario suitable for settlement purposes, may be set aside for the purpose of location of settlers whom the Minister may desire to move from locations that have been found to be unsuitable for agricultural purposes, and which it is desired to take over for forestry purposes, and the terms and conditions of location upon such lands may be fixed and determined by the said Order-in-Council.

Rev. Stat.,
c. 39, s. 14,
amended.

(4) Section 14 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fourth line, so that the said section shall now read as follows:

Creation of
provincial
forest.

Rev. Stat.,
c. 38.

14. Whenever in the opinion of the Minister any lands required under this Act, or otherwise, are suitable for the creation of a provincial forest, the Lieutenant-Governor in Council may set apart such lands as a provincial forest under *The Provincial Forests Act*, notwithstanding the fact that such lands may be valuable or used for the preservation or reproduction of timber other than pine.

(5) Section 15 of *The Forestry Act* is amended by striking out the words "by proclamation" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 39, s. 15, amended.

15. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that no person shall enter upon any lands acquired under this Act or lands forming a part of any provincial forest without a permit obtained for that purpose and upon such terms and conditions as may be proper and necessary, and subject to such penalties for a breach of the terms and conditions as may be provided for by the Order-in-Council. Requiring permit for entering provincial forest.

(6) Subsection 2 of section 16 of *The Forestry Act*, as enacted by section 4 of *The Statute Law Amendment Act, 1944*, is repealed. Rev. Stat., c. 39, s. 16, subs. 2 (1944, c. 58, s. 4), repealed.

23.—(1) Section 1 of *The Guarantee Companies Securities Act* is repealed and the following substituted therefor: Rev. Stat., c. 263, s. 1, re-enacted.

1. In this Act "guarantee company" shall mean an incorporated company approved by the Lieutenant-Governor in Council and empowered to grant guarantees, bonds, policies, or contracts for the integrity and fidelity of employed persons, or in respect of any legal proceedings or for other like purposes. "Guarantee company" meaning of.

(2) Section 7 of *The Guarantee Companies Securities Act* is repealed. Rev. Stat., c. 263, s. 7, repealed.

24.—(1) Clause *c* of section 5 of *The Industrial Standards Act* is amended by striking out all the words after the word "schedule" in the third line, so that the said clause shall now read as follows: Rev. Stat., c. 191, s. 5, cl. c, amended.

(*c*) with the concurrence of the proper advisory committee, make an order amending the provisions of any schedule.

(2) Section 9 of *The Industrial Standards Act* is repealed. Rev. Stat., c. 191, s. 9, repealed.

(3) Section 13 of *The Industrial Standards Act* is repealed and the following substituted therefor: Rev. Stat., c. 191, s. 13, re-enacted.

13. The Lieutenant-Governor in Council may make such regulations as he may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof. Regulations.

25.—(1) Subsection 1 of section 48 of *The Insurance Act* is Rev. Stat., c. 256, s. 48, subs. 1, amended.

amended by striking out all the words after the word "province" in the fifth line, so that the said subsection shall now read as follows:

Power to apply ss. 45 to 47 to other provinces.

- (1) The Lieutenant-Governor in Council may, on being satisfied that any other province has enacted provisions identical with or substantially the same as sections 45 to 47, direct by Order-in-Council that those sections shall apply to that province.

Rev. Stat., c. 256, s. 48, subs. 2, re-enacted.

- (2) Subsection 2 of the said section 48 is repealed and the following substituted therefor:

Orders-in-Council to be sent to Superintendent in each Province.

- (2) A copy of every Order-in-Council under this section shall be sent to the Superintendent of Insurance in each province.

Rev. Stat., c. 256, s. 84, subs. 4, repealed.

- (3) Subsection 4 of section 84 of *The Insurance Act* is repealed.

1942, c. 22, s. 1, repealed.

- 26.** Section 1 of *The Insurance Amendment Act, 1942*, is repealed.

1932, c. 26, repealed.

- 27.** *The Insurance (Temporary Provisions) Act, 1932*, is repealed.

Rev. Stat., c. 45, s. 2, subs. 3, repealed.

- 28.—**(1) Subsection 3 of section 2 of *The Lakes and Rivers Improvement Act* is repealed.

Rev. Stat., c. 45, s. 12, subs. 1, re-enacted.

- (2) Subsection 1 of section 12 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Penalty for contravention of Act.

- 12.—(1) Every person who,—

- (a) constructs or maintains any dam in contravention of this Part;
- (b) refuses or neglects to comply with any order of the Lieutenant-Governor in Council or any requirement or direction of the Minister made under this Part; or
- (c) hinders, or obstructs the engineer in the performance of his duties under this Part, or refuses or neglects to produce any plans, accounts, documents or report relating to the construction of a dam when required by such engineer,

shall on summary conviction, incur a penalty not

exceeding \$500, and if after conviction such default continues, such person shall be liable to a further penalty of \$10 for each day upon which such default continues.

(3) Section 21 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows:

Rev. Stat.,
c. 45, s. 21,
amended.

21. The Lieutenant-Governor in Council may declare that any lake or river shall be subject to the provisions of this Part.

Control by
Order-in-
Council.

(4) Subsection 1 of section 22 of *The Lakes and Rivers Improvement Act* is amended by striking out the word "proclamation" in the first and second lines and inserting in lieu thereof the words "declaration made under section 21", so that the first two lines of the said subsection shall now read as follows:

Rev. Stat.,
c. 45, s. 22,
subs. 1,
amended.

(1) From and after a date named in the declaration made under section 21, all questions arising in relation to such lake or river,—

Jurisdiction
of Minister.

(5) Subsection 3 of section 27 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "An order made by the Minister under this section shall take effect upon its publication in the *Ontario Gazette*, and" in the first and second lines, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 45, s. 27,
subs. 3,
amended.

(3) Any person contravening or neglecting to obey the terms of the order shall on summary conviction incur a penalty not exceeding \$500.

Enforcement
of order.

(6) Section 78 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 45, s. 78,
re-enacted.

78. The Lieutenant-Governor in Council may from time to time declare that any part of Ontario or any water therein shall, until further declaration, be exempt from the operation of this Part, and thereupon the same shall be exempt accordingly.

Exemption
of territory
from opera-
tion of Part.

(7) Section 79 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 45, s. 79,
re-enacted.

79. Any part of Ontario or any water therein exempted by declaration from the operation of this Part may, by declaration, be again brought within its operation.

Bringing
exempted
territory
again under
Part.

tion until further declaration and so on from time to time.

1929,
c. 69, s. 5,
repealed.

29. Section 5 of *The Liquor Control Amendment Act, 1929*, is repealed.

Rev. Stat.,
c. 392, s. 5,
subs. 1,
amended.

30. Subsection 1 of section 5 of *The Mental Hospitals Act* is amended by striking out the words "not inconsistent with this Act" in the second line and by striking out all the words after the word "thereof" in the fourth line, so that the said subsection shall now read as follows:

Regulations.

(1) The Lieutenant-Governor in Council may make such regulations as are necessary for carrying out the provisions of this Act and for the efficient administration thereof.

Rev. Stat.,
c. 110, s. 35,
subs. 2,
repealed.

31. Subsection 2 of section 35 of *The Mental Incompetency Act* is repealed.

Rev. Stat.,
c. 76,
ss. 10, 16,
repealed.

32. Sections 10 and 16 of *The Milk Control Act* are repealed.

Rev. Stat.,
c. 190, s. 6,
repealed.

33. Section 6 of *The Minimum Wage Act* is repealed.

Rev. Stat.,
1927, c. 229,
repealed.

34. *The Minority Shareholders Rights Act* is repealed.

Rev. Stat.,
c. 313, s. 1,
cl. d,
amended.

35. Clause *d* of section 1 of *The Mothers' Allowances Act* is amended by striking out the words "by the Lieutenant-Governor in Council" in the first and second lines, so that the said clause shall now read as follows:

"Regulations".

(d) "Regulations" shall mean regulations made **under** the authority of this Act.

Rev. Stat.,
c. 278, s. 118,
subs. 2,
repealed.

36. Subsection 2 of section 118 of *The Municipal Drainage Act* as amended by subsection 2 of section 22 of *The Statute Law Amendment Act, 1941*, is repealed.

Rev. Stat.,
c. 275,
repealed.

37. *The Municipal Employees Pensions Fund Act* is repealed.

Rev. Stat.,
c. 34, s. 7,
amended.

38. Section 7 of *The Northern Development Act* is amended by adding after the word "Act" in the first line the words "to which the provisions of *The Regulations Act, 1944*, do not apply", so that the said section shall now read as follows:

Orders-in-Council to be laid before Assembly.

1944, c. 52.

7. Every Order-in-Council made under this Act to which the provisions of *The Regulations Act, 1944*, do not apply, shall be laid before the Assembly forthwith if the Assembly is then in session and if the Assembly is not then in session, then within the first fifteen days after the opening of the next session thereafter.

39. Section 2 of *The Patricia Act* is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows:

Rev. Stat.,
c. 5, s. 2,
amended.

2. The Lieutenant-Governor in Council may at any time and from time to time detach the whole or any portion of the above described territory from the Territorial District of Kenora and may in like manner annex the whole or such part thereof to any other territorial or provisional judicial district, or may designate the whole of the above described territory or any part thereof as a separate territorial district or provisional judicial district, and nothing in this Act contained shall restrict the powers of the Lieutenant-Governor in Council under this section.

Lieutenant-Governor in Council empowered to detach or annex territory.

40.—(1) Section 31 of *The Pharmacy Act* is amended by striking out the words "such resolution and the approval thereof shall be published in the *Ontario Gazette*, and on the expiration of one month from such publication" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "and on the expiration of one month from publication in accordance with the provisions of *The Regulations Act, 1944*", so that the said section shall now read as follows:

Rev. Stat.,
c. 228, s. 31,
amended.

31. The articles mentioned in Schedule C shall be deemed to be poisons within the meaning of this Act, and the Council may by resolution declare that any article in the resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the Council shall submit the resolution for the approval of the Lieutenant-Governor in Council and if approved and on the expiration of one month from publication in accordance with the provisions of *The Regulations Act, 1944*, the article named in the resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions thereof, or such of them as may be directed by the Lieutenant-Governor in Council.

Certain articles to be deemed poisons.

1944, c. 52.

(2) Subsection 2 of section 33 of *The Pharmacy Act* is amended by striking out all the words after the word "publication" in the fourth line and inserting in lieu thereof the words "thereof in accordance with the provisions of *The Regulations Act, 1944*", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 228, s. 33,
subs. 2,
amended.

- (2) The Lieutenant-Governor in Council may amend Schedule D by adding any article thereto or striking any article therefrom, but no such amendment shall come into force until thirty days after the publica-

Amendment to Schedule D.

- 1944, c. 52. tion thereof in accordance with the provisions of *The Regulations Act, 1944*.
- 1937, c. 58, repealed. **41.** *The Power Commission Declaratory Act, 1937*, is repealed.
- Rev. Stat., c. 38, s. 2, amended. **42.**—(1) Section 2 of *The Provincial Forests Act* is amended by striking out the words “by proclamation” in the first and second lines, so that the said section shall now read as follows:
- Power to set apart provincial forests.
2. The Lieutenant-Governor in Council may establish and set apart any other portions of the public domain as provincial forests, and may add to any provincial forests hereby or hereafter established.
- Rev. Stat., c. 38, s. 4, subs. 2, repealed. (2) Subsection 2 of section 4 of *The Provincial Forests Act* as amended by subsection 2 of section 29 of *The Statute Law Amendment Act, 1943*, is repealed.
- Rev. Stat., c. 22, s. 8, subs. 1, repealed. **43.** Subsection 1 of section 8 of *The Provincial Loans Act* is repealed.
- Rev. Stat., c. 298, s. 7, repealed. **44.** Section 7 of *The Public Health Act* is repealed.
- Rev. Stat., c. 33, s. 4, subs. 2, re-enacted. **45.** Subsection 2 of section 4 of *The Public Lands Act* is repealed and the following substituted therefor:
- Publication. (2) The regulations shall be filed in accordance with the provisions of *The Regulations Act, 1944*, and published in such newspaper as the Minister may direct.
- 1944, c. 52.
- Rev. Stat., c. 18, s. 13, subs. 1, amended. **46.**—(1) Subsection 1 of section 13 of *The Public Officers' Fees Act* is amended by striking out all the words after the word “use” in the sixth line, so that the said subsection shall now read as follows:
- Alteration of percentages and provisions re. income. (1) The Lieutenant-Governor in Council may from time to time amend or repeal the amount of percentages payable under the provisions of this Act by any officer to whom this Act applies, and the amount of net or gross income that any such officer under this Act is entitled to retain to his own use.
- Rev. Stat., c. 18, s. 13, subs. 2, amended. (2) Subsection 2 of the said section 13 is amended by striking out all the words after the word “Act” in the fifth line, so that the said subsection shall now read as follows:
- Alterations of fees under Ontario Statutes. (2) The Lieutenant-Governor in Council may from time to time amend or repeal any fees payable under the provisions of any Act of this Legislature to any sheriff, crown attorney, clerk of the peace or any officer within the provisions of this Act.

- 47.** Subsection 2 of section 8 of *The Reciprocal Enforcement of Judgments Act* is repealed. Rev. Stat., c. 124, s. 8, subs. 2, repealed.
- 48.**—(1) Section 96 of *The Registry Act* is amended by striking out all the words after the figures "95" in the third line, so that the said section shall now read as follows:
96. The Lieutenant-Governor in Council may from time to time amend, repeal or add to any of the clauses or items in section 95. Alterations in registrars' fees.
- (2) Subsection 2 of section 116 of *The Registry Act* is repealed. Rev. Stat., c. 170, s. 116, subs. 2, repealed.
- 49.** Section 23 of *The Statute Law Amendment Act, 1942*, is repealed. 1942, c. 34, s. 23, repealed.
- 50.** Subsections 2 and 3 of section 34 of *The Statute Law Amendment Act, 1942*, are repealed. 1942, c. 34, s. 34, subs. 2, 3, repealed.
- 51.** Section 12 of *The Statute of Frauds* is repealed. Rev. Stat., c. 146, s. 12, repealed.
- 52.** Section 3 of *The Steam Boiler Act* as enacted by section 2 of *The Steam Boiler Amendment Act, 1938*, is repealed. Rev. Stat., c. 343, s. 3, (1938, c. 38, s. 2), repealed.
- 53.**—(1) Section 1 of *The Stock Yards Act, 1944*, is amended by adding thereto the following clause:
- (f) "securities" shall include bonds, debentures and promissory notes. "securities".
- (2) Section 4 of *The Stock Yards Act, 1944*, is repealed and the following substituted therefor: 1944, c. 59, s. 4, re-enacted.
- 4.—(1) The objects of the Board shall be to,— Objects of the Board.
- (a) acquire, construct, equip and operate livestock markets, and acquire and operate such facilities for the transportation of livestock as may be necessary for the purposes of such markets; and
- (b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.
- (2) The Board shall have power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine. Power to borrow money and issue securities.

General objects and powers.
Rev. Stat., c. 251.

(3) The Board shall have the objects and powers set out in section 24 of *The Companies Act*.

1944,
c. 59, s. 6,
subs. 1,
re-enacted.

(3) Subsection 1 of section 6 of *The Stock Yards Act, 1944*, is repealed and the following substituted therefor:

Guarantee by Province.

(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Board, and repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

Rev. Stat., c. 106, s. 30,
subs. 6,
re-enacted.

54. Subsection 6 of section 30 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Rules and regulations.

(6) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules and regulations for the better carrying out of the provisions of subsections 3 and 4.

Rev. Stat., c. 165, s. 27,
subs. 4,
repealed.

55. Subsection 4 of section 27 of *The Trustee Act* is repealed.

Rev. Stat., c. 372, s. 4,
repealed.

56. Section 4 of *The University Act* is repealed.

Rev. Stat., c. 7, s. 2,
subs. 1,
amended.

57.—(1) Subsection 1 of section 2 of *The Voters' Lists Act* is amended by striking out all the words after the word "Act" in the third line, so that the said subsection shall now read as follows:

Rules and forms.

(1) The Lieutenant-Governor in Council may prescribe rules and forms of procedure for the purpose of better carrying out the provisions of Parts I and II of this Act.

Rev. Stat., c. 7, s. 68,
subs. 2,
repealed.

(2) Subsection 2 of section 68 of *The Voters' Lists Act* is repealed.

Rev. Stat., c. 7, s. 108,
subs. 2,
repealed.

(3) Subsection 2 of section 108 of *The Voters' Lists Act* is repealed.

Rev. Stat., c. 186, s. 1,
re-enacted.

