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LEGISLATIVE ASSEMBLY
OF ONTARIO

FOURTH SESSION OF THE TWENTY-NINTH
PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE
TOGETHER WITH
REPRINTS AND THIRD READINGS

136704
SESSION

MARCH 5th, 1974 to FEBRUARY 14th, 1975

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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ministry of Government Services Act, 1973**

THE HON. J. W. SNOW
Minister of Government Services

EXPLANATORY NOTES

SECTION 1. The definition of "Government" is revised to make it clear that it includes a Crown agency. "Government related agency" is defined for the purposes of subsection 1*a* of section 8, as enacted by subsection 1 of section 4 of the Bill.

SECTIONS 2 AND 3. The provisions are revised to make it clear that the Ministry of Government Services is to be operated as a service agency for the Government but the responsibility for the services required by a Ministry is that of the Ministry.

**An Act to amend
The Ministry of Government Services Act, 1973**

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

1. Clause *c* of section 1 of *The Ministry of Government Services Act, 1973*, being chapter 2, is repealed and the following substituted therefor: s. 1 (c).
re-enacted
 - (c) "Government" means the Government of Ontario and any ministry or agency thereof and the Crown in right of Ontario and any agency thereof;
 - (ca) "Government related agency" includes Ontario Hydro, the Ontario Transportation Development Corporation, the Ontario Food Terminal Board, any public institution that is assisted by money appropriated by the Legislature and a corporation with or without share capital, the controlling interest of which is owned by the Crown in right of Ontario or whose bonds or debentures are guaranteed by the Crown in right of Ontario.

2. Section 5 of the said Act is repealed and the following substituted therefor: s. 5.
re-enacted

5. The Ministry shall be operated as a service agency Functions of
Ministry for the Government and its activities shall be directed towards providing the Government with services in support of Government programs.

- 3.—(1) Clause *b* of subsection 1 of section 6 of the said Act is amended by striking out "all" in the second line. s. 6 (1) (b).
amended

- (2) Clause *a* of subsection 2 of the said section 6 is amended by inserting after "the" in the second line "effectiveness". s. 6 (2) (a).
amended

s. 6 (2),
amended

- (3) Subsection 2 of the said section 6 is amended by adding "and" at the end of clause *c* and by striking out clause *d*.

s. 8 (1),
re-enacted

- 4.—(1) Subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

Acquisition
of property,
for use of
Government

(1) The Minister may acquire by purchase, lease or otherwise, and hold property, real or personal, including any interest therein, for the use or purposes of Government and he may dispose of all or any part of such property or any interest therein by sale, lease or otherwise, when no longer required for the use or purposes of Government.

for use of
Government
related
agency

(1*a*) The Minister, if requested by a Government related agency, may acquire by purchase, lease or otherwise, and hold property, real or personal, including any interest therein, for the use or purposes of the Government related agency, and, if requested by such agency, he may dispose of all or any part of such property or any interest therein by sale, lease or otherwise, when no longer required for the use or purposes of the Government related agency.

s. 8,
amended

- (2) The said section 8 is amended by adding thereto the following subsection:

Expropriation
by
Minister on
behalf of
Government
or Govern-
ment related
agency
R.S.O. 1970,
c. 154

(2*a*) Subject to *The Expropriations Act* and this Act, but notwithstanding that the Government or any Government related agency has, under any other special or general Act, authority, without the consent of the owner, to enter upon, take and expropriate land or any interest therein, the Minister, upon the request of the Government or Government related agency or as he may be directed by the Lieutenant Governor in Council, may, for and in the name of the Crown and without the consent of the owner thereof, enter upon, take and expropriate land or any interest therein on behalf of the Government or Government related agency under this Act.

s. 8,
amended

- (3) The said section 8 is further amended by adding thereto the following subsection:

Application
of subs. 3 to
leases and
easements

(4) Subsection 3 does not apply to a grant of a lease for a term of less than twenty-one years or to a grant of an easement.

s. 9,
re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

SECTION 4.—Subsection 1. Subsection 1 of section 8 is re-enacted for purposes of clarification. Subsection 1a is new and authorizes the Minister, on the request of a Government related agency as defined in section 1 of the Bill, to acquire property for the purposes of such agency.

Subsection 2. The authority of the Minister to expropriate land on behalf of any ministry or agency notwithstanding that such ministry or agency is authorized by any other Act to expropriate land is clarified.

Subsection 3. Subsection 3 of section 8 of the Act requires the approval of the Lieutenant Governor in Council to any disposal of real property by the Minister. The amendment will remove from this requirement a grant of a lease for less than twenty-one years and a grant of an easement.

SECTION 5. Section 9 is re-enacted to provide for the vesting of all real and personal property belonging to the Government in the Crown, and to provide that all real property belonging to the Crown is under the control of the Minister except as otherwise provided in any Act or by the Lieutenant Governor in Council.

The purpose of the new section 9a is to make it clear that the rights of the Crown affecting land in respect of public works are valid and enforceable in accordance with the instruments creating them and to make the rights, interests, covenants and conditions of the instruments binding upon the successors of the parties to the instruments.

9.—(1) Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all public works and all property, real or personal, or any interest therein, belonging to the Government shall vest in the Crown. Property vested in Crown

(2) Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all real property, or any interest therein, belonging to the Government shall be under the control of the Minister. Property under control of Minister

9a.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto in favour of the Crown, in respect of any public work, is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Crown. Instruments creating rights analogous to easements

(2) On and after the registration of an instrument to which subsection 1 applies in the proper land registry office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument. Terms of instrument binding on successors

(3) A party to an instrument to which subsection 1 applies or a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument. Liability of grantor for breach of covenant limited

(4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument. Land to remain subject to instrument when sold for taxes

(5) This section applies, notwithstanding that such right, interest, covenant or condition was granted or created by or contained in an instrument executed before the date this section comes into force. Application

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

7. This Act may be cited as *The Ministry of Government Services Amendment Act, 1974*. Short title

An Act to amend
The Ministry of Government
Services Act, 1973

1st Reading

June 6th, 1974

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Government Services

(Government Bill)

BILL 76

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ministry of Government Services Act, 1973**

THE HON. J. W. SNOW
Minister of Government Services

**An Act to amend
The Ministry of Government Services Act, 1973**

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

1. Clause *c* of section 1 of *The Ministry of Government Services Act, 1973*, being chapter 2, is repealed and the following substituted therefor: s. 1 (c).
re-enacted
 - (c) "Government" means the Government of Ontario and any ministry or agency thereof and the Crown in right of Ontario and any agency thereof;
 - (ca) "Government related agency" includes Ontario Hydro, the Ontario Transportation Development Corporation, the Ontario Food Terminal Board, any public institution that is assisted by money appropriated by the Legislature and a corporation with or without share capital, the controlling interest of which is owned by the Crown in right of Ontario or whose bonds or debentures are guaranteed by the Crown in right of Ontario.

2. Section 5 of the said Act is repealed and the following substituted therefor: s. 5.
re-enacted
 5. The Ministry shall be operated as a service agency Functions of
Ministry for the Government and its activities shall be directed towards providing the Government with services in support of Government programs.

- 3.—(1) Clause *b* of subsection 1 of section 6 of the said Act is amended by striking out "all" in the second line. s. 6 (1) (b).
amended

- (2) Clause *a* of subsection 2 of the said section 6 is amended by inserting after "the" in the second line "effectiveness". s. 6 (2) (a).
amended

s. 6 (2),
amended

(3) Subsection 2 of the said section 6 is amended by adding "and" at the end of clause *c* and by striking out clause *d*.

s. 8 (1),
re-enacted

4.—(1) Subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

Acquisition
of property,
for use of
Government

(1) The Minister may acquire by purchase, lease or otherwise, and hold property, real or personal, including any interest therein, for the use or purposes of Government and he may dispose of all or any part of such property or any interest therein by sale, lease or otherwise, when no longer required for the use or purposes of Government.

for use of
Government
related
agency

(1a) The Minister, if requested by a Government related agency, may acquire by purchase, lease or otherwise, and hold property, real or personal, including any interest therein, for the use or purposes of the Government related agency, and, if requested by such agency, he may dispose of all or any part of such property or any interest therein by sale, lease or otherwise, when no longer required for the use or purposes of the Government related agency.

s. 8,
amended

(2) The said section 8 is amended by adding thereto the following subsection:

Expropria-
tion by
Minister on
behalf of
Government
or Govern-
ment related
agency
R.S.O. 1970,
c. 154

(2a) Subject to *The Expropriations Act* and this Act, but notwithstanding that the Government or any Government related agency has, under any other special or general Act, authority, without the consent of the owner, to enter upon, take and expropriate land or any interest therein, the Minister, upon the request of the Government or Government related agency or as he may be directed by the Lieutenant Governor in Council, may, for and in the name of the Crown and without the consent of the owner thereof, enter upon, take and expropriate land or any interest therein on behalf of the Government or Government related agency under this Act.

s. 8,
amended

(3) The said section 8 is further amended by adding thereto the following subsection:

Application
of subs. 3 to
leases and
easements

(4) Subsection 3 does not apply to a grant of a lease for a term of less than twenty-one years or to a grant of an easement.

s. 9,
re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

9.—(1) Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all public works and all property, real or personal, or any interest therein, belonging to the Government shall vest in the Crown.

Property
vested in
Crown

(2) Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all real property, or any interest therein, belonging to the Government shall be under the control of the Minister.

Property
under control
of Minister

9a.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto in favour of the Crown, in respect of any public work, is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Crown.

Instruments
creating
rights
analogous to
easements

(2) On and after the registration of an instrument to which subsection 1 applies in the proper land registry office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

Terms of
instrument
binding on
successors

(3) A party to an instrument to which subsection 1 applies or a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

Liability of
grantor for
breach of
covenant
limited

(4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

Land to
remain
subject to
instrument
when sold
for taxes

(5) This section applies, notwithstanding that such right, interest, covenant or condition was granted or created by or contained in an instrument executed before the date this section comes into force.

Application

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

Commence-
ment

7. This Act may be cited as *The Ministry of Government Services Amendment Act, 1974*.

Short title



An Act to amend
The Ministry of Government
Services Act, 1973

1st Reading

June 6th, 1974

2nd Reading

June 13th, 1974

3rd Reading

June 13th, 1974

THE HON. J. W. SNOW
Minister of Government Services

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Public Service Superannuation Act**

THE HON. J. W. SNOW
Minister of Government Services

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that a contributor under this Act does not include a person who is a contributor to a fund to which the Crown contributes other than the Public Service Superannuation Fund.

SECTION 2. The amendment provides for a representative of the Civil Service Commission to be a voting member of the Board. At present, the Chairman, Civil Service Commission, is *ex officio* a member of the Board.

SECTION 3. The subsection is repealed so that payments with respect to the unfunded liability of the Fund will receive the same interest credit as the Fund earns.

SECTION 4. The amendment provides for the past service contribution to be calculated on the higher of a contributor's rate of salary at the time he elects to contribute for such service or the rate of salary he received immediately prior to becoming a contributor.

SECTION 5. The amendment provides that the Government contribution is payable out of moneys appropriated therefor by the Legislature.

**An Act to amend
The Public Service Superannuation Act**

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

1. Clause *d* of subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 1, is further amended by adding at the end thereof "or a person who is a contributor to a fund to which the Crown contributes other than the Public Service Superannuation Fund". s. 1 (1) (d),
amended

2. Subsection 2 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (2),
re-enacted
 - (2) The members of the Board shall be appointed by the Lieutenant Governor in Council, one of whom shall be the representative of the Civil Service Commission and one of whom shall be the representative of the Civil Service Association of Ontario. Composition

3. Subsection 5 of section 5 of the said Act is repealed. s. 5 (5),
repealed

4. Subsection 6 of section 8 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 2, is amended by striking out "rate of salary authorized at the time when he made the election" in the eleventh and twelfth lines and inserting in lieu thereof "last rate of salary authorized to be paid to him during such service or to the rate of salary authorized to be paid to him at the time when he made the election, whichever is greater". s. 8 (6),
amended

5. Subsection 1 of section 10 of the said Act is amended by striking out "Consolidated Revenue Fund" in the third line and inserting in lieu thereof "moneys appropriated therefor by the Legislature". s. 10 (1),
amended

s. 11 (3) (b),
amended

6. Clause *b* of subsection 3 of section 11 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 3, is amended by striking out "his latest birthday preceding, or coincident with" in the second and third lines.

s. 14 (2),
amended

- 7.—(1) Subsection 2 of section 14 of the said Act is amended by striking out "year's maximum pensionable earnings under the *Canada Pension Plan* established at the time he ceased to be employed" in the fourth, fifth and sixth lines and inserting in lieu thereof "average maximum pensionable earnings".

s. 14,
amended

- (2) The said section 14, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 6, is further amended by adding thereto the following subsection:

Interpre-
tation

R.S.C. 1970,
c. C-5

- (3) In subsection 2, "average maximum pensionable earnings" with respect to any contributor means the average of the year's maximum pensionable earnings under the *Canada Pension Plan* for the year in which the contributor ceased to be employed in the public service and for each of the two preceding years.

s. 14 (7),
repealed

- (3) Subsection 7 of the said section 14 is repealed.

s. 14 (9),
amended

- (4) Subsection 9 of the said section 14 is amended by striking out "has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and who ceases to be employed in the public service on or after that date shall, if he is qualified for" in the first, second, third and fourth lines and inserting in lieu thereof "was a contributor to the Fund on the 31st day of December, 1965, and who has been employed in the public service without an interruption of over three months since that date shall, if he becomes entitled to".

s. 16 (2),
amended

- 8.—(1) Subsection 2 of section 16 of the said Act is amended by adding at the commencement thereof "Subject to subsection 2*a*".

s. 16,
amended

- (2) The said section 16, as amended by the Statutes of Ontario, 1971, chapter 40, section 3, is further amended by adding thereto the following subsection:

Special
case

- (2*a*) Where a person referred to in subsection 2 was receiving an immediate annuity under clause *b* of subsection 3 or subsection 4 or 5 of section 13, the recalculation under subsection 2 shall be adjusted by the Board to take into account the amount of the annuity he has received.

SECTION 6. In the present formula for computing a pension under this subsection, the contributor's last birthday is the cut-off date. The amendment substitutes his actual age on the day he retired. As months, weeks and days since his last birthday can be counted, his entitlement to a pension will be advanced to that extent.

SECTION 7. Subsections 1 and 2 define "average maximum pensionable earnings" for the purpose of computing the amount by which the allowance under this Act will be reduced in relation to the Canada Pension.

Subsection 7 is repealed in order to provide for the average annual salary to be based on sixty months of earnings where the person has been a current contributor to the Fund for less than sixty months.

Subsection 9 is amended to make it clear that the guarantee in relation to persons having credit in the Fund before January 1st, 1966, does not apply to persons who leave the service and are later re-employed.

SECTION 8. The amendments provide for the Board to make an adjustment in the pension benefit in special cases where a superannuate has been re-employed to take into account the amount of an annuity already paid to a person receiving an immediate annuity.

SECTION 9. The purpose of this amendment is to clarify that a refund is payable where a contributor dies leaving no widower.

SECTION 10. The amendment provides for children of deceased civil servants who qualify for a pension under this section to receive a pension so long as they continue in school and have not reached twenty-five years of age.

SECTION 11.—Subsection 1. The interest paid on amounts transferred to the Teachers' Superannuation Fund is increased from $4\frac{3}{4}$ per cent to 6 per cent. This is complementary to *The Teachers' Superannuation Act*.

Subsection 2. The provisions respecting transfers to and from the Teachers' Superannuation Fund are re-enacted:

1. To enable teachers who become civil servants and who elect to contribute to the Fund to have all of their service credits in the Teachers' Superannuation Fund recognized if they transfer their contributions to the Public Service Superannuation Fund.
2. To extend the same privilege to those whose contributions have been transferred from the Teachers' Superannuation Fund to the Public Service Superannuation Fund by reopening the reassessment option.

9. Subsection 1 of section 17 of the said Act is repealed and ^{s. 17 (1),} the following substituted therefor: re-enacted

(1) Where a contributor,

Refunds

- (a) resigns or is dismissed and is not entitled to or granted an allowance or an immediate annuity; or
- (b) dies leaving no widow or widower, or no child or children under the age of eighteen years,

an amount equal to the total of his or her contributions to the Fund with interest shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his or her personal representative, as the case may be.

10. Section 20 of the said Act, as amended by the Statutes of ^{s. 20,} Ontario, 1971 (2nd Session), chapter 10, section 8, is further amended amended by adding thereto the following subsection:

(10) For the purposes of this section, a person who has ^{Exception} attained the age of eighteen years but has not attained the for higher age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Board for the purposes of this section as a place of higher education, shall be deemed not to have attained the age of eighteen years. education

11.—(1) Subsection 1 of section 26 of the said Act is amended by ^{s. 26 (1),} striking out "4 $\frac{3}{4}$ " in the third line and inserting in lieu amended thereof "6".

(2) Subsections 4 and 5 of the said section 26 are repealed ^{s. 26 (4, 5),} and the following substituted therefor: re-enacted

(4) Where the contributions of a person mentioned in sub- ^{Service} section 3 are transferred from the Teachers' Superannuation credits Fund to the Fund, the Board may allow him such credit in the Fund in respect of the amount so transferred and the period of service represented thereby as the Board may determine.

(5) A contributor to the Fund whose contributions in the ^{Option} Teachers' Superannuation Fund were transferred to the Fund may, if a written request is made to the Board on or before the 31st day of December, 1975, have his service credit reassessed under subsection 4, and, where his service credit is so reassessed, he shall for all purposes, other than for his service credit, be deemed to have become a contributor to the Fund on the 1st day of January, 1966.

s. 28,
re-enacted

12. Section 28 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 40, section 6, 1971 (2nd Session), chapter 10, section 9 and 1972, chapter 1, section 76, is repealed and the following substituted therefor:

Interpre-
tation

28.—(1) In this section, “pensionable service” of a contributor means service in respect of which he has made contributions to the pension fund of an employer recognized in subsection 3.

Transfer from
Fund to
another
superannua-
tion fund

(2) Where a contributor, within three months after leaving the service of the Crown, becomes a member of,

- (a) the civil service of Canada or of any province of Canada;
- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario;
- (d) the staff of any Crown corporation of Canada or of any province of Canada;
- (e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Ministry of Colleges and Universities Act, 1971* applies;
- (f) the Canadian Forces; or
- (g) the clergy of a religious denomination in any province of Canada having been a chaplain in the public service of Ontario,

1971, c. 66

a sum of money equal to his contributions and such portion, if any, of the Government’s contributions with respect thereto, as the Board determines, with interest at such rate as the board determines, shall be paid out of the Fund into any like fund or registered pension plan of a religious denomination maintained to provide superannuation benefits for the members of such civil or civic service or staff or the Canadian Forces or clergy, as the case may be.

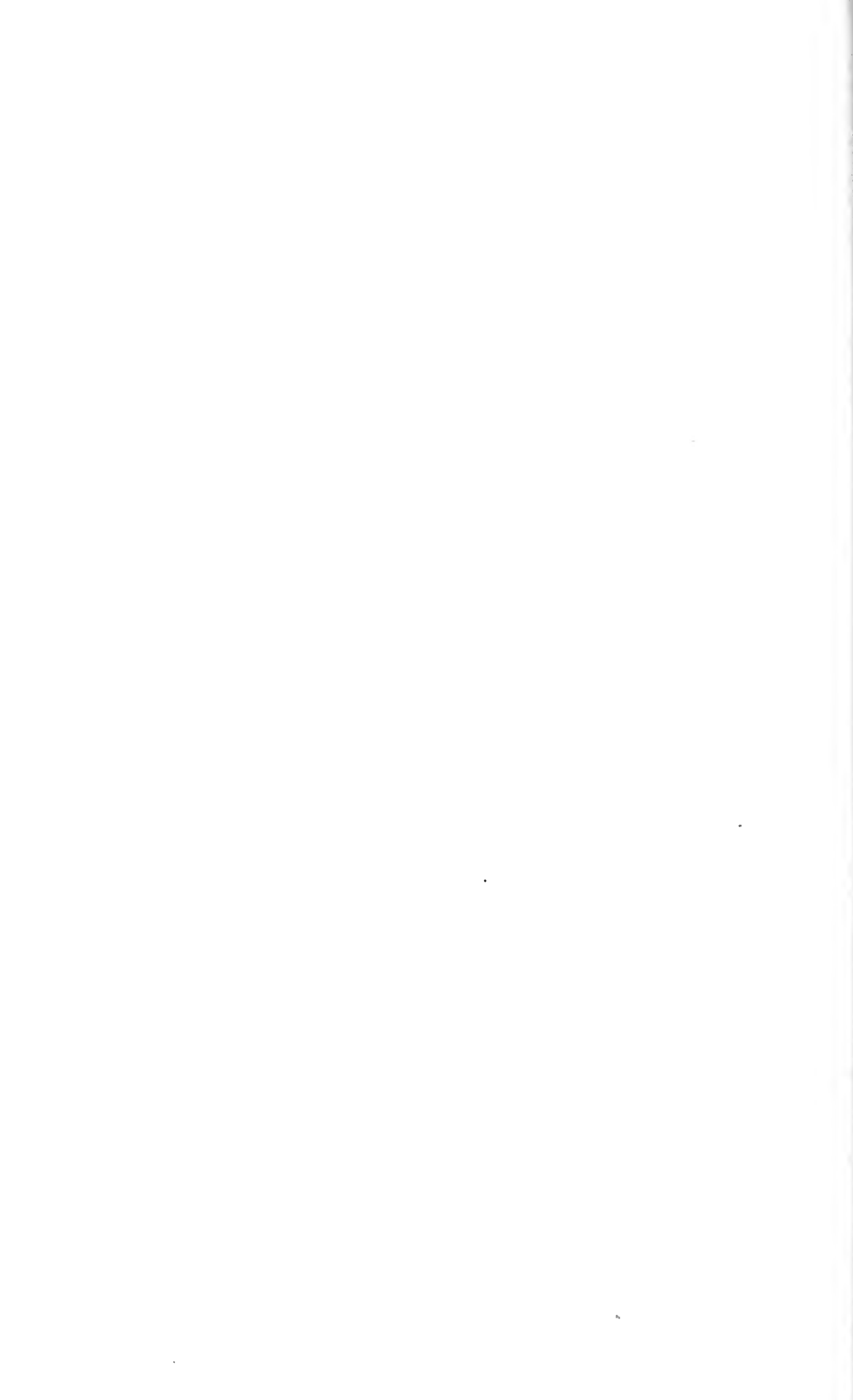
Transfer
from another
superannua-
tion fund
to Fund

(3) A contributor who, within three months before entering the service of the Crown, had pensionable service as a member of,

- (a) the civil service of Canada or of any province of Canada;

SECTION 12. The provisions respecting transfers to and from the Fund are re-enacted:

1. To broaden the rights of those who had pensionable service prior to becoming civil servants by providing for all of their pensionable service under their immediately previous employer's pension plan to be recognized
2. To extend the transfer arrangements to include members of the Canadian Forces and Ontario Public Service chaplains.
3. To clarify that more than one transfer may be accepted on behalf of those with civil or civic pensionable service.
4. To permit a contributor to establish credit in the Fund at any time for past pensionable service.



- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario;
- (d) the staff of any Crown corporation of Canada or of any province of Canada;
- (e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Ministry of Colleges and Universities Act, 1971*, c. 66 applies;
- (f) the Canadian Forces; or
- (g) the practising clergy contributing to a registered pension plan of his religious denomination,

may count such pensionable service for the purposes of this Act if he elects to pay into the Fund within one year after the day this subsection came into force or within one year after becoming a contributor to the Fund and agrees to pay on terms satisfactory to the Board and pays an amount equal to twice the amount that he would have paid if he had contributed to the Fund during such pensionable service except that the rate of contribution for service before the 1st day of January, 1966 shall be 6 per cent and thereafter in accordance with section 7 and the rate of salary authorized to be paid to him during the period of such pensionable service shall be deemed to be equal to the rate of salary authorized to be paid to him at the time he became a contributor under this Act, together with interest at such rate as the Board determines.

(4) A contributor who is entitled under subsection 3 to establish credit in the Fund and who had civil or civic pensionable service, or both, may establish credit in respect of any or all of such pensionable service provided the periods of employment were not interrupted for more than three months at any time.

(5) A contributor who is entitled under subsection 3 to establish credit in the Fund may establish credit in respect of a part only of his pensionable service, in which case the relevant provisions of this section apply *mutatis mutandis*.

(6) A contributor who is entitled under subsection 3 to establish credit in the Fund for his pensionable service but who has failed to establish credit under subsection 3 may

establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him at the time he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines.

Exception

(7) No contributor shall be given credit in the Fund in respect of his pensionable service for which he is entitled to credit in his previous employer's pension fund unless he withdraws his contributions from such pension fund or arranges for them to be transferred to the Fund.

Agreements authorized

(8) Notwithstanding subsections 2 and 3, the Minister, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission, public institution, Crown corporation or religious denomination mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement.

Idem

(9) An agreement entered into under subsection 8 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance or an annuity, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance or annuity shall then be computed upon the service for which contributions have been made to the Fund.

Application of s. 10 (1)

(10) Subsection 1 of section 10 does not apply with respect to any amount credited to the Fund under this section.

s. 29, re-enacted

13. Section 29 of the said Act is repealed and the following substituted therefor:

Reinstatement when re-employed

29.—(1) A former contributor who was or is re-employed and who has become or becomes a contributor under this Act may reinstate his account in the Fund.

Election to reinstate where prior contributions withdrawn

(2) If a contributor who has withdrawn his prior contributions with interest thereon elects, within one year after the day this section came into force or within one year after again becoming a contributor, to reinstate his account under subsection 1, he shall pay into the Fund an amount equal to the amount that he would have paid if he had contributed

SECTION 13. The provisions respecting reinstatement are re-enacted:

1. To provide for contributions to be accepted from present and future contributors for periods of prior service with the Ontario Government regardless of the length of break in service.
2. To permit a contributor to reinstate his superannuation account at any time.

SECTION 14. Section 29*a* will permit present and future contributors to establish credit in the Fund for active military service during wartime.

to the Fund during his prior service except that the rate of contribution shall be 6 per cent for service before the 1st day of January, 1966 and thereafter in accordance with section 7 and the rate of salary authorized to be paid to him during his period of prior service shall be deemed to be equal to the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest at such rate as the Board determines.

(3) Where a contributor who elects to reinstate his account under subsection 1 has not withdrawn his prior contributions with interest thereon, the amount of such contributions shall, in lieu of being paid to him, be applied on account of the amount required by this section to be paid by him to reinstate his account in the Fund. Where prior contributions not withdrawn

(4) A contributor who is entitled under subsection 1 to reinstate his account may re-establish credit in respect of a part only of his prior service, in which case the relevant provisions of this section apply *mutatis mutandis*. Part of past service

(5) A contributor who is entitled under subsection 1 to reinstate his account but who has failed to do so under subsection 2 may re-establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines. Open option

14. The said Act is amended by adding thereto the following section: s. 29a. enacted

29a.—(1) Every contributor who was on active service in His or Her Majesty's military, naval, or air forces in World War II or the Korean War may, on producing proof of such service, establish credit in the Fund in respect of such service. Military service

(2) A contributor who is entitled under subsection 1 to establish credit in the Fund and who elects to contribute within one year after the day this section came into force or within one year after becoming a contributor is entitled to credit in the Fund for such active service if he agrees to pay on terms satisfactory to the Board and pays an amount equal to 12 per cent of the rate of salary authorized to be paid to him on the most recent occasion on which he became a Credit for military service

contributor under this Act for each year and part of a year of such active service, together with interest at such rate as the Board determines.

Part of
service

(3) A contributor who is entitled under subsection 1 to establish credit in the Fund may establish credit in respect of a part only of such active service, in which case the relevant provisions of this section apply *mutatis mutandis*.

Open
option

(4) A contributor who is entitled under subsection 1 to establish credit in the Fund but who has failed to establish credit under subsection 2 may establish credit any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines.

Exception

(5) No contributor shall be given credit in the Fund in respect of such active service if he is entitled to credit for such service in computing another pension, except a pension granted for a disability resulting from war service.

Application
of s. 10 (1)

(6) Subsection 1 of section 10 does not apply with respect to any amount credited to the Fund under this section.

Commence-
ment

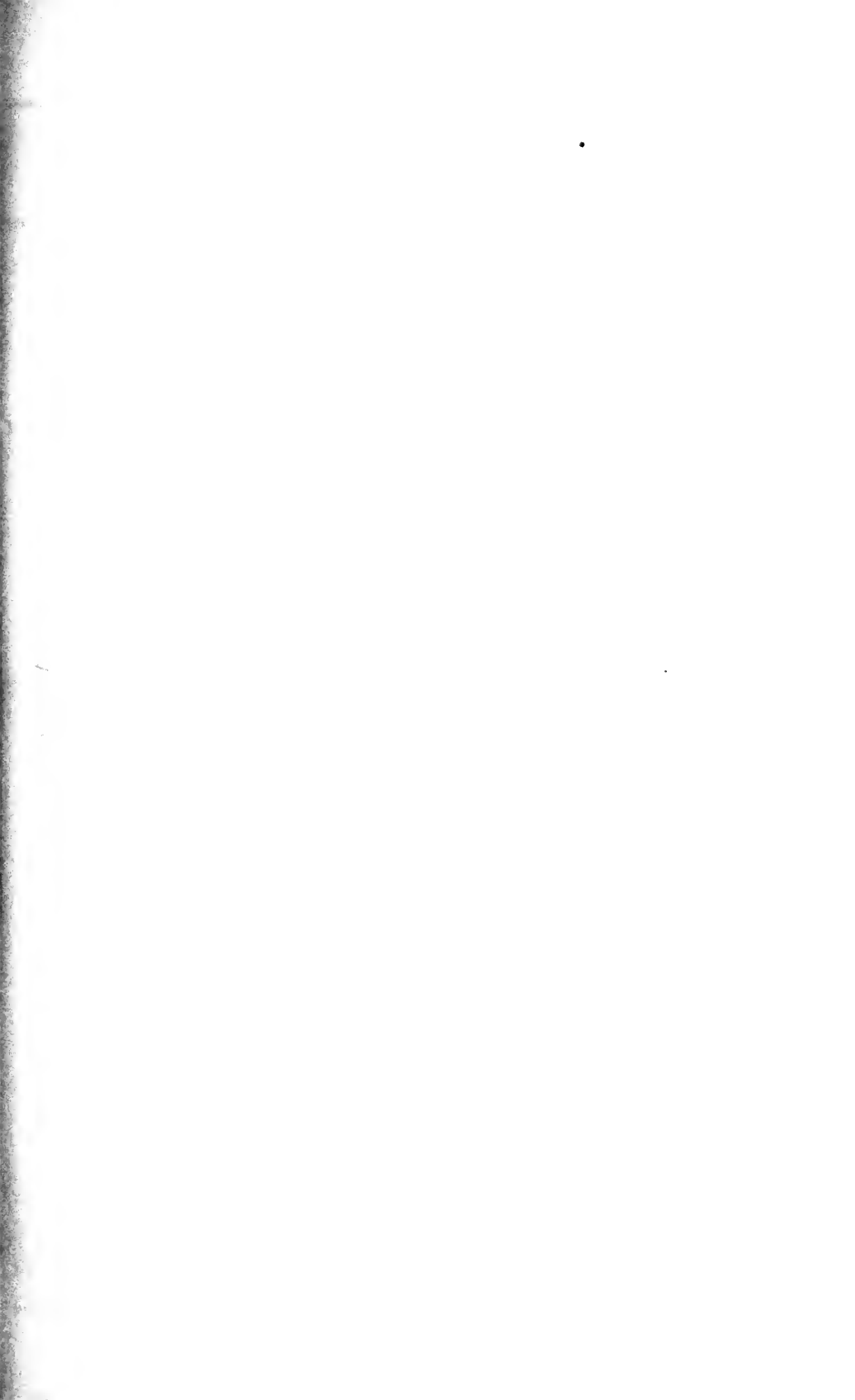
15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Public Service Superannuation Amendment Act, 1974*.







An Act to amend
The Public Service
Superannuation Act

1st Reading

June 6th, 1974

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Government Services

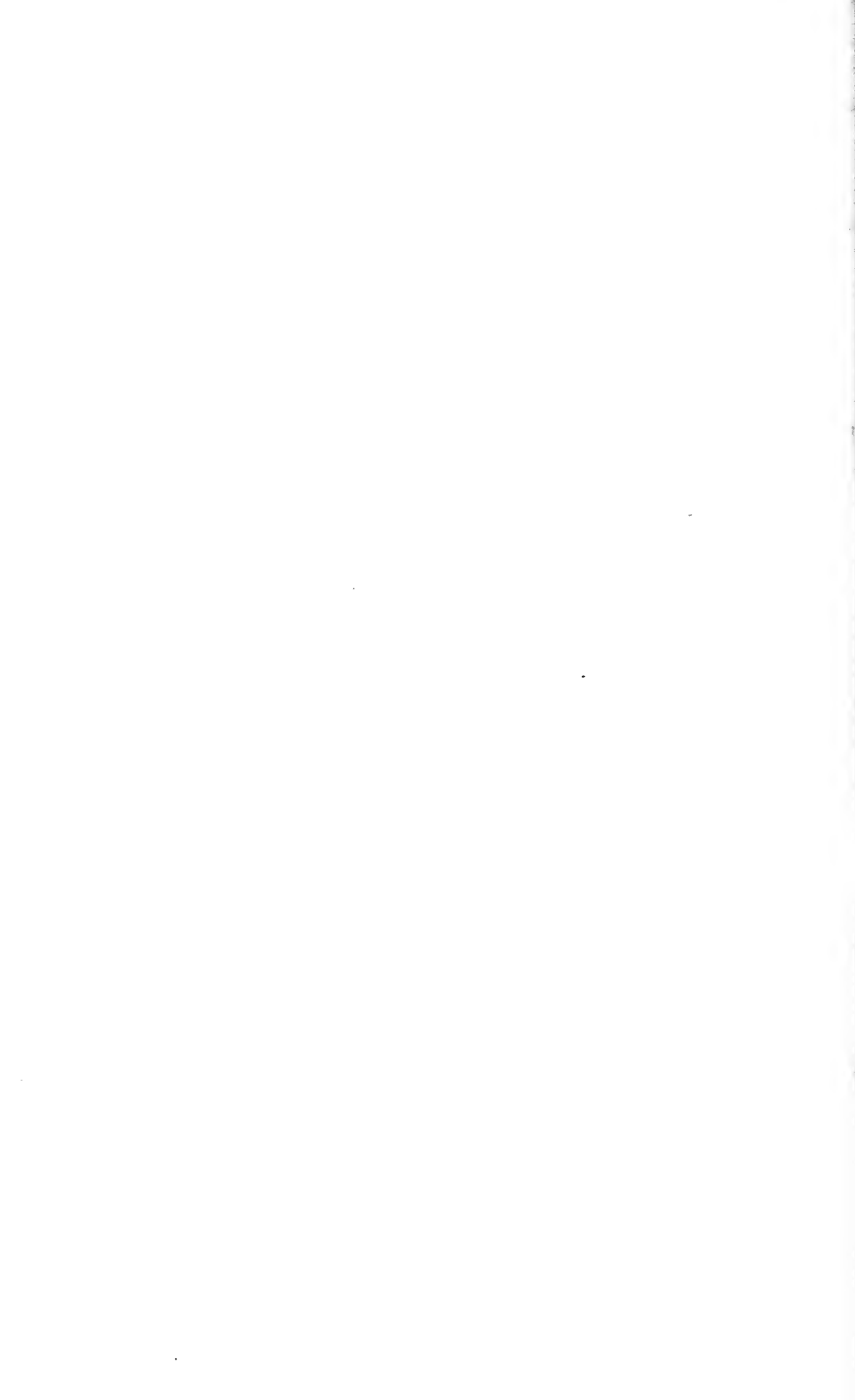
(Government Bill)

BILL 77

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Public Service Superannuation Act**

THE HON. J. W. SNOW
Minister of Government Services



BILL 77

1974

An Act to amend The Public Service Superannuation Act

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

1. Clause *d* of subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 1, is further amended by adding at the end thereof "or a person who is a contributor to a fund to which the Crown contributes other than the Public Service Superannuation Fund". s. 1 (1) (d),
amended

2. Subsection 2 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (2),
re-enacted

(2) The members of the Board shall be appointed by the Lieutenant Governor in Council, one of whom shall be the representative of the Civil Service Commission and one of whom shall be the representative of the Civil Service Association of Ontario. Composition

3. Subsection 5 of section 5 of the said Act is repealed. s. 5 (5),
repealed

4. Subsection 6 of section 8 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 2, is amended by striking out "rate of salary authorized at the time when he made the election" in the eleventh and twelfth lines and inserting in lieu thereof "last rate of salary authorized to be paid to him during such service or to the rate of salary authorized to be paid to him at the time when he made the election, whichever is greater". s. 8 (6),
amended

5. Subsection 1 of section 10 of the said Act is amended by striking out "Consolidated Revenue Fund" in the third line and inserting in lieu thereof "moneys appropriated therefor by the Legislature". s. 10 (1),
amended

s. 11 (3) (b),
amended

6. Clause *b* of subsection 3 of section 11 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 3, is amended by striking out "his latest birthday preceding, or coincident with" in the second and third lines.

s. 14 (2),
amended

- 7.—(1) Subsection 2 of section 14 of the said Act is amended by striking out "year's maximum pensionable earnings under the *Canada Pension Plan* established at the time he ceased to be employed" in the fourth, fifth and sixth lines and inserting in lieu thereof "average maximum pensionable earnings".

s. 14,
amended

- (2) The said section 14, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 6, is further amended by adding thereto the following subsection:

Interpre-
tation

R.S.C. 1970,
c. C-5

- (3) In subsection 2, "average maximum pensionable earnings" with respect to any contributor means the average of the year's maximum pensionable earnings under the *Canada Pension Plan* for the year in which the contributor ceased to be employed in the public service and for each of the two preceding years.

s. 14 (7),
repealed

- (3) Subsection 7 of the said section 14 is repealed.

s. 14 (9),
amended

- (4) Subsection 9 of the said section 14 is amended by striking out "has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and who ceases to be employed in the public service on or after that date shall, if he is qualified for" in the first, second, third and fourth lines and inserting in lieu thereof "was a contributor to the Fund on the 31st day of December, 1965, and who has been employed in the public service without an interruption of over three months since that date shall, if he becomes entitled to".

s. 16 (2),
amended

- 8.—(1) Subsection 2 of section 16 of the said Act is amended by adding at the commencement thereof "Subject to subsection 2*a*".

s. 16,
amended

- (2) The said section 16, as amended by the Statutes of Ontario, 1971, chapter 40, section 3, is further amended by adding thereto the following subsection:

Special
case

- (2*a*) Where a person referred to in subsection 2 was receiving an immediate annuity under clause *b* of subsection 3 or subsection 4 or 5 of section 13, the recalculation under subsection 2 shall be adjusted by the Board to take into account the amount of the annuity he has received.

9. Subsection 1 of section 17 of the said Act is repealed and ^{s. 17 (1),} the following substituted therefor: re-enacted

- (1) Where a contributor, Refunds
- (a) resigns or is dismissed and is not entitled to or granted an allowance or an immediate annuity; or
- (b) dies leaving no widow or widower, or no child or children under the age of eighteen years,

an amount equal to the total of his or her contributions to the Fund with interest shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his or her personal representative, as the case may be.

10. Section 20 of the said Act, as amended by the Statutes of ^{s. 20,} Ontario, 1971 (2nd Session), chapter 10, section 8, is further amended amended by adding thereto the following subsection:

(10) For the purposes of this section, a person who has ^{Exception} attained the age of eighteen years but has not attained the for higher age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Board for the purposes of this section as a place of higher education, shall be deemed not to have attained the age of eighteen years.

11.—(1) Subsection 1 of section 26 of the said Act is amended by ^{s. 26 (1),} striking out "4³/₄" in the third line and inserting in lieu amended thereof "6".

(2) Subsections 4 and 5 of the said section 26 are repealed ^{s. 26 (4, 5),} and the following substituted therefor: re-enacted

(4) Where the contributions of a person mentioned in sub- ^{Service} section 3 are transferred from the Teachers' Superannuation credits Fund to the Fund, the Board may allow him such credit in the Fund in respect of the amount so transferred and the period of service represented thereby as the Board may determine.

(5) A contributor to the Fund whose contributions in the ^{Option} Teachers' Superannuation Fund were transferred to the Fund may, if a written request is made to the Board on or before the 31st day of December, 1975, have his service credit reassessed under subsection 4, and, where his service credit is so reassessed, he shall for all purposes, other than for his service credit, be deemed to have become a contributor to the Fund on the 1st day of January, 1966.

s. 28,
re-enacted

- 12.** Section 28 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 40, section 6, 1971 (2nd Session), chapter 10, section 9 and 1972, chapter 1, section 76, is repealed and the following substituted therefor:

Interpre-
tation

28.—(1) In this section, “pensionable service” of a contributor means service in respect of which he has made contributions to the pension fund of an employer recognized in subsection 3.

Transfer from
Fund to
another
superannua-
tion fund

(2) Where a contributor, within three months after leaving the service of the Crown, becomes a member of,

- (a) the civil service of Canada or of any province of Canada;
- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario;
- (d) the staff of any Crown corporation of Canada or of any province of Canada;
- (e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Ministry of Colleges and Universities Act, 1971* applies;
- (f) the Canadian Forces; or
- (g) the clergy of a religious denomination in any province of Canada having been a chaplain in the public service of Ontario,

1971, c. 66

a sum of money equal to his contributions and such portion, if any, of the Government’s contributions with respect thereto, as the Board determines, with interest at such rate as the board determines, shall be paid out of the Fund into any like fund or registered pension plan of a religious denomination maintained to provide superannuation benefits for the members of such civil or civic service or staff or the Canadian Forces or clergy, as the case may be.

Transfer
from another
superannua-
tion fund
to Fund

(3) A contributor who, within three months before entering the service of the Crown, had pensionable service as a member of,

- (a) the civil service of Canada or of any province of Canada;

- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario;
- (d) the staff of any Crown corporation of Canada or of any province of Canada;
- (e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Ministry of Colleges and Universities Act, 1971* applies; ^{1971, c. 66}
- (f) the Canadian Forces; or
- (g) the practising clergy contributing to a registered pension plan of his religious denomination,

may count such pensionable service for the purposes of this Act if he elects to pay into the Fund within one year after the day this subsection came into force or within one year after becoming a contributor to the Fund and agrees to pay on terms satisfactory to the Board and pays an amount equal to twice the amount that he would have paid if he had contributed to the Fund during such pensionable service except that the rate of contribution for service before the 1st day of January, 1966 shall be 6 per cent and thereafter in accordance with section 7 and the rate of salary authorized to be paid to him during the period of such pensionable service shall be deemed to be equal to the rate of salary authorized to be paid to him at the time he became a contributor under this Act, together with interest at such rate as the Board determines.

(4) A contributor who is entitled under subsection 3 to establish credit in the Fund and who had civil or civic pensionable service, or both, may establish credit in respect of any or all of such pensionable service provided the periods of employment were not interrupted for more than three months at any time. ^{Civil or civic pensionable service}

(5) A contributor who is entitled under subsection 3 to establish credit in the Fund may establish credit in respect of a part only of his pensionable service, in which case the relevant provisions of this section apply *mutatis mutandis*. ^{Part service}

(6) A contributor who is entitled under subsection 3 to establish credit in the Fund for his pensionable service but who has failed to establish credit under subsection 3 may ^{Open option}

establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him at the time he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines.

Exception

(7) No contributor shall be given credit in the Fund in respect of his pensionable service for which he is entitled to credit in his previous employer's pension fund unless he withdraws his contributions from such pension fund or arranges for them to be transferred to the Fund.

Agreements authorized

(8) Notwithstanding subsections 2 and 3, the Minister, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission, public institution, Crown corporation or religious denomination mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement.

Idem

(9) An agreement entered into under subsection 8 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance or an annuity, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance or annuity shall then be computed upon the service for which contributions have been made to the Fund.

Application of s. 10 (1)

(10) Subsection 1 of section 10 does not apply with respect to any amount credited to the Fund under this section.

s. 29. re-enacted

13. Section 29 of the said Act is repealed and the following substituted therefor:

Reinstatement when re-employed

29.—(1) A former contributor who was or is re-employed and who has become or becomes a contributor under this Act may reinstate his account in the Fund.

Election to reinstate where prior contributions withdrawn

(2) If a contributor who has withdrawn his prior contributions with interest thereon elects, within one year after the day this section came into force or within one year after again becoming a contributor, to reinstate his account under subsection 1, he shall pay into the Fund an amount equal to the amount that he would have paid if he had contributed

to the Fund during his prior service except that the rate of contribution shall be 6 per cent for service before the 1st day of January, 1966 and thereafter in accordance with section 7 and the rate of salary authorized to be paid to him during his period of prior service shall be deemed to be equal to the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest at such rate as the Board determines.

(3) Where a contributor who elects to reinstate his account under subsection 1 has not withdrawn his prior contributions with interest thereon, the amount of such contributions shall, in lieu of being paid to him, be applied on account of the amount required by this section to be paid by him to reinstate his account in the Fund. Where prior contributions not withdrawn

(4) A contributor who is entitled under subsection 1 to reinstate his account may re-establish credit in respect of a part only of his prior service, in which case the relevant provisions of this section apply *mutatis mutandis*. Part of past service

(5) A contributor who is entitled under subsection 1 to reinstate his account but who has failed to do so under subsection 2 may re-establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines. Open option

14. The said Act is amended by adding thereto the following section: s. 29a. enacted

29a.—(1) Every contributor who was on active service in His or Her Majesty's military, naval, or air forces in World War II or the Korean War may, on producing proof of such service, establish credit in the Fund in respect of such service. Military service

(2) A contributor who is entitled under subsection 1 to establish credit in the Fund and who elects to contribute within one year after the day this section came into force or within one year after becoming a contributor is entitled to credit in the Fund for such active service if he agrees to pay on terms satisfactory to the Board and pays an amount equal to 12 per cent of the rate of salary authorized to be paid to him on the most recent occasion on which he became a Credit for military service

contributor under this Act for each year and part of a year of such active service, together with interest at such rate as the Board determines.

Part of
service

(3) A contributor who is entitled under subsection 1 to establish credit in the Fund may establish credit in respect of a part only of such active service, in which case the relevant provisions of this section apply *mutatis mutandis*.

Open
option

(4) A contributor who is entitled under subsection 1 to establish credit in the Fund but who has failed to establish credit under subsection 2 may establish credit any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines.

Exception

(5) No contributor shall be given credit in the Fund in respect of such active service if he is entitled to credit for such service in computing another pension, except a pension granted for a disability resulting from war service.

Application
of s. 10 (1)

(6) Subsection 1 of section 10 does not apply with respect to any amount credited to the Fund under this section.

Commence-
ment

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

Short title

16. This Act may be cited as *The Public Service Superannuation Amendment Act, 1974*.



An Act to amend
The Public Service
Superannuation Act

1st Reading

June 6th, 1974

2nd Reading

June 13th, 1974

3rd Reading

June 13th, 1974

THE HON. J. W. SNOW
Minister of Government Services

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Shoreline Property Assistance Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The subsection presently requires a municipality that receives moneys from an owner to discharge his indebtedness to pay such moneys forthwith to the Treasurer of Ontario; as amended, the subsection will leave to the option of the municipality the matter of prepayment on debentures.

SECTION 2. The amendment is complementary to section 1 of the Bill and its effect is to delete the requirement that a municipality that does not issue debentures and receives moneys from an owner to discharge his indebtedness pay such moneys forthwith to the metropolitan, regional or district municipality that issued the debentures on its behalf.

**An Act to amend
The Shoreline Property Assistance Act, 1973**

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

1. Subsection 6 of section 5 of *The Shoreline Property Assistance Act, 1973*, being chapter 22, is repealed and the following substituted therefor:

s. 5 (6).
re-enacted

(6) The debentures shall provide that the municipality or district or regional municipality, as the case may be, may at any time repay the whole amount of principal and interest owing at the time of such prepayment.

Prepayment
2. Section 11 of the said Act is repealed and the following substituted therefor:

s. 11.
re-enacted

11. The owner of land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed.

Discharge of
indebtedness
by owner
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. This Act may be cited as *The Shoreline Property Assistance Amendment Act, 1974*.

Short title

An Act to amend
The Shoreline Property Assistance
Act, 1973

1st Reading

June 7th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

BILL 78

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Shoreline Property Assistance Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

The following is a list of the names of the persons who were present at the meeting held on the 1st day of January, 1910.

John A. Smith
James B. Jones

**An Act to amend
The Shoreline Property Assistance Act, 1973**

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

1. Subsection 6 of section 5 of *The Shoreline Property Assistance Act, 1973*, being chapter 22, is repealed and the following substituted therefor: s. 5 (6),
re-enacted

(6) The debentures shall provide that the municipality or district or regional municipality, as the case may be, may at any time repay the whole amount of principal and interest owing at the time of such prepayment. Prepayment

2. Section 11 of the said Act is repealed and the following substituted therefor: s. 11,
re-enacted

11. The owner of land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed. Discharge of
indebtedness
by owner

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Shoreline Property Assistance Amendment Act, 1974*. Short title

An Act to amend
The Shoreline Property Assistance
Act, 1973

1st Reading

June 7th, 1974

2nd Reading

June 11th, 1974

3rd Reading

June 11th, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Credit Unions Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

EXPLANATORY NOTES

SECTION 1. The provision repealed fixes a maximum rate of interest of 1 per cent per month on loans to members.

SECTION 2. The amendment provides for the maximum rate of interest and other charges for loans to members to be fixed by regulation.

BILL 79

1974

An Act to amend The Credit Unions Act

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

1. Subsection 2 of section 32 of *The Credit Unions Act*, being ^{s. 32 (2),} chapter 96 of the Revised Statutes of Ontario, 1970, is repealed.^{repealed}
2. Section 62 of the said Act is amended by adding thereto the ^{s. 62,} following clause:^{amended}
 - (da) prescribing the rate of interest and other charges that may be charged in connection with loans made by credit unions to members.
3. This Act comes into force on a day to be named by proclamation^{Commence-} of the Lieutenant Governor.^{ment}
4. This Act may be cited as *The Credit Unions Amendment Act*,^{Short title} 1974.

An Act to amend
The Credit Unions Act

1st Reading

June 7th, 1974

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 79

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Credit Unions Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



An Act to amend The Credit Unions Act

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

1. Subsection 2 of section 32 of *The Credit Unions Act*, being ^{s. 32 (2).} _{repealed} chapter 96 of the Revised Statutes of Ontario, 1970, is repealed.
2. Section 62 of the said Act is amended by adding thereto the ^{s. 62.} _{amended} following clause:
 - (da) prescribing the rate of interest and other charges that may be charged in connection with loans made by credit unions to members.
3. This Act comes into force on a day to be named by proclamation ^{Commence-} _{ment} of the Lieutenant Governor.
4. This Act may be cited as *The Credit Unions Amendment Act*, ^{Short title} ₁₉₇₄.

An Act to amend
The Credit Unions Act

1st Reading

June 7th, 1974

2nd Reading

June 13th, 1974

3rd Reading

June 13th, 1974

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Succession Duty Act

THE HON. A. K. MEEN
Minister of Revenue

EXPLANATORY NOTES

SECTION 1 of the Bill raises from \$100,000 to \$150,000 the value of estates at which duty first becomes chargeable. No duty will be chargeable where the dutiable value of the estate does not exceed \$150,000. In addition, the allowances and reductions for dependants have been increased by 50 per cent.

An Act to amend The Succession Duty Act

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

- 1.—(1) Clauses *a* and *aa* of subsection 1 of section 7 of ^{s. 7 (1) (a, aa),} ~~repealed~~ *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, are repealed.
- (2) Clause *a* of subsection 5 of the said section 7, as ^{s. 7 (5) (a),} ~~re-enacted~~ by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor:
 - (a) exceeds \$150,000 and does not exceed \$200,000—25 per cent plus 1/50 of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$150,000.
- (3) Clause *aa* of subsection 5 of the said section 7, as ^{s. 7 (5) (aa),} ~~re-enacted~~ by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor:
 - (aa) exceeds \$150,000 and does not exceed \$160,000—6.9 per cent plus 1/50 of 1 per cent for each full \$2,000 by which the amount exceeds \$150,000.
- (4) Clause *a* of subsection 6 of the said section 7, as ^{s. 7 (6) (a),} ~~re-enacted~~ by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor:
 - (a) exceeds \$150,000 and does not exceed \$200,000—37.5 per cent plus 5/50 of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$150,000.
- (5) Subclause *i* of clause *c* of subsection 8 of the said ^{s. 7 (8) (c) (1),} ~~section 7~~, as amended by the Statutes of Ontario,

1971, chapter 15, section 2, is further amended by striking out "\$100,000" in the amendment of 1971 and inserting in lieu thereof "\$150,000".

s. 7 (11) (d) (ii),
amended

- (6) Subclause ii of clause *d* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1973, chapter 109, section 2, is amended by striking out "\$2,000" in the sixth line and inserting in lieu thereof "\$3,000".

s. 7 (11) (d)
(iii),
amended

- (7) Subclause iii of clause *d* of subsection 11 of the said section 7 is amended by striking out "\$4,000" in the sixth line and inserting in lieu thereof "\$6,000".

s. 7 (11) (d)
(iv),
amended

- (8) Subclause iv of clause *d* of subsection 11 of the said section 7 is amended by striking out "\$4,000" in the third line of sub-subclause A and in the third line of sub-subclause B and inserting in lieu thereof in each instance "\$6,000".

s. 7 (11) (e),
amended

- (9) Clause *e* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1973, chapter 109, section 2, is amended by striking out "one-tenth" in the second line and inserting in lieu thereof "15 per cent".

s. 17a (1) (b),
amended

- 2.—(1) Clause *b* of subsection 1 of section 17a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 109, section 6, is amended by striking out "and" at the end of subclause iii and by adding thereto the following subclauses:

v. any indebtedness that is either,

- A. owing to the deceased from a member of his family ordinarily resident in Canada or from a farming corporation solely as the result of a sale by the deceased to a member of his family ordinarily resident in Canada or to a farming corporation of farming assets as defined in subclause i, ii, iii or iv that are used chiefly in farming by the deceased at the time of such sale, or
- B. the subject-matter of a disposition that does not come within clause *g* of subsection 1 of section 5, that was effected by the forgiveness, reduction or cancellation by the deceased of

SECTION 2 includes in the definition of "farming assets" eligible for forgivable duty any indebtedness owed to the deceased by a member of his family ordinarily resident in Canada as the result of a sale by the deceased, before his death, of farming assets. "Farming assets" is also amended to include the interest of a deceased partner in a farming partnership where the partnership interest passes to a member of the family who takes land on which the partnership was carrying on farming. These changes necessitate consequential amendments to subsequent provisions of section 17a of the Act.

The changes relating to farming assets are retrospective to April 13, 1973 when the provisions relating to forgivable duty were added to the Act. The changes made by section 1 of the Bill will take effect on April 10, 1974.



indebtedness described in sub-subclause A, and that was made by the deceased to a farming corporation or to a member of the family of the deceased ordinarily resident in Canada who is, at the death of the deceased, beneficially interested in the farming assets to the sale of which the indebtedness described in sub-subclause A and forgiven, reduced or cancelled relates,

and such indebtedness is "farming assets" only if, in addition to the foregoing requirements of this subclause, the farming assets the sale of which gave rise to such indebtedness are, at the death of the deceased, used in farming,

C. by the person indebted to the deceased,
or

D. by the person to whom a disposition described in sub-subclause B was made,
or

E. by a person ordinarily resident in Canada who is a member of the family of either of the persons mentioned in sub-subclause C or D, and

vi. the interest of a deceased partner in a partnership that carried on farming on land that is property passing on the death of the deceased, provided that the land on which the partnership carried on farming and the interest of the deceased in the partnership pass to a member of the family of the deceased ordinarily resident in Canada or to a farming corporation.

(2) Clause *d* of subsection 1 of the said section 17*a* is ^{s. 17*a* (1) (*d*),} repealed and the following substituted therefor: _{re-enacted}

(*d*) "farming land" means those farming assets that are land,

(i) that passes on the death of the deceased or that is included in a disposition made by him that does not come within clause *g* of subsection 1 of section 5,

- (ii) that is owned by a farming corporation that uses the land in farming,
- (iii) the sale of which gave rise to indebtedness to the deceased some part of which is a farming asset within the meaning of subclause v of clause b, or
- (iv) on which farming was carried on by a partnership the interest of the deceased in which is a farming asset within the meaning of subclause vi of clause b.

s. 17a (8),
amended

- (3) Subsection 8 of the said section 17a is amended by striking out "Where farming land owned by a farming corporation" in the first line and inserting in lieu thereof "Where land that is defined to be farming land by subclause ii, iii or iv of clause d of subsection 1" and by striking out "farming corporation" in the eighth line and inserting in lieu thereof "person or persons".

Commence-
ment

- 3.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

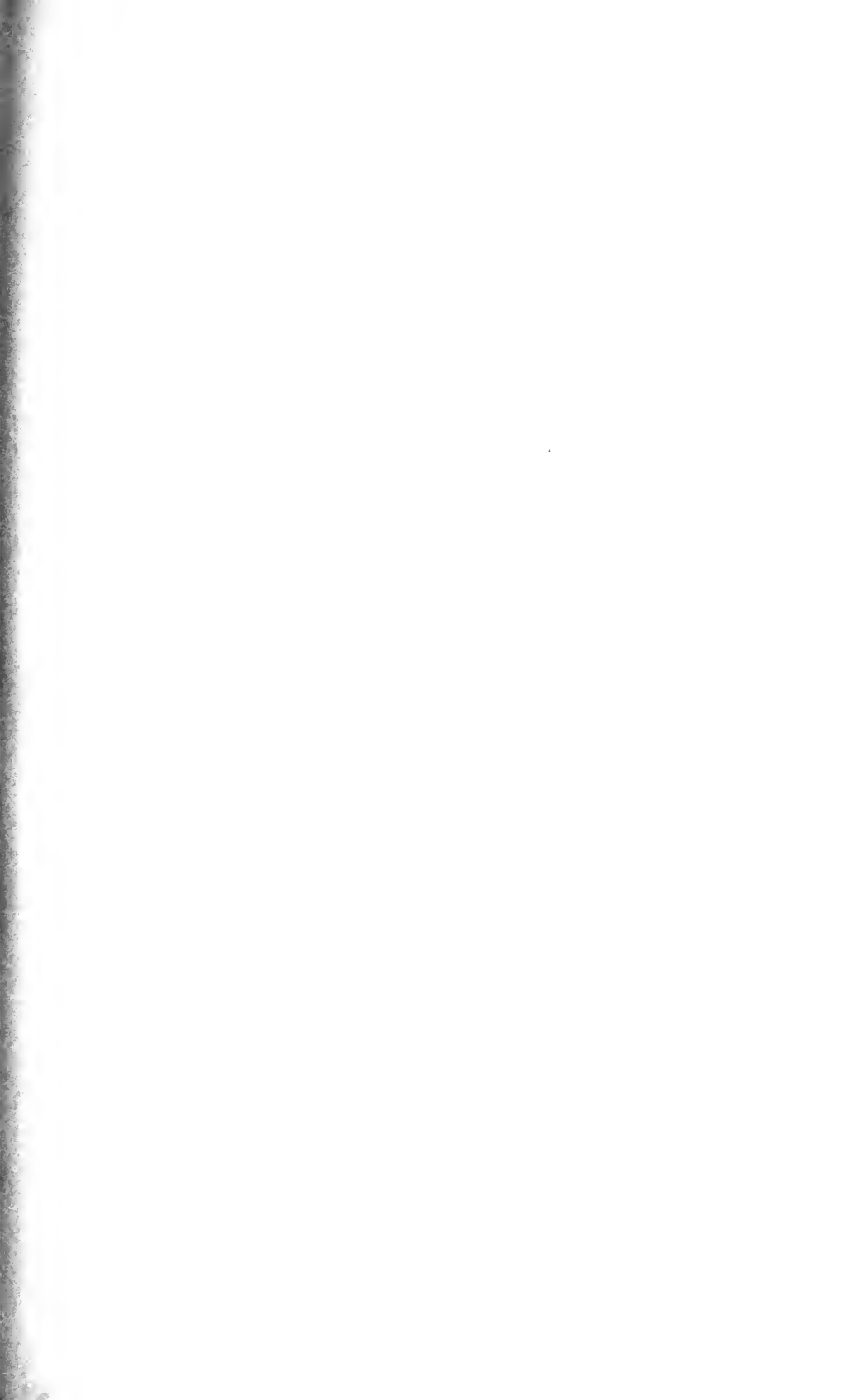
- (2) Section 1 shall be deemed to have come into force on the 10th day of April, 1974, and applies to every case in which duty is imposed by *The Succession Duty Act* as a result of the death of a person dying on or after that day.

Idem

- (3) Section 2 shall be deemed to have come into force on the 13th day of April, 1973, and applies to every case in which duty is imposed by *The Succession Duty Act* as a result of the death of a person dying on or after that day.

Short title

4. This Act may be cited as *The Succession Duty Amendment Act, 1974*.







An Act to amend
The Succession Duty Act

1st Reading

June 10th, 1974

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

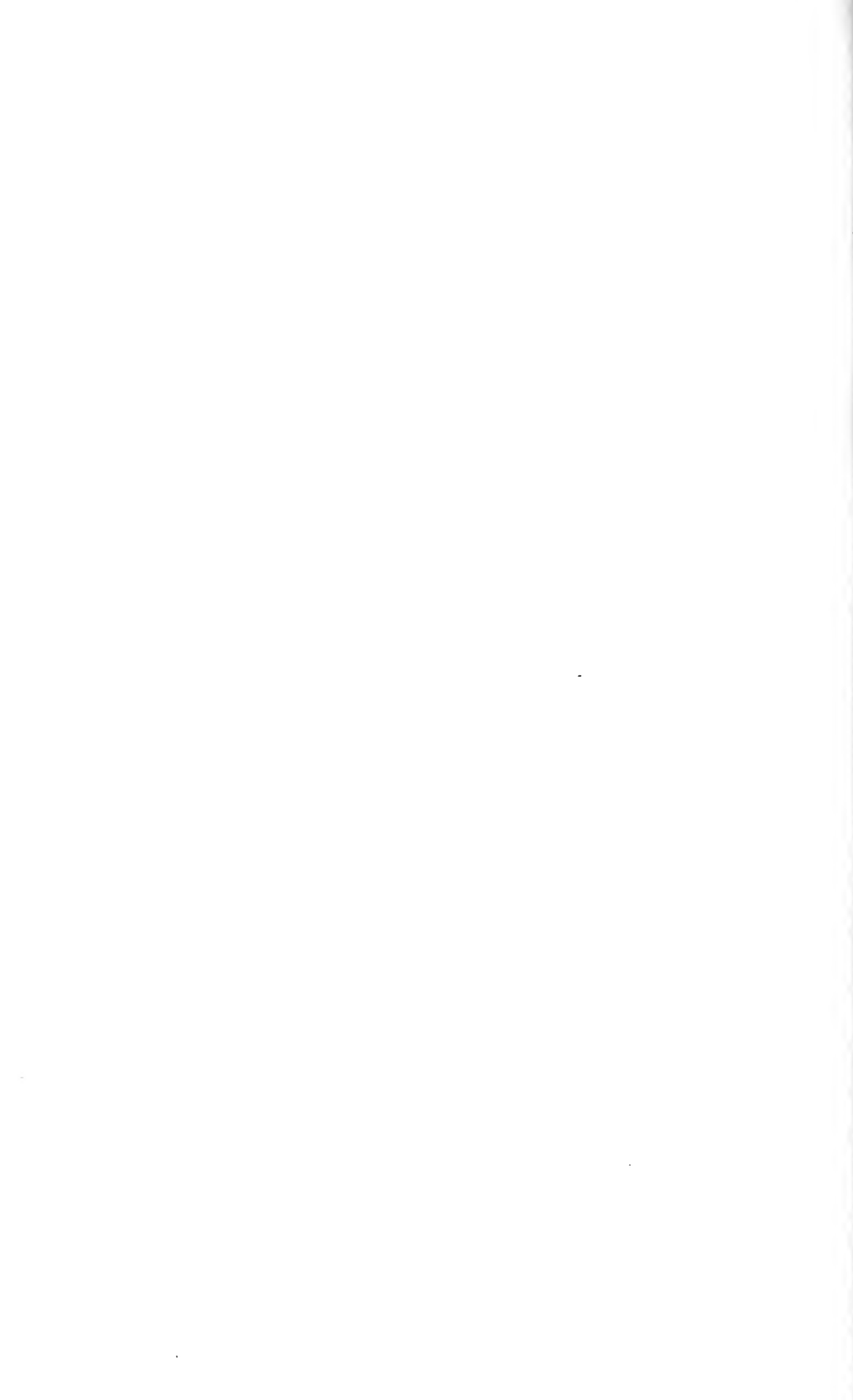
(Government Bill)

BILL 80

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Succession Duty Act

THE HON. A. K. MEEN
Minister of Revenue



An Act to amend The Succession Duty Act

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

- 1.—(1) Clauses *a* and *aa* of subsection 1 of section 7 of ^{s. 7 (1) (a, aa),} ~~repealed~~ *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, are repealed.
- (2) Clause *a* of subsection 5 of the said section 7, as ^{s. 7 (5) (a),} ~~re-enacted~~ by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor:
- (a) exceeds \$150,000 and does not exceed \$200,000—25 per cent plus 1/50 of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$150,000.
- (3) Clause *aa* of subsection 5 of the said section 7, as ^{s. 7 (5) (aa),} ~~re-enacted~~ by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor:
- (aa) exceeds \$150,000 and does not exceed \$160,000—6.9 per cent plus 1/50 of 1 per cent for each full \$2,000 by which the amount exceeds \$150,000.
- (4) Clause *a* of subsection 6 of the said section 7, as ^{s. 7 (6) (a),} ~~re-enacted~~ by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor:
- (a) exceeds \$150,000 and does not exceed \$200,000—37.5 per cent plus 5/50 of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$150,000.
- (5) Subclause *i* of clause *c* of subsection 8 of the said ^{s. 7 (8) (c) (i),} ~~re-enacted~~ section 7, as amended by the Statutes of Ontario,

1971, chapter 15, section 2, is further amended by striking out "\$100,000" in the amendment of 1971 and inserting in lieu thereof "\$150,000".

s. 7 (11) (d) (ii).
amended

- (6) Subclause ii of clause *d* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario 1973, chapter 109, section 2, is amended by striking out "\$2,000" in the sixth line and inserting in lieu thereof "\$3,000".

s. 7 (11) (d)
(iii),
amended

- (7) Subclause iii of clause *d* of subsection 11 of the said section 7 is amended by striking out "\$4,000" in the sixth line and inserting in lieu thereof "\$6,000".

s. 7 (11) (d)
(iv),
amended

- (8) Subclause iv of clause *d* of subsection 11 of the said section 7 is amended by striking out "\$4,000" in the third line of sub-subclause A and in the third line of sub-subclause B and inserting in lieu thereof in each instance "\$6,000".

s. 7 (11) (e),
amended

- (9) Clause *e* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1973, chapter 109, section 2, is amended by striking out "one-tenth" in the second line and inserting in lieu thereof "15 per cent".

s. 17a (1) (b),
amended

- 2.—(1) Clause *b* of subsection 1 of section 17a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 109, section 6, is amended by striking out "and" at the end of subclause iii and by adding thereto the following subclauses:

v. any indebtedness that is either,

- A. owing to the deceased from a member of his family ordinarily resident in Canada or from a farming corporation solely as the result of a sale by the deceased to a member of his family ordinarily resident in Canada or to a farming corporation of farming assets as defined in subclause i, ii, iii or iv that are used chiefly in farming by the deceased at the time of such sale, or
- B. the subject-matter of a disposition that does not come within clause *g* of subsection 1 of section 5, that was effected by the forgiveness, reduction or cancellation by the deceased of

indebtedness described in sub-subclause A, and that was made by the deceased to a farming corporation or to a member of the family of the deceased ordinarily resident in Canada who is, at the death of the deceased, beneficially interested in the farming assets to the sale of which the indebtedness described in sub-subclause A and forgiven, reduced or cancelled relates,

and such indebtedness is "farming assets" only if, in addition to the foregoing requirements of this subclause, the farming assets the sale of which gave rise to such indebtedness are, at the death of the deceased, used in farming,

C. by the person indebted to the deceased,
or

D. by the person to whom a disposition described in sub-subclause B was made,
or

E. by a person ordinarily resident in Canada who is a member of the family of either of the persons mentioned in sub-subclause C or D, and

vi. the interest of a deceased partner in a partnership that carried on farming on land that is property passing on the death of the deceased, provided that the land on which the partnership carried on farming and the interest of the deceased in the partnership pass to a member of the family of the deceased ordinarily resident in Canada or to a farming corporation.