58.—(1) Section 1 of *The Warehousemen's Lien Act* is repealed and the following substituted therefor:

Interpretation,—

1. In this Act,—

"charges";

(a) "charges" shall have the meaning assigned to it in section 2;

"goods";

(b) "goods" shall include all chattels personal other than things in action and money; and

(c) "warehouseman" shall mean a person who receives ^{"warehouse-} goods for storage for reward. ^{man".}

(2) Clause *c* of subsection 2 of section 2 of *The Warehousemen's Lien Act* is amended by inserting after the word "Act" ^{Rev. Stat.,} in the second line the words "and *The Warehouse Receipts* ^{c. 186, s. 2,} *Act, 1946,*" so that the said clause shall now read as follows: ^{subs. 2,} ^{cl. c,} ^{amended.}

(c) all reasonable charges for any notice required to be given under the provisions of this Act and *The Warehouse Receipts Act, 1946,* and for notice and advertisement of sale, and for sale of the goods where default is made in satisfying the warehouseman's lien. ^{1946,} ^{c. . .}

(3) Section 9 of *The Warehousemen's Lien Act* is amended ^{Rev. Stat.,} by striking out all the words after the word "warehouseman" ^{c. 186, s. 9,} in the third line, so that the said section shall now read as follows: ^{amended.}

9. Nothing in this Act contained shall be deemed to ^{Contract not} affect the terms of the contract between the owner ^{affected.} or bailor and the warehouseman.

59.—(1) Subsection 1 of section 6 of *The Woodmen's Employment Act* is amended by striking out all the words after the word "Act" in the fifth line, so that the said subsection shall now read as follows: ^{Rev. Stat.,} ^{c. 202, s. 6,} ^{subs. 1,} ^{amended.}

(1) The Lieutenant-Governor in Council may make ^{Regulations.} regulations respecting any of the several matters made the subject of investigation under this Act, or respecting the procedure to be followed in carrying out the provisions of this Act.

(2) Subsection 2 of the said section 6 is repealed. ^{Rev. Stat.,} ^{c. 202, s. 6,} ^{subs. 2,} ^{repealed.}

60.—(1) Subsection 2 of section 9 of *The Guelph Railway Act, 1939,* is repealed and the following substituted therefor: ^{1939, c. 18,} ^{s. 2, re-} ^{enacted.}

(2) The Transportation Commission shall consist of five ^{Number of} members, of whom the mayor shall *ex officio* be one. ^{Commissioners.}

(2a) Four members, who shall not be members of the ^{Method of} council, shall be appointed by the council of the ^{appoint-} corporation at its first meeting in 1947, two of whom ^{ment.} shall hold office for two years, and until their successors are appointed, and the others shall hold office for one year and until their successors are appointed, and thereafter the council shall appoint two members at its first meeting in each year, who shall hold

office for two years and until their successors are appointed.

Commencement.

(2) This section shall come into force on the 1st day of January, 1947.

Toronto General Hospital Amendment Act.

61. The Act entitled *An Act to amend The Toronto General Hospital Act*, passed at this session of the Legislature shall come into force on the day upon which it receives the Royal Assent.

Rev. Stat., c. 251, s. 300, amended.

62. Section 300 of *The Companies Act* is amended by adding thereto the following subsection:

Power to form holding companies and housing corporations under *National Housing Act, 1944* (Canada) and to invest therein.

(7a) Notwithstanding any contained in this Act or in any other Act, an insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may cause to be formed, or may join with one or more life insurance companies in forming, one or more institutional holding companies and one or more institutional housing corporations as defined in *The National Housing Act, 1944* (Canada), as amended by 9-10 George VI, chapter 26 (Canada), and may invest its funds in shares or debentures of the said holding companies, and in shares of the said housing corporations to an aggregate amount which, when added to the aggregate amount invested by the said insurer under section 300a of this Act, does not exceed five per centum of its total assets in Canada allowed by the Superintendent of Insurance.

1941, c. 16, (Dom.).

University Lands Act.

63. Notwithstanding the provisions of *The University Lands Act, 1928*, or *The University Lands Act, 1929*, the Minister of Public Works may for and in the name of His Majesty purchase or acquire, and may without the consent of the owner thereof, enter upon, take and expropriate any of the lands mentioned in section 2 of *The University Lands Act, 1928*, as amended by section 2 of *The University Lands Act, 1929*, or any interest therein, which he may deem necessary for the public purposes of Ontario or for the purposes of the University of Toronto and all the provisions of *The Public Works Act* relating to the purchase, acquisition or expropriation of lands shall apply thereto, and the Minister may convey any lands so purchased, acquired or expropriated to the University of Toronto.

Rev. Stat., c. 226, s. 15a (1942, c. 34, s. 2), amended.

64. Section 15a of *The Anatomy Act*, as enacted by section 2 of *The Statute Law Amendment Act, 1942*, is amended by striking out the word "coroner" in the third line and inserting in lieu thereof the words "duly qualified medical practitioner", so that the said section shall now read as follows:

15a. No person shall accept for shipment or ship a dead ^{shipment} body from any place within Ontario to any place ^{of body.} outside of Ontario unless a certificate of a duly qualified medical practitioner has been obtained certifying that the cause of death has been definitely ascertained and that there exists no other cause for inquiry or examination.

65. This Act may be cited as *The Statute Law Amendment Act, 1946.* Short title

The Statute Law Amendment Act, 1946.

1st Reading

April 3rd, 1946

2nd Reading

April 4th, 1946

3rd Reading

April 5th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The High Schools Act.

MR. DREW

EXPLANATORY NOTES

SECTIONS 1 and 2 which re-enact sections 4 and 5 of the present Act, provide for increasing and decreasing the area of certain high school districts by by-law of the county council upon request of the council of the municipality affected and with the approval of the Minister.

BILL

An Act to amend The High Schools Act.

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

1. Section 4 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 4, re-enacted.
- 4.—(1) The council of any county at the request of the council of any municipality not separated from the county may, subject to the approval of the Minister, by by-law unite such municipality or any portion thereof with any high school district established by by-law of the county council and the union shall take effect on the first day of January next following the expiration of six months after the passing of the by-law. Area of high school district may be enlarged.
- (2) Where a union effected under the provisions of subsection 1 unites two or more high school districts the assets of the boards of such districts shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the enlarged high school district unless otherwise provided by the by-law. Assets and liabilities.
2. Section 5 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 5, re-enacted.
- 5.—(1) The council of any county may, subject to the approval of the Minister and at the request of the council of any municipality not separated from the county and which forms part of a high school district established by by-law of the county council, by by-law detach the municipality or any part thereof from such high school district, but such by-law shall not take effect until the 1st day of January next following the expiration of six months after the passing thereof. Area of high school district may be decreased.

Payment of rates.

- (2) Where a municipality or part thereof is detached from a high school district under the provisions of subsection 1, such municipality or part thereof shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while forming part of such district unless otherwise provided in the by-law.

Rev. Stat., c. 360, s. 6, amended.

3. Section 6 of *The High Schools Act* as amended by section 11 of *The School Law Amendment Act, 1938*, subsections 1 and 2 of section 2 of *The School Law Amendment Act, 1940*, and section 6 of *The School Law Amendment Act, 1941*, is further amended by adding thereto the following subsection:

Parts of adjoining counties may be contained in high school district.

- (7) On or before the first day of July in any year, subject to the approval of the Minister first being obtained, upon the request of the municipalities concerned and of the board of any existing high school district affected, the councils of adjoining counties may by by-law provide that any adjoining municipality or part of a municipality in either county may be included in a high school district.

Rev. Stat., c. 360, s. 11, amended.

4. Section 11 of *The High Schools Act* is amended by adding thereto the following subsection:

Appointment.

- (3) Trustees shall be appointed at the last regular meeting held by the appointing body in the calendar year and shall take office on the 1st day of January of the following year.

Rev. Stat., c. 360, s. 24, amended.

- 5.—(1) Section 24 of *The High Schools Act* is amended by adding thereto the following clause.

Insurance.

- (f) to make provision for insuring adequately the school buildings and equipment.

Rev. Stat., c. 360, s. 24, cl. 1, re-enacted.

- (2) Clause 1 of the said section 24 as amended by subsection 2 of section 17 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor;

Estimates to be submitted to municipal council.

- (l) to prepare and submit to the municipal council or councils liable under this Act on or before such times as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils who may attend high schools or grade A or grade B continuation schools outside the

SECTION 3. This is a new provision permitting high school districts to extend beyond county boundaries.

SECTION 4. Self-explanatory.

SECTION 5. Subsection 1. Self-explanatory.

Subsection 2. The limitation of \$500 to be paid out of current revenue for permanent improvements to high schools in any one year, is abolished.

Subsection 3. A similar limitation of \$2,000 in the case of vocational schools and departments is abolished.

SECTION 6. The provision for reserve fund deposits with the Treasurer of Ontario is repealed.

SECTION 7. The present section provides for the appointment of one official and is limited to a high school district in an urban municipality.

SECTION 8. The limitation of \$500 for permanent improvements is abolished.

high school district but which they may attend as resident pupils, and such estimates,

- (i) shall show the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources, and
- (ii) may include such additional sum as may be deemed expedient for permanent improvements to be made during the same period,

provided that the board of a high school district consisting of a municipality which has become subject to Part III of *The Department of Municipal Affairs Act* and which is unable to obtain the approval of the Ontario Municipal Board to the issuing of debentures for permanent improvements of a high school or high schools shall not include in its estimates any sum for permanent improvements without the approval of the municipal council concerned.

(3) Clause *ll* of the said section 24 as enacted by subsection 1 of section 6 of *The School Law Amendment Act, 1943*, is repealed. Rev. Stat., c. 360, s. 24, cl. *ll*, (1943, c. 26, s. 6, subs. 1), repealed.

6. Section 24*a* of *The High Schools Act* as enacted by section 4 of *The School Law Amendment Act, 1944*, is repealed. Rev. Stat., c. 360, s. 24*a*, (1944, c. 56, s. 4), repealed.

7. Section 27 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 27, re-enacted.

27. Where two or more high schools are under the control of a board, the board may appoint such supervising officials as it deems necessary and, subject to the regulations, shall have power to prescribe the duties of such officials. Supervising officials.

8. Clause *a* of subsection 1 of section 36 of *The High Schools Act* as amended by subsection 1 of section 19 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 36, subs 1, cl. *a*, re-enacted.

(a) First, the total gross current expenditures for the calendar year for maintenance of the school and for permanent improvements, and for meeting all payments falling due for such year for a sinking fund or principal and interest upon any debentures issued in respect to such school shall be ascertained. How calculated.

Rev. Stat.,
c. 360, s. 42,
re-enacted.

9. Section 42 of *The High Schools Act* as amended by section 21 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Councils
may levy
uniform
rates in
high school
districts.

42.—(1) The municipal council or councils of a municipality or municipalities comprising a high school district shall levy and collect each year and transfer to the board such amount as the board may deem necessary for the maintenance of the high school or high schools under the jurisdiction of the board, for the payment of the fees of pupils legally attending other high schools, continuation schools or vocational schools, for capital expenditures out of current revenue authorized by the Ontario Municipal Board and for the payment of any capital charges which may become due on debentures or other capital loans; and such amount shall be levied by one uniform rate over the whole district based on the total local assessment for high school, continuation school and vocational school purposes of all municipalities or portions of municipalities comprising the district, unless one or more of the councils of the municipalities comprising the district assume greater obligations when the rate shall be such as may be mutually agreed upon.

Assessors
may deter-
mine
whether
rates to be
uniform.

(2) Where, in the opinion of the council of any municipality forming part of a high school district, the levy of one uniform rate over the whole district as provided in subsection 1 causes hardship to such municipality or part thereof, and the councils of the municipalities comprising the district fail to agree that one or more of such councils shall assume obligations greater than those provided by a uniform rate, the assessors of the municipalities comprising the district after they have completed their respective assessments and before the 1st day of March, shall meet together with the county or district judge and determine by vote what proportion of the annual requisition made by the board shall be levied by and collected from the several municipalities or parts of municipalities comprising the district.

Meeting.

(3) The meeting shall be called by the secretary of the board, or, where there is no board, by the public school inspector.

Deciding
vote.

(4) The judge shall not vote with the assessors except where there is an equality of votes when he shall cast the deciding vote.

SECTION 9. Provides for the levying of rates for maintenance of high schools and for apportioning the costs that must be borne by each municipality within the high school district. Reference to the limitation of \$500 for permanent improvements which appears in the present section is omitted.

SECTION 10. Further reference to the limitation of \$500 for permanent improvements is deleted.

10.—(1) Subsection 1 of section 43 of *The High Schools Act* Rev. Stat., c. 360, s. 43, amended. as amended by section 22 of *The School Law Amendment Act, 1938*, is further amended by striking out the words "Subject to the provisions of clause 1 of section 24 where the sum required by a board for permanent improvements exceed \$500 for any one school, the same shall" in the first, second and third lines and inserting in lieu thereof the words "Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may", so that the said subsection shall now read as follows:

- (1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district. Debentures may be issued for permanent improvements.

- (2) Subsection 8 of the said section 43 is repealed. Rev. Stat., c. 360, s. 43, subs. 8, repealed.

11. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946. Commencement of Act.

12. This Act may be cited as *The High Schools Amendment Act, 1946*. Short title.

An Act to amend The High Schools Act.

1st Reading

April 3rd, 1946

2nd Reading

3rd Reading

MR. DREW

No. 168

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The High Schools Act.

MR. DREW

TORONTO
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BILL

An Act to amend The High Schools Act.

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

1. Section 4 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 4, re-enacted.

4.—(1) The council of any county at the request of the council of any municipality not separated from the county may, subject to the approval of the Minister, by by-law unite such municipality or any portion thereof with any high school district established by by-law of the county council and the union shall take effect on the first day of January next following the expiration of six months after the passing of the by-law. Area of high school district may be enlarged.

(2) Where a union effected under the provisions of subsection 1 unites two or more high school districts the assets of the boards of such districts shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the enlarged high school district unless otherwise provided by the by-law. Assets and liabilities.

2. Section 5 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 5, re-enacted.

5.—(1) The council of any county may, subject to the approval of the Minister and at the request of the council of any municipality not separated from the county and which forms part of a high school district established by by-law of the county council, by by-law detach the municipality or any part thereof from such high school district, but such by-law shall not take effect until the 1st day of January next following the expiration of six months after the passing thereof. Area of high school district may be decreased.

Payment of rates.

- (2) Where a municipality or part thereof is detached from a high school district under the provisions of subsection 1, such municipality or part thereof shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while forming part of such district unless otherwise provided in the by-law.

Rev. Stat., c. 360, s. 6, amended.

3. Section 6 of *The High Schools Act* as amended by section 11 of *The School Law Amendment Act, 1938*, subsections 1 and 2 of section 2 of *The School Law Amendment Act, 1940*, and section 6 of *The School Law Amendment Act, 1941*, is further amended by adding thereto the following subsection:

Parts of adjoining counties may be contained in high school district.

- (7) On or before the first day of July in any year, subject to the approval of the Minister first being obtained, upon the request of the municipalities concerned and of the board of any existing high school district affected, the councils of adjoining counties may by by-law provide that any adjoining municipality or part of a municipality in either county may be included in a high school district.

Rev. Stat., c. 360, s. 11, amended.

4. Section 11 of *The High Schools Act* is amended by adding thereto the following subsection:

Appointment.

- (3) Trustees shall be appointed at the last regular meeting held by the appointing body in the calendar year and shall take office on the 1st day of January of the following year.

Rev. Stat., c. 360, s. 24, amended.

- 5.—(1) Section 24 of *The High Schools Act* is amended by adding thereto the following clause.

Insurance.

- (ff) to make provision for insuring adequately the school buildings and equipment.

Rev. Stat., c. 360, s. 24, cl. 1, re-enacted.

- (2) Clause 1 of the said section 24 as amended by subsection 2 of section 17 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor;

Estimates to be submitted to municipal council.

- (l) to prepare and submit to the municipal council or councils liable under this Act on or before such times as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils who may attend high schools or grade A or grade B continuation schools outside the

high school district but which they may attend as resident pupils, and such estimates,

- (i) shall show the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources, and
- (ii) may include such additional sum as may be deemed expedient for permanent improvements to be made during the same period,

provided that the board of a high school district consisting of a municipality which has become subject to Part III of *The Department of Municipal Affairs Act* and which is unable to obtain the approval of the Ontario Municipal Board to the issuing of debentures for permanent improvements of a high school or high schools shall not include in its estimates any sum for permanent improvements without the approval of the municipal council concerned.

(3) Clause *ll* of the said section 24 as enacted by subsection 1 of section 6 of *The School Law Amendment Act, 1943*, is repealed. Rev. Stat., c. 360, s. 24, cl. *ll*, (1943, c. 26, s. 6, subs. 1), repealed.