(2) Clause *d* of subsection 1 of the said section 17*a* is ^{s. 17*a* (1) (*d*),} repealed and the following substituted therefor:
re-enacted

(*d*) "farming land" means those farming assets that are land,

(i) that passes on the death of the deceased or that is included in a disposition made by him that does not come within clause *g* of subsection 1 of section 5,

- (ii) that is owned by a farming corporation that uses the land in farming,
- (iii) the sale of which gave rise to indebtedness to the deceased some part of which is a farming asset within the meaning of subclause v of clause b, or
- (iv) on which farming was carried on by a partnership the interest of the deceased in which is a farming asset within the meaning of subclause vi of clause b.

s. 17a (8).
amended

- (3) Subsection 8 of the said section 17a is amended by striking out "Where farming land owned by a farming corporation" in the first line and inserting in lieu thereof "Where land that is defined to be farming land by subclause ii, iii or iv of clause d of subsection 1" and by striking out "farming corporation" in the eighth line and inserting in lieu thereof "person or persons".

Commence-
ment

- 3.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 shall be deemed to have come into force on the 10th day of April, 1974, and applies to every case in which duty is imposed by *The Succession Duty Act* as a result of the death of a person dying on or after that day.

Idem

- (3) Section 2 shall be deemed to have come into force on the 13th day of April, 1973, and applies to every case in which duty is imposed by *The Succession Duty Act* as a result of the death of a person dying on or after that day.

Short title

4. This Act may be cited as *The Succession Duty Amendment Act, 1974*.



An Act to amend
The Succession Duty Act

1st Reading

June 10th, 1974

2nd Reading

June 17th, 1974

3rd Reading

June 17th, 1974

THE HON. A. K. MEEN
Minister of Revenue

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**The Provincial Parks
Municipal Tax Assistance Act, 1974**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

The Bill replaces *The Provincial Parks Municipal Tax Assistance Act, 1971*.

The principal changes effected by the Bill are the following:

1. The categories of parks in respect of which a payment in lieu of taxes may be made by the Province to the municipalities in which they are situate are enlarged to include those parks operated under *The Niagara Parks Act*, *The St. Clair Parkway Commission Act, 1966* and *The St. Lawrence Parks Commission Act*; in addition, wilderness areas and historical parks are made eligible for the payment.
2. Lands owned by the Province within the Niagara Escarpment Planning Area and the Parkway Belt Planning Area, with certain exceptions, also qualify for payment in lieu of taxes; complementary amendments to *The Niagara Escarpment Planning and Development Act, 1973* and *The Parkway Belt Planning and Development Act, 1973*, will delete the present provisions in those Acts providing for such payments.

BILL 81

1974

The Provincial Parks Municipal Tax Assistance Act, 1974

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

1. In this Act,

Interpre-
tation

- (a) "municipality" means a city, town, village, township and improvement district;
- (b) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (c) "provincial park" means a provincial park, a park operated under *The Niagara Parks Act*, *The St. Clair Parkway Commission Act, 1966*, or *The St. Lawrence Parks Commission Act*, a wilderness area and a historical park or part thereof as determined under section 2.

R.S.O. 1970.
cc. 298, 447
1966, c. 146

2.—(1) Subject to section 7, the Minister of Natural Resources shall annually, on or before the 1st day of February, determine and advise the Ministry of,

Determina-
tion by
Minister
of Natural
Resources

- (a) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more provincial parks or any part thereof;
- (b) the number of acres to the nearest whole acre in each provincial park or part thereof so located within each such municipality.

(2) For the purposes of this Act, notwithstanding sub-section 5 of section 3 of *The Provincial Parks Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof.

Parks
deemed not
separated
from muni-
cipalities
R.S.O. 1970.
c. 371

Determina-
tion final (3) The determination of the Minister of Natural Resources under subsection 1 is final.

Determina-
tion by
Ministry 3.—(1) Subject to section 7, the Ministry shall annually, on or before the 1st day of February determine, in respect of each municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area within the meaning of *The Niagara Escarpment Planning and Development Act, 1973*, or any part of the Parkway Belt Planning Area within the meaning of *The Parkway Belt Planning and Development Act, 1973*, the number of acres to the nearest whole acre of all land in such municipality situate within the planning areas and owned on the next preceding 1st day of January by Her Majesty in right of Ontario, excluding,

1973,
cc. 52, 53

R.S.O. 1970.
c. 292

(a) "highways" within the meaning of *The Municipal Tax Assistance Act*;

(b) land that is included in a provincial park; and

(c) land upon which taxes or payments in lieu of taxes are payable to the municipality in the year in respect of such land under any other general or special Act.

Determina-
tion final (2) The determination of the Ministry under subsection 1 is final.

Payments 4. Commencing with the year 1974, the Ministry may pay in each year,

(a) to a municipality in which there are one or more provincial parks,

(i) \$5 per acre for each of the first 100 acres of each such park and \$2 per acre for each acre in excess of 100 acres in each such park to a maximum of 10,000 acres, or

(ii) \$100,

whichever is the greater; and

(b) to each municipality in respect of which a determination has been made under section 3,

(i) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres, or

(ii) \$100.

whichever is the greater.

5.—(1) For the purposes of any general or special Act, the equalized assessment of a municipality that receives a payment under this Act shall be deemed for apportionment purposes, other than for school purposes or for county purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year by the total equalized commercial and industrial assessment for the preceding year, multiplied by 1,000. Municipal assessment deemed increased

(2) In determining the taxes levied on commercial and industrial assessment under subsection 1, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*. Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

6.—(1) Subject to subsection 2, the moneys required for the purposes of this Act are payable out of such moneys as may be appropriated therefor by the Legislature. Moneys

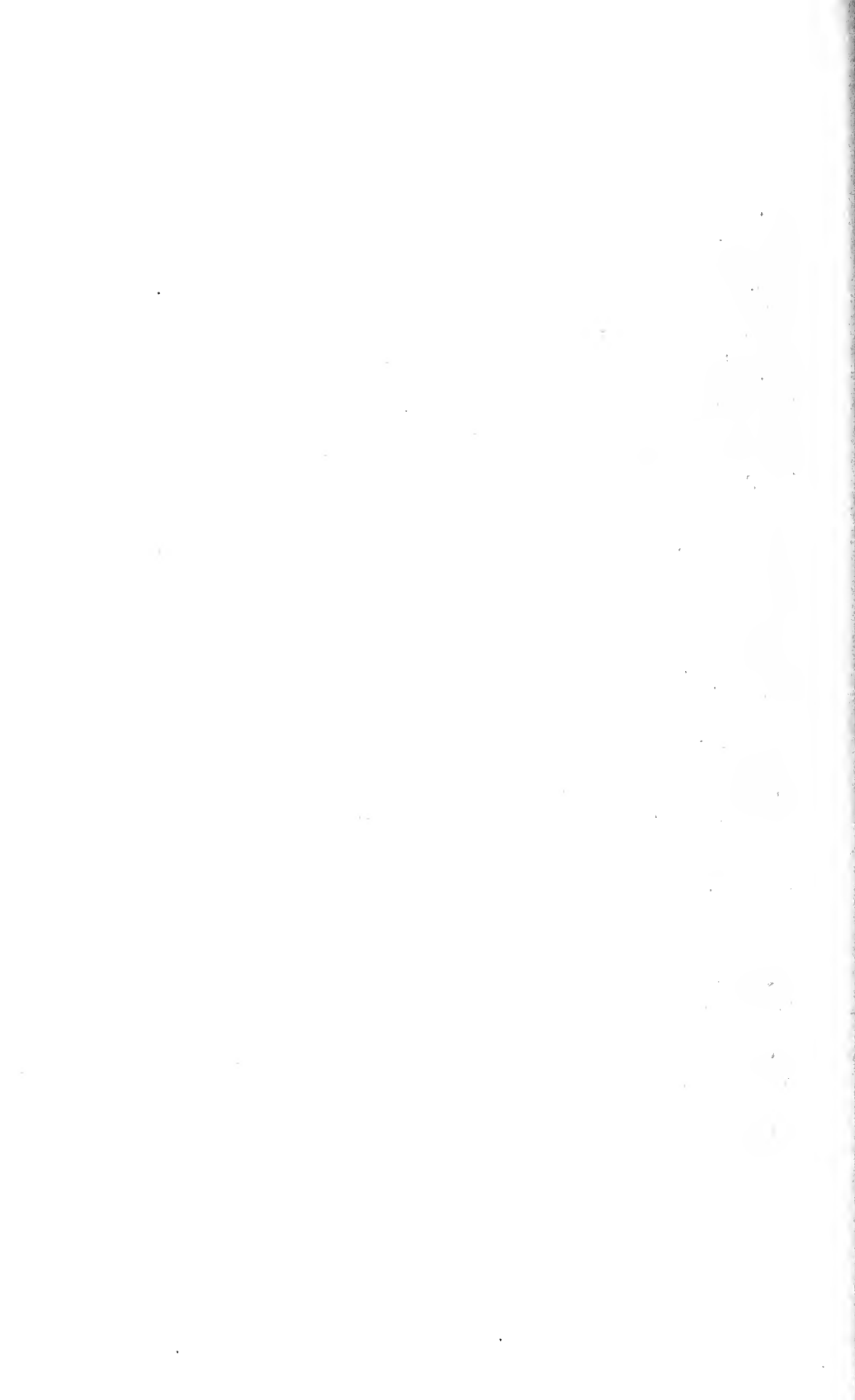
(2) In respect of a park owned and operated by a commission established under an Act mentioned in clause *c* of section 1, the moneys required for the purposes of this Act are payable out of the funds of the commission. Idem

7. The annual determinations required under sections 2 and 3 shall be made for the purposes of payments in 1974 as soon as is practicable after the coming into force of this Act. Determination for 1974

8. *The Provincial Parks Municipal Tax Assistance Act, 1971*, being chapter 78, is repealed. Repeal

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

10. This Act may be cited as *The Provincial Parks Municipal Tax Assistance Act, 1974*. Short title





The Provincial Parks
Municipal Tax Assistance
Act, 1974

1st Reading

June 11th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**The Provincial Parks
Municipal Tax Assistance Act, 1974**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

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

EXPLANATORY NOTE

The Bill replaces *The Provincial Parks Municipal Tax Assistance Act, 1971*.

The principal changes effected by the Bill are the following:

1. The categories of parks in respect of which a payment in lieu of taxes may be made by the Province to the municipalities in which they are situate are enlarged to include those parks operated under *The Niagara Parks Act, The St. Clair Parkway Commission Act, 1966* and *The St. Lawrence Parks Commission Act*; in addition, wilderness areas and historical parks are made eligible for the payment.
2. Lands owned by the Province within the Niagara Escarpment Planning Area and the Parkway Belt Planning Area, with certain exceptions, also qualify for payment in lieu of taxes; complementary amendments to *The Niagara Escarpment Planning and Development Act, 1973* and *The Parkway Belt Planning and Development Act, 1973*, will delete the present provisions in those Acts providing for such payments.

The Provincial Parks Municipal Tax Assistance Act, 1974

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

1. In this Act,

Interpre-
tation

- (a) "municipality" means a city, town, village, township and improvement district;
- (b) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (c) "provincial park" means a provincial park, a park operated under *The Niagara Parks Act*, *The St. Clair Parkway Commission Act, 1966*, or *The St. Lawrence Parks Commission Act*, a wilderness area and a historical park or part thereof as determined under section 2.

R.S.O. 1970.
cc. 298, 447
1966, c. 146

2.—(1) Subject to section 7, the Minister of Natural Resources shall annually, on or before the 1st day of February, determine and advise the Ministry of,

Determina-
tion by
Minister
of Natural
Resources

- (a) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more provincial parks or any part thereof;
- (b) the number of acres to the nearest whole acre in each provincial park or part thereof so located within each such municipality.

(2) For the purposes of this Act, notwithstanding sub-section 5 of section 3 of *The Provincial Parks Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof.

Parks
deemed not
separated
from muni-
cipalities
R.S.O. 1970
c. 371

Determina-
tion final

(3) The determination of the Minister of Natural Resources under subsection 1 is final.

Determina-
tion by
Ministry

3.—(1) Subject to section 7, the Ministry shall annually, on or before the 1st day of February determine, in respect of each municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area within the meaning of *The Niagara Escarpment Planning and Development Act, 1973*, or any part of the Parkway Belt Planning Area within the meaning of *The Parkway Belt Planning and Development Act, 1973*, the number of acres to the nearest whole acre of all land in such municipality situate within the planning areas and owned on the next preceding 1st day of January by Her Majesty in right of Ontario, excluding,

1973,
cc. 52, 53

R.S.O. 1970,
c. 292

(a) "highways" within the meaning of *The Municipal Tax Assistance Act*;

(b) land that is included in a provincial park; and

(c) land upon which taxes or payments in lieu of taxes are payable to the municipality in the year in respect of such land under any other general or special Act.

Determina-
tion final

(2) The determination of the Ministry under subsection 1 is final.

Payments

4. Commencing with the year 1974, the Ministry may pay in each year,

(a) to a municipality in which there are one or more provincial parks,

(i) \$5 per acre for each of the first 100 acres of each such park and \$2 per acre for each acre in excess of 100 acres in each such park up to 10,000 acres in each such park and \$0.50 per acre for each acre in excess of 10,000 acres in each such park, or

(ii) \$100,

whichever is the greater; and

(b) to each municipality in respect of which a determination has been made under section 3,

(i) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to 10,000 acres and \$0.50 per acre for each acre in excess of 10,000 acres, or

(ii) \$100.

whichever is the greater.

5. (1) For the purposes of any general or special Act, the equalized assessment of a municipality that receives a payment under this Act shall be deemed for apportionment purposes, other than for school purposes or for county purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year by the total equalized commercial and industrial assessment for the preceding year, multiplied by 1,000.

Municipal
assessment
deemed
increased

(2) In determining the taxes levied on commercial and industrial assessment under subsection 1, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

Exclusion
of taxes
added to
collector's
roll under
R.S.O. 1970,
c. 32, s. 43

6. (1) Subject to subsection 2, the moneys required for the purposes of this Act are payable out of such moneys as may be appropriated therefor by the Legislature.

Moneys

(2) In respect of a park owned and operated by a commission established under an Act mentioned in clause c of section 1, the moneys required for the purposes of this Act are payable out of the funds of the commission.

Idem

(3) Notwithstanding subsection 2, the moneys required for the purposes of this Act by a commission mentioned in subsection 2 shall, for 1974, be paid out of the moneys appropriated therefor by the Legislature.

Idem

7. The annual determinations required under sections 2 and 3 shall be made for the purposes of payments in 1974 as soon as is practicable after the coming into force of this Act.

2 Determina-
tion for
1974

8. *The Provincial Parks Municipal Tax Assistance Act, 1971*, being chapter 78, is repealed.

Repeal

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

Commence-
ment

10. This Act may be cited as *The Provincial Parks Municipal Tax Assistance Act, 1974*.

Short title





The Provincial Parks
Municipal Tax Assistance
Act, 1974

1st Reading

June 11th, 1974

2nd Reading

December 16th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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

BILL 81

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**The Provincial Parks
Municipal Tax Assistance Act, 1974**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



The Provincial Parks Municipal Tax Assistance Act, 1974

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

1. In this Act,

Interpre-
tation

- (a) "municipality" means a city, town, village, township and improvement district;
- (b) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (c) "provincial park" means a provincial park, a park operated under *The Niagara Parks Act*, *The St. Clair Parkway Commission Act, 1966*, or *The St. Lawrence Parks Commission Act*, a wilderness area and a historical park or part thereof as determined under section 2.

R.S.O. 1970,
cc. 298, 447
1966, c. 146

2.—(1) Subject to section 7, the Minister of Natural Resources shall annually, on or before the 1st day of February, determine and advise the Ministry of,

Determina-
tion by
Minister
of Natural
Resources

- (a) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more provincial parks or any part thereof;
- (b) the number of acres to the nearest whole acre in each provincial park or part thereof so located within each such municipality.

(2) For the purposes of this Act, notwithstanding sub-section 5 of section 3 of *The Provincial Parks Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof.

Parks
deemed not
separated
from muni-
cipalities
R.S.O. 1970,
c. 371

Determina-
tion final

(3) The determination of the Minister of Natural Resources under subsection 1 is final.

Determina-
tion by
Ministry

3.—(1) Subject to section 7, the Ministry shall annually, on or before the 1st day of February determine, in respect of each municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area within the meaning of *The Niagara Escarpment Planning and Development Act, 1973*, or any part of the Parkway Belt Planning Area within the meaning of *The Parkway Belt Planning and Development Act, 1973*, the number of acres to the nearest whole acre of all land in such municipality situate within the planning areas and owned on the next preceding 1st day of January by Her Majesty in right of Ontario, excluding,

1973,
cc. 52, 53

R.S.O. 1970,
c. 292

(a) "highways" within the meaning of *The Municipal Tax Assistance Act*;

(b) land that is included in a provincial park; and

(c) land upon which taxes or payments in lieu of taxes are payable to the municipality in the year in respect of such land under any other general or special Act.

Determina-
tion final

(2) The determination of the Ministry under subsection 1 is final.

Payments

4. Commencing with the year 1974, the Ministry may pay in each year,

(a) to a municipality in which there are one or more provincial parks,

(i) \$5 per acre for each of the first 100 acres of each such park and \$2 per acre for each acre in excess of 100 acres in each such park up to 10,000 acres in each such park and \$0.50 per acre for each acre in excess of 10,000 acres in each such park, or

(ii) \$100,

whichever is the greater; and

(b) to each municipality in respect of which a determination has been made under section 3,

(i) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to 10,000 acres and \$0.50 per acre for each acre in excess of 10,000 acres, or

(ii) \$100,

whichever is the greater.

5.—(1) For the purposes of any general or special Act, the equalized assessment of a municipality that receives a payment under this Act shall be deemed for apportionment purposes, other than for school purposes or for county purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year by the total equalized commercial and industrial assessment for the preceding year, multiplied by 1,000. Municipal assessment deemed increased

(2) In determining the taxes levied on commercial and industrial assessment under subsection 1, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*. Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

6.—(1) Subject to subsection 2, the moneys required for the purposes of this Act are payable out of such moneys as may be appropriated therefor by the Legislature. Moneys

(2) In respect of a park owned and operated by a commission established under an Act mentioned in clause c of section 1, the moneys required for the purposes of this Act are payable out of the funds of the commission. Idem

(3) Notwithstanding subsection 2, the moneys required for the purposes of this Act by a commission mentioned in subsection 2 shall, for 1974, be paid out of the moneys appropriated therefor by the Legislature. Idem

7. The annual determinations required under sections 2 and 3 shall be made for the purposes of payments in 1974 as soon as is practicable after the coming into force of this Act. Determination for 1974

8. *The Provincial Parks Municipal Tax Assistance Act, 1971*, being chapter 78, is repealed. Repealed

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

10. This Act may be cited as *The Provincial Parks Municipal Tax Assistance Act, 1974*. Short title





The Provincial Parks
Municipal Tax Assistance
Act, 1974

1st Reading

June 11th, 1974

2nd Reading

December 16th, 1974

3rd Reading

December 20th, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Corporations Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue

EXPLANATORY NOTES

This Bill is enacted to bring into force the changes to *The Corporations Tax Act, 1972*, announced in the Budget on April 9th, 1974.

SECTION 1. This section revises the definition of farming and defines "family farm corporation", "farming assets" and "member of his family" for the purpose of granting a special rate of tax on paid up capital of family farm corporations.

**An Act to amend
The Corporations Tax Act, 1972**

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

- 1.—(1) Subsection 1 of section 1 of *The Corporations Tax Act*, ^{s. 1 (1),} 1972, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 1, is further amended by adding thereto the following paragraph:

30a. "family farm corporation" means a corporation that is throughout the fiscal year a corporation,

- i. every share of the capital stock of which that confers on the holder thereof the right to vote was owned by an individual ordinarily resident in Canada or by such individual and a member or members of his family ordinarily resident in Canada,
- ii. 95 per cent of the assets of which were farming assets, and
- iii. which carried on the business of farming in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the farm.

- (2) Paragraph 31 of subsection 1 of the said section 1 is ^{s. 1 (1), par. 31,} repealed and the following substituted therefor: ^{re-enacted}

31. "farming" includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit growing, and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming and, for the purposes of subsection 2 of section 135 only, does not include the maintaining of horses for racing;

31a. "farming assets" of a family farm corporation means,

- i. cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming,
- ii. land, buildings, equipment, machinery and live stock that are used chiefly in the operation of the farm by the corporation,
- iii. any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,
- iv. the building in which a shareholder or a member or members of his family reside who are engaged in the operation of the farm if that building is on land that is used or is contiguous to land used by that shareholder or member or members of his family in the operation of the farm,
- v. shares in another family farm corporation.

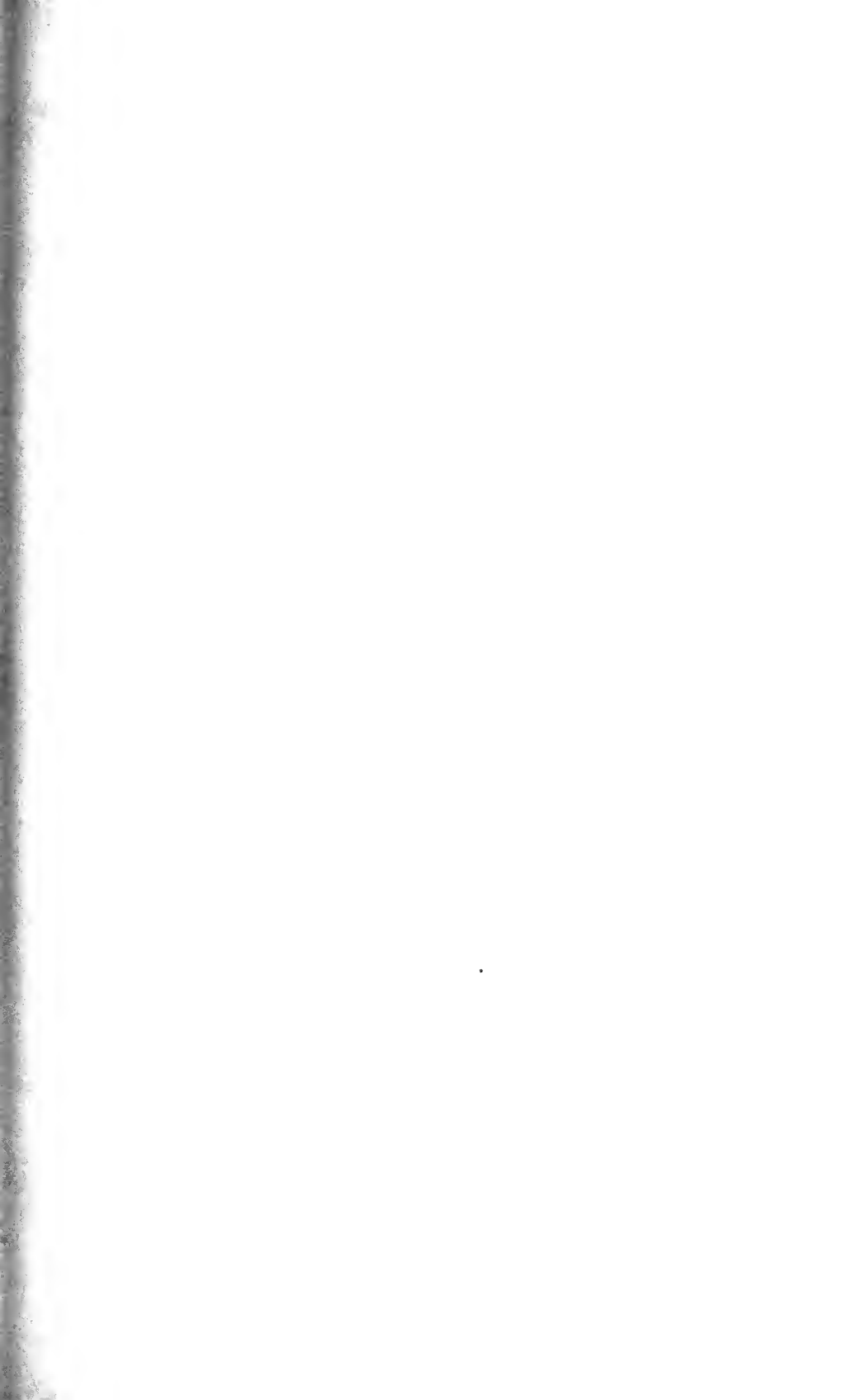
s. 1 (1),
amended

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

43a. "member of his family" means, with respect to an individual referred to in paragraph 30a,

- i. his spouse,
- ii. his child,
- iii. his father, mother, brother or sister or any lawful descendant of such brother or sister,
- iv. the brother or sister of his father or mother or any lawful descendant of any such brother or sister,
- v. the father, mother or any brother or sister of his spouse or any lawful descendant of any such brother or sister,
- vi. his son-in-law or daughter-in-law,
- vii. a person adopted by him under *The Child Welfare Act* or the spouse or any lawful descendant of such person, or
- viii. his grandfather or grandmother.

R.S.O. 1970,
c. 64



SECTION 2. This section amends subsection 1 of section 22 of the Act by adding clause *n* to disallow the deduction from income of mining royalties and mining taxes.

SECTION 3. This section amends subsection 1 of section 24 of the Act by repealing the allowance as a deduction from income of taxes in respect of income from mining.

SECTION 4. This section amends section 62 of the Act to provide a uniform $33\frac{1}{3}$ per cent depletion allowance in respect of an oil or gas well or mining resource.

2. Subsection 1 of section 22 of the said Act, as amended by ^{s. 22 (1),} the Statutes of Ontario, 1973, chapter 42, section 4, is further amended by adding thereto the following clause:

(n) an amount paid or payable by a corporation to a ^{Mineral resource} jurisdiction in respect of a mining royalty tax or a ^{Taxes} mining tax based on the production of or profits from the operation of a mineral resource in the jurisdiction for the fiscal year, except as permitted by regulation.

3. Clause x of subsection 1 of section 24 of the said Act is ^{s. 24 (1) (x),} repealed.

4. Subsections 1 and 2 of section 62 of the said Act, as ^{s. 62 (1, 2),} re-enacted by the Statutes of Ontario, 1973, chapter 157, section 16, are repealed and the following substituted therefor:

(1) Except as otherwise provided in this section, there ^{Allowance} may be deducted in computing a corporation's income for a ^{for oil or gas well,} fiscal year such amount as an allowance, if any, in respect of, ^{mine or timber limit}

(a) an oil or gas well, mineral resource or timber limit; or

(b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

that is 33 $\frac{1}{3}$ per cent of the amount of the production profits or other subject of allowance of the corporation for the fiscal year as is prescribed by regulation.

(1a) Where a corporation has income for a fiscal year ^{Allowance for oil and gas well outside Canada} from an oil well or gas well that is outside Canada, there may be deducted in computing the corporation's income for a fiscal year, such amount as an allowance, if any, as is allowed by regulation.

(2) For greater certainty it is hereby declared that, in ^{Regulations} the case of a regulation made under subsection 1 prescribing the amount of production profits or other subject of allowance of a corporation in respect of an oil or gas well or a mineral resource or in respect of the processing of ore,

(a) there may be prescribed by such regulation an amount in respect of any or all,

(i) oil or gas wells or mineral resources in which the corporation has an interest, or

(ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and

(b) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount of production profits or other subject of allowance of the corporation shall be determined.

Idem

(2a) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1a allowing to a corporation an amount in respect of an oil or gas well that is outside Canada,

(a) there may be allowed to the corporation by such regulation an amount in respect of any or all oil or gas wells in which the corporation has any interest; and

(b) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

s. 63,
amended

5.—(1) Section 63 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following subsection:

Idem

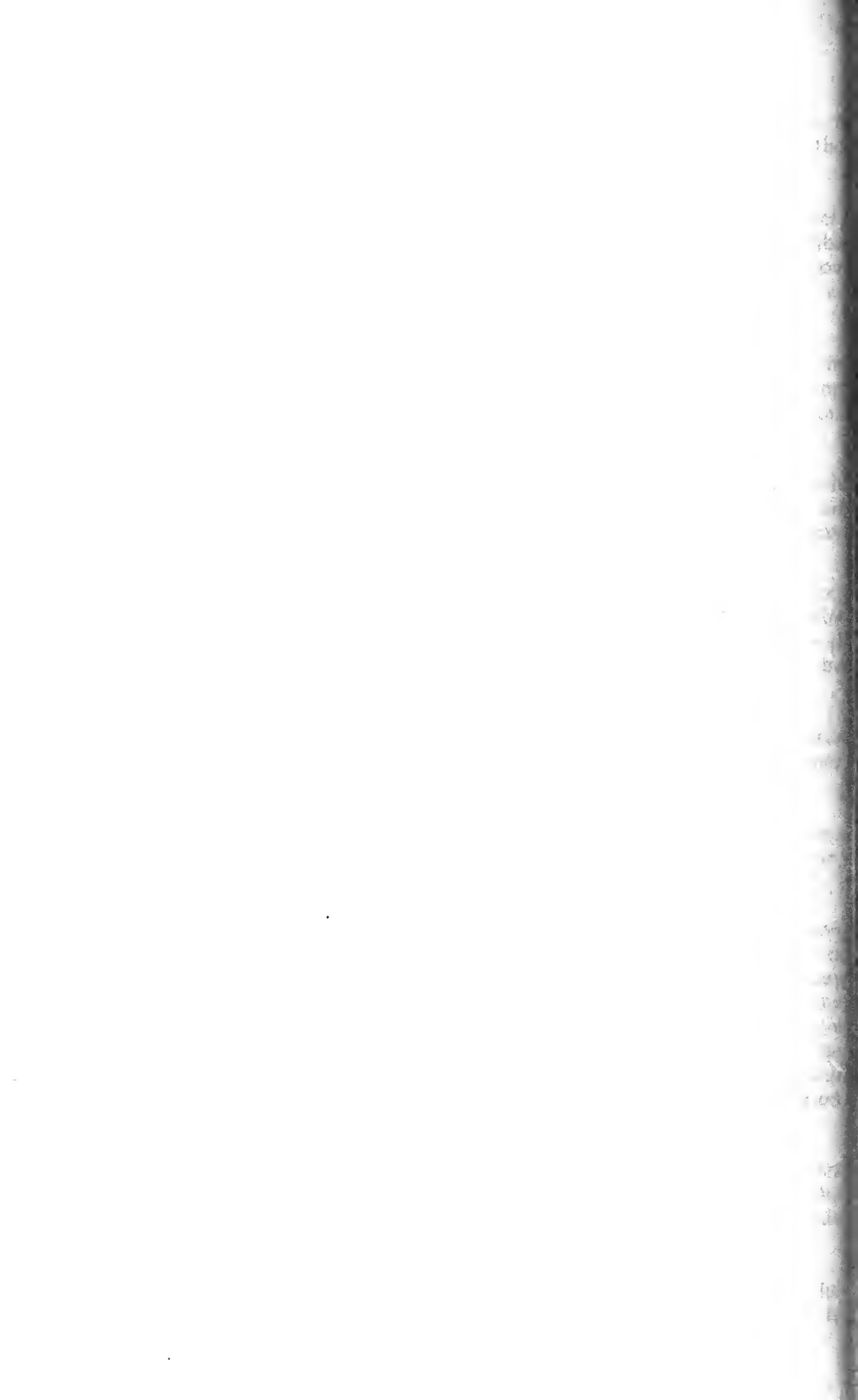
(3a) A corporation other than a principal-business corporation may deduct, in computing its income for a fiscal year, the lesser of,

(a) the aggregate of such of its Ontario exploration and development expenses as were incurred by it before the end of the fiscal year to the extent that they were not deducted in computing its income for a previous year, minus that portion of the deduction allowed, if any, in computing its income for the fiscal year under subsection 2 or 3 which is reasonably attributable to Ontario exploration and development expenses; and

(b) that portion of the amount determined under clause *a* equal to the amount of its income for the fiscal year if no deductions were allowed under this section, minus,

(i) that portion of the deduction allowed for the fiscal year under subsection 2 or 3 which is

SECTION 5 This section amends section 63 of the Act to allow the full deduction from income of Ontario exploration and development expenses.



reasonably attributable to Ontario exploration and development expenses, and

(ii) the deduction allowed for the fiscal year under section 100.

- (2) Subsection 4 of the said section 63 is amended by striking ^{s. 63 (4),} amended out "subsection 3" in the first line and inserting in lieu thereof "subsections 3 and 3a".
- (3) Subsection 9 of the said section 63 is amended by striking ^{s. 63 (9),} amended out "In computing a corporation's Canadian exploration and development expenses" in the first and second lines and inserting in lieu thereof "In computing the Canadian exploration and development expenses and Ontario exploration and development expenses of a corporation".
- (4) Subsection 10 of the said section 63 is amended by ^{s. 63 (10),} amended striking out "Where" in the first line and inserting in lieu thereof "Except as otherwise provided in this section, where".
- (5) The said section 63 is further amended by adding thereto ^{s. 63,} amended the following subsection:

(10a) Notwithstanding subsection 10, where a corpora-^{Idem} tion other than a principal-business corporation has incurred expenses the deduction of which from income is allowable under subsection 2, 3 or 3a,

- (a) a corporation that is entitled to a deduction under subsection 2 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3a; and
- (b) a corporation that is entitled to a deduction under subsection 3 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3a.
- (6) Subsection 12 of the said section 63, as amended by the ^{s. 63 (12),} amended Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following clauses:
- (ea) "Ontario exploration and development expenses" incurred by a corporation means any expenses that would be Canadian exploration and development expenses incurred by the corporation if clause b of this subsection were read as if the references therein to,

- (i) "in Canada" were references to "in Ontario",
- (ii) "after 1971" were references to "after the 9th day of April, 1974", and
- (iii) "Canadian" were references to "Ontario";

(*eb*) "Ontario resource property" of a corporation means any property that would be a Canadian resource property of the corporation if clause *c* of this subsection were read as if the references therein to,

- (i) "in Canada" were references to "in Ontario", and

(ii) "after 1971" were references to "after the 9th day of April, 1974".

s. 75 (2) (a),
re-enacted

6. Clause *a* of subsection 2 of section 75 of the said Act is repealed and the following substituted therefor:

Exemption
for three
years

- (a) Subject to the prescribed conditions, there shall not be included, in computing the income of a corporation, income derived from the operation of a mine that came into production before 1974 to the extent that such income is gained or produced during the period commencing with the day on which the mine came into production and ending with the earlier of the 31st day of December, 1973 and the day thirty-six months after the day on which the mine came into production.

s. 106a,
enacted

7. The said Act is amended by adding thereto the following section:

Small
business
incentive

106a.—(1) There may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation that, with respect to such fiscal year, was eligible for a deduction under section 125 of the *Income Tax Act* (Canada), an amount equal to the lesser of,

1970-71,
c. 63 (Can.)

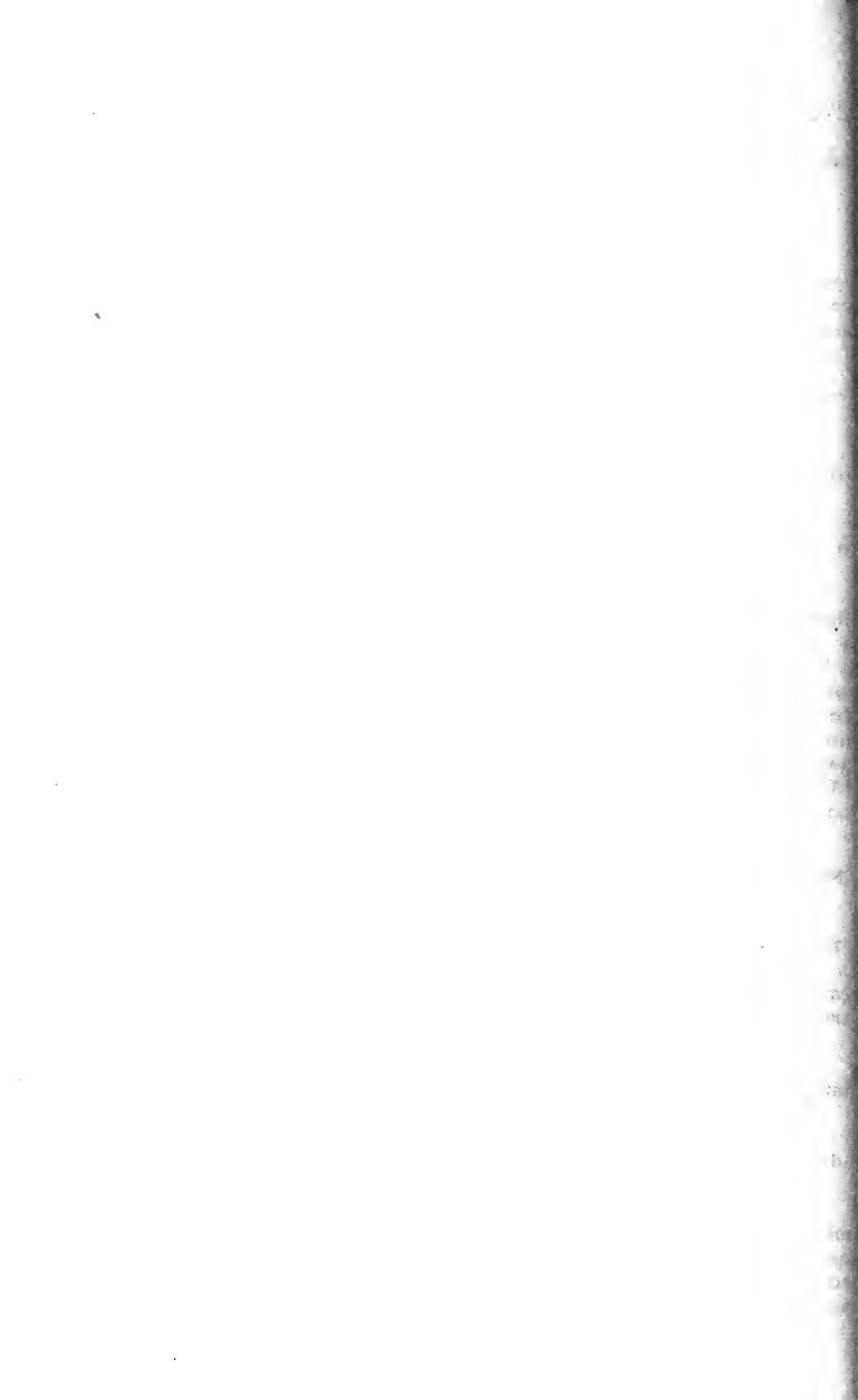
- (a) 5 per cent of its eligible taxable paid-up capital for the fiscal year; and
- (b) 6 per cent of the amount determined under subsection 2.

Idem

(2) For the purposes of clause *b* of subsection 1, the amount determined under this subsection is that proportion of the least of the amounts determined under paragraphs *a*, *b*, *c* and *d* of subsection 1 of section 125 of the *Income*

SECTION 6. This section amends section 75 of the Act to discontinue after December 31, 1973 the three-year tax exemption for mining companies.

SECTION 7. This section enacts a new section 106a of the Act to provide a small business incentive deduction to companies eligible for the small business deduction under section 125 of the *Income Tax Act* (Canada).



Tax Act (Canada) for the fiscal year, not exceeding \$50,000, that,

- (a) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario, measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada),

1970-71,
c. 63 (Can.)

bears to

- (b) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada).

(3) In addition to the deduction permitted under sub-^{Idem}section 1 there may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation, the amount, if any, by which the amount determined under clause *a* of subsection 1 exceeds the amount determined under clause *b* of that subsection for any of the five fiscal years immediately preceding the fiscal year to the extent that such amount has not previously been deducted under this subsection except that,

- (a) the amount that would otherwise be deductible under this subsection from the tax otherwise payable under this Part for a fiscal year shall not be deducted for any fiscal year in respect of which the corporation was not eligible for a deduction under section 125 of the *Income Tax Act* (Canada) or any subsequent fiscal year; and

- (b) in no case shall the additional deduction allowed under this subsection operate to permit a deduction for the fiscal year in excess of the amount determined under clause *b* of subsection 1 for the fiscal year.

(4) In this section,

Interpre-
tation

- (a) "eligible for a deduction under section 125 of the *Income Tax Act* (Canada)" means otherwise qualified for a deduction under section 125 of the *Income Tax Act* (Canada), notwithstanding that no deduction was allowed under that section for the fiscal year by reason only that the amount determined under paragraph *a* or *b* of subsection 1 of that section was nil for that fiscal year.

and "not eligible for a deduction under section 125 of the *Income Tax Act* (Canada)" has a corresponding meaning;

(b) "eligible taxable paid-up capital for the fiscal year" means, in respect of any fiscal year ending after the 9th day of April, 1974, the amount, if any, by which,

(i) the taxable paid-up capital amount of a corporation for that fiscal year determined in accordance with subsection 6,

exceeds

(ii) the greatest of the taxable paid-up capital amounts of a corporation for the fiscal years ending on or after the 31st day of March, 1973 and before that fiscal year, determined in accordance with subsection 6,

minus any deduction required by subsection 5; and

(c) "tax otherwise payable under this Part" means the tax for the fiscal year otherwise payable by the corporation under this Part after making any deduction applicable under sections 103, 104, 105 and 106 but before making any deduction under this section.

Reduction
of eligible
paid-up
capital

(5) Where, for the purposes of section 132, part of the taxable paid-up capital of a corporation determined under Division B of Part III for the fiscal year is deemed to have been used in a jurisdiction outside Ontario, the amount determined under clause *b* of subsection 4 shall be reduced in the same ratio that the tax payable under section 131 is reduced for that fiscal year.

Taxable
paid-up
capital
amount

(6) For the purposes of clause *b* of subsection 4, "taxable paid-up capital amount" for a fiscal year means the amount of the taxable paid-up capital of the corporation determined under Division B of Part III for the fiscal year reduced by such of the following amounts as are applicable,

(a) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any appraisal surplus;

(b) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any amounts that in the opinion of the Minister are represented by,

(i) the corporation's year-end cash balances,

(ii) loans receivable from shareholders or any other person not dealing at arm's length with such shareholders or the corporation, or

(iii) assets transferred to the corporation in any manner whatsoever from a person with whom the corporation was not dealing at arm's length;

(c) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year amounts, other than eligible capital expenditure, represented by goodwill or other intangible assets;

(d) the amount by which the taxable paid-up capital of the corporation for the fiscal year was, in the opinion of the Minister, artificially increased for that fiscal year.

(7) For the purposes of this section, the following rules apply, Special rules re commencement of deduction

(a) where a corporation did not have a fiscal year ending prior to the 9th day of April, 1974, the deduction permitted under this section shall commence with the fiscal year immediately following the first fiscal year of the corporation that is not less than twelve months throughout which it carried on an active business in Canada;

(b) where the fiscal year of a corporation ending on or after the 31st day of March, 1973 is less than twelve months, or where a corporation did not carry on an active business in Canada throughout its fiscal year that included the 31st day of March, 1973, the deduction permitted under this section shall commence with the fiscal year immediately following the fiscal year of the corpora-

tion ending on or after the 31st day of March, 1973 that is not less than twelve months throughout which it carried on an active business in Canada.

s. 109a.
enacted

8. The said Act is further amended by adding thereto the following section:

Mortgage Investment Corporations

Deduction
from tax

109a.—(1) In computing the income for a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation,

(a) there may be deducted the aggregate of,

(i) all taxable dividends, other than capital gains dividends, paid by the corporation during the fiscal year or within ninety days after the end of the fiscal year (not exceeding the amount by which the taxable income of the corporation for the fiscal year, determined without regard to the provisions of this clause, exceeds the taxed capital gains of the corporation for the fiscal year) to the extent that such dividends were not deductible by the corporation in computing its income for the preceding fiscal year, and

(ii) one-half of all capital gains dividends paid by the corporation during the period commencing ninety-one days after the commencement of the fiscal year and ending ninety days after the end of the fiscal year; and

(b) no deduction may be made under section 100 in respect of taxable dividends received by it from other corporations.

Dividend
equated to
bond interest

(2) For the purposes of this Act, any amount received from a mortgage investment corporation by a shareholder of the corporation as or on account of a taxable dividend, other than a capital gains dividend, shall be deemed to have been received by the shareholder as interest payable on a bond issued by the corporation after 1971.

Application
of subs. 2

(3) Subsection 2 applies where the taxable dividend (other than a capital gains dividend) therein described was paid during a fiscal year throughout which the paying

SECTION 8. This section enacts a new section 109a of the Act to provide special tax treatment for a newly defined type of company called mortgage investment corporations.

SECTION 9. This section amends section 127 of the Act to repeal the mine and mill allowance in the calculation of the paid-up capital tax of mining companies.

corporation was a mortgage investment corporation or within ninety days thereafter.

(4) Where at any particular time during the period commencing ninety-one days after the commencement of a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation and ending ninety days after the end of the fiscal year, a dividend is paid by the corporation to shareholders of the corporation and the corporation has elected in respect of the full amount of the dividend in accordance with subsection 4 of section 130.1 of the *Income Tax Act* (Canada),

Elected
capital gains
dividend

1970-71,
c. 63 (Can.)

(a) the dividend shall be deemed to be a capital gains dividend to the extent that it does not exceed,

(i) two times the taxed capital gains of the corporation for the fiscal year,

minus

(ii) such part, if any, of each dividend paid by the corporation during the period and before the particular time as is deemed by this subsection to be a capital gains dividend; and

(b) notwithstanding anything in this Act, any amount received by a corporation in a fiscal year as or on account of the dividend shall not be included in computing its income for the fiscal year as income from a share of the capital stock of the paying corporation, but shall be deemed to be a capital gain of the corporation for the fiscal year from the disposition of capital property.

(5) Notwithstanding any other provision of this Act, a mortgage investment corporation shall be deemed to be a public corporation.

Public
corporation

(6) For the purposes of this section, a corporation is a mortgage investment corporation throughout a fiscal year if, throughout the fiscal year, it was a mortgage investment corporation as defined by subsection 6 of section 130.1 of the *Income Tax Act* (Canada).

Meaning of
"mortgage
investment
corporation"

(7) In this section, "taxed capital gains" has the meaning given to that expression by subsection 6 of section 109

Interpre-
tation

9.—(1) Clause *d* of subsection 1 of section 127 of the said Act is repealed.

s. 127 (1) (d),
repealed

s. 127 (2) (c).
repealed

(2) Clause *c* of subsection 2 of the said section 127 is repealed.

s. 135 (2).
re-enacted

10. Subsection 2 of section 135 of the said Act is repealed and the following substituted therefor:

Idem

(2) Subject to subsection 3, every corporation referred to in paragraph 30*a* of subsection 1 of section 1, section 109*a*, section 114 and clause *j* of subsection 1 of section 122 shall, in lieu of the tax payable under section 131 or 133, pay a tax of \$50.

Idem

(3) Subsection 2 does not apply in the case of a corporation referred to in paragraph 30*a* of subsection 1 of section 1 where, for the purposes of section 33, the Minister has determined that the corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income.

Commence-
ment and
application

11.—(1) In this section, "the principal Act" means *The Corporations Tax Act, 1972*, as amended by *The Corporations Tax Amendment Act, 1973 (No. 1)* and *The Corporations Tax Amendment Act, 1973 (No. 2)*.

Idem

(2) This Act, except sections 1, 2, 3, 4, 5, 7, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(3) Sections 1, 5 and 10 shall be deemed to have come into force on the 9th day of April, 1974 and apply to corporations in respect of all fiscal years that end after that date.

Idem

(4) Sections 2, 3 and 4 shall be deemed to have come into force on the 10th day of April, 1974 and apply to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of income of a corporation under Part II of the principal Act, as amended by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974 and that includes that day, the following rules apply,

(a) determine the income under Part II of the principal Act, as amended by this Act that, but for the rules made applicable by this section, would be computed by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day;

(b) determine the proportion of the amount determined under clause *a* that the number of days

SECTION 10. This section amends section 135 of the Act to provide a flat \$50 paid-up capital tax for family farm corporations and for mortgage investment corporations.



of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year;

- (c) determine the income that, but for the rules made applicable by this section, would be computed for the fiscal year that ends after the 9th day of April, 1974 and that includes that day under Part II of the principal Act as that Part stood prior to the 10th day of April, 1974, and on the assumption that that Part was applicable to that fiscal year;
- (d) determine that proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 10th day of April, 1974 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the income under Part II of the principal Act, as amended by this Act, of a corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

- (5) Section 9 shall be deemed to have come into force ^{Idem} on the 10th day of April, 1974, and applies to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of the deduction from paid-up capital of a corporation permitted under clause *d* of subsection 1 of section 127 of the principal Act, repealed by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974, and that includes that day, the following rules apply.

- (a) determine the deduction from paid-up capital permitted under clause *d* of subsection 1 of section 127 that, but for the rules made applicable by this section, would be deductible by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day as that section stood prior to the 10th day of April, 1974, and on the assumption that that section was applicable to that fiscal year;

- (b) determine that proportion of the amount determined under clause *a* that the number of days of the fiscal year prior to the 10th day of April, 1974, bears to the total number of days of that fiscal year,

and the amount determined under clause *b* is the amount that is deductible by the corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

Idem

- (6) Section 7 shall be deemed to have come into force on the 9th day of April, 1974 and applies to corporations in respect of all fiscal years that end after the 9th day of April, 1974, except that the amount to be determined under subsection 2 of section 106*a* for the fiscal year that ends after the 9th day of April, 1974 and that includes that day shall be that proportion thereof that the number of days of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year.

Idem

- (7) Section 8 shall be deemed to have come into force on the 1st day of January, 1972 and applies to any fiscal year of a mortgage investment corporation commencing after 1971.

Short title

- 12.** This Act may be cited as *The Corporations Tax Amendment Act, 1974*.



An Act to amend
The Corporations Tax Act, 1972

1st Reading

June 11th, 1974

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(Government Bill)

BILL 82

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Corporations Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue

**An Act to amend
The Corporations Tax Act, 1972**

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

- 1.—(1) Subsection 1 of section 1 of *The Corporations Tax Act*, ^{s. 1 (1),} 1972, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 1, is further amended by adding thereto the following paragraph:

30a. "family farm corporation" means a corporation that is throughout the fiscal year a corporation,

- i. every share of the capital stock of which that confers on the holder thereof the right to vote was owned by an individual ordinarily resident in Canada or by such individual and a member or members of his family ordinarily resident in Canada,
- ii. 95 per cent of the assets of which were farming assets, and
- iii. which carried on the business of farming in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the farm.

- (2) Paragraph 31 of subsection 1 of the said section 1 is ^{s. 1 (1), par. 31,} repealed and the following substituted therefor:

31. "farming" includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit growing, and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming and, for the purposes of subsection 2 of section 135 only, does not include the maintaining of horses for racing;

- 31a. "farming assets" of a family farm corporation means,
- i. cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming,
 - ii. land, buildings, equipment, machinery and live stock that are used chiefly in the operation of the farm by the corporation,
 - iii. any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,
 - iv. the building in which a shareholder or a member or members of his family reside who are engaged in the operation of the farm if that building is on land that is used or is contiguous to land used by that shareholder or member or members of his family in the operation of the farm,
 - v. shares in another family farm corporation.
- (3) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:
- 43a. "member of his family" means, with respect to an individual referred to in paragraph 30a,
- i. his spouse,
 - ii. his child,
 - iii. his father, mother, brother or sister or any lawful descendant of such brother or sister,
 - iv. the brother or sister of his father or mother or any lawful descendant of any such brother or sister,
 - v. the father, mother or any brother or sister of his spouse or any lawful descendant of any such brother or sister,
 - vi. his son-in-law or daughter-in-law,
 - vii. a person adopted by him under *The Child Welfare Act* or the spouse or any lawful descendant of such person, or
 - viii. his grandfather or grandmother.

s. 1 (1),
amended

R.S.O. 1970,
c. 64

2. Subsection 1 of section 22 of the said Act, as amended by ^{s. 22 (1), amended} the Statutes of Ontario, 1973, chapter 42, section 4, is further amended by adding thereto the following clause:

(n) an amount paid or payable by a corporation to a ^{Mineral resource taxes} jurisdiction in respect of a mining royalty tax or a mining tax based on the production of or profits from the operation of a mineral resource in the jurisdiction for the fiscal year, except as permitted by regulation.

3. Clause x of subsection 1 of section 24 of the said Act is ^{s. 24 (1) (x), repealed} repealed.

4. Subsections 1 and 2 of section 62 of the said Act, as ^{s. 62 (1, 2), re-enacted} re-enacted by the Statutes of Ontario, 1973, chapter 157, section 16, are repealed and the following substituted therefor:

(1) Except as otherwise provided in this section, there ^{Allowance for oil or gas well, mine or timber limit} may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of,

(a) an oil or gas well, mineral resource or timber limit; or

(b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource.

that is $33\frac{1}{3}$ per cent of the amount of the production profits or other subject of allowance of the corporation for the fiscal year as is prescribed by regulation.

(1a) Where a corporation has income for a fiscal year ^{Allowance for oil and gas well outside Canada} from an oil well or gas well that is outside Canada, there may be deducted in computing the corporation's income for a fiscal year, such amount as an allowance, if any, as is allowed by regulation.

(2) For greater certainty it is hereby declared that, in ^{Regulations} the case of a regulation made under subsection 1 prescribing the amount of production profits or other subject of allowance of a corporation in respect of an oil or gas well or a mineral resource or in respect of the processing of ore,

(a) there may be prescribed by such regulation an amount in respect of any or all,

(i) oil or gas wells or mineral resources in which the corporation has an interest, or

(ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and

(*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount of production profits or other subject of allowance of the corporation shall be determined.

Idem

(2*a*) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1*a* allowing to a corporation an amount in respect of an oil or gas well that is outside Canada,

(*a*) there may be allowed to the corporation by such regulation an amount in respect of any or all oil or gas wells in which the corporation has any interest; and

(*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

s. 63.
amended

5.—(1) Section 63 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following subsection:

Idem

(3*a*) A corporation other than a principal-business corporation may deduct, in computing its income for a fiscal year, the lesser of,

(*a*) the aggregate of such of its Ontario exploration and development expenses as were incurred by it before the end of the fiscal year to the extent that they were not deducted in computing its income for a previous year, minus that portion of the deduction allowed, if any, in computing its income for the fiscal year under subsection 2 or 3 which is reasonably attributable to Ontario exploration and development expenses; and

(*b*) that portion of the amount determined under clause *a* equal to the amount of its income for the fiscal year if no deductions were allowed under this section, minus,

(i) that portion of the deduction allowed for the fiscal year under subsection 2 or 3 which is

reasonably attributable to Ontario exploration and development expenses, and

(ii) the deduction allowed for the fiscal year under section 100.

- (2) Subsection 4 of the said section 63 is amended by striking ^{s. 63 (4),} amended out "subsection 3" in the first line and inserting in lieu thereof "subsections 3 and 3a".
- (3) Subsection 9 of the said section 63 is amended by striking ^{s. 63 (9),} amended out "In computing a corporation's Canadian exploration and development expenses" in the first and second lines and inserting in lieu thereof "In computing the Canadian exploration and development expenses and Ontario exploration and development expenses of a corporation".
- (4) Subsection 10 of the said section 63 is amended by ^{s. 63 (10),} amended striking out "Where" in the first line and inserting in lieu thereof "Except as otherwise provided in this section, where".
- (5) The said section 63 is further amended by adding thereto ^{s. 63,} amended the following subsection:

(10a) Notwithstanding subsection 10, where a corpora-^{1dem}tion other than a principal-business corporation has incurred expenses the deduction of which from income is allowable under subsection 2, 3 or 3a,

- (a) a corporation that is entitled to a deduction under subsection 2 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3a; and
- (b) a corporation that is entitled to a deduction under subsection 3 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3a.

(6) Subsection 12 of the said section 63, as amended by the ^{s. 63 (12),} amended Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following clauses:

- (ca) "Ontario exploration and development expenses" incurred by a corporation means any expenses that would be Canadian exploration and development expenses incurred by the corporation if clause b of this subsection were read as if the references therein to,

- (i) "in Canada" were references to "in Ontario",
- (ii) "after 1971" were references to "after the 9th day of April, 1974", and

(iii) "Canadian" were references to "Ontario";

(*eb*) "Ontario resource property" of a corporation means any property that would be a Canadian resource property of the corporation if clause *c* of this subsection were read as if the references therein to,

(i) "in Canada" were references to "in Ontario", and

(ii) "after 1971" were references to "after the 9th day of April, 1974".

s. 75 (2) (a),
re-enacted

6. Clause *a* of subsection 2 of section 75 of the said Act is repealed and the following substituted therefor:

Exemption
for three
years

(a) Subject to the prescribed conditions, there shall not be included, in computing the income of a corporation, income derived from the operation of a mine that came into production before 1974 to the extent that such income is gained or produced during the period commencing with the day on which the mine came into production and ending with the earlier of the 31st day of December, 1973 and the day thirty-six months after the day on which the mine came into production.

s. 106a,
enacted

7. The said Act is amended by adding thereto the following section:

Small
business
incentive

106a.—(1) There may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation that, with respect to such fiscal year, was eligible for a deduction under section 125 of the *Income Tax Act* (Canada), an amount equal to the lesser of,

1970-71,
c. 63 (Can.)

(a) 5 per cent of its eligible taxable paid-up capital for the fiscal year; and

(b) 6 per cent of the amount determined under subsection 2.

Idem

(2) For the purposes of clause *b* of subsection 1, the amount determined under this subsection is that proportion of the least of the amounts determined under paragraphs *a*, *b*, *c* and *d* of subsection 1 of section 125 of the *Income*

Tax Act (Canada) for the fiscal year, not exceeding \$50,000, that,

- (a) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario, measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada),

1970-71,
c. 63 (Can.)

bears to

- (b) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada).

(3) In addition to the deduction permitted under sub-^{Idem}section 1 there may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation, the amount, if any, by which the amount determined under clause *a* of subsection 1 exceeds the amount determined under clause *b* of that subsection for any of the five fiscal years immediately preceding the fiscal year to the extent that such amount has not previously been deducted under this subsection except that,

- (a) the amount that would otherwise be deductible under this subsection from the tax otherwise payable under this Part for a fiscal year shall not be deducted for any fiscal year in respect of which the corporation was not eligible for a deduction under section 125 of the *Income Tax Act* (Canada) or any subsequent fiscal year; and

- (b) in no case shall the additional deduction allowed under this subsection operate to permit a deduction for the fiscal year in excess of the amount determined under clause *b* of subsection 1 for the fiscal year.

(4) In this section,

Interpre-
tation

- (a) "eligible for a deduction under section 125 of the *Income Tax Act* (Canada)" means otherwise qualified for a deduction under section 125 of the *Income Tax Act* (Canada), notwithstanding that no deduction was allowed under that section for the fiscal year by reason only that the amount determined under paragraph *a* or *b* of subsection 1 of that section was nil for that fiscal year,

1970-71,
c. 63 (Can.)

and "not eligible for a deduction under section 125 of the *Income Tax Act* (Canada)" has a corresponding meaning;

(b) "eligible taxable paid-up capital for the fiscal year" means, in respect of any fiscal year ending after the 9th day of April, 1974, the amount, if any, by which,

(i) the taxable paid-up capital amount of a corporation for that fiscal year determined in accordance with subsection 6,

exceeds

(ii) the greatest of the taxable paid-up capital amounts of a corporation for the fiscal years ending on or after the 31st day of March, 1973 and before that fiscal year, determined in accordance with subsection 6,

minus any deduction required by subsection 5; and

(c) "tax otherwise payable under this Part" means the tax for the fiscal year otherwise payable by the corporation under this Part after making any deduction applicable under sections 103, 104, 105 and 106 but before making any deduction under this section.

Reduction
of eligible
paid-up
capital

(5) Where, for the purposes of section 132, part of the taxable paid-up capital of a corporation determined under Division B of Part III for the fiscal year is deemed to have been used in a jurisdiction outside Ontario, the amount determined under clause *b* of subsection 4 shall be reduced in the same ratio that the tax payable under section 131 is reduced for that fiscal year.

Taxable
paid-up
capital
amount

(6) For the purposes of clause *b* of subsection 4, "taxable paid-up capital amount" for a fiscal year means the amount of the taxable paid-up capital of the corporation determined under Division B of Part III for the fiscal year reduced by such of the following amounts as are applicable,

(a) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any appraisal surplus;

(b) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any amounts that in the opinion of the Minister are represented by,

(i) the corporation's year-end cash balances,

(ii) loans receivable from shareholders or any other person not dealing at arm's length with such shareholders or the corporation, or

(iii) assets transferred to the corporation in any manner whatsoever from a person with whom the corporation was not dealing at arm's length;

(c) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year amounts, other than eligible capital expenditure, represented by goodwill or other intangible assets;

(d) the amount by which the taxable paid-up capital of the corporation for the fiscal year was, in the opinion of the Minister, artificially increased for that fiscal year.

(7) For the purposes of this section, the following rules apply.

Special rules re commencement of deduction

(a) where a corporation did not have a fiscal year ending prior to the 9th day of April, 1974, the deduction permitted under this section shall commence with the fiscal year immediately following the first fiscal year of the corporation that is not less than twelve months throughout which it carried on an active business in Canada;

(b) where the fiscal year of a corporation ending on or after the 31st day of March, 1973 is less than twelve months, or where a corporation did not carry on an active business in Canada throughout its fiscal year that included the 31st day of March, 1973, the deduction permitted under this section shall commence with the fiscal year immediately following the fiscal year of the corpora-

tion ending on or after the 31st day of March, 1973 that is not less than twelve months throughout which it carried on an active business in Canada.

s. 109a.
enacted

8. The said Act is further amended by adding thereto the following section:

Mortgage Investment Corporations

Deduction
from tax

109a.—(1) In computing the income for a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation,

(a) there may be deducted the aggregate of,

(i) all taxable dividends, other than capital gains dividends, paid by the corporation during the fiscal year or within ninety days after the end of the fiscal year (not exceeding the amount by which the taxable income of the corporation for the fiscal year, determined without regard to the provisions of this clause, exceeds the taxed capital gains of the corporation for the fiscal year) to the extent that such dividends were not deductible by the corporation in computing its income for the preceding fiscal year, and

(ii) one-half of all capital gains dividends paid by the corporation during the period commencing ninety-one days after the commencement of the fiscal year and ending ninety days after the end of the fiscal year; and

(b) no deduction may be made under section 100 in respect of taxable dividends received by it from other corporations.

Dividend
equated to
bond interest

(2) For the purposes of this Act, any amount received from a mortgage investment corporation by a shareholder of the corporation as or on account of a taxable dividend, other than a capital gains dividend, shall be deemed to have been received by the shareholder as interest payable on a bond issued by the corporation after 1971.

Application
of subs. 2

(3) Subsection 2 applies where the taxable dividend (other than a capital gains dividend) therein described was paid during a fiscal year throughout which the paying

corporation was a mortgage investment corporation or within ninety days thereafter.

(4) Where at any particular time during the period commencing ninety-one days after the commencement of a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation and ending ninety days after the end of the fiscal year, a dividend is paid by the corporation to shareholders of the corporation and the corporation has elected in respect of the full amount of the dividend in accordance with subsection 4 of section 130.1 of the *Income Tax Act* (Canada),

Electing
capital gains
dividend

1970-71,
c. 63 (Can.)

(a) the dividend shall be deemed to be a capital gains dividend to the extent that it does not exceed,

(i) two times the taxed capital gains of the corporation for the fiscal year,

minus

(ii) such part, if any, of each dividend paid by the corporation during the period and before the particular time as is deemed by this subsection to be a capital gains dividend; and

(b) notwithstanding anything in this Act, any amount received by a corporation in a fiscal year as or on account of the dividend shall not be included in computing its income for the fiscal year as income from a share of the capital stock of the paying corporation, but shall be deemed to be a capital gain of the corporation for the fiscal year from the disposition of capital property.

(5) Notwithstanding any other provision of this Act, a mortgage investment corporation shall be deemed to be a public corporation.

(6) For the purposes of this section, a corporation is a mortgage investment corporation throughout a fiscal year if, throughout the fiscal year, it was a mortgage investment corporation as defined by subsection 6 of section 130.1 of the *Income Tax Act* (Canada).

Meaning of
mortgage
investment
corporation

(7) In this section, "taxed capital gains" has the meaning given to that expression by subsection 6 of section 109.

Interpre-
tation

9.—(1) Clause *d* of subsection 1 of section 127 of the said Act is repealed.

s. 127 (1) *d*.
repealed

s. 127 (2) (c),
repealed

(2) Clause *c* of subsection 2 of the said section 127 is repealed.

s. 135 (2),
re-enacted

10. Subsection 2 of section 135 of the said Act is repealed and the following substituted therefor:

Idem

(2) Subject to subsection 3, every corporation referred to in paragraph 30*a* of subsection 1 of section 1, section 109*a*, section 114 and clause *j* of subsection 1 of section 122 shall, in lieu of the tax payable under section 131 or 133, pay a tax of \$50.

Idem

(3) Subsection 2 does not apply in the case of a corporation referred to in paragraph 30*a* of subsection 1 of section 1 where, for the purposes of section 33, the Minister has determined that the corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income.

Commence-
ment and
application

11.—(1) In this section, “the principal Act” means *The Corporations Tax Act, 1972*, as amended by *The Corporations Tax Amendment Act, 1973 (No. 1)* and *The Corporations Tax Amendment Act, 1973 (No. 2)*.

Idem

(2) This Act, except sections 1, 2, 3, 4, 5, 7, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(3) Sections 1, 5 and 10 shall be deemed to have come into force on the 9th day of April, 1974 and apply to corporations in respect of all fiscal years that end after that date.