6. Section 24*a* of *The High Schools Act* as enacted by section 4 of *The School Law Amendment Act, 1944*, is repealed. Rev. Stat., c. 360, s. 24*a*, (1944, c. 56, s. 4), repealed.

7. Section 27 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 27, re-enacted.

27. Where two or more high schools are under the control of a board, the board may appoint such supervising officials as it deems necessary and, subject to the regulations, shall have power to prescribe the duties of such officials. Supervising officials.

8. Clause *a* of subsection 1 of section 36 of *The High Schools Act* as amended by subsection 1 of section 19 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 36, subs 1, cl. *a*, re-enacted.

(a) First, the total gross current expenditures for the calendar year for maintenance of the school and for permanent improvements, and for meeting all payments falling due for such year for a sinking fund or principal and interest upon any debentures issued in respect to such school shall be ascertained. How calculated.

Rev. Stat.,
c. 360, s. 42,
re-enacted.

9. Section 42 of *The High Schools Act* as amended by section 21 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Councils
may levy
uniform
rates in
high school
districts.

42.—(1) The municipal council or councils of a municipality or municipalities comprising a high school district shall levy and collect each year and transfer to the board such amount as the board may deem necessary for the maintenance of the high school or high schools under the jurisdiction of the board, for the payment of the fees of pupils legally attending other high schools, continuation schools or vocational schools, for capital expenditures out of current revenue authorized by the Ontario Municipal Board and for the payment of any capital charges which may become due on debentures or other capital loans; and such amount shall be levied by one uniform rate over the whole district based on the total local assessment for high school, continuation school and vocational school purposes of all municipalities or portions of municipalities comprising the district, unless one or more of the councils of the municipalities comprising the district assume greater obligations when the rate shall be such as may be mutually agreed upon.

Assessors
may deter-
mine
whether
rates to be
uniform.

(2) Where, in the opinion of the council of any municipality forming part of a high school district, the levy of one uniform rate over the whole district as provided in subsection 1 causes hardship to such municipality or part thereof, and the councils of the municipalities comprising the district fail to agree that one or more of such councils shall assume obligations greater than those provided by a uniform rate, the assessors of the municipalities comprising the district after they have completed their respective assessments and before the 1st day of March, shall meet together with the county or district judge and determine by vote what proportion of the annual requisition made by the board shall be levied by and collected from the several municipalities or parts of municipalities comprising the district.

Meeting.

(3) The meeting shall be called by the secretary of the board, or, where there is no board, by the public school inspector.

Deciding
vote.

(4) The judge shall not vote with the assessors except where there is an equality of votes when he shall cast the deciding vote.

10.—(1) Subsection 1 of section 43 of *The High Schools Act* Rev. Stat., c. 360, s. 43, subs. 1, amended. as amended by section 22 of *The School Law Amendment Act, 1938*, is further amended by striking out the words "Subject to the provisions of clause 1 of section 24 where the sum required by a board for permanent improvements exceed \$500 for any one school, the same shall" in the first, second and third lines and inserting in lieu thereof the words "Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may", so that the said subsection shall now read as follows:

(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district. Debentures may be issued for permanent improvements.

(2) Subsection 8 of the said section 43 is repealed.

Rev. Stat., c. 360, s. 43, subs. 8, repealed.

11. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946. Commencement of Act.

12. This Act may be cited as *The High Schools Amendment Act, 1946*. Short title.

An Act to amend The High Schools Act.

1st Reading

April 3rd, 1946

2nd Reading

April 4th, 1946

3rd Reading

April 5th, 1946

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Continuation Schools Act.

MR. DREW

EXPLANATORY NOTES

SECTION 1—Subsection 1. Under the present subsection the public school board of any municipality or school section, or a separate school board may establish and maintain a continuation school with a staff of one or more teachers. The provisions of subsection 1 of this Bill include a township school area board and require two or more teachers to be engaged.

Subsections 2, 3 and 4. Self-explanatory.

BILL

An Act to amend The Continuation Schools Act.

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

1.—(1) Subsection 1 of section 3 of *The Continuation Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 3, subs. 1, re-enacted.

(1) Subject to the regulations and to the approval of the Minister, the public school board of a municipality, school section or township school area or a separate school board may establish and maintain a continuation school with a staff of at least two full-time teachers. Establishment of schools.

(2) The said section 3 is amended by adding thereto the following subsections: Rev. Stat., c. 359, s. 3, amended.

(1a) The public school board of a municipality or school section or a separate school board which establishes a continuation school shall for the purposes of such continuation school be styled "The Board of Trustees of the Continuation School of _____". School established by public or separate school board.

(1b) Where a continuation school is established by a township school area board, the continuation school shall be under the control and management of a board appointed by a township school area board and composed of not more than two-thirds of the members thereof. School established by township school area board.

(1c) The board of a continuation school which is established by a township school area board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School in the Township School Area of _____". How board to be styled.

(3) Subsection 4 of the said section 3 is amended by striking out the word "committee" in the second line and inserting in Rev. Stat., c. 359, s. 3, subs. 4, amended.

lieu thereof the word "board", so that the said subsection shall now read as follows:

Management of continuation school under board.

- (4) A continuation school established under subsection 3 shall be under the control and management of a board composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Rev. Stat., c. 359, s. 3, subs. 5, amended.

- (4) Subsection 3 of the said section 3 is amended by striking out the word "committee" in the first line and inserting in lieu thereof the word "board", so that the said subsection shall now read as follows:

Board to be a body corporate.

- (5) The board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of the _____" (*naming the municipality or school section or sections*).

Rev. Stat., c. 359, s. 3, subs. 11, (1939, c. 44, s. 3, subs. 2), repealed.

- (5) Subsection 11 of the said section 3, as enacted by subsection 2 of section 3 of *The School Law Amendment Act, 1939*, is repealed.

Rev. Stat., c. 359, s. 3, subs. 12, (1939, c. 44, s. 3, subs. 2), re-enacted.

- (6) Subsection 12 of the said section 3, as enacted by subsection 2 of section 3 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Board,—how composed;

- (12) Where a school section which lies within a district in which a continuation school has been established under subsection 1 or 3 becomes part of a township school area and ceases to exist, the continuation school board shall be composed of,—

- (a) two members elected by the ratepayers of the former school section in which the continuation school is situated;
- (b) two members appointed by the board of any township school area, the whole or any part of which is included in the continuation school district; and
- (c) two members of any board which has jurisdiction over a public or a separate school which is within the continuation school district but outside the township school area of which the continuation school district forms a part.

where continuation school district and township school area coincide.

- (13) Where under subsection 12 the continuation school district and the township school area coincide, the

Subsection 5. The provisions of subsection 11 of section 3 of the present Act are included in the provisions enacted by subsection 6 of section 1 of this Bill.

Subsection 6. Provides for the composition of a board where the continuation school district overlaps portions of township school areas or public and separate school sections.

SECTION 2. Under the present Act there is no provision for dissolution of a continuation school district. This amendment permits dissolution and provides for the disposition assets and liabilities.

township school area board shall be the continuation school board.

2. *The Continuation Schools Act* is amended by adding thereto the following section: Rev. Stat., c. 359, amended.

3a.—(1) Subject to the approval of the Minister, the board of a continuation school established under subsection 1 of section 3 may by resolution dissolve such continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the board by which it was established. Dissolution of continuation school.

(2) Subject to the approval of the Minister, the board of a continuation school established under subsection 3 of section 3 may by resolution dissolve such continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the respective boards by which it was established according to the terms of the agreement entered into thereunder. Idem.

(3) Where a continuation school district is absorbed as part of a high school district and the continuation school is dissolved, the high school board and the boards by which such school was established shall each appoint a representative who, with the clerk of each of the municipalities concerned, shall be arbitrators to value and determine the rights and obligations of each board with respect to,— Where continuation school district absorbed as part of high school district.

(a) the assets and liabilities of the continuation school board; and

(b) the disposition of the property of the board,

and in the event of dispute the matter shall be referred to the county or district judge having jurisdiction.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946. Commencement of Act.

4. This Act may be cited as *The Continuation Schools Amendment Act, 1946.* Short title.

An Act to amend The Continuation
Schools Act.

1st Reading

April 3rd, 1946

2nd Reading

3rd Reading

MR. DREW

No. 169

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Continuation Schools Act.

MR. DREW

TORONTO
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lieu thereof the word "board", so that the said subsection shall now read as follows:

Management of continuation school under board.

- (4) A continuation school established under subsection 3 shall be under the control and management of a board composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Rev. Stat., c. 359, s. 3, subs. 5, amended.

- (4) Subsection 5 of the said section 3 is amended by striking out the word "committee" in the first line and inserting in lieu thereof the word "board", so that the said subsection shall now read as follows:

Board to be a body corporate.

- (5) The board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of the _____" (*naming the municipality or school section or sections*).

Rev. Stat., c. 359, s. 3, subs. 11, (1939, c. 44, s. 3, subs. 2), repealed.

- (5) Subsection 11 of the said section 3, as enacted by subsection 2 of section 3 of *The School Law Amendment Act, 1939*,

Rev. Stat., c. 359, s. 3, subs. 12, (1939, c. 44, s. 3, subs. 2), re-enacted.

- (6) Subsection 12 of the said section 3, as enacted by subsection 2 of section 3 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Board,—how composed;

- (12) Where a school section which lies within a district in which a continuation school has been established under subsection 1 or 3 becomes part of a township school area and ceases to exist, the continuation school board shall be composed of,—

- (a) two members elected by the ratepayers of the former school section in which the continuation school is situated;
- (b) two members appointed by the board of any township school area, the whole or any part of which is included in the continuation school district; and
- (c) two members of any board which has jurisdiction over a public or a separate school which is within the continuation school district but outside the township school area of which the continuation school district forms a part.

where continuation school district and township school area coincide.

- (13) Where under subsection 12 the continuation school district and the township school area coincide, the

township school area board shall be the continuation school board.

2. *The Continuation Schools Act* is amended by adding thereto the following section: Rev. Stat., c. 359, amended.

3a.—(1) Subject to the approval of the Minister, the board of a continuation school established under subsection 1 of section 3 may by resolution dissolve such continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the board by which it was established. Dissolution of continuation school.

(2) Subject to the approval of the Minister, the board of a continuation school established under subsection 3 of section 3 may by resolution dissolve such continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the respective boards by which it was established according to the terms of the agreement entered into thereunder. Idem.

(3) Where a continuation school district is absorbed as part of a high school district and the continuation school is dissolved, the high school board and the boards by which such school was established shall each appoint a representative who, with the clerk of each of the municipalities concerned, shall be arbitrators to value and determine the rights and obligations of each board with respect to,— Where continuation school district absorbed as part of high school district.

(a) the assets and liabilities of the continuation school board; and

(b) the disposition of the property of the board,

and in the event of dispute the matter shall be referred to the county or district judge having jurisdiction.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946. Commencement of Act.

4. This Act may be cited as *The Continuation Schools Amendment Act, 1946*. Short title.



An Act to amend The Continuation
Schools Act.

1st Reading

April 3rd, 1946

2nd Reading

April 4th, 1946

3rd Reading

April 5th, 1946

MR. DREW

No. 170

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Schools Act.

MR. DREW

TORONTO
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EXPLANATORY NOTE

SECTION 1—Subsection 1c which it is proposed to add to section 15 of *The Public Schools Act* removes any doubt that may exist as to the power to increase the size of a township school area already established and the proposed subsection 15 clarifies the powers and duties of a township school area board.

The other amendments to section 15 of *The Public Schools Act* have for their purpose the encouragement of larger school areas. They permit a township school area to include school sections in more than one township as well as towns and villages.

BILL

An Act to amend The Public Schools Act.

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

1.—(1) Section 15 of *The Public Schools Act* as amended by section 16 of *The School Law Amendment Act, 1939*, section 4 of *The School Law Amendment Act, 1940*, section 12 of *The School Law Amendment Act, 1941*, and section 10 of *The School Law Amendment Act, 1944*, is further amended by adding thereto the following subsections:

- (1c) The council of a township may add a school section or a union school section to a township school area already established and the provisions of subsections 1 and 1b shall apply *mutatis mutandis*. Addition to township school area.
- (1d) The council of each of two or more contiguous townships may by by-law passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township to form a township school area with the whole or any portion of the contiguous township or townships and the provisions of subsections 1 to 1c shall apply *mutatis mutandis*. Township school area,—formation of.
- (1e) The council of each of one or more contiguous townships and of a village or town which is contiguous to one or more of them may respectively by by-law passed with the consent of a majority of the whole number of members of each council before the 1st day of July in any year, set apart the whole or any portion of the township or townships and the whole of the adjacent village or town which together shall form a township school area and the provisions of subsections 1 to 1c shall apply *mutatis mutandis*. Idem.

Clerk to be returning officer.

(4a) Where a township school area is formed under subsection 1d or 1e the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality for the election of trustees for the township school area and he shall report forthwith the vote recorded in his municipality to the clerk of the municipality which has the largest equalized assessment in the township school area, who shall forthwith prepare the final summary and announcement of the vote, and if at the first election of trustees two or more trustees receive an equal number of votes, or all of the trustees are declared elected by acclamation, he shall determine which of the trustees shall hold office for two years and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.

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Auditor.

(11a) Where a township school area is formed under subsection 1d or 1e, the provisions of subsection 11 shall apply except that the auditor of the municipality which has the greatest equalized assessment shall be the auditor of the township school area books.

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Powers and duties.

(15) All the powers and duties of the board of a school section which becomes part of a township school area shall be vested in and imposed upon the board of the township school area.

Rev. Stat., c. 357, s. 15, subs. 12, re-enacted.

(2) Subsection 12 of the said section 15 is repealed and the following substituted therefor:

Approval of by-laws.

(12) No by-law shall be passed under the provisions of subsection 1, 1a, 1c, 1d or 1e until the same shall have been submitted to and approved in writing by the Minister.

Rev. Stat., c. 357, s. 16, subs. 1, re-enacted.

2.—(1) Subsection 1 of section 16 of *The Public Schools Act* is repealed and the following substituted therefor:

Adjustment of claims.

(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united under a township school board or into a township school area or areas shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Ontario Municipal Board within three months after the passing of the by-law forming the township school board or the township school area board, as the case may be.

SECTION 2. The amendments made to subsections 1 and 5 of section 16 of *The Public Schools Act* are complementary to the principal amendments made to section 15 by section 1 of this Bill. The proposed subsection 6a is self explanatory when read in conjunction with subsection 1 of section 16.

SECTION 3. The proposed subsections make provision for a basis of payment of fees of non-resident pupils and also clarify the payment of legislative grants.

SECTION 4—Subsection 1. The amendment provides that one of the duties of the board of trustees will be to insure the school property and equipment.

(2) Subsection 5 of the said section 16 is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 16, subs. 5, re-enacted.

(5) The Board may by its order adopt, vary or amend the report of any referee appointed under this section, and the order of the Board adopting such report or varying or amending it shall be final and conclusive and not open to question or appeal, and it shall be binding upon the municipality and the ratepayers of such municipality and of any school section affected thereby. Board may adopt, vary or amend report.

(3) The said section 16 is amended by adding thereto the following subsection: Rev. Stat., c. 357, s. 16, amended.

(6a) The council of each of the several municipalities, all or portions of which are included in a township school area, shall annually impose and levy such special rates against the rateable property in such municipality which is within the township school area as may be directed in any order of the Board for the purpose of adjusting any rights or claims determined under this section. Special rates for adjusting claims.

3. Section 86 of *The Public Schools Act*, as amended by section 31 of *The School Law Amendment Act, 1938*, and section 15 of *The School Law Amendment Act, 1941*, is further amended by adding thereto the following subsections: Rev. Stat., c. 357, s. 86, amended.

(8) Where fees on behalf of non-resident pupils are payable by one school board to another, the maximum fees which may be charged shall be calculated as in subsection 3, except that amounts of legislative, county and municipal grants shall not be deducted from the gross cost. Fees of non-resident pupils.

(9) The fees paid in any year under subsection 8 for the preceding calendar year shall be included in the cost of operating the school conducted by the board paying such fees and shall be deducted by the board providing the instruction from the cost of operating the school attended by such pupils before reporting such cost as a basis for the payment of legislative grants. When to be included in costs of operation.

4.—(1) Clause *e* of section 89 of *The Public Schools Act* is amended by adding after the word "condition" in the fifth line the words "and to make provision for insuring adequately the school buildings and equipment", so that the said clause shall now read as follows: Rev. Stat., c. 357, s. 89, cl. e, amended.