Idem

(4) Sections 2, 3 and 4 shall be deemed to have come into force on the 10th day of April, 1974 and apply to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of income of a corporation under Part II of the principal Act, as amended by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974 and that includes that day, the following rules apply,

(a) determine the income under Part II of the principal Act, as amended by this Act that, but for the rules made applicable by this section, would be computed by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day;

(b) determine the proportion of the amount determined under clause *a* that the number of days

of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year;

- (c) determine the income that, but for the rules made applicable by this section, would be computed for the fiscal year that ends after the 9th day of April, 1974 and that includes that day under Part II of the principal Act as that Part stood prior to the 10th day of April, 1974, and on the assumption that that Part was applicable to that fiscal year;
- (d) determine that proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 10th day of April, 1974 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the income under Part II of the principal Act, as amended by this Act, of a corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

- (5) Section 9 shall be deemed to have come into force ^{Idem} on the 10th day of April, 1974, and applies to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of the deduction from paid-up capital of a corporation permitted under clause *d* of subsection 1 of section 127 of the principal Act, repealed by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974, and that includes that day, the following rules apply.
 - (a) determine the deduction from paid-up capital permitted under clause *d* of subsection 1 of section 127 that, but for the rules made applicable by this section, would be deductible by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day as that section stood prior to the 10th day of April, 1974, and on the assumption that that section was applicable to that fiscal year;

- (b) determine that proportion of the amount determined under clause *a* that the number of days of the fiscal year prior to the 10th day of April, 1974, bears to the total number of days of that fiscal year,

and the amount determined under clause *b* is the amount that is deductible by the corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

Idem

- (6) Section 7 shall be deemed to have come into force on the 9th day of April, 1974 and applies to corporations in respect of all fiscal years that end after the 9th day of April, 1974, except that the amount to be determined under subsection 2 of section 106*a* for the fiscal year that ends after the 9th day of April, 1974 and that includes that day shall be that proportion thereof that the number of days of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year.

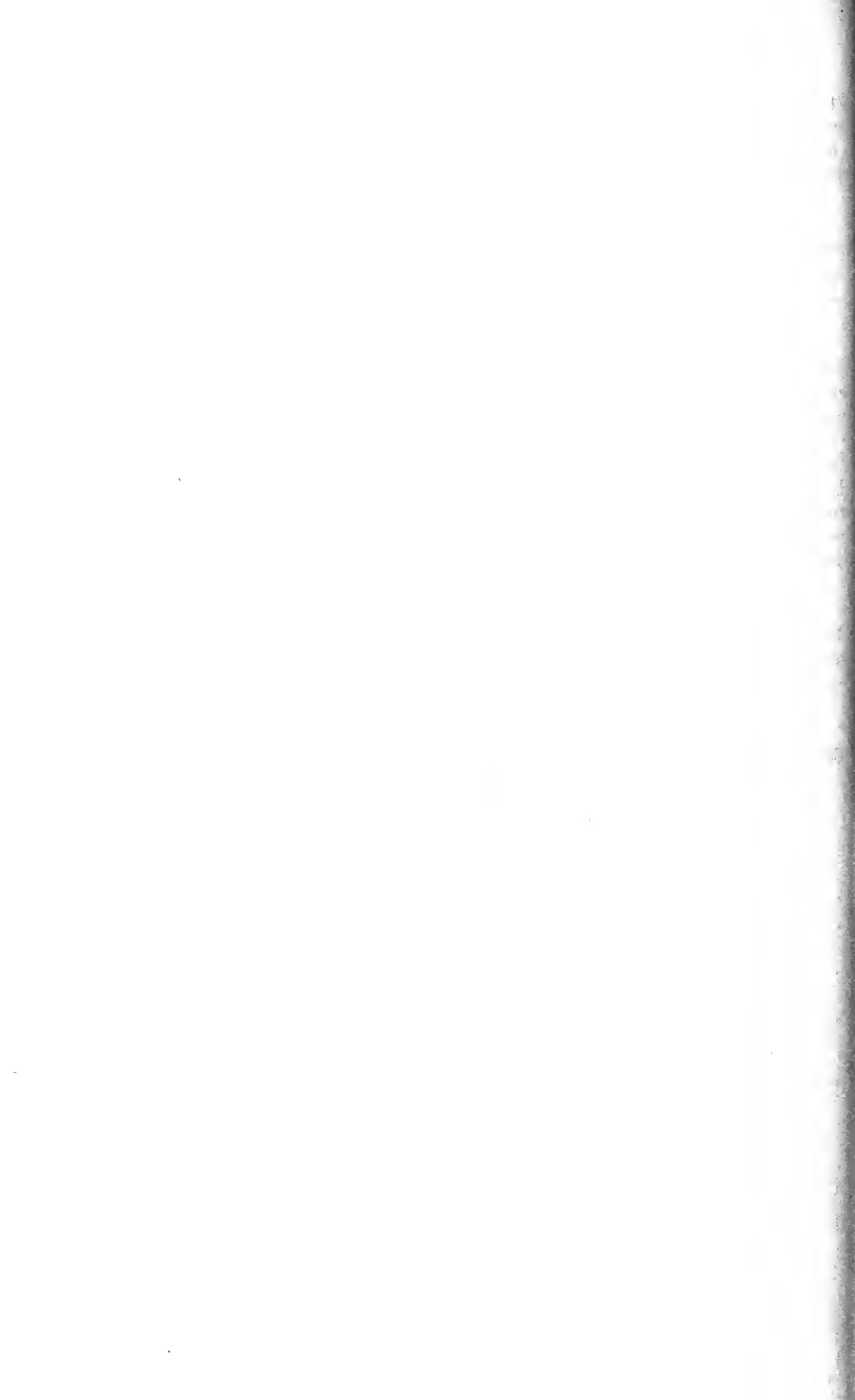
Idem

- (7) Section 8 shall be deemed to have come into force on the 1st day of January, 1972 and applies to any fiscal year of a mortgage investment corporation commencing after 1971.

Short title

- 12.** This Act may be cited as *The Corporations Tax Amendment Act, 1974*.





An Act to amend
The Corporations Tax Act, 1972

1st Reading

June 11th, 1974

2nd Reading

November 18th, 1974

3rd Reading

November 28th, 1974

THE HON. A. K. MEEN
Minister of Revenue

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act respecting the City of Port Colborne

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

The purpose of the Bill is:

1. To authorize the use of the proceeds of debentures in the amount of \$140,000, issued towards the cost of certain sewers and connections in the City of Port Colborne, for any other capital expenditure of the City.
2. To authorize the granting of a loan by the Treasurer of Ontario to the City of Port Colborne under the Federal-Provincial-Municipal Employment Loans Program to defray the cost of the said sewers and connections, a portion of the loan being secured by debenture and the balance being forgivable under the terms of the loan program.

An Act respecting the City of Port Colborne

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

1. The proceeds of the sale of debentures dated the 15th day of November, 1972, in the amount of \$140,000 issued by The Regional Municipality of Niagara under By-law Number 559-507-72 towards the cost of construction of sanitary sewers and house connections on Elm Street and Barrick Road in the City of Port Colborne may, without obtaining the approval of the Ontario Municipal Board, be applied to meet any other capital expenditures of The Corporation of the City of Port Colborne.

Transfer
of funds
authorized

2. A loan shall be granted by the Treasurer of Ontario to The Corporation of the City of Port Colborne under the Federal-Provincial-Municipal Employment Loans Program, 1971, in the amount of \$118,150 in connection with the construction of the said sanitary sewers and connections, and, notwithstanding *The Regional Municipality of Niagara Act*, The Regional Municipality of Niagara shall issue a debenture payable to the Treasurer of Ontario in the amount of \$87,730 for the said purpose of The Corporation of the City of Port Colborne, repayable in not more than twenty years, by equal annual instalments with semi-annual payment of interest at the rate of 7 per cent per annum, to secure the said loan, less the forgiveness amount of \$30,420 under the said Program.

Loan author-
ization

R.S.O. 1970.
c. 406

3. For the purposes of every Act, it shall not be necessary for the Ontario Municipal Board to grant its approval or certificate as to the validity of the debenture issued to the Treasurer of Ontario in the amount of \$87,730, and, notwithstanding the previous issue of debentures under By-law Number 559-507-72, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing The Regional Municipality of Niagara to issue the debenture under section 2.

Certificate
and order of
O.M.B.
dispensed
with

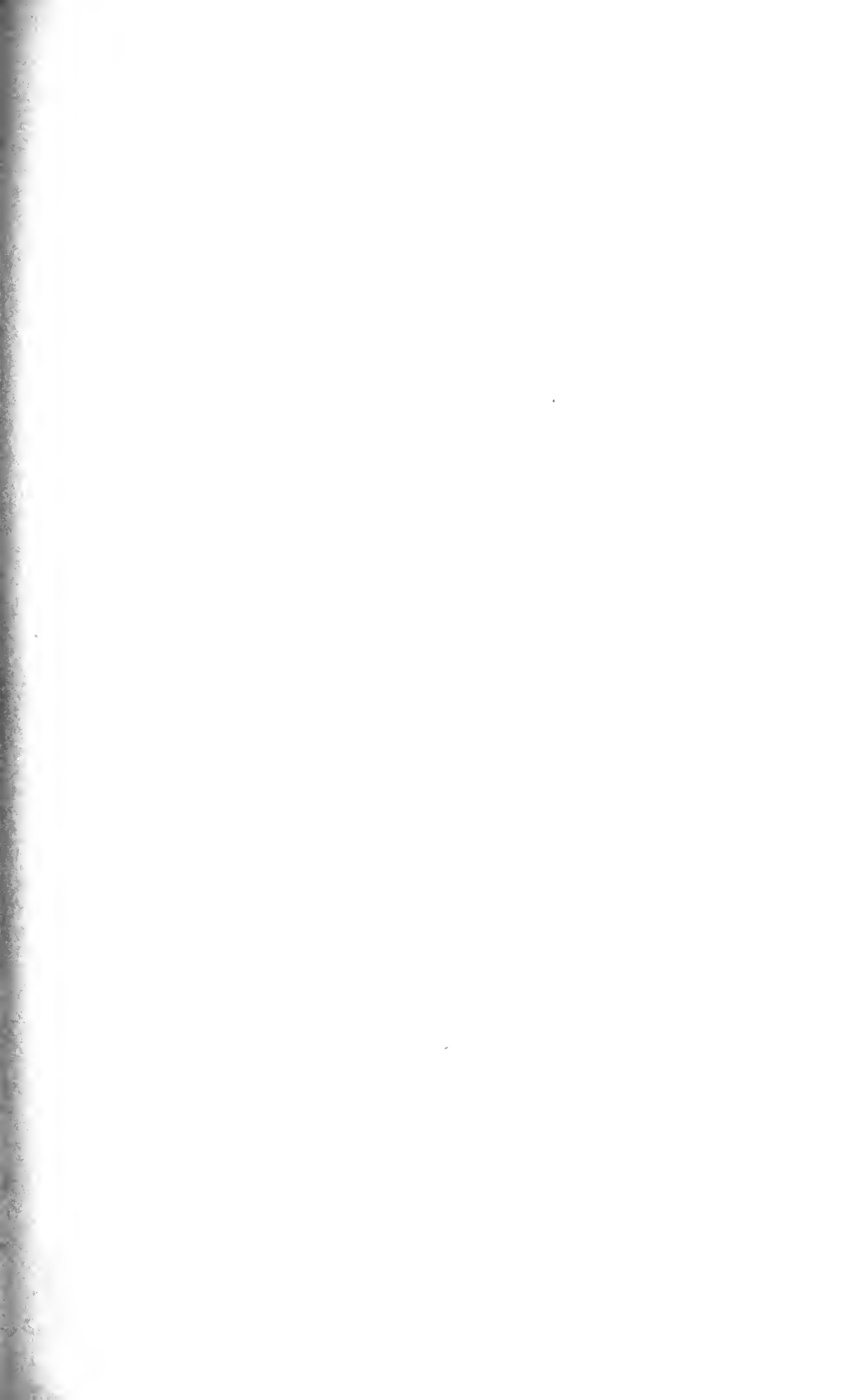
R.S.O. 1970.
c. 323

Commence-
ment

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

Short title

5. This Act may be cited as *The City of Port Colborne Act, 1974*.







An Act respecting
the City of Port Colborne

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 83

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act respecting the City of Port Colborne

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



An Act respecting the City of Port Colborne

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

1. The proceeds of the sale of debentures dated the 15th day of November, 1972, in the amount of \$140,000 issued by The Regional Municipality of Niagara under By-law Number 559-507-72 towards the cost of construction of sanitary sewers and house connections on Elm Street and Barrick Road in the City of Port Colborne may, without obtaining the approval of the Ontario Municipal Board, be applied to meet any other capital expenditures of The Corporation of the City of Port Colborne.

Transfer
of funds
authorized

2. A loan shall be granted by the Treasurer of Ontario to The Corporation of the City of Port Colborne under the Federal-Provincial-Municipal Employment Loans Program, 1971, in the amount of \$118,150 in connection with the construction of the said sanitary sewers and connections, and, notwithstanding *The Regional Municipality of Niagara Act*, The Regional Municipality of Niagara shall issue a debenture payable to the Treasurer of Ontario in the amount of \$87,730 for the said purpose of The Corporation of the City of Port Colborne, repayable in not more than twenty years, by equal annual instalments with semi-annual payment of interest at the rate of 7 per cent per annum, to secure the said loan, less the forgiveness amount of \$30,420 under the said Program.

Loan author-
ization

R.S.O. 1970,
c. 406

3. For the purposes of every Act, it shall not be necessary for the Ontario Municipal Board to grant its approval or certificate as to the validity of the debenture issued to the Treasurer of Ontario in the amount of \$87,730, and, notwithstanding the previous issue of debentures under By-law Number 559-507-72, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing The Regional Municipality of Niagara to issue the debenture under section 2.

Certificate
and order of
O.M.B.
dispensed
with

R.S.O. 1970,
c. 323

Commence-
ment

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

Short title

5. This Act may be cited as *The City of Port Colborne Act, 1974*.







An Act respecting
the City of Port Colborne

1st Reading

June 13th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 25th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Ontario Planning
and Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The definition of "development plan" is restated and a definition of "development planning area" is added. The intent is to make it clear that within a development planning area more than one development plan may be prepared, each covering a defined portion of the area.

SECTION 2.—Subsection 1. The subsection being amended empowers the Minister, by order, to establish a development planning area. The amendment is to clarify the Minister's power to from time to time alter the boundaries of a planning area.

Subsection 2. Complementary to subsection 1 in relation to the requirement that an order of the Minister under subsection 1 be laid before the Assembly; the requirement is extended to any amending order made by the Minister.

An Act to amend The Ontario Planning and Development Act, 1973

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

1. Clause *a* of section 1 of *The Ontario Planning and Development Act, 1973*, being chapter 51, is repealed and the following substituted therefor: s. 1 (a),
re-enacted

(a) "development plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering a development planning area or a portion thereof, as defined therein, designed to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts and maps describing the program and policy;

(aa) "development planning area" means an area of land in Ontario in respect of which an order is made under section 2.

- 2.—(1) Subsection 1 of section 2 of the said Act is amended by adding at the end thereof "and the Minister may alter the boundaries of the area defined as a development planning area by amendment to the order". s. 2 (1),
amended

- (2) Subsection 3 of the said section 2 is repealed and the following substituted therefor: s. 2 (3),
re-enacted

(3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order or amending order approved, revoked or varied. Order or
amending
order to
be laid
before
Assembly

s. 4.
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Consulta-
tion with
municipal-
ties

4. The Minister shall ensure that the council of each municipality having jurisdiction over any area of land for which a development plan is to be prepared, and any municipality which abuts such area of land, is consulted with respect to the proposed contents of such plan.

s. 6.
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Proposed
development
plan to be
furnished
to munic-
ipalities,
etc.

6.—(1) In respect of any area of land for which a development plan is to be prepared, the Minister shall cause a proposed development plan to be prepared and shall ensure that,

- (a) each municipality within such area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to it, as is specified;
- (b) a notice is published in one or more newspapers having general circulation in such area notifying the public of the proposed development plan, indicating where a copy of the plan together with the material used in preparation thereof mentioned in subsection 5 can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified; and
- (c) any advisory committee appointed under section 3 and empowered under that section to make recommendations relating to the preparation and implementation of a development plan covering the area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to the committee, as is specified.

Hearing
officer

(2) Prior to, upon or after the expiration of time for the making of comments on the proposed development plan, the Minister shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the area or in

SECTION 3. In its present form the section being re-enacted requires consultation with all municipalities within a planning area respecting the contents of a development plan that is being prepared. As re-enacted, it will be only those municipalities having jurisdiction over any area of land to be affected by the plan, and those municipalities that abut the area, that will be consulted.

SECTION 4. The section being re-enacted sets out the procedures to be followed in respect of notification, hearings and the submission of a proposed development plan to the Lieutenant Governor in Council for approval. The re-enactment is designed to clarify these procedures and the principal substantive changes are the following:

1. Subsection 2 of section 6 of the Act will now permit the Minister to appoint hearing officers before the expiration of the time for making comments on the proposed plan, and hearings may be held not only within the affected area but also in its general proximity.
2. Subsection 4 of section 6 will now specify that a hearing not be held before the expiration of the time for the making of comments on the proposed plan, in the light of the Minister's power to appoint hearing officers at an earlier date.
3. Subsection 6 of section 6 will now provide that separate reports are to be submitted for each part of a planning area in respect of which a hearing or a series of hearings was held.

the general proximity thereof, for the purpose of receiving representations respecting the contents of the plan by any person desiring to make representations, and separate hearings may be conducted at different times and places for different parts of the planning area.

(3) A hearing officer shall fix the time and place for the hearing or hearings as determined under subsection 2, and shall publish notice thereof in one or more newspapers having in his opinion general circulation in the area. Notice of hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of hearing and not before the expiration of the time for the making of comments on the proposed development plan. Time of hearing

(5) At any such hearing, the Minister or any officials of a ministry or any other person that may be approved by the Minister shall present the proposed development plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the plan may be questioned on any aspect of the plan by any interested person. Procedure at hearing

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Minister prescribes, the hearing officer conducting the hearing or hearings shall report to the Minister a summary of the representations made together with a report stating whether the plan should be accepted, rejected or modified, giving his reasons therefor, and separate reports shall be submitted for each part of the planning area for which a hearing or hearings was conducted. Report of hearing officer

(7) A copy of the report of the hearing officer, or a copy of each report, if separate hearings were held, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the area, and in such other offices and locations as the Minister determines for inspection by any person desiring to do so. Inspection of report

(8) After giving consideration to the comments received and the report or reports, if there is more than one, of the hearing officer, the Minister shall submit the pro- Submission of proposed plan to Lieutenant Governor in Council

posed development plan with his recommendations thereon to the Lieutenant Governor in Council.

When report
not
approved

(9) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report or reports, if there is more than one, of the hearing officer be approved, then the Minister shall give public notice to this effect, state his intention, and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

Approval of
plan by
Lieutenant
Governor in
Council

(10) The Lieutenant Governor in Council may approve the plan, or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the plan is the development plan for the area defined in it.

Commence-
ment

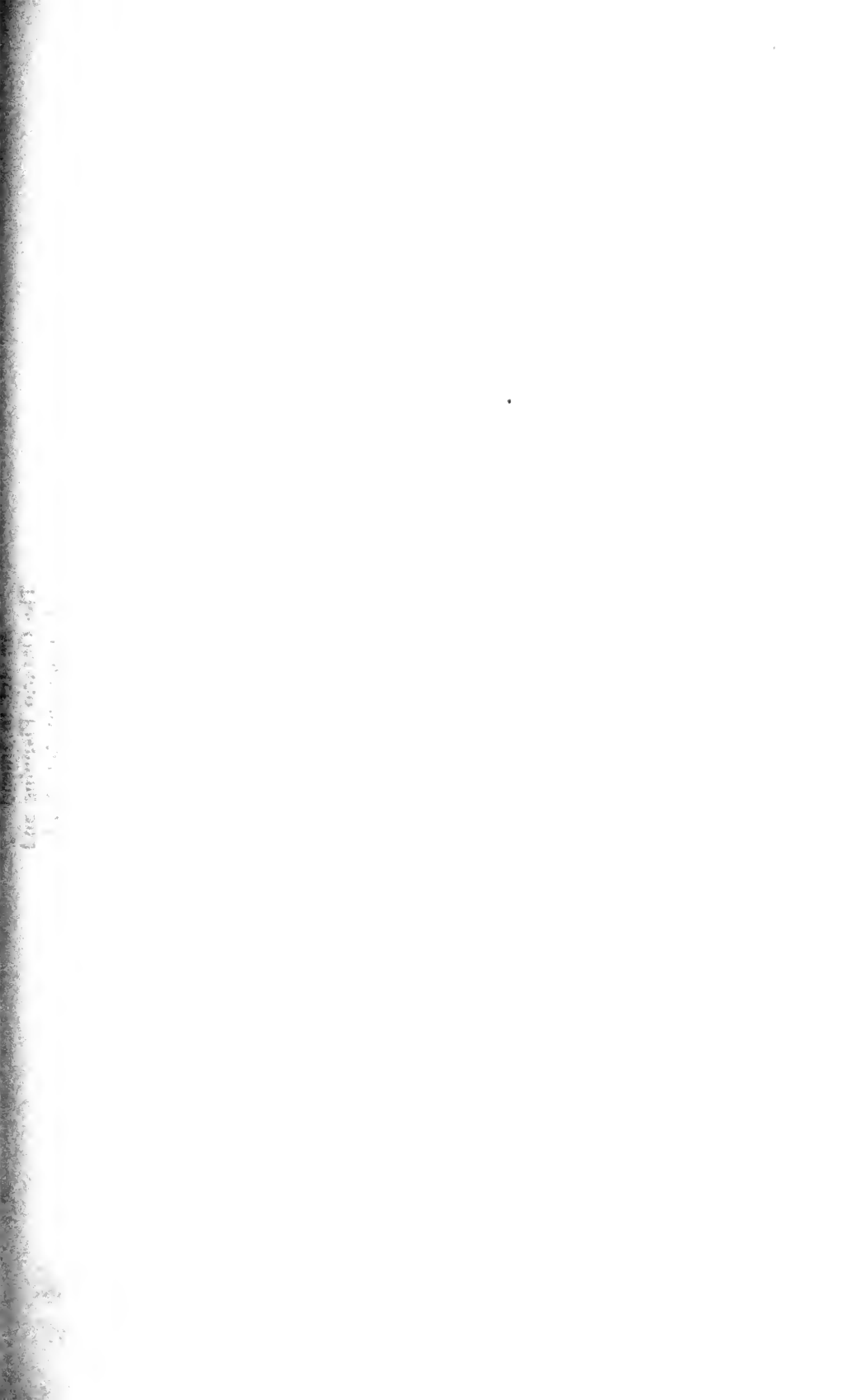
5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Planning and Development Amendment Act, 1974*.







An Act to amend
The Ontario Planning and
Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 84

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Ontario Planning
and Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

An Act to amend The Ontario Planning and Development Act, 1973

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

1. Clause *a* of section 1 of *The Ontario Planning and Development Act, 1973*, being chapter 51, is repealed and the following substituted therefor: s. 1 (a),
re-enacted

(a) "development plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering a development planning area or a portion thereof, as defined therein, designed to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts and maps describing the program and policy;

(aa) "development planning area" means an area of land in Ontario in respect of which an order is made under section 2.

- 2.—(1) Subsection 1 of section 2 of the said Act is amended by adding at the end thereof "and the Minister may alter the boundaries of the area defined as a development planning area by amendment to the order". s. 2 (1),
amended

- (2) Subsection 3 of the said section 2 is repealed and the following substituted therefor: s. 2 (3),
re-enacted

(3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order or amending order approved, revoked or varied. Order or
amending
order to
be laid
before
Assembly

s. 4,
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Consulta-
tion with
municipali-
ties

4. The Minister shall ensure that the council of each municipality having jurisdiction over any area of land for which a development plan is to be prepared, and any municipality which abuts such area of land, is consulted with respect to the proposed contents of such plan.

s. 6,
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Proposed
development
plan to be
furnished
to municipa-
lities,
etc.

6.—(1) In respect of any area of land for which a development plan is to be prepared, the Minister shall cause a proposed development plan to be prepared and shall ensure that,

- (a) each municipality within such area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to it, as is specified;
- (b) a notice is published in one or more newspapers having general circulation in such area notifying the public of the proposed development plan, indicating where a copy of the plan together with the material used in preparation thereof mentioned in subsection 5 can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified; and
- (c) any advisory committee appointed under section 3 and empowered under that section to make recommendations relating to the preparation and implementation of a development plan covering the area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to the committee, as is specified.

Hearing
officer

(2) Prior to, upon or after the expiration of time for the making of comments on the proposed development plan, the Minister shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the area or in

the general proximity thereof, for the purpose of receiving representations respecting the contents of the plan by any person desiring to make representations, and separate hearings may be conducted at different times and places for different parts of the planning area.

(3) A hearing officer shall fix the time and place for the hearing or hearings as determined under subsection 2, and shall publish notice thereof in one or more newspapers having in his opinion general circulation in the area. Notice of hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of hearing and not before the expiration of the time for the making of comments on the proposed development plan. Time of hearing

(5) At any such hearing, the Minister or any officials of a ministry or any other person that may be approved by the Minister shall present the proposed development plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the plan may be questioned on any aspect of the plan by any interested person. Procedure at hearing

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Minister prescribes, the hearing officer conducting the hearing or hearings shall report to the Minister a summary of the representations made together with a report stating whether the plan should be accepted, rejected or modified, giving his reasons therefor, and separate reports shall be submitted for each part of the planning area for which a hearing or hearings was conducted. Report of hearing officer

(7) A copy of the report of the hearing officer, or a copy of each report, if separate hearings were held, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the area, and in such other offices and locations as the Minister determines for inspection by any person desiring to do so. Inspection of report

(8) After giving consideration to the comments received and the report or reports, if there is more than one, of the hearing officer, the Minister shall submit the pro- Submission of proposed plan to Lieutenant Governor in Council

posed development plan with his recommendations thereon to the Lieutenant Governor in Council.

When report
not
approved

(9) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report or reports, if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intention, and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

Approval of
plan by
Lieutenant
Governor in
Council

(10) The Lieutenant Governor in Council may approve the plan, or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the plan is the development plan for the area defined in it.

Commence-
ment

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

Short title

6. This Act may be cited as *The Ontario Planning and Development Amendment Act, 1974*.



An Act to amend
The Ontario Planning and
Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 27th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

**4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974**

**An Act to amend
The Parkway Belt Planning and Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to section 1 of the Bill that amends *The Ontario Planning and Development Act, 1973*, by adding a definition of "development planning area".

SECTION 2. The sections being repealed provide for payments in lieu of taxes in respect of land owned by the Province and situate within the Parkway Belt Planning Area. These provisions are now to be found in the Bill to enact *The Provincial Parks Municipal Tax Assistance Act, 1974*.

**An Act to amend
The Parkway Belt Planning
and Development Act, 1973**

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

1. Section 2 of *The Parkway Belt Planning and Development Act, 1973*, being chapter 53, is repealed and the following substituted therefor:

2. *The Ontario Planning and Development Act, 1973* except section 12, applies *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan and the Parkway Belt Planning Area shall be deemed to be a development plan and a development planning area respectively within the meaning of that Act.

2. Sections 3 and 4 of the said Act are repealed.
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Parkway Belt Planning and Development Amendment Act, 1974*.

ss. 3, 4.
repealed

Commence-
ment

Short title

An Act to amend
The Parkway Belt Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Parkway Belt Planning and Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

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

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to section 1 of the Bill that amends *The Ontario Planning and Development Act, 1973*, by adding a definition of "development planning area".

SECTION 2. The sections being repealed provide for payments in lieu of taxes in respect of land owned by the Province and situate within the Parkway Belt Planning Area. These provisions are now to be found in the Bill to enact *The Provincial Parks Municipal Tax Assistance Act, 1974*.

BILL 85

1974

**An Act to amend
The Parkway Belt Planning
and Development Act, 1973**

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

1. Section 2 of *The Parkway Belt Planning and Development Act, 1973*, being chapter 53, is repealed and the following substituted therefor:
 2. *The Ontario Planning and Development Act, 1973* ^{Application of 1973, c. 51} except section 12, applies *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan and the Parkway Belt Planning Area shall be deemed to be a development plan and a development planning area respectively within the meaning of that Act.
2. Sections 3 and 4 of the said Act are repealed. ss. 3, 4,
repealed
- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commence-
ment
- (2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor. Idem
4. This Act may be cited as *The Parkway Belt Planning and Development Amendment Act, 1974*. Short title

An Act to amend
The Parkway Belt Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

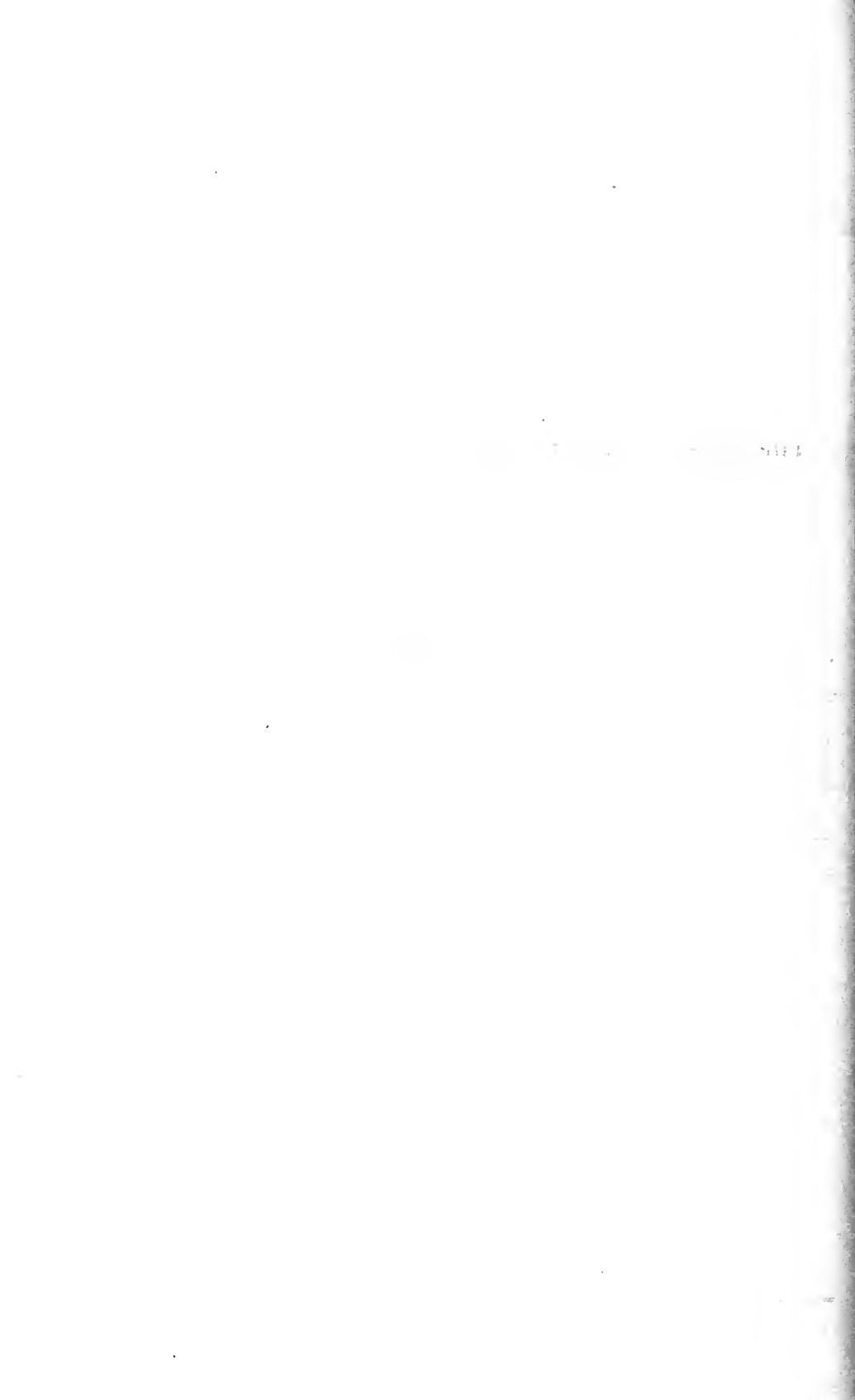
*(Reprinted as amended by the
Committee of the Whole House)*

BILL 85

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Parkway Belt Planning and Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



**An Act to amend
The Parkway Belt Planning
and Development Act, 1973**

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

1. Section 2 of *The Parkway Belt Planning and Development Act, 1973*, being chapter 53, is repealed and the following substituted therefor:
 2. *The Ontario Planning and Development Act, 1973*, except section 12, applies *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan and the Parkway Belt Planning Area shall be deemed to be a development plan and a development planning area respectively within the meaning of that Act.

s. 2,
re-enacted
Application of
1973, c. 51
2. Sections 3 and 4 of the said Act are repealed.

ss. 3, 4,
repealed
- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem
4. This Act may be cited as *The Parkway Belt Planning and Development Amendment Act, 1974*.

Short title

An Act to amend
The Parkway Belt Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The amendments are to the same effect as those found in section 2 of the Bill that amends *The Ontario Planning and Development Act, 1973*; the boundaries of the Niagara Escarpment Planning Area may be amended by order of the Minister and any amending order will be required to be laid before the Assembly.

SECTION 2. The amendments contained in this section are to the same effect as those found in section 4 of the Bill to amend *The Ontario Planning and Development Act, 1973*; they are designed to clarify the procedures to be followed in respect of notification, hearings and the submission of the proposed Niagara Escarpment Plan to the Lieutenant Governor in Council for approval.

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

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

1.—(1) Subsection 1 of section 3 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding at the end thereof "and the Minister may alter the boundaries of the Planning Area by amendment to the order". s. 3(1),
amended

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3(3),
re-enacted

(3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution declare the order or amending order approved, revoked or varied. Order or
amending
order
to be laid
before
Assembly

2.—(1) Subsections 2, 3 and 4 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2-4),
re-enacted

(2) Prior to, upon or after the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area or in the general proximity thereof for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations and separate hearings may be conducted at different times and places in respect of different parts of the Niagara Escarpment Planning Area. Hearing
officer

Notice of hearing

(3) A hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area as he considers appropriate.