(e) to acquire or rent school sites and premises, and to build, repair, furnish, and keep in order the school- To provide and maintain school premises.

houses, furniture, fences and all other school property, and to keep the wells, closets and premises in a proper sanitary condition and to make provision for insuring adequately the school buildings and equipment.

Insurance.

Rev. Stat., c. 357, s. 89, amended. (2) The said section 89 is amended by adding thereto the following clause:

Supervising officials.

(gg) to appoint, where two or more schools are under the control of a board, such supervising officials as may be deemed necessary and, subject to the regulations, to prescribe the duties of such officials.

Rev. Stat., c. 357, s. 89a (1944, c. 56, s. 13), repealed.

5. Section 89a of *The Public Schools Act* as enacted by section 13 of *The School Law Amendment Act, 1944*, is repealed.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946.

Short title.

7. This Act may be cited as *The Public Schools Amendment Act, 1946*.

Subsection 2. The proposed clause *gg* enables public school boards to appoint supervising officials.

An Act to amend The Public Schools Act.

1st Reading

April 3rd, 1946

2nd Reading

3rd Reading

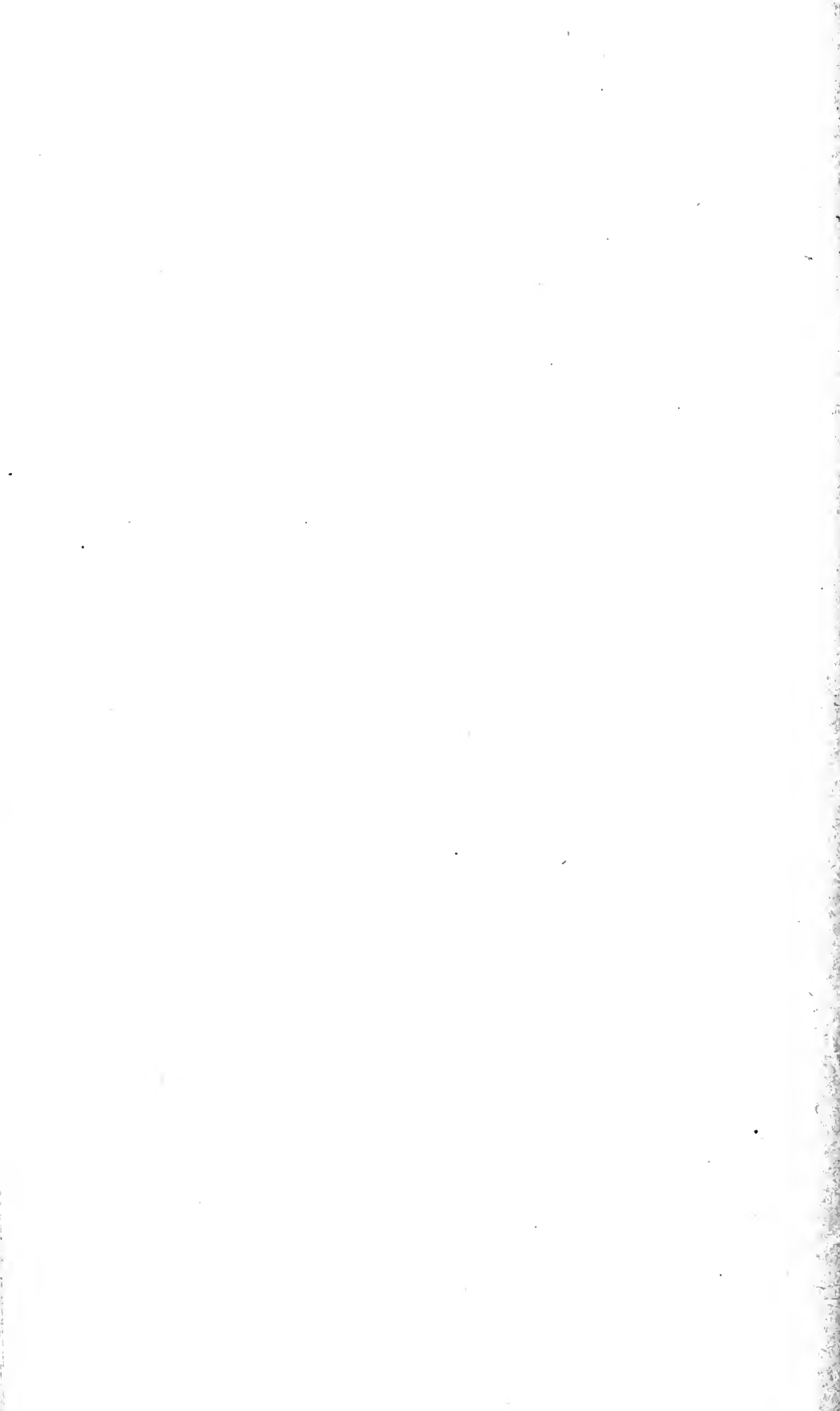
MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Schools Act.

MR. DREW



BILL

An Act to amend The Public Schools Act.

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

1.—(1) Section 15 of *The Public Schools Act* as amended Rev. Stat., c. 357, s. 15, amended. by section 16 of *The School Law Amendment Act, 1939*, section 4 of *The School Law Amendment Act, 1940*, section 12 of *The School Law Amendment Act, 1941*, and section 10 of *The School Law Amendment Act, 1944*, is further amended by adding thereto the following subsections:

- (1c) The council of a township may add a school section Addition to township school area. or a union school section to a township school area already established and the provisions of subsections 1 and 1b shall apply *mutatis mutandis*.
- (1d) The council of each of two or more contiguous Township school area,— formation of. townships may by by-law passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township to form a township school area with the whole or any portion of the contiguous township or townships and the provisions of subsections 1 to 1c shall apply *mutatis mutandis*.
- (1e) The council of each of one or more contiguous town- Idem. ships and of a village or town which is contiguous to one or more of them may respectively by by-law passed with the consent of a majority of the whole number of members of each council before the 1st day of July in any year, set apart the whole or any portion of the township or townships and the whole of the adjacent village or town which together shall form a township school area and the provisions of subsections 1 to 1c shall apply *mutatis mutandis*.

Clerk to be
returning
officer.

- (4a) Where a township school area is formed under subsection 1*d* or 1*e* the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality for the election of trustees for the township school area and he shall report forthwith the vote recorded in his municipality to the clerk of the municipality which has the largest equalized assessment in the township school area, who shall forthwith prepare the final summary and announcement of the vote, and if at the first election of trustees two or more trustees receive an equal number of votes, or all of the trustees are declared elected by acclamation, he shall determine which of the trustees shall hold office for two years and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.
-

Auditor.

- (11a) Where a township school area is formed under subsection 1*d* or 1*e*, the provisions of subsection 11 shall apply except that the auditor of the municipality which has the greatest equalized assessment shall be the auditor of the township school area books.
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Powers and
duties.

- (15) All the powers and duties of the board of a school section which becomes part of a township school area shall be vested in and imposed upon the board of the township school area.

Rev. Stat.,
c. 357, s. 15,
subs. 12,
re-enacted.

- (2) Subsection 12 of the said section 15 is repealed and the following substituted therefor:

Approval of
by-laws.

- (12) No by-law shall be passed under the provisions of subsection 1, 1*a*, 1*c*, 1*d* or 1*e* until the same shall have been submitted to and approved in writing by the Minister.

Rev. Stat.,
c. 357, s. 16,
subs. 1,
re-enacted.

- 2.—(1) Subsection 1 of section 16 of *The Public Schools Act* is repealed and the following substituted therefor:

Adjustment
of claims.

- (1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united under a township school board or into a township school area or areas shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Ontario Municipal Board within three months after the passing of the by-law forming the township school board or the township school area board, as the case may be.

(2) Subsection 5 of the said section 16 is repealed and the following substituted therefor:

Rev. Stat.,
c. 357, s. 16,
subs. 5,
re-enacted.

(5) The Board may by its order adopt, vary or amend the report of any referee appointed under this section, and the order of the Board adopting such report or varying or amending it shall be final and conclusive and not open to question or appeal, and it shall be binding upon the municipality and the ratepayers of such municipality and of any school section affected thereby.

Board may
adopt, vary
or amend
report.

(3) The said section 16 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 357, s. 16,
amended.

(6a) The council of each of the several municipalities, all or portions of which are included in a township school area, shall annually impose and levy such special rates against the rateable property in such municipality which is within the township school area as may be directed in any order of the Board for the purpose of adjusting any rights or claims determined under this section.

Special
rates for
adjusting
claims.

3. Section 86 of *The Public Schools Act*, as amended by section 31 of *The School Law Amendment Act, 1938*, and section 15 of *The School Law Amendment Act, 1941*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 357, s. 86,
amended.

(8) Where fees on behalf of non-resident pupils are payable by one school board to another, the maximum fees which may be charged shall be calculated as in subsection 3, except that amounts of legislative, county and municipal grants shall not be deducted from the gross cost.

Fees of non-
resident
pupils.

(9) The fees paid in any year under subsection 8 for the preceding calendar year shall be included in the cost of operating the school conducted by the board paying such fees and shall be deducted by the board providing the instruction from the cost of operating the school attended by such pupils before reporting such cost as a basis for the payment of legislative grants.

When to be
included in
costs of
operation.

4.—(1) Clause *e* of section 89 of *The Public Schools Act* is amended by adding after the word "condition" in the fifth line the words "and to make provision for insuring adequately the school buildings and equipment", so that the said clause shall now read as follows:

Rev. Stat.,
c. 357, s. 89,
cl. *e*,
amended.

(e) to acquire or rent school sites and premises, and to build, repair, furnish, and keep in order the school-

To provide
and main-
tain school
premises.

houses, furniture, fences and all other school property, and to keep the wells, closets and premises in a proper sanitary condition and to make provision for insuring adequately the school buildings and equipment.

Insurance.

Rev. Stat., c. 357, s. 89, amended. (2) The said section 89 is amended by adding thereto the following clause:

Supervising officials.

(gg) to appoint, where two or more schools are under the control of a board, such supervising officials as may be deemed necessary and, subject to the regulations, to prescribe the duties of such officials.

Rev. Stat., c. 357, s. 89a (1944, c. 56, s. 13), repealed.

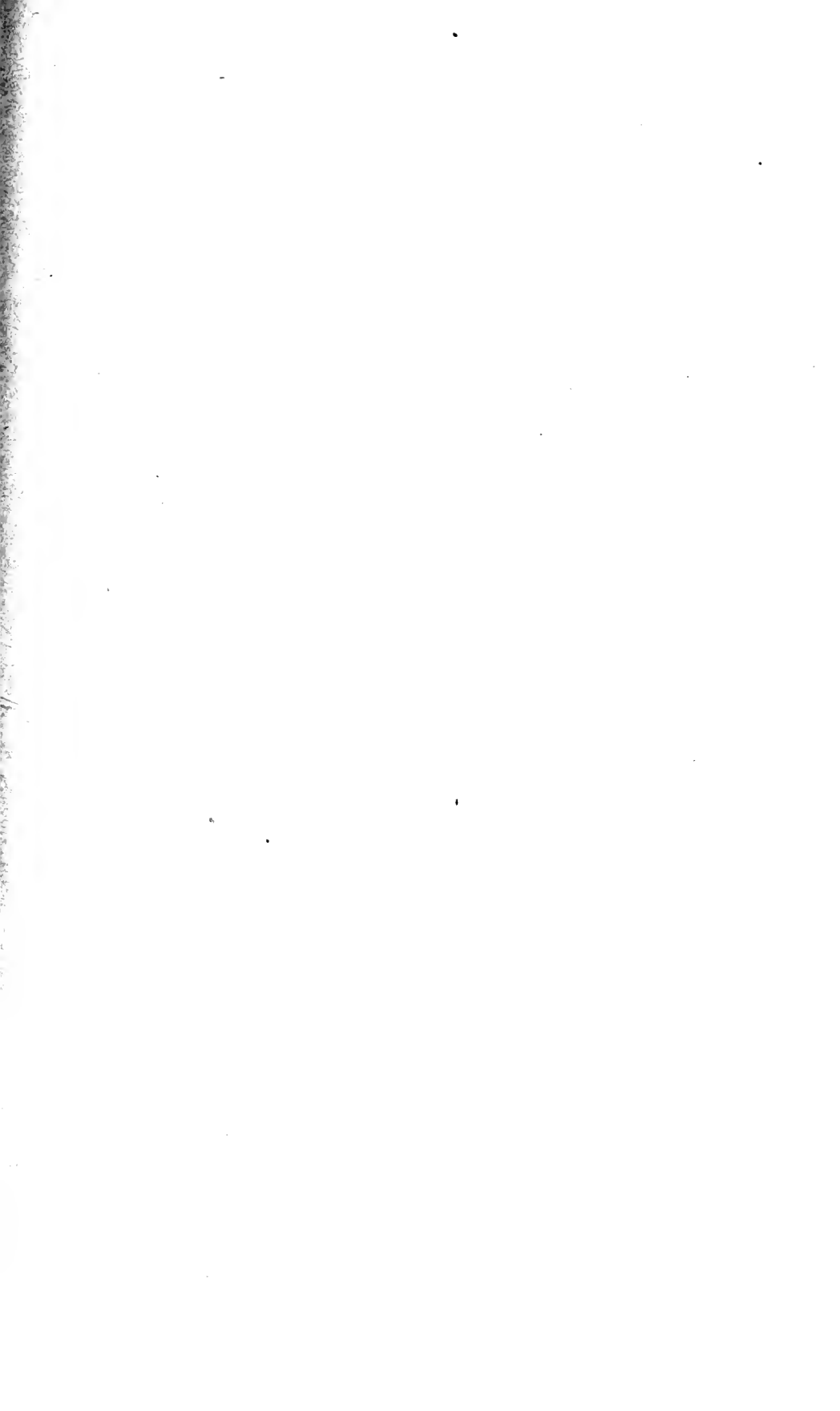
5. Section 89a of *The Public Schools Act* as enacted by section 13 of *The School Law Amendment Act, 1944*, is repealed.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946.

Short title.

7. This Act may be cited as *The Public Schools Amendment Act, 1946*.



An Act to amend The Public Schools Act.

1st Reading

April 3rd, 1946

2nd Reading

April 4th, 1946

3rd Reading

April 5th, 1946

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Separate Schools Act.

MR. DREW

EXPLANATORY NOTE

One of the duties of the board of trustees will be to insure the school property and equipment.

No. 171

1946

BILL

An Act to amend The Separate Schools Act.

HIS 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 45 of *The Separate Schools Act* is amended by inserting after the word "condition" in the fifth line the words "and to make provision for insuring adequately the school buildings and equipment", so that the said clause shall now read as follows:

Rev. Stat.,
c. 362, s. 45,
cl. *e*,
amended.

(*e*) acquire or rent school sites and premises, and build, repair, furnish and keep in order the school houses, furniture, fences and all other school property, and keep the wells, closets and premises in proper sanitary condition, and to make provision for insuring adequately the school buildings and equipment.

To provide,
maintain and
insure school
premises.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The Separate Schools Amendment Act, 1946*.

Short title.

An Act to amend The Separate
Schools Act.

1st Reading

April 3rd, 1946

2nd Reading

3rd Reading

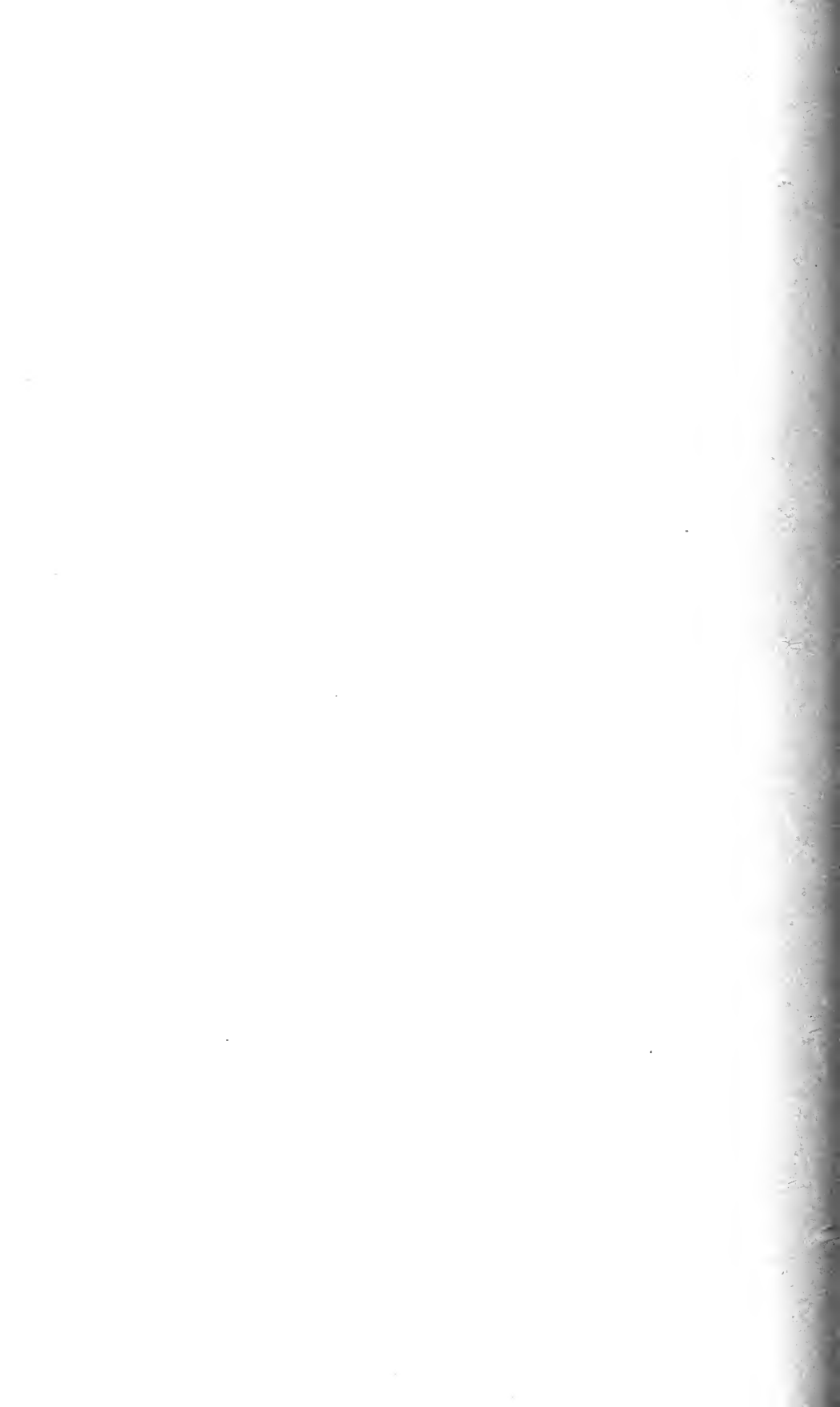
MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

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An Act to amend The Separate Schools Act.

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No. 171

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Rev. Stat.,
c. 362, s. 45
cl. *e*,
amended.

(*e*) acquire or rent school sites and premises, and build, repair, furnish and keep in order the school houses, furniture, fences and all other school property, and keep the wells, closets and premises in proper sanitary condition, and to make provision for insuring adequately the school buildings and equipment.

To provide,
maintain and
insure school
premises.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The Separate Schools Amendment Act, 1946*.

Short title.

An Act to amend The Separate
Schools Act.

1st Reading

April 3rd, 1946

2nd Reading

April 4th, 1946

3rd Reading

April 5th, 1946

MR. DREW

No. 172

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Veterans Housing Act, 1945.

MR. DUNBAR

TORONTO
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EXPLANATORY NOTE

The purpose of this Bill is to enable an agreed amount to be paid in lieu of taxes in respect of houses or housing accommodation erected under *The Veterans Housing Act, 1945*, or veterans' holdings under *The Veterans' Land Act, 1942* (Canada).

No. 172

1946

BILL

[An Act to amend The Veterans Housing Act, 1945.]

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

1. *The Veterans Housing Act, 1945*, is amended by adding thereto the following sections: 1945 (2nd Sess.), c. 13, amended.

4a. Any agreement entered into pursuant to section 1 may provide for fixing the amount of money that shall be paid annually during the life of the agreement in lieu of the taxes that would otherwise be payable on land used for the purposes of this Act and occupied by tenants, provided that such amount shall not be less than \$24 in respect of each two-bedroom house and \$30 in respect of each more than two-bedroom house. Payment in lieu of taxes. Proviso.

4b. Notwithstanding any other Act, every board, commission or other body for which the council is by law required to provide money or levy rates shall be bound by the agreement mentioned in section 4a. Local boards.

4c.—(1) The money mentioned in section 4a shall be distributed by the council to each of the bodies for which the council is required by law to provide money or levy rates in the same proportion as the levy of each of such bodies bears to the total levy. Distribution of money.

(2) Any council and any local board which determines rates shall in determining the rate or rates for the year take into consideration the amount of the money mentioned in section 4a. Estimates.

4d.—(1) Where any such body is not satisfied that the distribution made by the council under section 4c was made in accordance with law, such body may apply to the Ontario Municipal Board for an order varying such distribution. Application to Municipal Board.

Powers
of Board.

- (2) Upon any such application the Board may confirm or vary the distribution made under section 4c and the order of the Board shall be final and binding.

County
rates.

- 4e. Where the assessments of the land mentioned in section 4a have been included in the valuation of the municipality for the purposes of county equalization, the equalized assessment shall be decreased by the amount of such assessments and the county rate reduced accordingly.

Right to
vote not
affected.

- 4f. The right to vote of tenants of the houses and housing accommodation erected under this Act shall not be affected by anything in this Act and the assessment rolls and voters' lists shall be prepared in the usual manner and as though this Act had not been passed.

Veterans'
holdings.

1942, c. 53,
(Canada).

Proviso.

1945
(2nd Sess.),
c. 13.

2. Where lands are occupied by veterans under *The Veterans' Land Act, 1942* (Canada), agreements may be entered into between the municipality in which the land is situate and The Director, *The Veterans' Land Act*, with respect to the amount of money that shall be paid annually in lieu of taxes in respect of such land, provided that such amount shall not be less than \$60 in respect of each holding and the provisions of sections 4a to 4f of *The Veterans Housing Act, 1945*, shall apply *mutatis mutandis* thereto.

Commence-
ment of Act;
retroactive
effect.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 26th day of June, 1945.

Short title.

4. This Act may be cited as *The Veterans Housing Amendment Act, 1946*.

An Act to amend The Veterans
Housing Act, 1945

1st Reading

April 4th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

No. 172

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Veterans Housing Act, 1945.

MR. DUNBAR

TORONTO
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Veterans Housing Act, 1945.

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1. *The Veterans Housing Act, 1945*, is amended by adding thereto the following sections: 1945 (2nd Sess.), c. 13, amended.

4a. Any agreement entered into pursuant to section 1 may provide for fixing the amount of money that shall be paid annually during the life of the agreement in lieu of the taxes that would otherwise be payable on land used for the purposes of this Act and occupied by tenants, provided that such amount shall not be less than \$24 in respect of each two-bedroom house and \$30 in respect of each more than two-bedroom house. Payment in lieu of taxes. Proviso.

4b. Notwithstanding any other Act, every board, commission or other body for which the council is by law required to provide money or levy rates shall be bound by the agreement mentioned in section 4a. Local boards.

4c.—(1) The money mentioned in section 4a shall be distributed by the council to each of the bodies for which the council is required by law to provide money or levy rates in the same proportion as the levy of each of such bodies bears to the total levy. Distribution of money.

(2) Any council and any local board which determines rates shall in determining the rate or rates for the year take into consideration the amount of the money mentioned in section 4a. Estimates.

4d.—(1) Where any such body is not satisfied that the distribution made by the council under section 4c was made in accordance with law, such body may apply to the Ontario Municipal Board for an order varying such distribution. Application to Municipal Board.

Powers
of Board.

- (2) Upon any such application the Board may confirm or vary the distribution made under section 4c and the order of the Board shall be final and binding.

County
rates.

- 4e. Where the assessments of the land mentioned in section 4a have been included in the valuation of the municipality for the purposes of county equalization, the equalized assessment shall be decreased by the amount of such assessments and the county rate reduced accordingly.

Right to
vote not
affected.

- 4f. The right to vote of tenants of the houses and housing accommodation erected under this Act shall not be affected by anything in this Act and the assessment rolls and voters' lists shall be prepared in the usual manner and as though this Act had not been passed.

Veterans'
holdings,
1942, c. 53,
(Canada).

2. Where lands are occupied by veterans under *The Veterans' Land Act, 1942* (Canada), agreements may be entered into between the municipality in which the land is situate and The Director, *The Veterans' Land Act*, with respect to the amount of money that shall be paid annually in lieu of taxes in respect of such land, provided that such amount shall not be less than \$60 in respect of each holding and the provisions of sections 4a to 4f of *The Veterans Housing Act, 1945*, shall apply *mutatis mutandis* thereto.

Proviso.

1945
(2nd Sess.),
c. 13.

Commence-
ment of Act;
retroactive
effect.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 26th day of June, 1945.

Short title.

4. This Act may be cited as *The Veterans Housing Amendment Act, 1946*.

An Act to amend The Veterans
Housing Act, 1945

1st Reading

April 4th, 1946

2nd Reading

April 5th, 1946

3rd Reading

April 5th, 1946

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Ontario Housing Act, 1919.

MR. DUNBAR

EXPLANATORY NOTE

This Bill is designed to enable the Government to make agreements with municipalities for the liquidation of loans made under *The Ontario Housing Act, 1919*.

No. 173

1946

BILL

An Act to amend The Ontario Housing Act, 1919.

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

1. *The Ontario Housing Act, 1919*, is amended by adding thereto the following section: 1919, c. 54, amended.

27b. The Lieutenant-Governor in Council may upon such terms as he deems proper reduce the amount of any indebtedness payable under this Act and enter into agreements as to the payment of any balance, including the fixing of the rate of interest payable thereon, or may cancel the whole of any such indebtedness. Power to reduce or cancel indebtedness.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Ontario Housing Amendment Act, 1946*. Short title.

An Act to amend The Ontario
Housing Act, 1919.

1st Reading

April 4th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Ontario Housing Act, 1919.

MR. DUNBAR

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2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Ontario Housing Amendment Act, 1946*. Short title.

An Act to amend The Ontario
Housing Act, 1919.

1st Reading

April 4th, 1946

2nd Reading

April 5th, 1946

3rd Reading

April 5th, 1946

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Fire Departments Act.

MR. BLACKWELL

EXPLANATORY NOTE

A general authority is given to municipal councils to adopt any system of working hours in their fire departments provided the firemen are not required to work more than seventy-two hours a week except in cases of emergency.

BILL

An Act to amend The Fire Departments Act.

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

1. *The Fire Departments Act* is amended by adding thereto the following section: Rev. Stat., c. 282, amended.

1c. Notwithstanding the provisions of sections 1a and 1b Alternative system. the council of any municipality may establish any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours a week and the hours off duty are free from all fire department duties or calls, provided that in the case of a serious emergency requiring the services of every member of the fire department the chief of the fire department may, in his discretion recall to duty the firemen who are not on duty.

2. This Act may be cited as *The Fire Departments Amendment Act, 1946*. Short title.

An Act to amend The Fire
Departments Act.

1st Reading

April 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 174

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Fire Departments Act.

MR. BLACKWELL

TORONTO
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BILL

An Act to amend The Fire Departments Act.

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

1. *The Fire Departments Act* is amended by adding thereto the following section: Rev. Stat., c. 282, amended.

1c. Notwithstanding the provisions of sections 1a and 1b the council of any municipality may establish any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours a week and the hours off duty are free from all fire department duties or calls, provided that in the case of a serious emergency requiring the services of every member of the fire department the chief of the fire department may, in his discretion recall to duty the firemen who are not on duty. Alternative system.

2. This Act may be cited as *The Fire Departments Amendment Act, 1946*. Short title.

An Act to amend The Fire
Departments Act.

1st Reading

April 4th, 1946

2nd Reading

April 5th, 1946

3rd Reading

April 5th, 1946

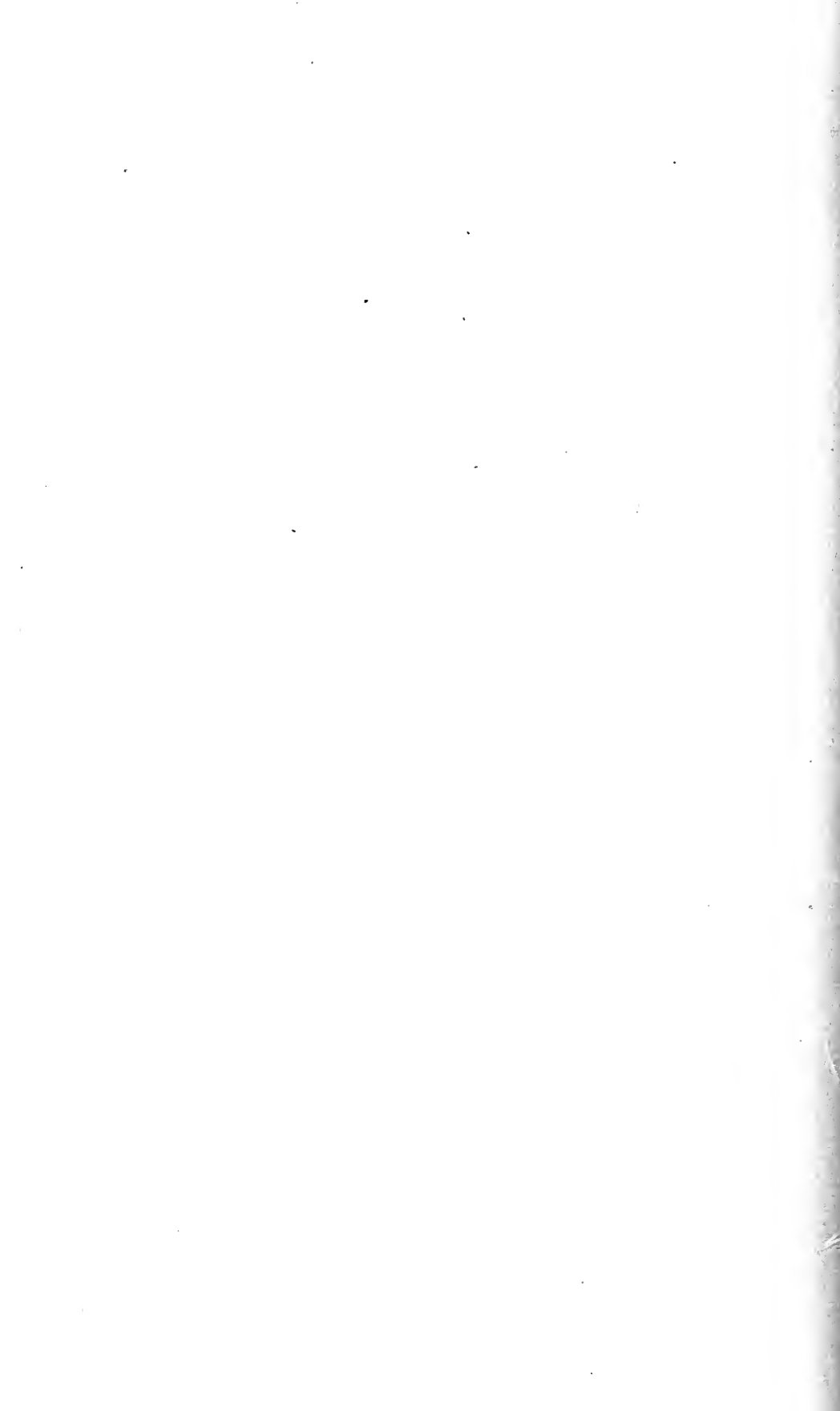
MR. BLACKWELL.

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL
The Police Act, 1946.

MR. BLACKWELL

TORONTO
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BILL

The Police Act, 1946.

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

1. In this Act,—

- (a) "board" shall mean board of commissioners of police; Interpre-
tation,— "board";
- (b) "Commissioner" shall mean Commissioner of Police for Ontario; and "Commis-
sioner";
- (c) "regulations" shall mean regulations made under this Act. "regula-
tions".

PART I.

DIVISION OF RESPONSIBILITY.

2.—(1) Every city and every town shall be responsible for the policing of and maintenance of law and order in the municipality and for the appointment and remuneration of an adequate number of constables in accordance with the police needs of the municipality. Policing
in cities
and towns;

(2) Every village and township which, or any part of which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant-Governor in Council shall, with regard to the municipality or part thereof, as the case may be, be responsible for the policing and maintenance of law and order and for the appointment and remuneration of an adequate number of constables in accordance with the police needs thereof. in villages
and
townships.

(3) Where by reason of the establishment of any enterprise or because of any other reason special circumstances or abnormal conditions exist in any area which in the opinion of the Attorney-General would render it inequitable that the responsibility for policing should be imposed on any municipality or on the Province the Lieutenant-Governor in Council may designate such area a special area and may require any company operating such enterprise or being the owner of such area to enter into an agreement for the policing of such area under section 38. *New.* Special
circum-
stances.