Time of hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing and not before the expiration of the time for making of comments on the proposed Plan.

s. 10 (5), amended

(2) Subsection 5 of the said section 10 is amended by inserting after "Commission" in the first line "or any person appointed by the Commission".

s. 10 (6-10), re-enacted

(3) Subsections 6, 7, 8, 9 and 10 of the said section 10 are repealed and the following substituted therefor:

Report of hearing officer

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer conducting the hearing or hearings shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of the report and separate reports shall be submitted for each part of the Niagara Escarpment Planning Area, for which a hearing or hearings was held.

Submission of Plan to Minister

(7) After giving consideration to the comments received and the report, or reports if there is more than one, of the hearing officer, the Commission shall submit the proposed Plan with its recommendations thereon to the Minister.

Inspection of proposed Plan and report

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report, or reports if there is more than one, of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Submission of proposed Plan to Lieutenant Governor in Council

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report, or reports if there is more than one, of the hearing officer, the Minister shall sub-

SECTIONS 3 AND 4. The effect of the amendments is to transfer from the Treasurer of Ontario to the Minister of Housing most of the authority in respect of the implementation of the development control provisions in the Act, and is in line with amendments made at the last session to *The Planning Act*. The Treasurer will retain the authority to designate areas within the Niagara Escarpment Planning Area as areas of development control and to designate the municipalities to which may be delegated the authority to issue development permits.

mit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report, ^{When report not approved} or reports if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

3. Section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22, re-enacted}

22. The Minister may make regulations designating any area or areas of land within the Niagara Escarpment Planning Area as an area of development control. ^{Regulations}

22a.—(1) In this section and in section 23, subsections 1, 3 to 9 and 11 and 12 of section 24 and section 25, "Minister" means the Minister of Housing. ^{Interpretation}

(2) The Minister may make regulations, ^{Regulations}

(a) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof; ^{R.S.O. 1970, c. 349}

(b) providing for the issuance of development permits and prescribing terms and conditions of permits;

(c) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;

(d) prescribing the form of application for a development permit.

4. Subsection 2 of section 24 of the said Act is repealed and the following substituted therefor: ^{s. 24 (2), re-enacted}

(2) No delegation shall be made under subsection 1 to a county or a regional municipality or a city, except where the county or regional municipality or city on application therefor, has been designated by order of the Minister as a municipality to which may be delegated the authority to issue development permits under subsection 1, and every such application shall ^{Limitation on delegation}

include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

ss. 26, 27,
repealed

5. Sections 26 and 27 of the said Act are repealed.

Commence-
ment

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

Short title

7. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1974*.

SECTION 5. The sections being repealed provide for payments in lieu of taxes in respect of land owned by the Province and situate within the Niagara Escarpment Planning Area. These provisions are now to be found in the Bill to enact *The Provincial Parks Municipal Tax Assistance Act, 1974*





An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

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

EXPLANATORY NOTES

SECTION 1. The amendments are to the same effect as those found in section 2 of the Bill that amends *The Ontario Planning and Development Act, 1973*; the boundaries of the Niagara Escarpment Planning Area may be amended by order of the Minister and any amending order will be required to be laid before the Assembly.

SECTION 2. The amendments contained in this section are to the same effect as those found in section 4 of the Bill to amend *The Ontario Planning and Development Act, 1973*; they are designed to clarify the procedures to be followed in respect of notification, hearings and the submission of the proposed Niagara Escarpment Plan to the Lieutenant Governor in Council for approval.

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

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

1.—(1) Subsection 1 of section 3 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding at the end thereof "and the Minister may alter the boundaries of the Planning Area by amendment to the order". s. 3 (1).
amended

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3).
re-enacted

(3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution declare the order or amending order approved, revoked or varied. Order or
amending
order
to be laid
before
Assembly

2.—(1) Subsections 2, 3 and 4 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2-4).
re-enacted

(2) Prior to, upon or after the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area or in the general proximity thereof for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations and separate hearings may be conducted at different times and places in respect of different parts of the Niagara Escarpment Planning Area. Hearing
officer

Notice of
hearing

(3) A hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area as he considers appropriate.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing and not before the expiration of the time for making of comments on the proposed Plan.

s. 10 (5),
amended

(2) Subsection 5 of the said section 10 is amended by inserting after "Commission" in the first line "or any person appointed by the Commission".

s. 10 (6-10),
re-enacted

(3) Subsections 6, 7, 8, 9 and 10 of the said section 10 are repealed and the following substituted therefor:

Report of
hearing
officer

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer conducting the hearing or hearings shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of the report and separate reports shall be submitted for each part of the Niagara Escarpment Planning Area, for which a hearing or hearings was held.

Submission
of Plan to
Minister

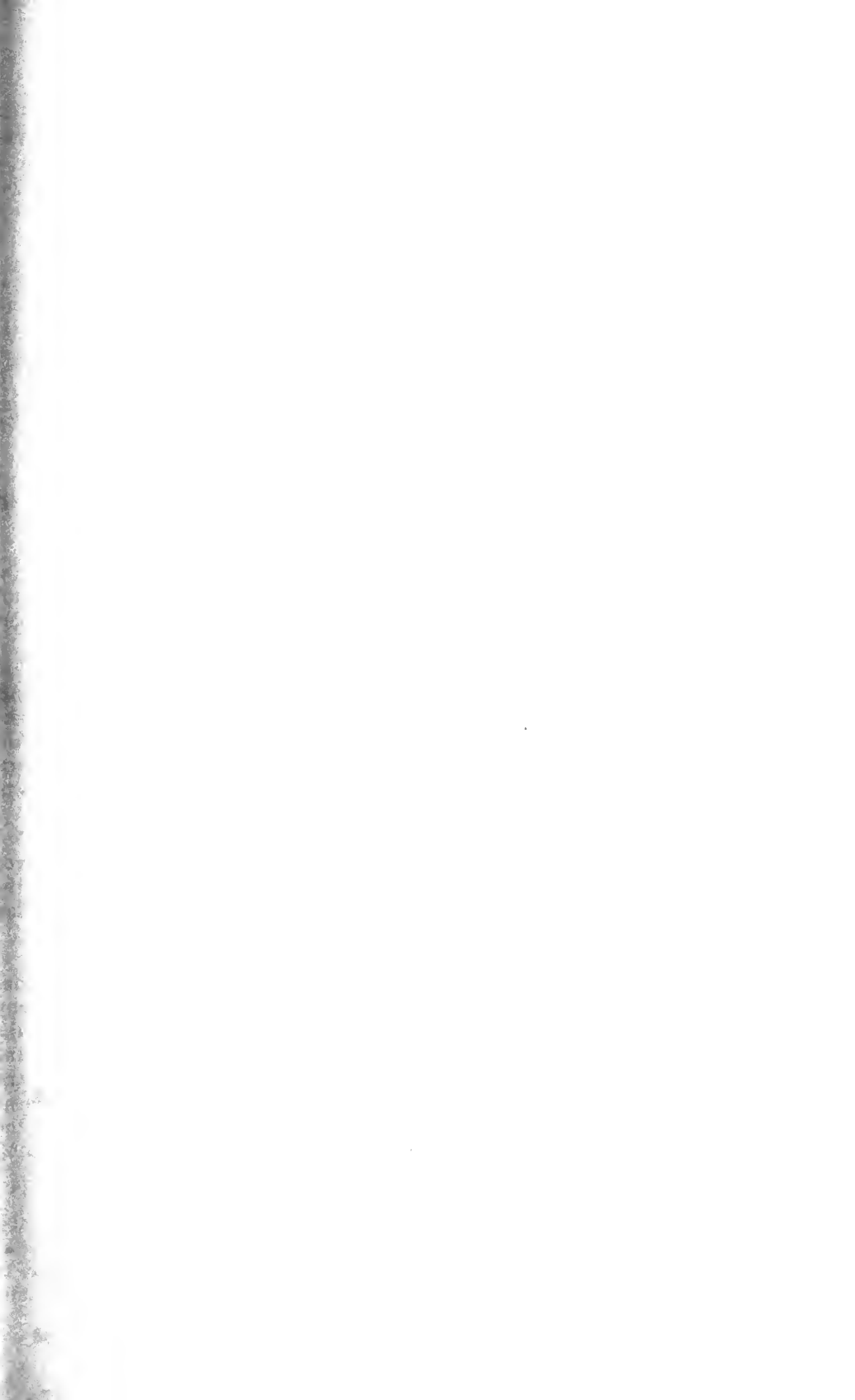
(7) After giving consideration to the comments received and the report, or reports if there is more than one, of the hearing officer, the Commission shall submit the proposed Plan with its recommendations thereon to the Minister.

Inspection
of proposed
Plan and
report

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report, or reports if there is more than one, of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Submission
of proposed
Plan to
Lieutenant
Governor in
Council

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report, or reports if there is more than one, of the hearing officer, the Minister shall sub-



SECTIONS 3 AND 4. The effect of the amendments is to transfer from the Treasurer of Ontario to the Minister of Housing most of the authority in respect of the implementation of the development control provisions in the Act, and is in line with amendments made at the last session to *The Planning Act*. The Treasurer will retain the authority to designate areas within the Niagara Escarpment Planning Area as areas of development control and to designate the municipalities to which may be delegated the authority to issue development permits.

mit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report, ^{When report not approved} or reports if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

3. Section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22, re-enacted}

22. The Minister may make regulations designating any area or areas of land within the Niagara Escarpment Planning Area as an area of development control. ^{Regulations}

22a.—(1) In this section and in section 23, subsections 1, 3 to 9 and 11 and 12 of section 24 and section 25, "Minister" means the Minister of Housing. ^{Interpretation}

(2) The Minister may make regulations, ^{Regulations}

(a) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof; ^{R.S.O. 1970, c. 349}

(b) providing for the issuance of development permits and prescribing terms and conditions of permits;

(c) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;

(d) prescribing the form of application for a development permit.

4. Subsection 2 of section 24 of the said Act is repealed and the following substituted therefor: ^{s. 24 (2), re-enacted}

(2) No delegation shall be made under subsection 1 to a county or a regional municipality or a city, except where the county or regional municipality or city on application therefor, has been designated by order of the Minister as a municipality to which may be delegated the authority to issue development permits under subsection 1, and every such application shall ^{Limitation on delegation}

include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

ss. 26, 27,
repealed

5. Sections 26 and 27 of the said Act are repealed.

Commence-
ment

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1974*.

SECTION 5. The sections being repealed provide for payments in lieu of taxes in respect of land owned by the Province and situate within the Niagara Escarpment Planning Area. These provisions are now to be found in the Bill to enact *The Provincial Parks Municipal Tax Assistance Act, 1974*.



An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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

BILL 86

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

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

1.—(1) Subsection 1 of section 3 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding at the end thereof “and the Minister may alter the boundaries of the Planning Area by amendment to the order”. s.3(1),
amended

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s.3(3),
re-enacted

(3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution declare the order or amending order approved, revoked or varied. Order or
amending
order
to be laid
before
Assembly

2.—(1) Subsections 2, 3 and 4 of section 10 of the said Act are repealed and the following substituted therefor: s.10(2-4),
re-enacted

(2) Prior to, upon or after the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area or in the general proximity thereof for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations and separate hearings may be conducted at different times and places in respect of different parts of the Niagara Escarpment Planning Area. Hearing
officer

Notice of
hearing

(3) A hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area as he considers appropriate.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing and not before the expiration of the time for making of comments on the proposed Plan.

s. 10 (5),
amended

(2) Subsection 5 of the said section 10 is amended by inserting after "Commission" in the first line "or any person appointed by the Commission".

s. 10 (6-10),
re-enacted

(3) Subsections 6, 7, 8, 9 and 10 of the said section 10 are repealed and the following substituted therefor:

Report of
hearing
officer

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer conducting the hearing or hearings shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of the report and separate reports shall be submitted for each part of the Niagara Escarpment Planning Area, for which a hearing or hearings was held.

Submission
of Plan to
Minister

(7) After giving consideration to the comments received and the report, or reports if there is more than one, of the hearing officer, the Commission shall submit the proposed Plan with its recommendations thereon to the Minister.

Inspection
of proposed
Plan and
report

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report, or reports if there is more than one, of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Submission
of proposed
Plan to
Lieutenant
Governor in
Council

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report, or reports if there is more than one, of the hearing officer, the Minister shall sub-

mit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report, ^{When report not approved} or reports if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

3. Section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22, re-enacted}

22. The Minister may make regulations designating any ^{Regulations} area or areas of land within the Niagara Escarpment Planning Area as an area of development control.

22a.—(1) In this section and in section 23, subsections 1, ^{Interpretation} 3 to 9 and 11 and 12 of section 24 and section 25, "Minister" means the Minister of Housing.

(2) The Minister may make regulations, ^{Regulations}

(a) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof; ^{R.S.O. 1970, c. 349}

(b) providing for the issuance of development permits and prescribing terms and conditions of permits;

(c) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;

(d) prescribing the form of application for a development permit.

4. Subsection 2 of section 24 of the said Act is repealed and the following substituted therefor: ^{s. 24 (2), re-enacted}

(2) No delegation shall be made under subsection 1 to a county or a regional municipality or a city, except where the county or regional municipality or city on application therefor, has been designated by order of the Minister as a municipality to which may be delegated the authority to issue development permits under subsection 1, and every such application shall ^{Limitation on delegation}

include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

ss. 26, 27,
repealed

5. Sections 26 and 27 of the said Act are repealed.

Commence-
ment

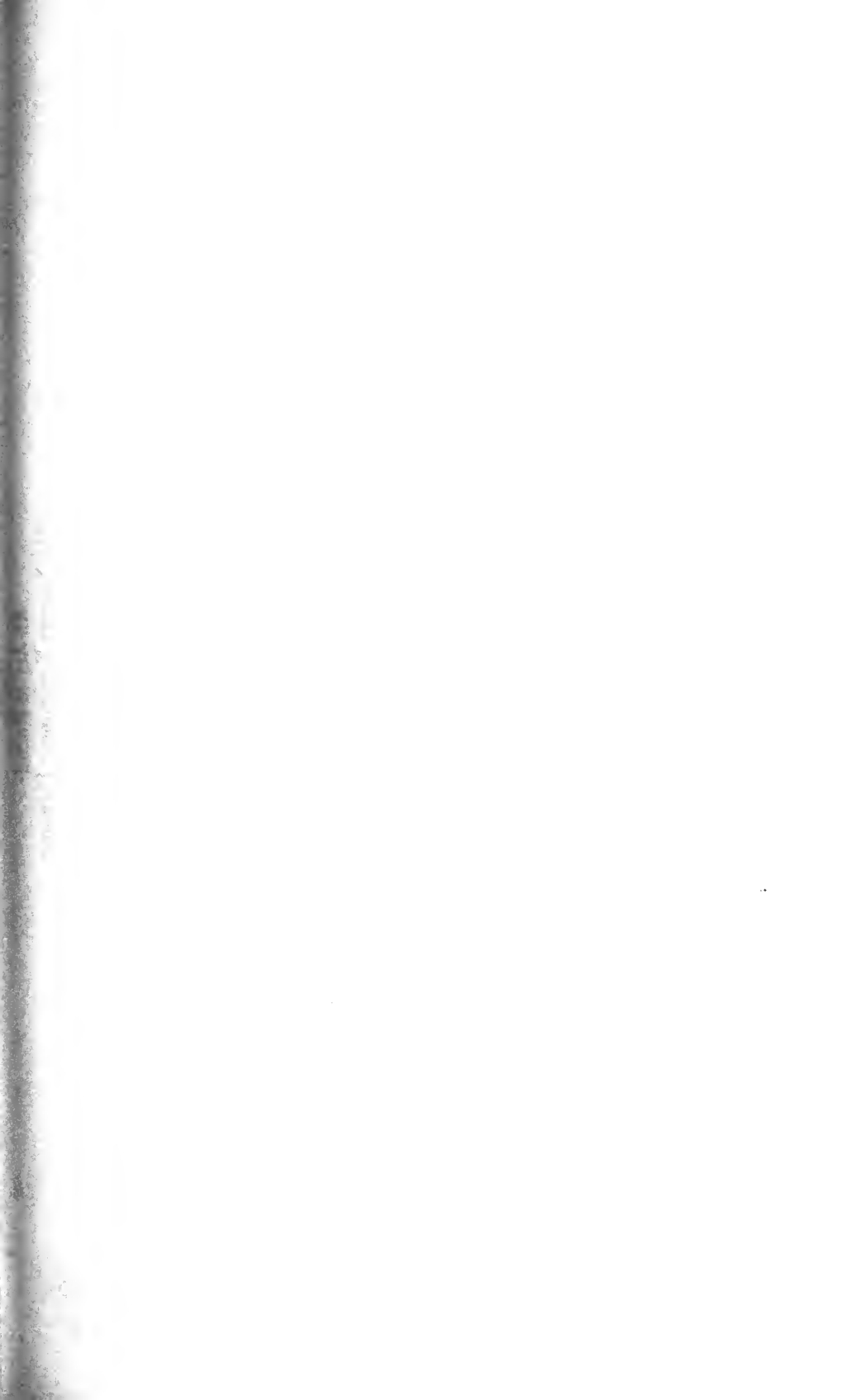
6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1974*.



An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Assessment Act

THE HON. A. K. MEEN
Minister of Revenue

EXPLANATORY NOTES

GENERAL. This Bill contains provisions which will provide for an annual assessment roll in 1974 and 1975 at the present levels of assessment, and will provide that the assessment roll shall be returned in December rather than in October. The time for appeals under the Act is enlarged and provision is made for the assessment of all tenants who are required to be shown on the assessment roll.

In addition, many minor amendments are made to adjust for the later return of the roll and to appeal provisions that are no longer necessary in the Act.

SECTION 1 makes it clear that railway lands in localities where there is no municipal organization will be assessed to support local school boards.

SECTION 2.—Subsection 1 provides an exemption for machinery and equipment and the foundations on which they rest when they are used to produce electric power for sale to the general public. This section replaces section 84 which will be repealed.

Subsection 2 re-enacts paragraph 19 of section 3 to continue the exemption from taxation for certain minerals (other than those exempt from mining tax). The exemption is also continued for buildings, plant and machinery located under mineral land and used to obtain minerals from the ground and for machinery on the surface of mineral lands. A building or plant on the surface of mineral lands and used to obtain minerals from the ground will no longer be exempt from taxation.

SECTION 3 makes the business of obtaining minerals from the ground liable for business assessment at 60 per cent.

An Act to amend The Assessment Act

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

1. Clause *m* of section 1 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 1, is amended by striking out "except in section 38" in the first line. s. 1 (m),
amended

- 2.—(1) Section 3 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 2 and 1973, chapter 26, section 1, is further amended by adding thereto the following paragraph: s. 3,
amended
 - 17*a*. All machinery and equipment including the foundations on which they rest to the extent and in the proportion used for producing electric power for sale to the general public but not including any other buildings, structures, structural facilities or fixtures used in connection therewith. Machinery
for
producing
electric
power

- (2) Paragraph 19 of the said section 3, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 2, is repealed and the following substituted therefor: s. 3,
par. 19,
re-enacted
 19. The buildings, plant and machinery under mineral land and the machinery in or on such land only to the extent and in the proportion that such buildings, plant and machinery are used for obtaining minerals from the ground, and all minerals, other than diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, or non-auriferous sand or gravel, that are in, on or under land. Mineral land
and minerals

3. Clause *d* of subsection 1 of section 7 of the said Act is repealed and the following substituted therefor: s. 7 (1) (d),
re-enacted

(d) Every person carrying on the business of a manufacturer, including the business of a flour miller, maltster, a concentrator or smelter of ore or metals, and the business of obtaining minerals from the ground, for a sum equal to 60 per cent of the assessed value, provided that a manufacturer is not liable to business assessment as a wholesale merchant by reason of his carrying on the business of selling by wholesale the goods of his own manufacture on such land.

s. 13 (2),
amended

4. Subsection 2 of section 13 of the said Act is amended by striking out "in the census register" in the ninth and tenth lines and inserting in lieu thereof "concerning whom he is required to obtain any information for the purpose of the census required by section 23".

s. 16 (1),
amended

5. Subsection 1 of section 16 of the said Act is amended by striking out "mentioned in section 9" in the fourth line and inserting in lieu thereof "or notice mentioned in section 33 or 38".

s. 17 (3),
re-enacted

6. Subsection 3 of section 17 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 4, is repealed and the following substituted therefor:

Apportionment
of
value of
multiple
occupancy

(3) The value of an assessment of an entire parcel of real property that is occupied by more than one person to be assessed under this Act shall be apportioned on the assessment roll among the occupants of the entire real property who are to be assessed in that proportion that the fair market rent of the space occupied by each occupant bears to the fair market rent of the entire parcel of real property so that the sum of the values apportioned to each occupant shall be equal to the value of the assessment of the entire parcel of real property.

s. 24 (1),
re-enacted

7. Subsection 1 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 7, is repealed and the following substituted therefor:

Land to be
assessed
against
owner and
tenant

(1) Subject to section 26, land shall be assessed against the owner thereof and against the tenant to the extent of the assessed value of the portion of the land occupied by the tenant.

s. 25,
repealed

8. Section 25 of the said Act is repealed.

s. 32 (4),
amended

9. Subsection 4 of section 32 of the said Act is amended by striking out "steam" in the fifth line.

SECTION 4 This amendment is consequential on changes made in 1972 to section 23 of the Act which provides for the taking of a census.

SECTION 5 removes the reference to section 9 of the Act, which was repealed in 1972 and inserts references to sections 33 and 38 of the Act which deal with information statements required to be furnished to the assessment commissioner by pipeline companies and railway companies.

SECTION 6 repeals the definition of "tenant" which included only a tenant of the Crown or a person liable to business assessment. The repeal of this provision means that all tenants as defined in section 1 (r) of the Act are now to be entered on the roll in accordance with paragraphs 3 and 4 of subsection 1 of section 17.

A new subsection 3 provides a formula for the apportionment of a multiple occupancy building among the various occupants. Each unit is assessed according to its economic value so that the total of the assessed values of the units equals the value of the assessment of the entire parcel of real property.

SECTION 7 makes it clear that land is no longer to be assessed only against the owner, but rather against the owner and against the tenant. However, the tenant will be assessed only for the portion of the land he occupies.

SECTION 8 removes from the Act a section that is no longer necessary due to the introduction of *The Municipal Elections Act, 1972*.

SECTION 9 removes "steam" in view of the disappearance of steam as a source of power on railways.

SECTION 10 provides a later date on which pipeline companies are to report particulars of their transmission pipelines to the assessment commissioner since the assessment roll is now to be returned in December instead of October.

SECTION 11 makes it clear that the assessment of lands in a municipality which are vested in a public utility is to be based on the average value of lands in the immediate vicinity and not on the average value of lands in the whole municipality.

SECTION 12.—Subsection 1 provides for railway companies to deliver annual information statements at a later date since the assessment roll will be returned at a later date. It further provides that delivery of the statement be to the assessment commissioner of every municipality rather than to the clerk. Railway companies are no longer required to provide the value of lands they occupy.

Subsection 2 provides that roadways and rights of way of railway companies are to be assessed according to the value at which lands are assessed in the immediate vicinity.

SECTION 13. At present, notices of assessment must be sent at least fifteen days before the return of the roll. The amendment reduces this period to fourteen days.

SECTION 14 makes uniform with other provisions in the Act the types of corrections which may be made on the assessment roll prior to its return.

10. Subsection 2 of section 33 of the said Act is amended by ^{s. 33 (2),} amended striking out "July" in the first line and inserting in lieu thereof "October" and by striking out "June" in the fourth line and inserting in lieu thereof "September".

11. Subsection 3 of section 35 of the said Act is amended by ^{s. 35 (3),} amended striking out "average value at which lands are assessed in the municipality" in the seventh and eighth lines and inserting in lieu thereof "value at which lands are assessed in the immediate vicinity".

12.—(1) Subsection 1 of section 38 of the said Act is repealed and ^{s. 38 (1),} re-enacted the following substituted therefor:

(1) Every railway company shall transmit annually on ^{Railway} or before the 1st day of July to the assessment commissioner ^{companies} of every municipality or locality in which any part of ^{to furnish} the roadway or other real property of the company is situated, ^{statements} a statement showing,

(a) the quantity of land occupied by the roadway, and a description sufficient to identify what land is so occupied;

(b) the vacant land owned by the company and not in actual use by the company;

(c) the quantity of land occupied by the railway and being a part of a highway, street, road or other public land, but not being a highway, street or road that is merely crossed by the railway; and

(d) the real property, other than that referred to in clause *a*, *b* or *c*, in actual use and occupation by the railway.

(2) Clause *a* of subsection 2 of the said section 38 is ^{s. 38 (2) (a),} amended by striking out "actual value thereof according to the average value of land in the locality" in the first and second lines and inserting in lieu thereof "value at which lands are assessed in the immediate vicinity".

13. Subsection 1 of section 40 of the said Act, as amended by ^{s. 40 (1),} amended the Statutes of Ontario, 1972, chapter 125, section 12, is further amended by striking out "fifteen" in the second line and inserting in lieu thereof "fourteen".

14. Section 41 of the said Act is amended by striking out ^{s. 41,} amended "error" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "defect, error, omission or misstatement".

ss. 42-44,
re-enacted

- 15.** Section 42 as amended by the Statutes of Ontario, 1971, chapter 79, section 7 and 1972, chapter 125, section 13, section 43 as amended by the Statutes of Ontario, 1971, chapter 79, section 8 and section 44 of the said Act are repealed and the following substituted therefor:

Assessment
omitted
from
collector's
roll

42.—(1) If any land liable to assessment or any business assessment, has been in whole or in part omitted from the collector's roll for the current year or for any part or all of either or both of the next two preceding years, and no taxes have been levied for the assessment omitted, the assessor shall make any assessment necessary to rectify the omission and the clerk of the municipality upon notification thereof shall enter the assessment on the collector's roll and such taxes as would have been payable if the assessment had not been omitted shall be levied and collected.

Interpre-
tation

(2) For the purposes of this section, "omitted" includes the invalidation or setting aside of an assessment by any court or assessment tribunal on any ground except that the land is not liable to taxation.

Supple-
mentary
assessments
to be added
to collector's
roll

43. If, after notices of assessment have been given pursuant to section 40 and before the last day of the taxation year for which taxes are levied on the assessment referred to in the notices,

- (a) an increase in value occurs which results from the erection, alteration, enlargement or improvement of any building, structure, machinery, equipment or fixture or any portion thereof that commences to be used for any purpose;
- (b) land or a portion thereof ceases to be exempt from taxation or to be used for the purpose set forth in subsection 3 of section 27;
- (c) a person commences to occupy or use land for the purpose of, or in connection with, any business mentioned or described in section 7;
- (d) a pipeline increases in value because it ceases to be entitled to the reduction provided for in subsection 9 of section 33,

the assessor shall make such further assessment as may be necessary to reflect the change, and the clerk of the municipality upon notification thereof shall enter a supplementary assessment on the collector's roll and the amount

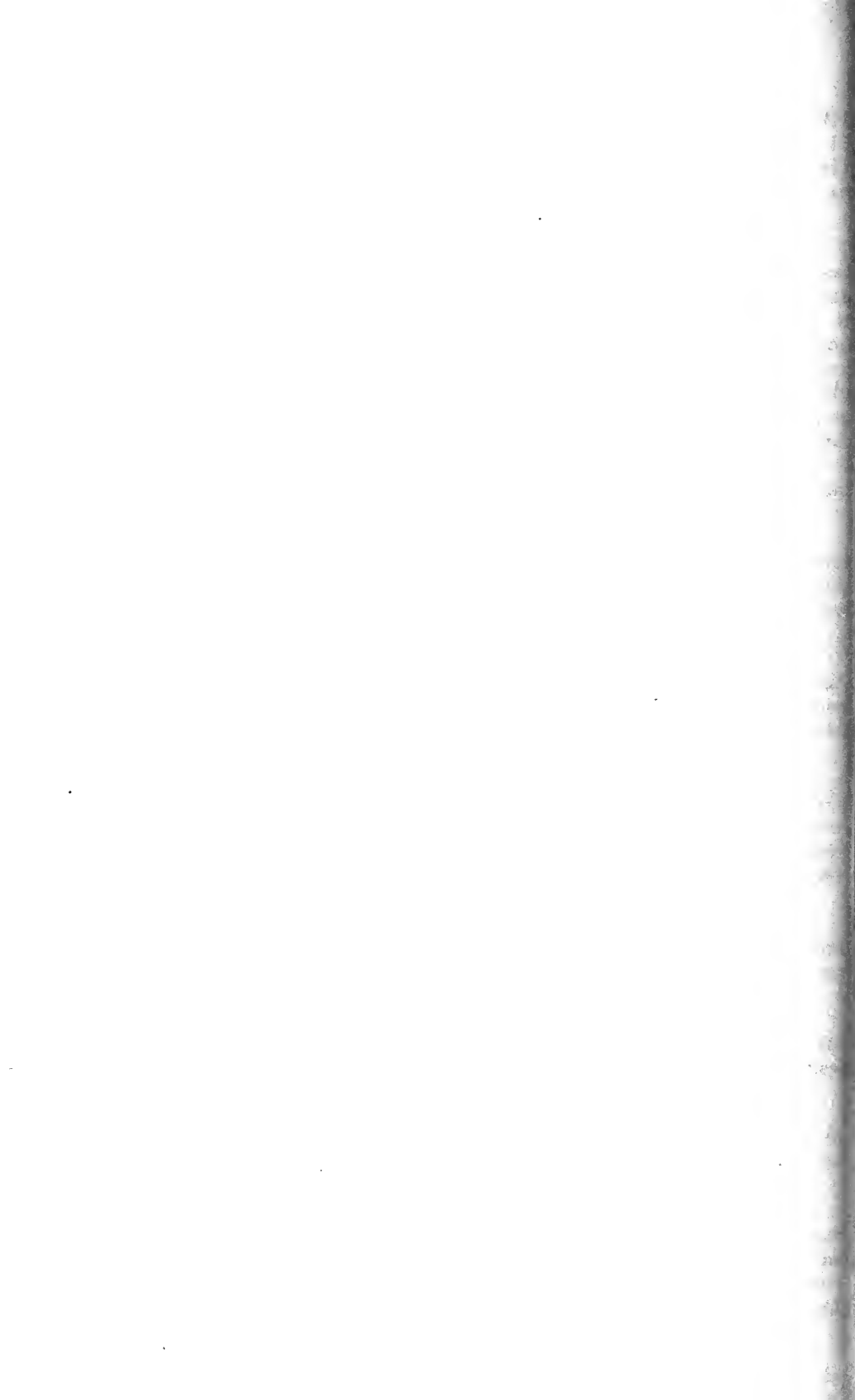
SECTION 15 provides for the re-enactment of sections 42, 43 and 44

The new section 42 provides for the collection of taxes which have not been collected for either the current or two preceding years due to any assessment having been omitted in whole or in part from the collector's roll

For purposes of supplementary assessment the new section 43 has expanded the changes which may now be reflected in the collector's roll. If an increase in value occurs which results from the erection, alteration, enlargement or improvement not only of any building but also of any structure, machinery, equipment or fixture or portion thereof which has commenced to be used, then taxes may be collected on this increase in value.

Section 43 further provides that a municipality may now collect twelve months taxes for the current year rather than eleven months as has been the previous situation.

The new section 44 contains the provisions relating to notice of assessment, appeals, changes in tax rates and distribution of taxes which were contained in the former sections 42, 43 and 44.



of taxes to be levied thereon shall be the amount of taxes that would have been levied for the portion of such taxation year left remaining after the change occurred if the assessment had been made in the usual way.

44.—(1) A person entitled to a notice of assessment pursuant to section 41 or assessed under section 42 or 43 shall be notified and be entitled to appeal as if the assessment had been regularly made and the assessment roll was returned fourteen days after the day of mailing of the notice of assessment. Notice and appeal

(2) Where a business assessment is made pursuant to section 42 or 43, the real property with respect to which such business assessment is computed is, from the time the land is occupied or used for the purpose of or in connection with any business mentioned in section 7, liable to taxation at the rate levied under subsection 2 of section 302 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly. Change in tax rate
R.S.O. 1970.
c. 284

(3) When the collector's roll is altered pursuant to section 42 or 43 and taxes are levied thereon, Distribution

(a) the amount thereof that, if the taxes had been levied in the usual way, would have been paid to any body, for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;

(b) notwithstanding subsection 3 of section 47 of *The Public Schools Act* and subsection 2 of section 8 of *The Secondary Schools and Boards of Education Act*, the amount credited to a body under clause a shall be paid over to such body not later than the 31st day of December in the year in which it was levied and shall be used by such body to reduce the levy for the purposes of such body in the next succeeding year, and, if the amount or any portion thereof is not paid over to such body on or before the 31st day of December in the year in which it was levied, the municipality so in default shall, if demanded by such body, pay interest thereon to such body at the rate of 6 per cent per annum from such date until payment is made; R.S.O. 1970.
cc. 385, 425

- (c) the balance remaining after the setting up of all credits as provided in clause *a* shall be taken into the general funds of the municipality;
- (d) notwithstanding clauses *a* and *b*, where in a secondary school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the secondary school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the secondary school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year;
- (e) the treasurer shall deliver to each of the bodies entitled to a credit under clause *a*, on or before the 31st day of December in the year in which the taxes were levied, a statement sufficient to enable the body to determine the correctness of the credit.

s. 46,
re-enacted

16. Section 46 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 9, is repealed and the following substituted therefor:

Time for
yearly
assessment
and return
of roll

46.—(1) Except as provided in section 42 or 43, in every municipality the assessment shall be made annually commencing in the year 1974 and at any time between the 1st day of January and the third Tuesday following the 1st day of December, and the assessment roll of the municipality shall be returned to the clerk not later than the third Tuesday following the 1st day of December in the year in which the assessment is made.

Extension
of time for
return of
roll

(2) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not be or has not been returned to the clerk of the municipality as provided in subsection 1, the Minister may extend the time for the return of the assessment roll for such period as appears necessary.