3.—(1) The Ontario Provincial Police Force shall be responsible for policing all that part of Ontario which is not Respon-
sibility of
Ontario
Provincial
Police
Force.

within a municipality or part of a municipality referred to in section 2, provided that the Ontario Provincial Police Force shall not be responsible for policing any part of Ontario in which a police force is maintained whether such police force is maintained by a county, village, township or police village other than one which is maintained for the purpose of enforcing municipal by-laws.

Additional
duties of
Ontario
Provincial
Police
Force.

(2) The Ontario Provincial Police Force, in addition to performing the policing services prescribed in subsection 1, shall,—

- (a) patrol and enforce all laws on the King's Highways;
- (b) aid local police at the request of the Crown Attorney for the county or district;
- (c) subject to any agreement in force under *The Liquor Licence Act, 1946*, enforce the provisions of *The Liquor Licence Act, 1946*, *The Liquor Control Act* and the regulations thereunder and any other laws designated by the Attorney-General;
- (d) maintain a criminal investigation branch which shall be used to assist municipal police on the direction of the Attorney-General or at the request of the Crown attorney for the county or district.

1946, c.
Rev. Stat.,
c. 294.

Municipali-
ties to
comply with
regulations.

4. Every municipality mentioned in section 2 and every other municipality which maintains its own police force shall comply in all respects with the requirements and provisions of the regulations applicable to such police force.

Non-com-
pliance with
regulations.

5.—(1) Where the Commissioner reports to the Attorney-General that a municipality mentioned in section 2, or any other municipality which maintains its own police force, is not, in the maintenance of such police force, complying with the requirements of this Act and the regulations, the Attorney-General may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as may be necessary to comply therewith.

Action by
Attorney-
General.

(2) Where the council neglects to comply with a request made under subsection 1, the Attorney-General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant at any time payable out of provincial funds to the municipality.

PART II.

MUNICIPAL POLICE FORCES.

6.—(1) Notwithstanding the provisions of any special Act, every city shall, and any township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police. 1938, c. 23, s. 4, part; 1943, c. 16, s. 7. Constitution of boards of commissioners of police.

(2) The board shall, except as provided in subsection 3, consist of,— Board, how composed.

- (a) the head of the council;
- (b) a judge of any county or district court designated by the Lieutenant-Governor in Council; and
- (c) such magistrate or Crown attorney as the Lieutenant-Governor in Council may designate.

(3) Where a vacancy occurs on the board by reason of the death of any member designated by the Lieutenant-Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney-General may in writing appoint some other judge, magistrate or Crown attorney to act as a member of the board for a period of two months from the date of such appointment unless the Lieutenant-Governor in Council sooner appoints another member. Vacancies.

7.—(1) The board shall in each calendar year hold such meetings as may be prescribed by the regulations and shall at its first meeting in each year elect a chairman. Meetings.

(2) A majority of the members of the board shall constitute a quorum. Quorum.

(3) The meetings of the board shall be open to the public unless otherwise directed by the board. Meetings open to public.

8. The by-law of a village, township, county or town passed pursuant to subsection 1 of section 6 may, with the consent of the Attorney-General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law. 1938, c. 23, s. 4, part; 1944, c. 39, s. 30 (2). *Amended.* Repeal of by-law.

9.—(1) A by-law of the board shall be sufficiently authen- By-law.

ticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

Certified copy of by-law.

(2) A copy of a by-law purporting to be certified by a member of the board to be a true copy, shall be received in evidence in all courts, without proof of the signature. R.S.O. 1937, c. 266, s. 367.

Board to summon witnesses.

10. The board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. R.S.O. 1937, c. 266, s. 368.

Notice served.

11. It shall be the duty of every person served with a notice to attend before the board, signed by a member of it, to attend pursuant to the notice, and the notice shall have the same effect as a subpoena. R.S.O. 1937, c. 266, s. 369.

Police force.

12. The police force in a municipality having a board of commissioners of police shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but not fewer than the board reports to be required. 1944, c. 39, s. 31, *amended*.

Term of office.

13. The members of the police force shall be appointed by and hold office during the pleasure of the board, and shall take and subscribe an oath similar to that set out in subsection 1 of section 40. R.S.O. 1937, c. 266, s. 371.

Board may make regulations.

14. The board may make regulations not inconsistent with regulations under section 43 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. R.S.O. 1937, c. 266, s. 372, *amended*.

Police force subject to board.

15.—(1) The members of the police force shall be subject to the government of the board and shall obey its lawful directions.

Constables to be subject to board.

(2) Every constable, however appointed, for the municipality shall from and after the passing of a by-law establishing a board be subject to the government of the board to the same extent as if appointed by the board. R.S.O. 1937, c. 266, s. 373, *amended*.

Sale of stolen and abandoned property in possession of police.

16.—(1) Where any motor vehicle, bicycle or any personal property of any kind whatsoever is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found

abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition.

(2) When such property is perishable the sale or disposition of the same may be made at any time without notice of any kind, and when such property is not perishable, the board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold. Procedure for sale.

(3) This section shall be subject to the provisions of *The Highway Traffic Act*. R.S.O. 1937, c. 266, s. 374. Rev. Stat., c. 288, not affected.

17. The board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the ensuing year and to pay the remuneration of the members of the police force and to provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the force. R.S.O. 1937, c. 266, s. 375 *part*. Submission of estimates to council.

18. The council shall provide for the payment of a reasonable remuneration to the members of the board designated by the Lieutenant-Governor in Council and may provide for the payment of an allowance to the head of the council. 1938, c. 23, s. 4, *part, amended*. Remuneration.

APPOINTMENT BY MUNICIPAL COUNCIL.

19. It shall be lawful for the council of every town not having a board and the council of every village not having a board to appoint one chief constable and one or more constables. R.S.O. 1937, c. 266, s. 376; 1944, c. 39, s. 32, *amended*. Towns and villages,—where no board.

20.—(1) The trustees of a police village may appoint one or more constables for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village. Appointment of constables.

(2) Every constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine. Salary.

When fees of constable to belong to village.

(3) Where a constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships, to the treasurer of any or either of them for the use of the village.

Equipment.

(4) The trustees may provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the constable or constables. R.S.O. 1937, c. 266, s. 545; 1941, c. 35, s. 20.

County and township constables.

21. It shall be lawful for the council of a county not having a board and of a township not having a board to appoint one chief constable and one or more constables. 1939, c. 30, s. 21, *amended*.

Defined section or area.

22. The cost of policing any defined section or area of township may, if the council deems proper, be paid by a rate levied on such section or area. *New*.

Salary and remuneration.

23. The council by which a chief constable or a constable is appointed under the authority of this Part may provide for the payment to him of such salary or remuneration as the council may determine. R.S.O. 1937, c. 266, s. 380.

Fees of salaried constable.

24. The council may agree with a salaried constable appointed either by the council or by the board that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the corporation. R.S.O. 1937, c. 266, s. 381.

Indemnifying police officers,—

25.—(1) The council of a municipality may pay any sum required for the protection, defence or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered.

in municipality having board of police commissioners.

(2) In a municipality having a board of commissioners of police such sum shall only be paid where the board certifies that the case is a proper one for such payment or indemnity. R.S.O. 1937, c. 266, s. 375 (2), *amended*.

Aid to widows and children in certain cases.

26. The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from illness contracted in the discharge of their duties. R.S.O. 1937, c. 266, s. 375 (3), *amended*.

Power of suspension.

27.—(1) Where there is no board of commissioners of police the head of the municipality or a magistrate may suspend any police officer from office for any period and may

appoint another person to such office during such period, and if he considers the suspended officer deserving of dismissal, he shall immediately after suspending him so report to the council and the council may dismiss such officer or may direct that he be restored to his office after the period of suspension has expired.

(2) Except with the written permission of the head of the municipality or the magistrate who suspended him, an officer, Where officer suspended. during suspension, shall not act as such or be entitled to any salary or other remuneration. 1944, c. 39, s. 34.

PART III.

ONTARIO PROVINCIAL POLICE FORCE.

28.—(1) There shall be a Commissioner of Police for Ontario, who shall be appointed by the Lieutenant-Governor in Council. Appointment of Commissioner of Police.

(2) The Commissioner shall have the general control and administration of the Ontario Provincial Police Force and of all officers specially appointed for the enforcement of any statute of Ontario, and he and all the officers, members, clerks and employees of the said Force shall be responsible to the Attorney-General and shall perform such duties and exercise such powers as may be prescribed by the regulations. Powers and duties of Commissioner.

(3) The Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*. R.S.O. 1937, c. 140, s. 30, *amended*. Investigations by Commissioner. Rev. Stat., c. 19.

29.—(1) Unless otherwise provided by Order-in-Council, the Commissioner shall be *ex officio* a magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district or other locality in which the offence charged is alleged to have been committed. Commissioner to be ex officio magistrate.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts, a magistrate, who, under *The Magistrates Act* or any other statute, has jurisdiction exclusive or otherwise. R.S.O. 1937, c. 140, s. 31. Exercise of jurisdiction. Rev. Stat., c. 133.

Ontario
Provincial
Police
Force

30.—(1) There shall be a force of constables to be known as the Ontario Provincial Police Force.

Members of
Force to be
deemed
provincial
constables.

(2) The Ontario Provincial Police Force shall consist of such officers, constables, technicians, clerks, mechanics and other members as may be prescribed by the regulations and every officer and member of the said Force shall have authority to act as a constable throughout Ontario and shall be deemed to be a provincial constable.

Appoint-
ment of
officers and
clerical staff.

(3) In addition to the officers hereinbefore mentioned, the Lieutenant-Governor in Council may appoint such other officers and such officers, clerks and servants of the Ontario Provincial Police Force as may be deemed advisable.

Granting
powers of
provincial
constable
to other
persons.

(4) The Lieutenant-Governor where he deems proper may authorize any person not a member of the Ontario Provincial Police Force to exercise the powers of a provincial constable. R.S.O. 1937, c. 140, s. 32.

Duties of
members of
Force.

31.—(1) It shall be the duty of the members of the Ontario Provincial Police Force subject to the other provisions of this Act and the orders of the Commissioner,—

- (a) to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in the Province and the criminal laws of Canada and the apprehension of criminals and offenders and others who may be lawfully taken into custody;
- (b) to execute all warrants, perform all duties and services thereunder or in relation thereto which may, under the laws in force in the Province, be lawfully executed and performed by constables;
- (c) to perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and mentally incompetent persons to and from any court, place of punishment or confinement from hospitals or other places; and
- (d) generally to perform such duties as may from time to time be assigned to them by the Commissioner.

Ontario
Provincial
Police Force
not to be
charged with
duties under
municipal
by-laws.

(2) Except under the provisions of an agreement entered into under the provisions of section 39 the Ontario Provincial Police Force shall not be charged with any duties under or in connection with any municipal by-laws. *New.*

32.—(1) Any money appropriated by the Legislature for the purpose of enforcing or preventing the contravention of the laws of the Province of Ontario or the Dominion of Canada, or of any regulation made thereunder shall be known as the “Law Enforcement Fund” and payments from the said Fund from time to time shall be made under the direction of the Attorney-General to such officers and persons and for such purposes as he may think proper, to be expended in such law enforcement, including the salaries and expenses of the officers, members and clerks of the Ontario Provincial Police Force.

Law enforcement Fund.

(2) The certificate or order of the Attorney-General that any sum of money is required to be paid out of the said Fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account for the proper disbursement of the proceeds thereof to the Attorney-General whose approval of the account shall be final.

Payment out of Fund.

(5) Where any member of the Ontario Provincial Police Force is engaged in a matter of extradition or other special investigation, or where he performs any act or discharges any duty with the authority and under the direction of the Attorney-General, he shall be allowed such travelling, incidental and other expenses as the Attorney-General may approve and they shall be paid out of the said Fund. R.S.O. 1937, c. 140, s. 34.

Payment of expenses of provincial officers acting under instructions of Attorney-General.

33.—(1) Where the Crown attorney of any county or the board, if any, and if none, the council of a municipality requests the services of a member of the Ontario Provincial Police Force in any municipality or part thereof referred to in section 2 the expenses of any member of such Force furnished in compliance with such request shall be certified by the Crown attorney or Commissioner and the amounts so certified shall be paid by such municipality to the Treasurer of Ontario. R.S.O. 1937, c. 140, s. 35 (1); 1938, c. 6, s. 2, *amended*.

When municipality to pay expenses of Ontario Provincial Police Force.

(2) In a provisional judicial district the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. R.S.O. 1937, c. 140, s. 35 (2).

Advances to provincial police in districts.

PART IV.

GENERAL.

Constables
empowered
to act
throughout
Ontario.

34. Every constable and every other police officer appointed under the provisions of this Act or of any other Act of this Legislature shall have authority to act as a constable throughout Ontario to arrest any person who has committed or whom such constable suspects of having committed an offence,—

- (a) in the case of a member of a municipal police force, within the municipality for which he is constable; and
- (b) in the case of a member of the Ontario Provincial Police Force, anywhere in Ontario. 1939, c. 8, s. 1, *amended*.

Duties and
powers of
members of
police forces.

35. The members of police forces appointed under this Act shall be charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and shall have generally all the powers and privileges and be liable to all the duties and responsibilities which belong to constables. R.S.O. 1937, c. 266, s. 379; R.S.O. 1937, c. 140, s. 10, *amended*.

Investiga-
tion and
report by
Commis-
sioner.

36.—(1) The Attorney-General may require the Commissioner or any other person, to investigate, inquire into and report to the Attorney-General upon the conduct of any constable, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

- (a) at the request of the council of any municipality, in which case the municipality shall pay the cost of such investigation; or
- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund.

Powers of
investigator.

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

(3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney-General to the council of such municipality. Report to be communicated to council.

(4) In this section "constable" shall include a chief constable, special constable and all members of every rank of a municipal police force, and every constable appointed under the provisions of any Act of this Legislature. 1939, c. 8, s. 3. "Constable",— meaning of.

37. The obligation of a municipality to appoint constables in accordance with the needs thereof may be discharged by entering into an agreement under the provisions of sections 37 or 38. *New.* Obligation of municipality to appoint constables.

38. The Board, if any, and if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of such city provide that the services of officers and constables of the police force of such city shall be available in such municipality on such terms and conditions as may be set forth in the agreement, and when any such agreement is entered into and the services in such municipality of any of the officers or constables of the police force of such city are availed of, such officers and constables shall for all purposes have and possess and may exercise and perform in the municipality all their powers and duties as members of the police force of the municipality and with the same rights, privileges and immunities as if they had been appointed as members of the police force of such municipality, and the board of a city shall have power to enter into agreements under the authority of this section. R.S.O. 1937, c. 266, s. 383, *amended.* Officers and constables,— agreement as to services.

39.—(1) Subject to the approval of the Lieutenant-Governor in Council the Commissioner may enter into an agreement with the council of any municipality for the policing of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force. Agreement for Ontario Provincial Police Force to police municipalities.

(2) Where an agreement has been entered into under subsection 1 the members of the Ontario Provincial Police Force assigned to duty in the municipality or area shall be charged with the duty of preserving the peace, preventing crime and other offences, including offences against the by-laws of the municipality, and shall perform such other duties as may be specified in the agreement. Duties.

(3) The moneys received from a municipal corporation or company pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund. 1944, c. 39, s. 35, *amended.* Moneys to be paid into Consolidated Revenue Fund.

Oath.

40.—(1) Every person appointed to be a chief constable or constable shall before entering on the duties of his office, and every special constable when thereunto required, take and subscribe the following oath:

I, _____ do swear that I will well and truly serve Our Sovereign Lord the King in the office of constable (*or as the case may be*) for the _____ of _____ without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law: So help me God.

C. D.

Sworn, etc.

Oath to be deposited with clerk of municipality or secretary of board.

(2) The oath of every member of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed. *New.*

Active militia,— calling out.

41. The expenses of and incidental to the calling out of the active militia in aid of the civil powers under the provisions of the *Militia Act* shall be paid by the corporation of the city or separated town wherein their services are required and in the case of other municipalities, by the county. *New.*

Suspension and dismissal.

Rev. Stat., c. 140.

42. The Commissioner may suspend or dismiss from office any county constable heretofore appointed under the provisions of *The Constables Act*. *New.*

REGULATIONS.

Regulations.