Notice of
extension

(3) Where the Minister extends the time for the return of the assessment roll under subsection 2, he shall cause a notice of the extension, specifying the date to which the time has been extended and the final date for commencing an appeal to the Assessment Review Court, to be published in a

SECTION 16 re-enacts section 46 to provide for the return of assessment rolls in December of each year rather than by October 1st. It also provides that an annual assessment roll will again begin to be returned in Ontario in 1974.

In view of these changes, the provisions requiring the Assessment Review Court to hear assessment appeals by November 30th have been amended to enable the court to hear the appeals as soon as is practicable.

SECTION 17.—Subsection 1 substitutes references to assessment for the existing references to “under charged or over charged” in the provisions providing for notices of complaint.

Subsection 2 extends the time for giving a notice of complaint to an assessment from fourteen to twenty-one days after the return of the roll.

Subsection 3 repeals section 52 (5) which required advertisement of the sittings of the Assessment Review Court. Each person who has lodged an appeal is given notice of the sitting of the court and thus the required advertisement is no longer necessary.

Subsection 4. This change is consequential on the enlargement of the appeal period under section 55.

SECTION 18.—Subsection 1 changes the time period for an appeal to the County Court judge from fourteen days to twenty-one days.

Subsection 2 repeals section 55 (7, 8, 9) which dealt with time limits for appealing to a County Court judge and for determining appeals. Since these have been regarded as directory only, the section has been changed to provide that the County Court judge may adjourn hearings and defer judgment as long as he hears and disposes of appeals as soon as practicable.

SECTION 19. Subsection 1 removes the references to section 44 which are now contained in section 43.

Subsection 2 removes the reference to section 59 which was repealed by an earlier amendment.

daily or weekly newspaper that in the opinion of the Minister has such circulation within the municipality as to provide reasonable notice to persons affected thereby.

(4) The Assessment Review Court shall hear and dispose of all appeals in every municipality as soon as practicable. Time for disposing of appeals

17.—(1) Subsection 1 of section 52 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out "undercharged or overcharged" in the fourth line and inserting in lieu thereof "assessed too low or too high". s. 52 (1), amended

(2) Subsection 3 of the said section 52, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out "fourteen" in the eighth line and in the tenth line and inserting in lieu thereof in each instance "twenty-one". s. 52 (3), amended

(3) Subsection 5 of the said section 52 is repealed. s. 52 (5), repealed

(4) Subsection 14 of the said section 52 is amended by striking out "fourteen" in the tenth line and inserting in lieu thereof "twenty-one". s. 52 (14), amended

18.—(1) Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 15, is repealed and the following substituted therefor: s. 55 (2), re-enacted

(2) A notice of appeal to the county judge shall be sent by registered mail, within twenty-one days of the mailing of the notice under subsection 14 of section 52, by the party appealing to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14. Notice of appeal

(2) Subsections 7, 8 and 9 of the said section 55 are repealed and the following substituted therefor: s. 55 (7), re-enacted; s. 55 (8, 9), repealed

(7) At the court so held, the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals are heard and disposed of as soon as practicable. Hearing of appeals

19.—(1) Subsection 2 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 17, is amended by striking out "43 or 44" in the third line and inserting in lieu thereof "or 43". s. 63 (2), amended

(2) Subsection 4 of the said section 63 is amended by striking out "59" in the first line and inserting in lieu thereof "58". s. 63 (4), amended

s. 64 (2),
amended

20. Subsection 2 of section 64 of the said Act is amended by striking out "lands in the municipality" in the second and third lines and inserting in lieu thereof "similar lands in the vicinity".

s. 70,
amended

21. Section 70 of the said Act is amended by striking out "business" in the third line and by striking out "whether or not the business assessment roll has been finally revised" in the fifth and sixth lines.

ss. 72, 73,
75,
repealed

22. Section 72, as amended by the Statutes of Ontario, 1971, chapter 79, section 12, and sections 73 and 75 of the said Act are repealed.

ss. 82, 84,
repealed

23. Sections 82 and 84 of the said Act are repealed.

s. 85,
amended

24. Section 85 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by inserting after "municipality" in the fifth line "for taxation".

s. 86
re-enacted

25. Section 86 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 19, is repealed and the following substituted therefor:

Roll to be
returned in
1974 and
1975

86. Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act,

(a) the assessment roll of a municipality to be returned in the year 1974 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1970 for taxation in the year 1971 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1974; and

(b) the assessment roll of a municipality to be returned in the year 1975 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1974 for taxation in the year 1975 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1975,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974 or 1975 is inequitable with respect to the assessment of similar real property in the vicinity, the

SECTION 20 provides that in valuing any land, references to the value of other land shall include only similar land in the vicinity.

SECTION 21 removes references to a separate business assessment roll as such rolls are no longer in use.

SECTION 22 repeals sections 72, 73 and 75 which deal with the apportionment of county rates among the townships, the villages, etc., in a county. This apportionment is to be provided for in *The Municipal Act* at which time a proclamation repealing these sections will be made.

SECTION 23 repeals sections 82 and 84. No municipality now maintains the separate business assessment roll provided for in section 82. Section 84 is repealed because of the new exemption provided in section 2 (1) of the Bill.

SECTION 24 amends section 85 to make it clear that taxation in the years 1971 to 1974 is based on the 1970 assessment roll.

SECTION 25 re-enacts section 86 and provides for the maintenance of present levels of assessment in 1974 and 1975. The section also provides for the alteration of an assessment where the assessor is of the opinion that it is inequitable with respect to the assessment of similar real property in the vicinity.

SECTION 26 ensures that only where there has been an increase in value pursuant to section 43 (a) of \$2,500 or a cumulative increase in value totalling at least \$2,500 since July 23rd, 1971, can there be an amendment to the assessment or collector's roll.

SECTION 27 repeals sections 88 and 89. This will allow the normal appeal procedures to come into effect.

SECTION 28 repeals section 93. In view of the return of annual rolls, the section being repealed will no longer be necessary.

SECTION 29 repeals section 94. In view of the return of annual rolls, section 94 will no longer be necessary.

assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

- 20.** Section 87 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed and the following substituted therefor: ^{s. 87.} re-enacted

87. No amendment shall be made to the assessment or collector's roll pursuant to clause *a* of section 43 until the cumulative value of the increase since the 23rd day of July, 1971, is at least in the sum of \$2,500 at market value or, if the assessment in the vicinity is at less than market value, at an equivalent rate. ^{No amendment to roll until increase at least \$2,500}

- 27.** Sections 88 and 89 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, are repealed. ^{ss. 88, 89.} repealed

- 28.** Section 93 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed. ^{s. 93.} repealed

- 29.** Section 94 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, and amended by 1973, chapter 148, section 2, is repealed. ^{s. 94.} repealed

- 30.** Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1973, chapter 148, section 3, is further amended by striking out "1st day of October" in the first and second lines and inserting in lieu thereof "21st day of December". ^{s. 95.} amended

- 31.** Section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 20 and 1973, chapter 148, section 4, is repealed and the following substituted therefor: ^{s. 96.} re-enacted

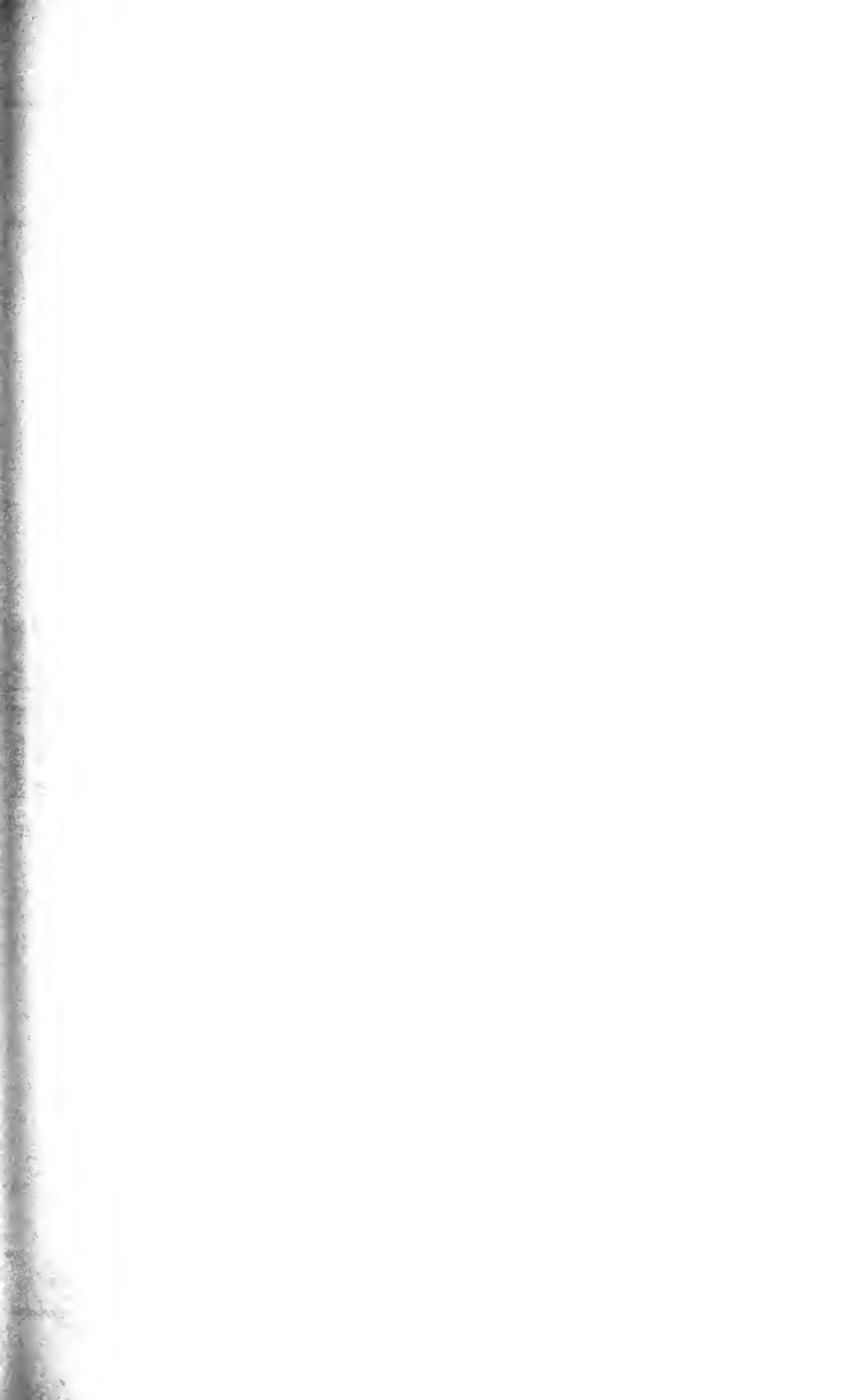
96.—(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1976. ^{Application}

(2) Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1977. ^{Idem}

- 32.**—(1) This Act, except sections 2, 6, 7, 11, 13, 14, 15, 19, 22, 23, 25 and 26, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Sections 6, 7, 11, 13, 14, 15, 19, 25 and 26 come into force on the 1st day of December, 1974. ^{Idem}

- Idem (3) Sections 2 and 23 come into force on the 1st day of January 1975.
- Idem (4) Section 22 comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **33.** This Act may be cited as *The Assessment Amendment Act, 1974*.



An Act to amend
The Assessment Act

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

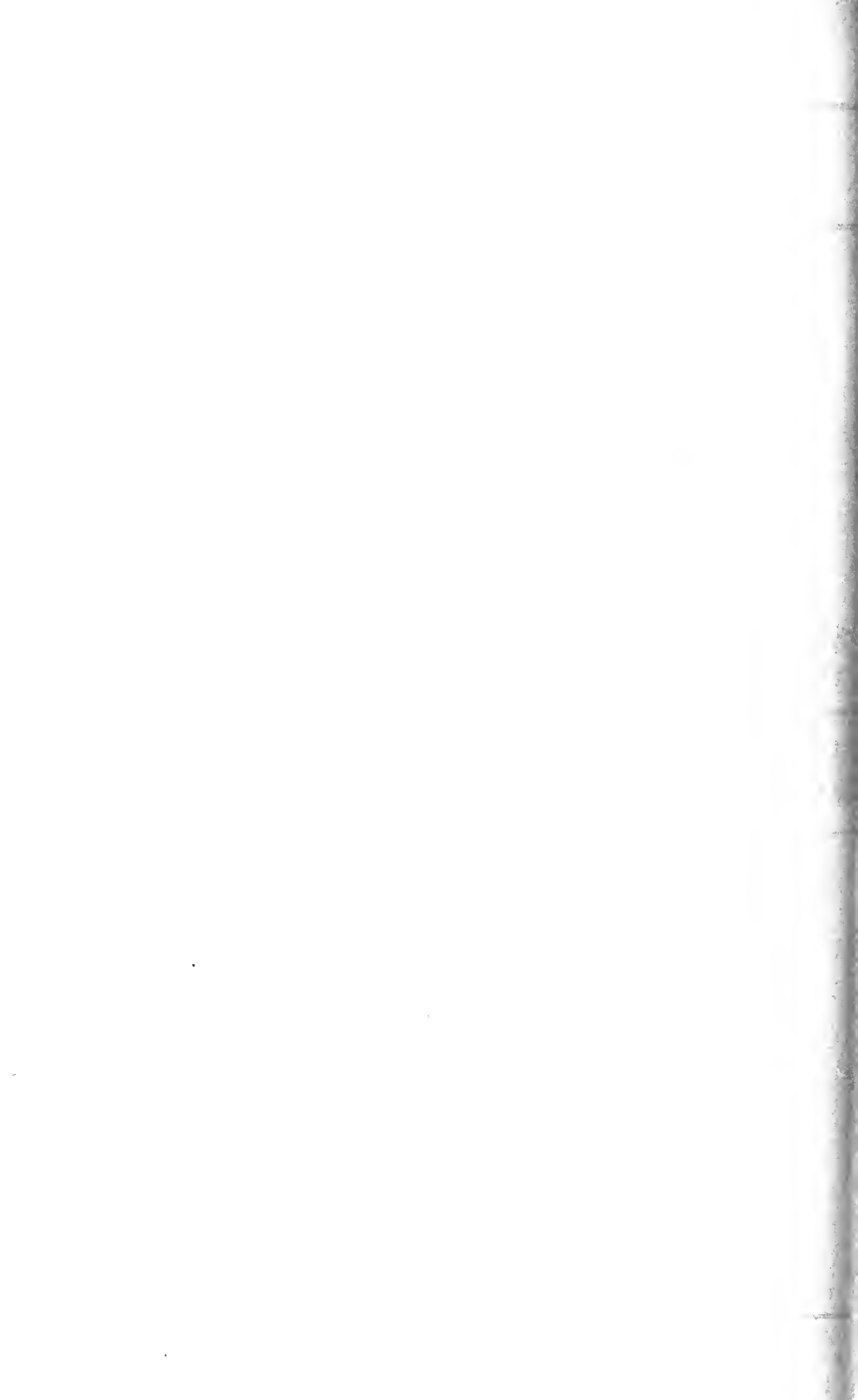
(Government Bill)

BILL 87

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Assessment Act

THE HON. A. K. MEEN
Minister of Revenue



An Act to amend The Assessment Act

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

1. Clause *m* of section 1 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 1, is amended by striking out "except in section 38" in the first line. ^{s. 1 (m), amended}
- 2.—(1) Section 3 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 2 and 1973, chapter 26, section 1, is further amended by adding thereto the following paragraph:
 - 17a. All machinery and equipment including the foundations on which they rest to the extent and in the proportion used for producing electric power for sale to the general public but not including any other buildings, structures, structural facilities or fixtures used in connection therewith. ^{Machinery for producing electric power}
- (2) Paragraph 19 of the said section 3, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 2, is repealed and the following substituted therefor: ^{s. 3, par. 19, re-enacted}
 19. The buildings, plant and machinery under mineral land and the machinery in or on such land only to the extent and in the proportion that such buildings, plant and machinery are used for obtaining minerals from the ground, and all minerals, other than diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, or non-auriferous sand or gravel, that are in, on or under land. ^{Mineral land and minerals}
3. Clause *d* of subsection 1 of section 7 of the said Act is ^{s. 7 (1) (d), re-enacted} repealed and the following substituted therefor:

(d) Every person carrying on the business of a manufacturer, including the business of a flour miller, maltster, a concentrator or smelter of ore or metals, and the business of obtaining minerals from the ground, for a sum equal to 60 per cent of the assessed value, provided that a manufacturer is not liable to business assessment as a wholesale merchant by reason of his carrying on the business of selling by wholesale the goods of his own manufacture on such land.

s. 13 (2),
amended

4. Subsection 2 of section 13 of the said Act is amended by striking out "in the census register" in the ninth and tenth lines and inserting in lieu thereof "concerning whom he is required to obtain any information for the purpose of the census required by section 23".

s. 16 (1),
amended

5. Subsection 1 of section 16 of the said Act is amended by striking out "mentioned in section 9" in the fourth line and inserting in lieu thereof "or notice mentioned in section 33 or 38".

s. 17 (3),
re-enacted

6. Subsection 3 of section 17 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 4, is repealed and the following substituted therefor:

Apportionment of value of multiple occupancy

(3) The value of an assessment of an entire parcel of real property that is occupied by more than one person to be assessed under this Act shall be apportioned on the assessment roll among the occupants of the entire real property who are to be assessed in that proportion that the fair market rent of the space occupied by each occupant bears to the fair market rent of the entire parcel of real property so that the sum of the values apportioned to each occupant shall be equal to the value of the assessment of the entire parcel of real property.

s. 24 (1),
re-enacted

7. Subsection 1 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 7, is repealed and the following substituted therefor:

Land to be assessed against owner and tenant

(1) Subject to section 26, land shall be assessed against the owner thereof and against the tenant to the extent of the assessed value of the portion of the land occupied by the tenant.

s. 25,
repealed

8. Section 25 of the said Act is repealed.

s. 32 (4),
amended

9. Subsection 4 of section 32 of the said Act is amended by striking out "steam" in the fifth line.

10. Subsection 2 of section 33 of the said Act is amended by ^{s. 33 (2),} striking out "July" in the first line and inserting in lieu amended thereof "October" and by striking out "June" in the fourth line and inserting in lieu thereof "September".
11. Subsection 3 of section 35 of the said Act is amended by ^{s. 35 (3),} striking out "average value at which lands are assessed amended in the municipality" in the seventh and eighth lines and inserting in lieu thereof "value at which lands are assessed in the immediate vicinity".
- 12.—(1) Subsection 1 of section 38 of the said Act is repealed and ^{s. 38 (1),} the following substituted therefor: re-enacted
- (1) Every railway company shall transmit annually on ^{Railway} or before the 1st day of July to the assessment commissioner ^{companies} of every municipality or locality in which any part of the ^{to furnish} roadway or other real property of the company is situated, ^{statements} a statement showing,
- (a) the quantity of land occupied by the roadway, and a description sufficient to identify what land is so occupied;
- (b) the vacant land owned by the company and not in actual use by the company;
- (c) the quantity of land occupied by the railway and being a part of a highway, street, road or other public land, but not being a highway, street or road that is merely crossed by the railway; and
- (d) the real property, other than that referred to in clause *a*, *b* or *c*, in actual use and occupation by the railway.
- (2) Clause *a* of subsection 2 of the said section 38 is ^{s. 38 (2) (a),} amended by striking out "actual value thereof according amended to the average value of land in the locality" in the first and second lines and inserting in lieu thereof "value at which lands are assessed in the immediate vicinity".
13. Subsection 1 of section 40 of the said Act, as amended by ^{s. 40 (1),} the Statutes of Ontario, 1972, chapter 125, section 12, is amended further by striking out "fifteen" in the second line and inserting in lieu thereof "fourteen". amended
14. Section 41 of the said Act is amended by striking out ^{s. 41,} "error" in the fourth line and in the sixth line and inserting amended in lieu thereof in each instance "defect, error, omission or misstatement".

ss. 42-44,
re-enacted

15. Section 42 as amended by the Statutes of Ontario, 1971 chapter 79, section 7 and 1972, chapter 125, section 13 section 43 as amended by the Statutes of Ontario, 1971 chapter 79, section 8 and section 44 of the said Act are repealed and the following substituted therefor:

Assessment
omitted
from
collector's
roll

42.—(1) If any land liable to assessment or any business assessment, has been in whole or in part omitted from the collector's roll for the current year or for any part or all of either or both of the next two preceding years, and no taxes have been levied for the assessment omitted, the assessor shall make any assessment necessary to rectify the omission and the clerk of the municipality upon notification thereof shall enter the assessment on the collector's roll and such taxes as would have been payable if the assessment had not been omitted shall be levied and collected.

Interpre-
tation

(2) For the purposes of this section, "omitted" includes the invalidation or setting aside of an assessment by any court or assessment tribunal on any ground except that the land is not liable to taxation.

Supple-
mentary
assessments
to be added
to collector's
roll

43. If, after notices of assessment have been given pursuant to section 40 and before the last day of the taxation year for which taxes are levied on the assessment referred to in the notices,

- (a) an increase in value occurs which results from the erection, alteration, enlargement or improvement of any building, structure, machinery, equipment or fixture or any portion thereof that commences to be used for any purpose;
- (b) land or a portion thereof ceases to be exempt from taxation or to be used for the purpose set forth in subsection 3 of section 27;
- (c) a person commences to occupy or use land for the purpose of, or in connection with, any business mentioned or described in section 7;
- (d) a pipeline increases in value because it ceases to be entitled to the reduction provided for in subsection 9 of section 33,

the assessor shall make such further assessment as may be necessary to reflect the change, and the clerk of the municipality upon notification thereof shall enter a supplementary assessment on the collector's roll and the amount

of taxes to be levied thereon shall be the amount of taxes that would have been levied for the portion of such taxation year left remaining after the change occurred if the assessment had been made in the usual way.

44.—(1) A person entitled to a notice of assessment pursuant to section 41 or assessed under section 42 or 43 shall be notified and be entitled to appeal as if the assessment had been regularly made and the assessment roll was returned fourteen days after the day of mailing of the notice of assessment. Notice
and appeal

(2) Where a business assessment is made pursuant to section 42 or 43, the real property with respect to which such business assessment is computed is, from the time the land is occupied or used for the purpose of or in connection with any business mentioned in section 7, liable to taxation at the rate levied under subsection 2 of section 302 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly. Change
in tax
rate

R. S. O. 1970.
c. 284

(3) When the collector's roll is altered pursuant to section 42 or 43 and taxes are levied thereon, Distribution

(a) the amount thereof that, if the taxes had been levied in the usual way, would have been paid to any body, for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;

(b) notwithstanding subsection 3 of section 47 of *The Public Schools Act* and subsection 2 of section 8 of *The Secondary Schools and Boards of Education Act*, the amount credited to a body under clause a shall be paid over to such body not later than the 31st day of December in the year in which it was levied and shall be used by such body to reduce the levy for the purposes of such body in the next succeeding year, and, if the amount or any portion thereof is not paid over to such body on or before the 31st day of December in the year in which it was levied, the municipality so in default shall, if demanded by such body, pay interest thereon to such body at the rate of 6 per cent per annum from such date until payment is made; R. S. O. 1970.
cc. 385, 425

- (c) the balance remaining after the setting up of all credits as provided in clause *a* shall be taken into the general funds of the municipality;
- (d) notwithstanding clauses *a* and *b*, where in a secondary school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the secondary school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the secondary school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year;
- (e) the treasurer shall deliver to each of the bodies entitled to a credit under clause *a*, on or before the 31st day of December in the year in which the taxes were levied, a statement sufficient to enable the body to determine the correctness of the credit.

s. 46,
re-enacted

16. Section 46 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 9, is repealed and the following substituted therefor:

Time for
yearly
assessment
and return
of roll

46.—(1) Except as provided in section 42 or 43, in every municipality the assessment shall be made annually commencing in the year 1974 and at any time between the 1st day of January and the third Tuesday following the 1st day of December, and the assessment roll of the municipality shall be returned to the clerk not later than the third Tuesday following the 1st day of December in the year in which the assessment is made.

Extension
of time for
return of
roll

(2) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not be or has not been returned to the clerk of the municipality as provided in subsection 1, the Minister may extend the time for the return of the assessment roll for such period as appears necessary.

Notice of
extension

(3) Where the Minister extends the time for the return of the assessment roll under subsection 2, he shall cause a notice of the extension, specifying the date to which the time has been extended and the final date for commencing an appeal to the Assessment Review Court, to be published in a

daily or weekly newspaper that in the opinion of the Minister has such circulation within the municipality as to provide reasonable notice to persons affected thereby.

(4) The Assessment Review Court shall hear and dispose of all appeals in every municipality as soon as practicable. Time for disposing of appeals

- 17.—(1) Subsection 1 of section 52 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out "undercharged or overcharged" in the fourth line and inserting in lieu thereof "assessed too low or too high". s. 52 (1), amended
- (2) Subsection 3 of the said section 52, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out "fourteen" in the eighth line and in the tenth line and inserting in lieu thereof in each instance "twenty-one". s. 52 (3), amended
- (3) Subsection 5 of the said section 52 is repealed. s. 52 (5), repealed
- (4) Subsection 14 of the said section 52 is amended by striking out "fourteen" in the tenth line and inserting in lieu thereof "twenty-one". s. 52 (14), amended
- 18.—(1) Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 15, is repealed and the following substituted therefor: s. 55 (2), re-enacted
- (2) A notice of appeal to the county judge shall be sent by registered mail, within twenty-one days of the mailing of the notice under subsection 14 of section 52, by the party appealing to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14. Notice of appeal
- (2) Subsections 7, 8 and 9 of the said section 55 are repealed and the following substituted therefor: s. 55 (7), re-enacted. s. 55 (8, 9), repealed
- (7) At the court so held, the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals are heard and disposed of as soon as practicable. Hearing of appeals
- 19.—(1) Subsection 2 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 17, is amended by striking out "43 or 44" in the third line and inserting in lieu thereof "or 43". s. 63 (2), amended
- (2) Subsection 4 of the said section 63 is amended by striking out "59" in the first line and inserting in lieu thereof "58". s. 63 (4), amended

s. 64 (2),
amended

20. Subsection 2 of section 64 of the said Act is amended by striking out "lands in the municipality" in the second and third lines and inserting in lieu thereof "similar lands in the vicinity".

s. 70,
amended

21. Section 70 of the said Act is amended by striking out "business" in the third line and by striking out "whether or not the business assessment roll has been finally revised" in the fifth and sixth lines.

ss. 72, 73,
75,
repealed

22. Section 72, as amended by the Statutes of Ontario, 1971, chapter 79, section 12, and sections 73 and 75 of the said Act are repealed.

ss. 82, 84,
repealed

23. Sections 82 and 84 of the said Act are repealed.

s. 85,
amended

24. Section 85 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by inserting after "municipality" in the fifth line "for taxation".

s. 86
re-enacted

25. Section 86 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 19, is repealed and the following substituted therefor:

Roll to be
returned in
1974 and
1975

86. Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act,

(a) the assessment roll of a municipality to be returned in the year 1974 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1970 for taxation in the year 1971 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1974; and

(b) the assessment roll of a municipality to be returned in the year 1975 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1974 for taxation in the year 1975 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1975,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974 or 1975 is inequitable with respect to the assessment of similar real property in the vicinity, the

assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

- 26.** Section 87 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed and the following substituted therefor: s. 87, re-enacted
- 87 No amendment shall be made to the assessment or collector's roll pursuant to clause *a* of section 43 until the cumulative value of the increase since the 23rd day of July, 1971, is at least in the sum of \$2,500 at market value or, if the assessment in the vicinity is at less than market value, at an equivalent rate. No amendment to roll until increase at least \$2,500
- 27.** Sections 88 and 89 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, are repealed. ss. 88, 89, repealed
- 28.** Section 93 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed. s. 93, repealed
- 29.** Section 94 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, and amended by 1973, chapter 148, section 2, is repealed. s. 94, repealed
- 30.** Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1973, chapter 148, section 3, is further amended by striking out "1st day of October" in the first and second lines and inserting in lieu thereof "21st day of December". s. 95, amended
- 31.** Section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 20 and 1973, chapter 148, section 4, is repealed and the following substituted therefor: s. 96, re-enacted
- 96.—(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1976. Application
- (2) Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1977. Idem
- 32.**—(1) This Act, except sections 2, 6, 7, 11, 13, 14, 15, 19, 22, 23, 25 and 26, comes into force on the day it receives Royal Assent. Commencement
- (2) Sections 6, 7, 11, 13, 14, 15, 19, 25 and 26 come into force on the 1st day of December, 1974. Idem

- Idem (3) Sections 2 and 23 come into force on the 1st day of January, 1975.
- Idem (4) Section 22 comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **33.** This Act may be cited as *The Assessment Amendment Act, 1974.*

An Act to amend
The Assessment Act

1st Reading

June 13th, 1974

2nd Reading

June 18th, 1974

3rd Reading

June 21st, 1974

THE HON. A. K. MEEN
Minister of Revenue

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Planning Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Minister to approve an official plan in parts.

SECTION 2. Subsection 1 is re-enacted to remove the requirement for the Minister's approval for the acquisition of land for the purpose of developing any feature of an official plan.

SECTION 3. The authority of the Minister to provide financial assistance to municipalities in respect of redevelopment is extended to include assistance with the cost of the studies required to select areas to be redeveloped. This will enable assistance for studies related to projects undertaken under the Federal Neighbourhood Improvement Program.

SECTION 4.—Subsection 1. The new subsection 1*a* clarifies that the subdivision and part lot control provisions, as provided in section 29, do not apply and never have applied, in the situation where land that is being conveyed abuts other land only on a horizontal plane; that is in the situation where mineral and surface rights are severed.

The new subsection 4*a* provides that the subdivision and part lot control provisions do not prohibit, and they are deemed never to have prohibited the giving back of a mortgage by a purchaser of land to the vendor where the mortgage covers all of the land that is being sold. This provision will relieve of the necessity of applying for a consent in the situation where mortgages are given back on the assembly of a number of parcels of separately-owned abutting lands.

An Act to amend The Planning Act

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

1. Section 14 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 168, section 4, is further amended by adding thereto the following subsection:

s. 14.
amended

(3) Notwithstanding subsection 2, the Minister may approve any part of the plan and may from time to time approve additional parts of the plan and such part or parts together as approved from time to time is the official plan of the planning area, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under section 15.

Approval
by Minister
of parts
of plan
2. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor:

s. 21 (1).
re-enacted

(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister subsequent to the coming into force of this subsection, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Acquisition
of lands in
accordance
with
provisions
of official
plan
3. Section 24 of the said Act is amended by adding at the end thereof "including the carrying out of studies for the purpose of selecting areas for redevelopment".

s. 24.
amended
- 4.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3 and 1973, chapter 168, section 6, is further amended by adding thereto the following subsections.

s. 29.
amended

Proviso

(1*a*) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only.

Exception

(4*a*) Nothing in subsections 2 and 4 prohibits, and subsections 2 and 4 shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land provided that the mortgage or charge applies to all of the land described in the conveyance.

s. 29 (5*c*),
re-enacted

(2) Subsection 5*c* of the said section 29, as enacted by the Statutes of Ontario, 1973, chapter 168, section 6, is repealed and the following substituted therefor:

Saving

(5*c*) Subsection 5*b* does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

(*a*) is the same land in respect of which a consent to convey has previously been given; or

(*b*) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3; or

(*c*) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county.

s. 33 (5) (*d*),
re-enacted

5.—(1) Clause *d* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(*d*) that the owner of the land enter into one or more agreements with the municipality, or, where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

s. 33 (6),
re-enacted

(2) Subsection 6 of the said section 33, as amended by the Statutes of Ontario, 1973, chapter 168, section 9, is repealed and the following substituted therefor:

Subsection 2. Subsection 5c is re-enacted to relieve of the necessity of securing a consent to a partial discharge of mortgage where a consent has previously been given to the conveyance of the same land and also where the land described in the partial discharge is owned by the Crown or any type of municipality.

SECTION 5. Subsections 5 and 6 of section 33 are amended to provide authority for the Minister to enter into and enforce subdivision agreements where land that is not within the limits of any municipality is being subdivided.

SECTION 6. The section added empowers a municipality that has enacted a by-law prescribing standards of maintenance and occupancy of property to designate, by by-law, areas of demolition control within the municipality. The effect of such designation is that within the area no residential property, as defined in the section, may be demolished without a permit issued by the council of the municipality. An appeal is provided to the Municipal Board from the refusal of council to issue a permit. The council may not refuse a demolition permit in the circumstances where a building permit has been obtained to erect a new building on the site of the property proposed to be demolished but in such case the permit to demolish may be issued on the condition that the new building be erected within such time as the permit specifies, failing which the owner of the property is liable to a monetary penalty. Provisions are included for appealing against the conditions to be imposed and for seeking relief under circumstances where it is made to appear it is not possible or not feasible to comply with them. The demolition of residential property in an area of demolition control without having obtained a permit is made an offence carrying a fine of up to \$20,000 or imprisonment for a term of up to six months or both a fine and imprisonment.

(6) Every municipality and the Minister may enter into ^{Subdivision agreements} agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1970.
cc. 409, 234

6. The said Act is amended by adding thereto the following ^{s. 37a. enacted} section:

37a.—(1) In this section, "residential property" means ^{Interpretation} a building the whole or any portion of which is used or intended for use for the purposes of human habitation but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 36 or a predecessor ^{Demolition control areas may be established by by-law} thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

(3) Subject to subsection 6, where application is made ^{Council may issue or refuse to issue permit} to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within one month ^{Appeal to O.M.B.} after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

(5) The person appealing to the Municipal Board under ^{Notice of appeal} subsection 4 shall, in such manner and to such persons as the Municipal Board may direct, give notice of the appeal to the Board.

Application
for demolition
permit where
building
permit has
been issued

(6) Subject to subsection 7, the council shall on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions
of demolition
permit

(7) A demolition permit under subsection 6 may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on the failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000, and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registra-
tion of
certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection 7, a certificate signed by the clerk setting out the amount of the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon repayment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to
O.M.B.