43.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) for the government of any police force and governing the conduct and duties of constables, chief constables and other members of police forces;
- (b) prescribing the qualification and age limits of persons to be appointed to any police force;
- (c) prescribing the minimum salary or other remuneration and allowances which shall be payable to constables and members of police forces;
- (d) prescribing the minimum remuneration which shall be paid by the municipal council to the members of boards who are appointed by the Lieutenant-Governor in Council and the minimum allowance which shall be paid to the head of the council for the per-

formance of his functions as a member of the board;

- (e) prescribing the minimum number of constables or members of a police force that shall be employed either upon a basis of population, area, property assessment or any combination thereof or upon any other basis;
- (f) prescribing requirements respecting clothing and equipment to be furnished by municipalities;
- (g) prescribing the course of training for constables, high constables or chief constables;
- (h) providing for or granting financial aid to and the administration and course of study in a police training school;
- (i) prescribing or regulating the number of meetings to be held by boards and the times and places at which they will be held;
- (j) providing for the application of the provisions of Rev. Stat., c. 15. Part III of *The Public Service Act* to constables and members of police forces and making all such provisions as may be necessary to render the provisions thereof applicable to such constables or members;
- (k) prescribing the records, returns, books and accounts to be kept and made by or in the office of constables and chief constables;
- (l) prescribing the method of accounting for fees and costs and other money which comes into the hands of constables and chief constables;
- (m) such other regulations relating to the Commissioner and the Ontario Provincial Police Force as may be deemed necessary; and
- (n) generally for the better carrying out of the provisions of this Act.

(2) Any regulations made under the authority of subsection 1 may be general or particular in their application. R.S.O. 1937, c. 140, s. 29, *amended*. Regulations may be general or particular.

(3) No constable or chief constable shall be appointed or hold office who does not come within the regulations made under this section. *New*. Qualifications of constables and chief constables.

Rev. Stat., c. 140;
 1938, c. 6;
 1939, c. 8;
 1939 (2nd Sess.), c. 11, s. 2;
 1944, c. 58, s. 2;
 Rev. Stat., c. 4;
 Rev. Stat., c. 266, ss. 366-376, 378-381, 383, 545;
 1938, c. 23, ss. 4, 5, 7;
 1939, c. 30, ss. 19-21;
 1941, c. 35, s. 20;
 1943, c. 16, s. 7;
 1944, c. 39, ss. 30-35, repealed.

44. *The Constables Act, The Constables Amendment Act, 1938, The Constables Amendment Act, 1939, section 2 of The Statute Law Amendment Act, 1939 (No. 2), section 2 of The Statute Law Amendment Act, 1944, section 12 of The Haliburton Act, sections 366 to 376, 378 to 381, 383 and 545 of The Municipal Act, sections 4, 5 and 7 of The Municipal Amendment Act, 1938 (No. 2), sections 19, 20 and 21 of The Municipal Amendment Act, 1939, section 20 of The Municipal Amendment Act, 1941, section 7 of The Municipal Amendment Act, 1943, and sections 30, 31, 32, 33, 34 and 35 of The Municipal Amendment Act, 1944, are repealed.*

Commencement of Act. **45.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. **46.** This Act may be cited as *The Police Act, 1946*.



The Police Act, 1946.

1st Reading

April 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 175

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Police Act, 1946.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

The Police Act, 1946.

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

1. In this Act,—

- (a) "board" shall mean board of commissioners of police; "board"; Interpretation,—
- (b) "Commissioner" shall mean Commissioner of Police for Ontario; and "Commissioner";
- (c) "regulations" shall mean regulations made under this Act. "regulations".

PART I.

DIVISION OF RESPONSIBILITY.

2.—(1) Every city and every town shall be responsible for the policing of and maintenance of law and order in the municipality and for the appointment and remuneration of an adequate number of constables in accordance with the police needs of the municipality. Policing in cities and towns;

(2) Every village and township which, or any part of which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant-Governor in Council shall, with regard to the municipality or part thereof, as the case may be, be responsible for the policing and maintenance of law and order and for the appointment and remuneration of an adequate number of constables in accordance with the police needs thereof. in villages and townships.

(3) Where by reason of the establishment of any enterprise or because of any other reason special circumstances or abnormal conditions exist in any area which in the opinion of the Attorney-General would render it inequitable that the responsibility for policing should be imposed on any municipality or on the Province the Lieutenant-Governor in Council may designate such area a special area and may require any company operating such enterprise or being the owner of such area to enter into an agreement for the policing of such area under section 39. *New.* Special circumstances.

3.—(1) The Ontario Provincial Police Force shall be responsible for policing all that part of Ontario which is not Responsibility of Ontario Provincial Police Force.

within a municipality or part of a municipality referred to in section 2, provided that the Ontario Provincial Police Force shall not be responsible for policing any part of Ontario in which a police force is maintained whether such police force is maintained by a county, village, township or police village other than one which is maintained for the purpose of enforcing municipal by-laws.

Additional
duties of
Ontario
Provincial
Police
Force.

(2) The Ontario Provincial Police Force, in addition to performing the policing services prescribed in subsection 1, shall,—

- (a) patrol and enforce all laws on the King's Highways;
- (b) aid local police at the request of the Crown Attorney for the county or district;
- (c) subject to any agreement in force under *The Liquor Licence Act, 1946*, enforce the provisions of *The Liquor Licence Act, 1946*, *The Liquor Control Act* and the regulations thereunder and any other laws designated by the Attorney-General;
- (d) maintain a criminal investigation branch which shall be used to assist municipal police on the direction of the Attorney-General or at the request of the Crown attorney for the county or district.

1946, c.
Rev. Stat.,
c. 294.

Municipali-
ties to
comply with
regulations.

4. Every municipality mentioned in section 2 and every other municipality which maintains its own police force shall comply in all respects with the requirements and provisions of the regulations applicable to such police force.

Non-com-
pliance with
regulations.

5.—(1) Where the Commissioner reports to the Attorney-General that a municipality mentioned in section 2, or any other municipality which maintains its own police force, is not, in the maintenance of such police force, complying with the requirements of this Act and the regulations, the Attorney-General may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as may be necessary to comply therewith.

Action by
Attorney-
General.

(2) Where the council neglects to comply with a request made under subsection 1, the Attorney-General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant at any time payable out of provincial funds to the municipality.

PART II.

MUNICIPAL POLICE FORCES.

6.—(1) Notwithstanding the provisions of any special Act, every city shall, and any township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police. 1938, c. 23, s. 4, part; 1943, c. 16, s. 7. Constitution of boards of commissioners of police.

(2) The board shall, except as provided in subsection 3, consist of,— Board, how composed.

- (a) the head of the council;
- (b) a judge of any county or district court designated by the Lieutenant-Governor in Council; and
- (c) such magistrate or Crown attorney as the Lieutenant-Governor in Council may designate.

(3) Where a vacancy occurs on the board by reason of the death of any member designated by the Lieutenant-Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney-General may in writing appoint some other judge, magistrate or Crown attorney to act as a member of the board for a period of two months from the date of such appointment unless the Lieutenant-Governor in Council sooner appoints another member. Vacancies.

7.—(1) The board shall in each calendar year hold such meetings as may be prescribed by the regulations and shall at its first meeting in each year elect a chairman. Meetings.

(2) A majority of the members of the board shall constitute a quorum. Quorum.

(3) The meetings of the board shall be open to the public unless otherwise directed by the board. Meetings open to public.

8. The by-law of a village, township, county or town passed pursuant to subsection 1 of section 6 may, with the consent of the Attorney-General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law. 1938, c. 23, s. 4, part; 1944, c. 39, s. 30 (2). *Amended.* Repeal of by-law.

9.—(1) A by-law of the board shall be sufficiently authen- By-law.

ticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

Certified copy of by-law.

(2) A copy of a by-law purporting to be certified by a member of the board to be a true copy, shall be received in evidence in all courts, without proof of the signature. R.S.O. 1937, c. 266, s. 367.

Board to summon witnesses.

10. The board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. R.S.O. 1937, c. 266, s. 368.

Notice served.

11. It shall be the duty of every person served with a notice to attend before the board, signed by a member of it, to attend pursuant to the notice, and the notice shall have the same effect as a subpoena. R.S.O. 1937, c. 266, s. 369.

Police force.

12. The police force in a municipality having a board of commissioners of police shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but not fewer than the board reports to be required. 1944, c. 39, s. 31, *amended*.

Term of office.

13. The members of the police force shall be appointed by and hold office during the pleasure of the board, and shall take and subscribe an oath similar to that set out in subsection 1 of section 40. R.S.O. 1937, c. 266, s. 371.

Board may make regulations.

14. The board may make regulations not inconsistent with regulations under section 43 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. R.S.O. 1937, c. 266, s. 372, *amended*.

Police force subject to board.

15.—(1) The members of the police force shall be subject to the government of the board and shall obey its lawful directions.

Constables to be subject to board.

(2) Every constable, however appointed, for the municipality shall from and after the passing of a by-law establishing a board be subject to the government of the board to the same extent as if appointed by the board. R.S.O. 1937, c. 266, s. 373, *amended*.

Sale of stolen and abandoned property in possession of police.

16.—(1) Where any motor vehicle, bicycle or any personal property of any kind whatsoever is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found

abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition.

(2) When such property is perishable the sale or disposition of the same may be made at any time without notice of any kind, and when such property is not perishable, the board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold. Procedure for sale.

(3) This section shall be subject to the provisions of *The Highway Traffic Act.* R.S.O. 1937, c. 266, s. 374. Rev. Stat., c. 288, not affected.

17. The board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the ensuing year and to pay the remuneration of the members of the police force and to provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the force. R.S.O. 1937, c. 266, s. 375 *part.* Submission of estimates to council.

18. The council shall provide for the payment of a reasonable remuneration to the members of the board designated by the Lieutenant-Governor in Council and may provide for the payment of an allowance to the head of the council. 1938, c. 23, s. 4, *part, amended.* Remuneration.

APPOINTMENT BY MUNICIPAL COUNCIL.

19. It shall be lawful for the council of every town not having a board and the council of every village not having a board to appoint one chief constable and one or more constables. R.S.O. 1937, c. 266, s. 376; 1944, c. 39, s. 32, *amended.* Towns and villages,--- where no board.

20.—(1) The trustees of a police village may appoint one or more constables for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village. Appointment of constables.

(2) Every constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine. Salary.

When fees of constable to belong to village.

(3) Where a constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships, to the treasurer of any or either of them for the use of the village.

Equipment.

(4) The trustees may provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the constable or constables. R.S.O. 1937, c. 266, s. 545; 1941, c. 35, s. 20.

County and township constables.

21. It shall be lawful for the council of a county not having a board and of a township not having a board to appoint one chief constable and one or more constables. 1939, c. 30, s. 21, *amended*.

Defined section or area.

22. The cost of policing any defined section or area of township may, if the council deems proper, be paid by a rate levied on such section or area. *New*.

Salary and remuneration.

23. The council by which a chief constable or a constable is appointed under the authority of this Part may provide for the payment to him of such salary or remuneration as the council may determine. R.S.O. 1937, c. 266, s. 380.

Fees of salaried constable.

24. The council may agree with a salaried constable appointed either by the council or by the board that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the corporation. R.S.O. 1937, c. 266, s. 381.

Indemnifying police officers,—

25.—(1) The council of a municipality may pay any sum required for the protection, defence or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered.

in municipality having board of police commissioners.

(2) In a municipality having a board of commissioners of police such sum shall only be paid where the board certifies that the case is a proper one for such payment or indemnity. R.S.O. 1937, c. 266, s. 375 (2), *amended*.

Aid to widows and children in certain cases.

26. The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from illness contracted in the discharge of their duties. R.S.O. 1937, c. 266, s. 375 (3), *amended*.

Power of suspension.

27.—(1) Where there is no board of commissioners of police the head of the municipality or a magistrate may suspend any police officer from office for any period and may

appoint another person to such office during such period, and if he considers the suspended officer deserving of dismissal, he shall immediately after suspending him so report to the council and the council may dismiss such officer or may direct that he be restored to his office after the period of suspension has expired.

(2) Except with the written permission of the head of the municipality or the magistrate who suspended him, an officer, Where officer suspended. during suspension, shall not act as such or be entitled to any salary or other remuneration. 1944, c. 39, s. 34.

PART III.

ONTARIO PROVINCIAL POLICE FORCE.

28.—(1) There shall be a Commissioner of Police for Ontario, who shall be appointed by the Lieutenant-Governor in Council. Appointment of Commissioner of Police.

(2) The Commissioner shall have the general control and administration of the Ontario Provincial Police Force and of all officers specially appointed for the enforcement of any statute of Ontario, and he and all the officers, members, clerks and employees of the said Force shall be responsible to the Attorney-General and shall perform such duties and exercise such powers as may be prescribed by the regulations. Powers and duties of Commissioner.

(3) The Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*. R.S.O. 1937, c. 140, s. 30, *amended*. Investigations by Commissioner. Rev. Stat., c. 19.

29.—(1) Unless otherwise provided by Order-in-Council, the Commissioner shall be *ex officio* a magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district or other locality in which the offence charged is alleged to have been committed. Commissioner to be ex officio magistrate.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts, a magistrate, who, under *The Magistrates Act* or any other statute, has jurisdiction exclusive or otherwise. R.S.O. 1937, c. 140, s. 31. Exercise of jurisdiction. Rev. Stat., c. 133.

Ontario
Provincial
Police
Force

30.—(1) There shall be a force of constables to be known as the Ontario Provincial Police Force.

Members of
Force to be
deemed
provincial
constables.

(2) The Ontario Provincial Police Force shall consist of such officers, constables, technicians, clerks, mechanics and other members as may be prescribed by the regulations and every officer and member of the said Force shall have authority to act as a constable throughout Ontario and shall be deemed to be a provincial constable.

Appoint-
ment of
officers and
clerical staff.

(3) In addition to the officers hereinbefore mentioned, the Lieutenant-Governor in Council may appoint such other officers and such officers, clerks and servants of the Ontario Provincial Police Force as may be deemed advisable.

Granting
powers of
provincial
constable
to other
persons.

(4) The Lieutenant-Governor where he deems proper may authorize any person not a member of the Ontario Provincial Police Force to exercise the powers of a provincial constable. R.S.O. 1937, c. 140, s. 32.

Duties of
members of
Force.

31.—(1) It shall be the duty of the members of the Ontario Provincial Police Force subject to the other provisions of this Act and the orders of the Commissioner,—

- (a) to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in the Province and the criminal laws of Canada and the apprehension of criminals and offenders and others who may be lawfully taken into custody;
- (b) to execute all warrants, perform all duties and services thereunder or in relation thereto which may, under the laws in force in the Province, be lawfully executed and performed by constables;
- (c) to perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and mentally incompetent persons to and from any court, place of punishment or confinement from hospitals or other places; and
- (d) generally to perform such duties as may from time to time be assigned to them by the Commissioner.

Ontario
Provincial
Police Force
not to be
charged with
duties under
municipal
by-laws.

(2) Except under the provisions of an agreement entered into under the provisions of section 39 the Ontario Provincial Police Force shall not be charged with any duties under or in connection with any municipal by-laws. *New.*

32.—(1) Any money appropriated by the Legislature for the purpose of enforcing or preventing the contravention of the laws of the Province of Ontario or the Dominion of Canada, or of any regulation made thereunder shall be known as the "Law Enforcement Fund" and payments from the said Fund from time to time shall be made under the direction of the Attorney-General to such officers and persons and for such purposes as he may think proper, to be expended in such law enforcement, including the salaries and expenses of the officers, members and clerks of the Ontario Provincial Police Force.

(2) The certificate or order of the Attorney-General that any sum of money is required to be paid out of the said Fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account for the proper disbursement of the proceeds thereof to the Attorney-General whose approval of the account shall be final.

(3) Where any member of the Ontario Provincial Police Force is engaged in a matter of extradition or other special investigation, or where he performs any act or discharges any duty with the authority and under the direction of the Attorney-General, he shall be allowed such travelling, incidental and other expenses as the Attorney-General may approve and they shall be paid out of the said Fund. R.S.O. 1937, c. 140, s. 34.

33.—(1) Where the Crown attorney of any county or the board, if any, and if none, the council of a municipality requests the services of a member of the Ontario Provincial Police Force in any municipality or part thereof referred to in section 2 the expenses of any member of such Force furnished in compliance with such request shall be certified by the Crown attorney or Commissioner and the amounts so certified shall be paid by such municipality to the Treasurer of Ontario. R.S.O. 1937, c. 140, s. 35 (1); 1938, c. 6, s. 2, *amended*.

(2) In a provisional judicial district the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. R.S.O. 1937, c. 140, s. 35 (2).

PART IV.

GENERAL.

Constables empowered to act throughout Ontario.

34. Every constable and every other police officer appointed under the provisions of this Act or of any other Act of this Legislature shall have authority to act as a constable throughout Ontario to arrest any person who has committed or whom such constable suspects of having committed an offence,—

- (a) in the case of a member of a municipal police force, within the municipality for which he is constable; and
- (b) in the case of a member of the Ontario Provincial Police Force, anywhere in Ontario. 1939, c. 8, s. 1, *amended*.

Duties and powers of members of police forces.

35. The members of police forces appointed under this Act shall be charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and shall have generally all the powers and privileges and be liable to all the duties and responsibilities which belong to constables. R.S.O. 1937, c. 266, s. 379; R.S.O. 1937, c. 140, s. 10, *amended*.

Investigation and report by Commissioner.

36.—(1) The Attorney-General may require the Commissioner or any other person, to investigate, inquire into and report to the Attorney-General upon the conduct of any constable, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

- (a) at the request of the council of any municipality, in which case the municipality shall pay the cost of such investigation; or
- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund.

Powers of investigator.

Rev. Stat., c. 19.

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

(3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney-General to the council of such municipality.

Report to be communicated to council.

(4) In this section "constable" shall include a chief constable, special constable and all members of every rank of a municipal police force, and every constable appointed under the provisions of any Act of this Legislature, 1939, c. 8, s. 3.

"Constable",— meaning of.

37. The obligation of a municipality to appoint constables in accordance with the needs thereof may be discharged by entering into an agreement under the provisions of sections 38 or 39. *New.*

Obligation of municipality to appoint constables.

38. The Board, if any, and if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of such city provide that the services of officers and constables of the police force of such city shall be available in such municipality on such terms and conditions as may be set forth in the agreement, and when any such agreement is entered into and the services in such municipality of any of the officers or constables of the police force of such city are availed of, such officers and constables shall for all purposes have and possess and may exercise and perform in the municipality all their powers and duties as members of the police force of the municipality and with the same rights, privileges and immunities as if they had been appointed as members of the police force of such municipality, and the board of a city shall have power to enter into agreements under the authority of this section. R.S.O. 1937, c. 266, s. 383, *amended.*

Officers and constables,— agreement as to services.

39.—(1) Subject to the approval of the Lieutenant-Governor in Council the Commissioner may enter into an agreement with the council of any municipality for the policing of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force.

Agreement for Ontario Provincial Police Force to police municipalities.

(2) Where an agreement has been entered into under subsection 1 the members of the Ontario Provincial Police Force assigned to duty in the municipality or area shall be charged with the duty of preserving the peace, preventing crime and other offences, including offences against the by-laws of the municipality, and shall perform such other duties as may be specified in the agreement.

Duties.

(3) The moneys received from a municipal corporation or company pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund. 1944, c. 39, s. 35, *amended.*

Moneys to be paid into Consolidated Revenue Fund.

Oath.

40.—(1) Every person appointed to be a chief constable or constable shall before entering on the duties of his office, and every special constable when thereunto required, take and subscribe the following oath:

I, _____, do swear that I will well and truly serve Our Sovereign Lord the King in the office of constable (*or as the case may be*) for the _____ of _____ without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law: So help me God.

C. D.

Sworn, etc.

Oath to be deposited with clerk of municipality or secretary of board.

(2) The oath of every member of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed. *New.*

Active militia,—calling out.

41. The expenses of and incidental to the calling out of the active militia in aid of the civil powers under the provisions of the *Militia Act* shall be paid by the corporation of the city or separated town wherein their services are required and in the case of other municipalities, by the county. *New.*

Suspension and dismissal.

42. The Commissioner may suspend or dismiss from office any county constable heretofore appointed under the provisions of *The Constables Act*. *New.*

Rev. Stat., c. 140.

REGULATIONS.

Regulations.

43.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) for the government of any police force and governing the conduct and duties of constables, chief constables and other members of police forces;
- (b) prescribing the qualification and age limits of persons to be appointed to any police force;
- (c) prescribing the minimum salary or other remuneration and allowances which shall be payable to constables and members of police forces;
- (d) prescribing the minimum remuneration which shall be paid by the municipal council to the members of boards who are appointed by the Lieutenant-Governor in Council and the minimum allowance which shall be paid to the head of the council for the performance of his functions as a member of the board;

- (e) prescribing the minimum number of constables or members of a police force that shall be employed either upon a basis of population, area, property assessment or any combination thereof or upon any other basis;
- (f) prescribing requirements respecting clothing and equipment to be furnished by municipalities;
- (g) prescribing the course of training for constables, high constables or chief constables;
- (h) providing for or granting financial aid to and the administration and course of study in a police training school;
- (i) prescribing or regulating the number of meetings to be held by boards and the times and places at which they will be held;
- (j) providing for the application of the provisions of Part III of *The Public Service Act* to constables and members of police forces and making all such provisions as may be necessary to render the provisions thereof applicable to such constables or members; Rev. Stat., c. 15.
- (k) prescribing the records, returns, books and accounts to be kept and made by or in the office of constables and chief constables;
- (l) prescribing the method of accounting for fees and costs and other money which comes into the hands of constables and chief constables;
- (m) such other regulations relating to the Commissioner and the Ontario Provincial Police Force as may be deemed necessary; and
- (n) generally for the better carrying out of the provisions of this Act.

(2) Any regulations made under the authority of subsection 1 may be general or particular in their application. R.S.O. 1937, c. 140, s. 29, *amended*. Regulations may be general or particular.

(3) No constable or chief constable shall be appointed or hold office who does not come within the regulations made under this section. *New*. Qualifications of constables and chief constables.

Rev. Stat.,
c. 140;
1938, c. 6;
1939, c. 8;
1939 (2nd
Sess.),
c. 11, s. 2;
1944, c. 58,
s. 2;
Rev. Stat.,
c. 4;
Rev. Stat.,
c. 266,
ss. 366-376,
378-381,
383, 545;
1938, c. 23,
ss. 4, 5, 7;
1939, c. 30,
ss. 19-21;
1941, c. 35,
s. 20;
1943, c. 16,
s. 7;
1944, c. 39,
ss. 30-35,
repealed.

44. *The Constables Act, The Constables Amendment Act, 1938, The Constables Amendment Act, 1939*, section 2 of *The Statute Law Amendment Act, 1939 (No. 2)*, section 2 of *The Statute Law Amendment Act, 1944*, section 12 of *The Haliburton Act*, sections 366 to 376, 378 to 381, 383 and 545 of *The Municipal Act*, sections 4, 5 and 7 of *The Municipal Amendment Act, 1938 (No. 2)*, sections 19, 20 and 21 of *The Municipal Amendment Act, 1939*, section 20 of *The Municipal Amendment Act, 1941*, section 7 of *The Municipal Amendment Act, 1943*, and sections 30, 31, 32, 33, 34 and 35 of *The Municipal Amendment Act, 1944*, are repealed.

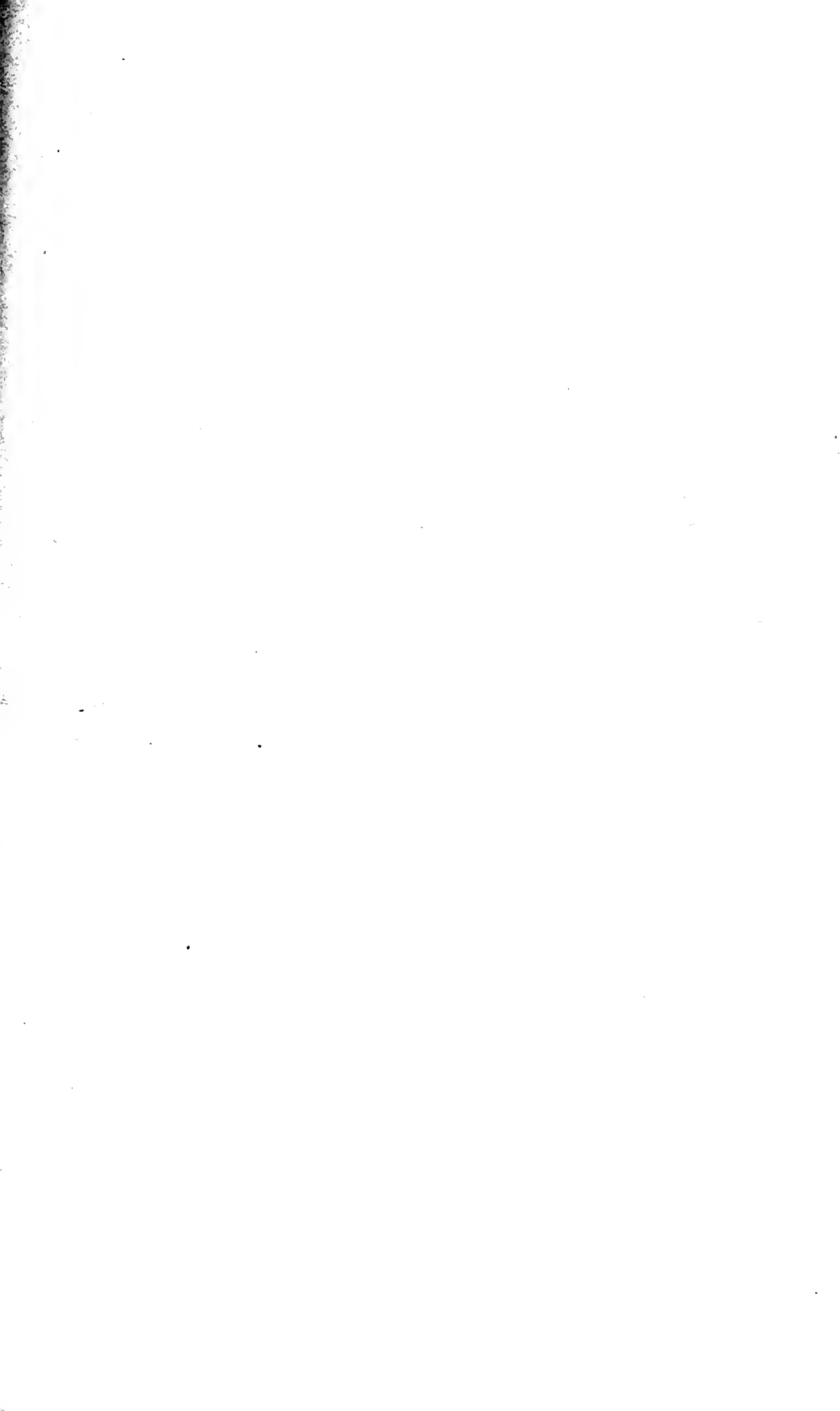
Commence-
ment of Act.

45. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

46. This Act may be cited as *The Police Act, 1946*.





The Police Act, 1946.

1st Reading

April 4th, 1946

2nd Reading

April 5th, 1946

3rd Reading

April 5th, 1946

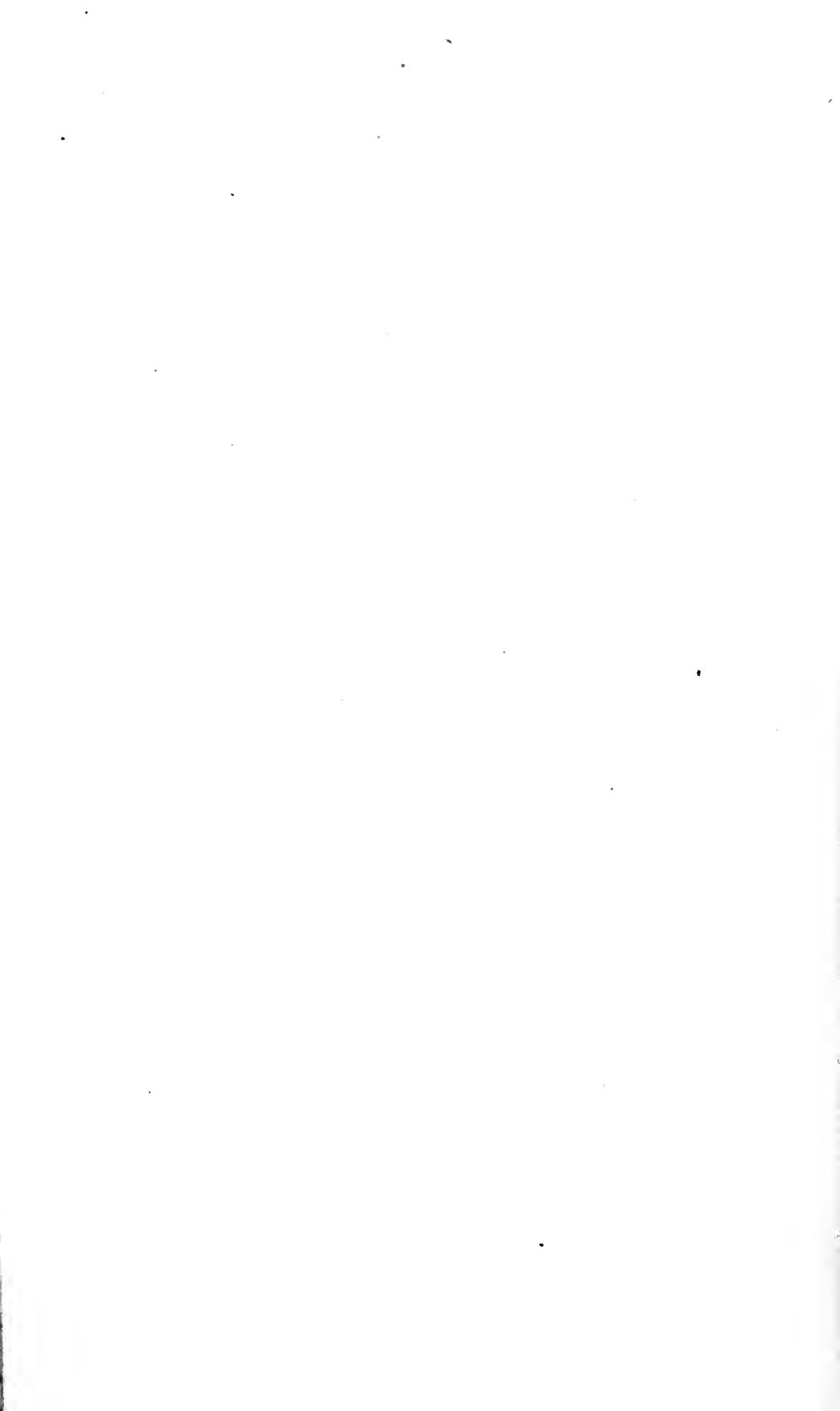
MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1946, and for the Public Service of the financial year ending the 31st day of March, 1947.

MR. FROST



BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1946, and for the Public Service of the financial year ending the 31st day of March, 1947.

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble. Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter 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 financial year ending the 31st day of March, 1946, and for the financial year ending the 31st day of March, 1947, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole five million, eight hundred thousand dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1945, to the 31st day of March, 1946, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based. \$5,800,000 granted for fiscal year 1945-46.

(2) From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole one hundred and one million, three hundred and thirty-five thousand, six hundred and two dollars and eighty-one cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1946, to the 31st day of March, 1947, as set forth in schedule B \$101,335,602.81 granted for fiscal year 1946-47.

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.

Accounts to be laid before Assembly.

2.—(1) Accounts in detail of all moneys received on account of this Province during the financial year 1945-46 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1946.

Idem.

(2) Accounts in detail of all moneys received on account of this Province during the financial year 1946-47 and of all expenditures under schedule B of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for 1945-46 unexpended to lapse.

3.—(1) Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1946, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat., c. 24.

Appropriations for 1946-47 unexpended to lapse.

(2) Any part of the money under schedule B appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1947, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat., c. 24.

Accounting for expenditure.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Supply Act, 1946*.

SCHEDULE "A"

1945-46

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-six to defray expenses of:

Education Department.....	\$5,800,000.00
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SCHEDULE "B"

1946-47

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-seven to defray expenses of:

Agriculture Department.....	\$ 4,636,849.26
Attorney-General's Department.....	4,345,800.00
Education Department.....	29,858,450.00
Game and Fisheries Department.....	1,092,000.00
Health Department.....	15,354,390.00
Highways Department.....	1,825,300.00
Insurance Department.....	75,300.00
Labour Department.....	1,737,101.55
Lands and Forests Department.....	4,992,000.00
Legislation.....	285,475.00
Lieutenant-Governor's Office.....	10,200.00
Mines Department.....	575,000.00
Municipal Affairs Department.....	254,894.00
Planning and Development Department.....	217,000.00
Prime Minister's Department.....	307,410.00
Provincial Auditor's Office.....	130,500.00
Provincial Secretary's Department.....	2,803,275.00
Provincial Treasurer's Department.....	1,676,995.00
Public Welfare Department.....	26,159,188.00
Public Works Department.....	4,756,475.00
Travel and Publicity Department.....	142,000.00
Miscellaneous.....	100,000.00

Total estimates for expenditure of 1946-

1947.....	\$101,335,602.81
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An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1946, and for the Public Service of the financial year ending the 31st day of March, 1947.

1st Reading

April 5th, 1946

2nd Reading

April 5th, 1946

3rd Reading

April 5th, 1946

MR. FROST