(9) Where an applicant for a demolition permit under subsection 6 is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Application
to council
for relief
from
conditions
of demolition
permit

(10) Where any person who has obtained a demolition permit under subsection 6 that is subject to conditions under subsection 7 considers that it is not possible to complete the new building within the time specified in the

permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection 11 extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

(11) Where an application is made under subsection 10, ^{Powers of council on application} the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

(12) Any person who has made application to the council ^{Appeal to O.M.B.} under subsection 10, may appeal from the decision of the council to the Municipal Board within fourteen days of the mailing of the notice of the decision, or where 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 Board and the Municipal Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection 11 and the decision of the Board shall be final.

(13) Every person who demolishes a residential property, ^{Offence} or any portion thereof, in contravention of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20,000 or to imprisonment for a term of not more than six months, or to both.

(14) The provisions of any general or special Act and ^{Standards for health and safety remain in force} any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

(15) Notwithstanding subsection 14, an application to ^{Certain proceedings stayed} the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 36 or a predecessor thereof or under any special Act respecting maintenance

or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection 4, until the Municipal Board has heard the appeal and issued its order thereon.

Application
of s. 38 (1),
par. 8

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in paragraph 7 of subsection 1 of section 38, but the holder of the permit shall comply with the provisions of any by-law passed under that paragraph regulating the removal or wrecking of buildings and structures.

s. 44a,
re-enacted

7. Section 44a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 11, is repealed and the following substituted therefor:

Resumption
by Minister
of matter
referred to
O.M.B.

44a. When under this Act the Minister has referred a matter to the Municipal Board the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, provided however that where a matter has been referred to the Board pursuant to the request of any person the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

s. 44b (1, 2),
re-enacted

8. Subsections 1 and 2 of section 44b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 13, are repealed and the following substituted therefor:

Interpre-
tation

(1) Notwithstanding clauses *a* and *g* of section 1, "council" for the purposes of this section and sections 44c and 44d means,

- (a) the council of a city, town, village, township or county that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister's authority under this Act; and
- (b) the council of a metropolitan, regional or district municipality.

Delegation
of
Minister's
powers

(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act and where the Minister has delegated

SECTION 7. The section is re-enacted to authorize the Minister to take back from the Municipal Board any matter that he has referred to the Board on his own initiative. As presently worded, the section authorizes a matter to be taken back only in the situation where the Minister has been requested to refer the matter to the Board and such person has requested the Minister to take the matter back.

SECTION 8. Subsections 1 and 2 are re-enacted to clarify the authority for delegation to a municipal council of any of the Minister's authority under the Act

any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

- 9.—(1) This Act, except subsection 2 of section 4, comes into ^{Commence-} force on the day it receives Royal Assent.
 (2) Subsection 2 of section 4 shall be deemed to have ^{Idem} come into force on the 17th day of December, 1973.
10. This Act may be cited as *The Planning Amendment Act*, ^{Short title} 1974.

An Act to amend
The Planning Act

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Planning Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

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

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Minister to approve an official plan in parts.

SECTION 2. Subsection 1 is re-enacted to remove the requirement for the Minister's approval for the acquisition of land for the purpose of developing any feature of an official plan.

SECTION 3. The authority of the Minister to provide financial assistance to municipalities in respect of redevelopment is extended to include assistance with the cost of the studies required to select areas to be redeveloped. This will enable assistance for studies related to projects undertaken under the Federal Neighbourhood Improvement Program.

SECTION 4.—Subsection 1. The new subsection 1*a* clarifies that the subdivision and part lot control provisions, as provided in section 29, do not apply and never have applied, in the situation where land that is being conveyed abuts other land only on a horizontal plane; that is in the situation where mineral and surface rights are severed.

The new subsection 4*a* provides that the subdivision and part lot control provisions do not prohibit, and they are deemed never to have prohibited the giving back of a mortgage by a purchaser of land to the vendor where the mortgage covers all of the land that is being sold. This provision will relieve of the necessity of applying for a consent in the situation where mortgages are given back on the assembly of a number of parcels of separately-owned abutting lands.

An Act to amend The Planning Act

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

1. Section 14 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 168, section 4, is further amended by adding thereto the following subsection:

s. 14.
amended

(3) Notwithstanding subsection 2, the Minister may approve any part of the plan and may from time to time approve additional parts of the plan and such part or parts together as approved from time to time is the official plan of the planning area, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under section 15.

Approval
by Minister
of parts
of plan
2. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor:

s. 21 (1).
re-enacted

(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister subsequent to the coming into force of this subsection, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Acquisition
of lands in
accordance
with
provisions
of official
plan
3. Section 24 of the said Act is amended by adding at the end thereof "including the carrying out of studies for the purpose of selecting areas for redevelopment".

s. 24.
amended
- 4.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3 and 1973, chapter 168, section 6, is further amended by adding thereto the following subsections:

s. 29.
amended

Proviso

(1a) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only.

Exception

(4a) Nothing in subsections 2 and 4 prohibits, and subsections 2 and 4 shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land provided that the mortgage or charge applies to all of the land described in the conveyance.

s. 29 (5c),
re-enacted

(2) Subsection 5c of the said section 29, as enacted by the Statutes of Ontario, 1973, chapter 168, section 6, is repealed and the following substituted therefor:

Saving

(5c) Subsection 5b does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

(a) is the same land in respect of which a consent to convey has previously been given; or

(b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3; or

(c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county.

s. 33 (5) (d),
re-enacted

5.—(1) Clause *d* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(d) that the owner of the land enter into one or more agreements with the municipality, or, where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

s. 33 (6),
re-enacted

(2) Subsection 6 of the said section 33, as amended by the Statutes of Ontario, 1973, chapter 168, section 9, is repealed and the following substituted therefor:

Subsection 2. Subsection 5c is re-enacted to relieve of the necessity of securing a consent to a partial discharge of mortgage where a consent has previously been given to the conveyance of the same land and also where the land described in the partial discharge is owned by the Crown or any type of municipality.

SECTION 5 Subsections 5 and 6 of section 33 are amended to provide authority for the Minister to enter into and enforce subdivision agreements where land that is not within the limits of any municipality is being subdivided.

SECTION 6. The section added empowers a municipality that has enacted a by-law prescribing standards of maintenance and occupancy of property to designate, by by-law, areas of demolition control within the municipality. The effect of such designation is that within the area no residential property, as defined in the section, may be demolished without a permit issued by the council of the municipality. An appeal is provided to the Municipal Board from the refusal of council to issue a permit. The council may not refuse a demolition permit in the circumstances where a building permit has been obtained to erect a new building on the site of the property proposed to be demolished but in such case the permit to demolish may be issued on the condition that the new building be erected within such time as the permit specifies, failing which the owner of the property is liable to a monetary penalty. Provisions are included for appealing against the conditions to be imposed and for seeking relief under circumstances where it is made to appear it is not possible or not feasible to comply with them. The demolition of residential property in an area of demolition control without having obtained a permit is made an offence carrying a fine of up to \$20,000 or imprisonment for a term of up to six months or both a fine and imprisonment.

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Subdivision agreements

R.S.O. 1970, cc. 409, 234

6. The said Act is amended by adding thereto the following section:

s. 37a, enacted

37a.—(1) In this section,

Interpretation

- (a) "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (b) "residential property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 36 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Demolition control areas may be established by by-law

(3) Subject to subsection 6, where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Council may issue or refuse to issue permit

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within one month after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

Appeal to O.M.B.

Notice of
appeal

(5) The person appealing to the Municipal Board under subsection 4 shall, in such manner and to such person as the Municipal Board may direct, give notice of the appeal to the Board.

Application
for demolition
permit where
building
permit has
been issued

(6) Subject to subsection 7, the council shall on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions
of demolition
permit

(7) A demolition permit under subsection 6 may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on the failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien in charge upon the land in respect of which the permit to demolish the residential property is issued.

Registration
of
certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection 7, a certificate signed by the clerk setting out the amount of the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon repayment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to
O.M.B.

(9) Where an applicant for a demolition permit under subsection 6 is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

(10) Where any person who has obtained a demolition permit under subsection 6 that is subject to conditions under subsection 7 considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection 11 extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Application to council for relief from conditions of demolition permit

(11) Where an application is made under subsection 10, the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Powers of council on application

(12) Any person who has made application to the council under subsection 10, may appeal from the decision of the council to the Municipal Board within fourteen days of the mailing of the notice of the decision, or where 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 Board and the Municipal Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection 11 and the decision of the Board shall be final.

Appeal to O.M.B.

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20,000 for each dwelling unit contained in the residential property the whole or any portion of which has been demolished or to imprisonment for a term of not more than six months, or to both.

Offence

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Standards for health and safety remain in force

Certain
proceedings
stayed

(15) Subject to subsection 14, an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 36 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection 4, until the Municipal Board has heard the appeal and issued its order thereon.

Application
of s. 38 (1),
par. 8

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in paragraph 7 of subsection 1 of section 38, but the holder of the permit shall comply with the provisions of any by-law passed under that paragraph regulating the removal or wrecking of buildings and structures.

s. 44a,
re-enacted

7. Section 44a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 11, is repealed and the following substituted therefor:

Resumption
by Minister
of matter
referred to
O.M.B.

44a. When under this Act the Minister has referred a matter to the Municipal Board the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, provided however that where a matter has been referred to the Board pursuant to the request of any person the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

s. 44b (1, 2),
re-enacted

8. Subsections 1 and 2 of section 44b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 13, are repealed and the following substituted therefor:

Interpre-
tation

(1) Notwithstanding clauses *a* and *g* of section 1, "council" for the purposes of this section and sections 44c and 44d means,

- (a) the council of a city, town, village, township or county that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister's authority under this Act; and
- (b) the council of a metropolitan, regional or district municipality.

SECTION 7. The section is re-enacted to authorize the Minister to take back from the Municipal Board any matter that he has referred to the Board on his own initiative. As presently worded, the section authorizes a matter to be taken back only in the situation where the Minister has been requested to refer the matter to the Board and such person has requested the Minister to take the matter back.

SECTION 8. Subsections 1 and 2 are re-enacted to clarify the authority for delegation to a municipal council of any of the Minister's authority under the Act.

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(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Delegation
of
Minister's
powers

9.—(1) This Act, except subsection 2 of section 4, comes into force on the day it receives Royal Assent.

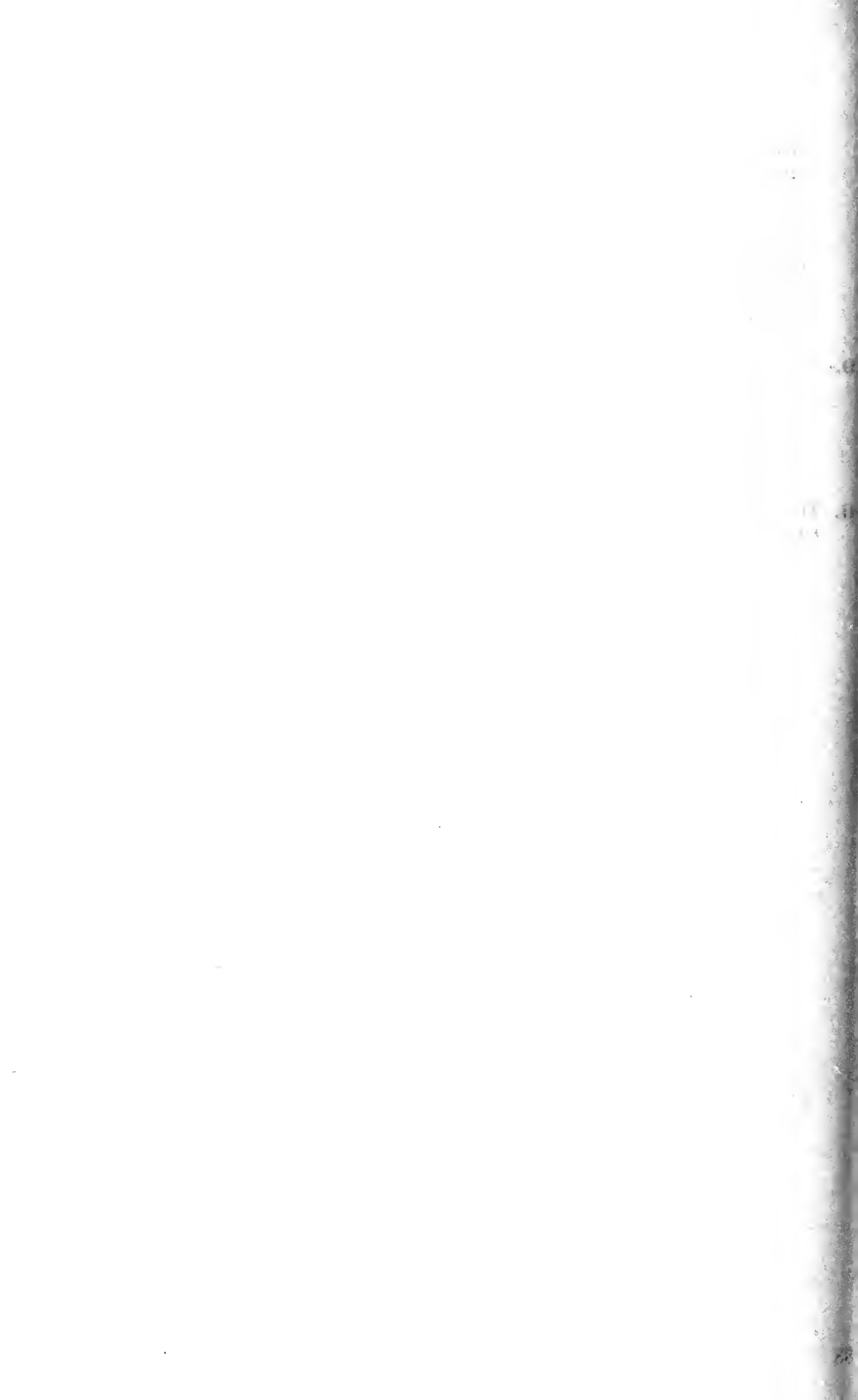
Commence-
ment

(2) Subsection 2 of section 4 shall be deemed to have come into force on the 17th day of December, 1973.

Idem

10. This Act may be cited as *The Planning Amendment Act, 1974*.

Short title



An Act to amend
The Planning Act

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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

BILL 88

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Planning Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

An Act to amend The Planning Act

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

1. Section 14 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 168, section 4, is further amended by adding thereto the following subsection:

s. 14.
amended

(3) Notwithstanding subsection 2, the Minister may approve any part of the plan and may from time to time approve additional parts of the plan and such part or parts together as approved from time to time is the official plan of the planning area, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under section 15.

Approval
by Minister
of parts
of plan

2. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor:

s. 21 (1),
re-enacted

(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister subsequent to the coming into force of this subsection, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Acquisition
of lands in
accordance
with
provisions
of official
plan

3. Section 24 of the said Act is amended by adding at the end thereof "including the carrying out of studies for the purpose of selecting areas for redevelopment".

s. 24.
amended

- 4.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3 and 1973, chapter 168, section 6, is further amended by adding thereto the following subsections:

s. 29.
amended

Proviso

(1a) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only.

Exception

(4a) Nothing in subsections 2 and 4 prohibits, and subsections 2 and 4 shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land provided that the mortgage or charge applies to all of the land described in the conveyance.

s. 29 (5c),
re-enacted

(2) Subsection 5c of the said section 29, as enacted by the Statutes of Ontario, 1973, chapter 168, section 5, is repealed and the following substituted therefor:

Saving

(5c) Subsection 5b does not apply to a partial discharge of mortgage or partial cessation of charge when the land described in the partial discharge or partial cessation,

(a) is the same land in respect of which a conservation agreement to convey has previously been given; or

(b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3; or

(c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county.

s. 33 (5) (d),
re-enacted

5.—(1) Clause d of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(d) that the owner of the land enter into one or more agreements with the municipality, or, where the land is not in a municipality, with the Minister dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

s. 33 (6),
re-enacted

(2) Subsection 6 of the said section 33, as amended by the Statutes of Ontario, 1973, chapter 168, section 9, is repealed and the following substituted therefor:

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Subdivision agreements

R.S.O. 1970, cc. 409, 234

6. The said Act is amended by adding thereto the following section:

s. 37a, enacted

37a.—(1) In this section,

Interpretation

- (a) "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (b) "residential property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 36 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Demolition control areas may be established by by-law

(3) Subject to subsection 6, where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Council may issue or refuse to issue permit

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within one month after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

Appeal to O.M.B.

Notice of
appeal

(5) The person appealing to the Municipal Board under subsection 4 shall, in such manner and to such persons as the Municipal Board may direct, give notice of the appeal to the Board.

Application
for demolition
permit where
building
permit has
been issued

(6) Subject to subsection 7, the council shall on application therefor, issue a demolition permit where a building permit has been issued for erect a new building on the site of the residential property sought to be demolished.

Conditions
of demolition
permit

(7) A demolition permit under subsection 6 may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on the failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registra-
tion of
certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection 7, a certificate signed by the clerk setting out the amount of the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon repayment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to
O.M.B.

(9) Where an applicant for a demolition permit under subsection 6 is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

(10) Where any person who has obtained a demolition permit under subsection 6 that is subject to conditions under subsection 7 considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection 11 extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Application to council for relief from conditions of demolition permit

(11) Where an application is made under subsection 10, the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Powers of council on application

(12) Any person who has made application to the council under subsection 10, may appeal from the decision of the council to the Municipal Board within fourteen days of the mailing of the notice of the decision, or where 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 Board and the Municipal Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection 11 and the decision of the Board shall be final.

Appeal to O.M.B.

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20,000 for each dwelling unit contained in the residential property the whole or any portion of which has been demolished or to imprisonment for a term of not more than six months, or to both.

Offence

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Standards for health and safety remain in force

Certain proceedings stayed

(15) Subject to subsection 14, an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 36 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection 4, until the Municipal Board has heard the appeal and issued its order thereon.

Application of s. 38 (1), par. 8

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in paragraph 7 of subsection 1 of section 38, but the holder of the permit shall comply with the provisions of any by-law passed under that paragraph regulating the removal or wrecking of buildings and structures.

s. 44a, re-enacted

7. Section 44a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 11, is repealed and the following substituted therefor:

Resumption by Minister of matter referred to O.M.B.

44a. When under this Act the Minister has referred a matter to the Municipal Board, the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, provided however that where a matter has been referred to the Board pursuant to the request of any person the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

s. 44b (1, 2), re-enacted

8. Subsections 1 and 2 of section 44b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 13, are repealed and the following substituted therefor:

Interpretation

(1) Notwithstanding clauses *a* and *g* of section 1, "council" for the purposes of this section and sections 44c and 44d means,

- (a) the council of a city, town, village, township or county that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister's authority under this Act; and
- (b) the council of a metropolitan, regional or district municipality.

(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Delegation
of
Minister's
powers

9.—(1) This Act, except subsection 2 of section 4, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Subsection 2 of section 4 shall be deemed to have come into force on the 17th day of December, 1973.

Idem

10. This Act may be cited as *The Planning Amendment Act, 1974*.

Short title



An Act to amend
The Planning Act

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Municipality of
Metropolitan Toronto Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The section as re-enacted increases the number of members on the Metropolitan Council from 32 to 37. The City of Toronto and the boroughs of York and East York retain their existing entitlement of 12, 3 and 2 members respectively, while that of Etobicoke is increased from 4 to 5, of Scarborough from 5 to 6 and of North York from 6 to 9. A provision is added that resignation from either the Metropolitan Council or the council of an area municipality shall be deemed to be a resignation from both councils.

An Act to amend The Municipality of Metropolitan Toronto Act

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

1. Section 5 of *The Municipality of Metropolitan Toronto Act*, ^{s. 5, re-enacted} being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 168, section 2, is repealed and the following substituted therefor:

5.—(1) On and after the 1st day of January, 1975, the ^{Metropolitan Council membership} area municipalities are entitled to the following membership on the Metropolitan Council:

the Borough of East York	— 2 members
the Borough of Etobicoke	— 5 members
the Borough of North York	— 9 members
the Borough of Scarborough	— 6 members
the City of Toronto	— 12 members
the Borough of York	— 3 members

(2) In accordance with the membership to which an area ^{Composition} municipality is entitled under subsection 1, the Metropolitan Council shall include the mayor of each area municipality and, subject to subsection 3,

(a) where an area municipality has a board of control,

(i) the controllers, or

(ii) if the number of members, exclusive of the mayor, to which the area municipality is entitled is less than the number of controllers,

the number of controllers equal to the number necessary to complete the membership to which the area municipality is entitled who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes, the next greatest, and so on, as the case requires, or

(iii) if the area municipality is entitled to a greater number of members than the mayor and the other members of the board of control, the controllers and such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership to which the area municipality is entitled; or

(b) where the area municipality does not have a board of control, such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership on the Metropolitan Council to which the area municipality is entitled.

Where wards
equal to
number of
aldermen
to be
appointed

(3) Where the number of wards in an area municipality is equal to the number of aldermen to be appointed by the council of such area municipality,

(a) the alderman for each ward; or

(b) if there is more than one alderman for each ward the alderman for each ward who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes in such ward,

shall be members of the Metropolitan Council in lieu of the aldermen to be appointed.

Acclamation
or equality
of votes

(4) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller, or controllers, or alderman, or aldermen, is, or are, entitled to be a member, or members, of the Metropolitan Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Metropolitan Council.

Election of
chairman

(5) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present the Metropolitan Council shall organize as a council and



SECTION 2. The section as re-enacted, increases the number of members on the Executive Committee of the Metropolitan Council from 11 to 14. The chairman and the mayor of each area municipality will continue to sit on the Committee but only three members of the City of Toronto executive committee will hold seats rather than the full number of four. Added as members will be two controllers from North York and one controller each from Scarborough and Etobicoke. Provisions are added to fix the quorum as six members and to govern the filling of vacancies under certain circumstances.

elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(6) The clerk of the Metropolitan Corporation shall preside ^{Clerk to} at each such first meeting or, if there is no clerk, the mem- ^{preside}bers present shall select a member to preside, and the person so selected may vote as a member.

(7) If, at such first meeting for any reason a chairman is ^{Adjournment} not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(8) The Metropolitan Council shall be composed of the ^{Composition} chairman and the persons who are members pursuant to this Part.

(9) A resignation from the Metropolitan Council or the ^{Resignation} council of an area municipality by a person who is a member of both councils shall be deemed to be a resignation from both the Metropolitan Council and the council of the area municipality.

2. Section 12 of the said Act is repealed and the following sub- ^{s. 12,}stituted therefor: ^{re-enacted}

12.—(1) There shall be an Executive Committee of the ^{Executive} Metropolitan Council composed of, ^{Committee}

- (a) the chairman;
- (b) the mayor of each area municipality;
- (c) the member of the board of control of the Borough of Etobicoke who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;
- (d) the two members of the board of control of the Borough of North York who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

- (e) the member of the board of control of the Borough of Scarborough who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes; and
- (f) three alderman members of the Executive Committee of the City of Toronto who are members of the Metropolitan Council appointed by the council of the City of Toronto.

Chairman

(2) The chairman of the Metropolitan Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

Quorum

(3) Six members of the Executive Committee constitute a quorum.

Powers

(4) The Executive Committee has all the powers and duties of a board of control under subsections 1 and 2 of section 208 of *The Municipal Act*, and subsections 3 to 11 and 18 and 19 of that section apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Remuneration of members

(5) Each member of the Executive Committee other than the chairman shall, in addition to his remuneration as a member of the Metropolitan Council, receive such remuneration as may be authorized by the Metropolitan Council.

Certificate of qualification

(6) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto appointed by the council of the city as a member of the Executive Committee.

Vacancy

(7) Where a seat on the Executive Committee becomes vacant by the death or resignation of a member who was Borough controller, the vacancy shall be filled by the controller from the same Borough who received the next greatest number of votes.

s. 16,
enacted

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

Chief
administrative
officer

16.—(1) The Metropolitan Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs

SECTION 3. The section added permitting the Metropolitan Council to appoint a chief administrative officer is in similar terms to that found in most of the Acts establishing regional municipalities.

SECTION 4.—Subsection 1. The effect of the amendment is to delete the requirement that the Minister's approval be obtained to by-laws establishing or amending the Metropolitan Toronto pension plan for its employees.

Subsection 2. The subsection added will permit certain retired employees of the Metropolitan Corporation to elect to receive benefits under the Metropolitan pension plan in lieu of the pension to which they are entitled under the plan of an area municipality or local board by whom they were employed prior to becoming employees of Metropolitan Toronto.

of the Metropolitan Corporation and perform such duties as the Metropolitan Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Metropolitan Council; and
- (d) shall receive such salary as the Metropolitan Council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* Application of R.S.O. 1970, c. 284 applies to a chief administrative officer appointed under subsection 1 of this section.

4.—(1) Clause *b* of subsection 2 of section 24 of the said Act s. 24 (2) (b), amended is amended by striking out "and no such by-law shall become operative until approved by the Minister" in the fifth, sixth and seventh lines.

(2) The said section 24, as amended by the Statutes of Ontario, 1971, chapter 80, section 1, is further amended s. 24 amended by adding thereto the following subsection:

(9a) Notwithstanding this or any other general or special Act, where a retired employee of the Metropolitan Corporation or of a local board thereof, Election by retired employee to transfer to Metropolitan pension plan

- (a) was an employee of an area municipality or of a local board thereof and without intervening employment became an employee of the Metropolitan Corporation or of a local board thereof;
- (b) became a member of the pension plan of the Metropolitan Corporation;
- (c) retired on or after the 1st day of January, 1970;
- (d) received or is entitled to receive a pension from or under a pension plan of an area municipality or local board thereof; and
- (e) was entitled to elect a transfer of a sum of money under subsection 8 prior to his retirement and did not so elect,

such retired employee may, with the approval of the Metropolitan Corporation and the area municipality or local board

thereof, in lieu of the pension referred to in clause *d*, elect not later than the 31st day of December, 1974, a transfer of a sum of money to the pension plan of the Metropolitan Corporation from the pension plan of the area municipality or local board thereof, equal to the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods, of the pension including all benefits pertaining thereto to which such retired employee is entitled under the pension plan of the area municipality or of a local board thereof and where such retired employee has died the person receiving a pension in respect of the retired employee shall be deemed to be the retired employee for the purposes of this subsection.

s. 35a,
enacted

5. The said Act is further amended by adding thereto the following section:

Surcharge
on water
rates

35a.—(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof.

Applica-
tion of
s. 49

- (2) The provisions of section 49 apply to this section.

s. 96,
re-enacted

6. Section 96 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 2, is repealed and the following substituted therefor:

Stopping-up
highways

96.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Metropolitan Corporation by registered mail.

Agreement

(2) If the Metropolitan Council objects to such stopping-up, it shall so notify the council of the area municipality by registered mail within twenty-one days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped-up except by agreement between the area municipality and the Metropolitan Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
of judge not
required
R.S.O. 1970,
c. 284

(3) In the case of a township in the Metropolitan Area, it is not necessary to obtain the approval of the judge of the county court to such stopping up under section 443 of *The Municipal Act*.

SECTION 5. The section added empowers the Metropolitan Council to add a surcharge to the rates at which water is supplied to the area municipalities, the proceeds of which are to be expended for the purpose of collecting and disposing of sewage and land drainage.

SECTION 6. The re-enactment is complementary to section 11 of the Bill dissolving the planning board for The Metropolitan Toronto Planning Area; the functions of the planning board relating to the stopping-up of highways by an area municipality are transferred to the Metropolitan Council.

SECTION 7. The section added empowers the Treasurer of Ontario, on the request of the council of any of the five Boroughs, to erect the municipality from a township into a city.

SECTION 8. The effect of the amendments is to delete the requirement that the Minister's approval be obtained to the pension plan provided for members of the Metropolitan Police Force.

SECTION 9. The amendment corrects an error in an internal reference.

SECTION 10. The section added empowers the Metropolitan Council and the council of any area municipality to adopt a housing policy statement with the approval of the Minister of Housing. The policy statement of an area municipality may not conflict with that of Metropolitan Toronto and by-laws that do not conform with an approved housing policy statement may not be passed.

7. The said Act is further amended by adding thereto the following section: s. 148a,
enacted

148a.—(1) Notwithstanding section 148, upon the application of the council of an area municipality that has the status of a township municipality, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs may, by order, erect the area municipality into a city municipality and may direct the name the newly erected municipality shall bear and the date when the erection shall take effect and may provide for any matters that he considers necessary for the establishment and carrying on of the newly erected municipality, including the composition of its council.

Treasurer may erect township area municipality into city municipality

(2) Where an order is made under subsection 1, sections 17, 19 and 22 of *The Municipal Act* apply, *mutatis mutandis*, and the provisions of any special Act relating to the former township municipality apply to the newly erected municipality.

Application of R.S.O. 1970, c. 284, ss. 17, 19, 22

- 8.—(1) Subsection 1 of section 183 of the said Act is amended by striking out "such" in the second line and inserting in lieu thereof "a" and by striking out "as the Minister may approve" in the fourth and fifth lines. s. 183 (1),
amended

(2) Subsection 6 of the said section 183 is amended by striking out "Subject to the approval of the Minister" in the first line. s. 183 (6),
amended

9. Subsection 1 of section 194 of the said Act is amended by striking out "subsection 2" in the fifth line and inserting in lieu thereof "subsection 3". s. 194 (1),
amended

10. The said Act is further amended by adding thereto the following section: s. 198a,
enacted

198a.—(1) The Metropolitan Council and the council of any area municipality may, by by-law approved by the Minister of Housing, adopt a policy statement related to housing, containing specific objectives, production targets and financial arrangements.

Adoption of policy statement related to housing

(2) Where a policy statement referred to in subsection 1 has been adopted by the Metropolitan Council and approved by the Minister of Housing, every housing policy statement that has been adopted by the council of an area municipality shall be amended forthwith to conform therewith and no housing policy statement of an area municipality shall thereafter be approved that does not conform with the housing policy statement of the Metropolitan Council and no

By-laws, etc., to conform with housing policy statement

by-law shall be passed by the Metropolitan Council or by the council of an area municipality that does not conform with the housing policy statement of the Metropolitan Council.

ss. 199-201,
re-enacted
ss. 202, 203,
repealed

11. Sections 199, 200, 201, 202 and 203 of the said Act are repealed and the following substituted therefor:

Metropolitan
Toronto
Planning
Area
R.S.O. 1970,
c. 349

199.—(1) The Metropolitan Toronto Planning Area is continued as a joint planning area under *The Planning Act*.

Designated
municipality

(2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area.

Planning
board
dissolved

(3) The planning board for The Metropolitan Toronto Planning Area is hereby dissolved.

Area municipi-
palities
subsidiary
planning
areas

(4) Subject to *The Planning Act*, each area municipality is a subsidiary planning area within The Metropolitan Toronto Planning Area.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Metropolitan Area.

Subsidiary
plans

(6) When the Minister of Housing has approved an official plan adopted by the Metropolitan Council,

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith.

Planning
duties of
Metropolitan
Council

200.—(1) The Metropolitan Council shall investigate and survey the physical, social and economic conditions in relation to the development of The Metropolitan Toronto Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in The Metropolitan Toronto Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area;

SECTION II The re-enacted sections dissolve the planning board for The Metropolitan Toronto Planning Area and vest its planning functions in the Metropolitan Council

SECTION 12. The Board of Management of the O'Keefe Centre is composed of persons appointed by the Metropolitan Council. The amendment removes the present restriction that such persons be not members of the Metropolitan Council nor members of the council of an area municipality.

SECTION 13. The re-enactment of the section broadens the powers of the Metropolitan Corporation in respect of the investment of moneys not immediately required and extends these broadened powers to the area municipalities.

- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of The Metropolitan Toronto Planning Area in determining the solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area; and
- (c) consult with any local board having jurisdiction within The Metropolitan Toronto Planning Area.

(2) The Metropolitan Council shall prepare, adopt and forward to the Minister of Housing for approval an official plan for The Metropolitan Toronto Planning Area.

(3) The Metropolitan Council may appoint such planning committees and staff as it considers necessary.

(4) The Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

(6) The Metropolitan Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to The Metropolitan Toronto Planning Area or any part thereof.

201. Except as provided in this Part, the provisions of *The Planning Act* apply.

12. Subsection 4 of section 208 of the said Act is amended by striking out "are not members of the Metropolitan Council or of the council of an area municipality, and" in the second, third and fourth lines.

13. Section 212 of the said Act is repealed and the following substituted therefor:

212.—(1) For the purposes of this section, "municipality" includes a metropolitan, regional or district municipality.

(2) Where the Metropolitan Corporation or an area municipality has moneys not required immediately by the Metro-

politan Corporation or the area municipality, such moneys may be,

(a) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*,

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies,

(iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; or

(b) advanced to the capital account of the Metropolitan Corporation or the area municipality for the purpose of interim financing of capital undertakings,

provided that the moneys invested or advanced are repayable by the day on which they are required by the Metropolitan Corporation or the area municipality, and the investments are in other respects reasonable and proper.

Pedestrian
promenades,
Yonge St.

14.—(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Bloor Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

SECTION 14. Authority is granted to the Metropolitan Corporation and to the City of Toronto to establish a pedestrian mall or malls on Yonge Street and the other streets mentioned between the dates in the year 1974 that are set out. The authority is substantially the same as that granted in previous years with the exception that the power to pass by-laws to prohibit or regulate the distribution of literature, pamphlets and the like is not included.

- (2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Bloor Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable. Idem. Trinity Square, etc.
- (3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1. Contribution by City toward costs
- (4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section. Right to damages by reason of creation of promenade
- (5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6. Application of R.S.O. 1970, c. 284, s. 466
- (6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws, By-laws
- (a) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;
 - (b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;
 - (c) prohibiting or regulating and licensing any display, exhibition or advertising thereon; and

(d) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences

Effect on
licences
issued by
Licensing
Commission

(7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause *a*, *b* or *c* of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section.

Commence-
ment

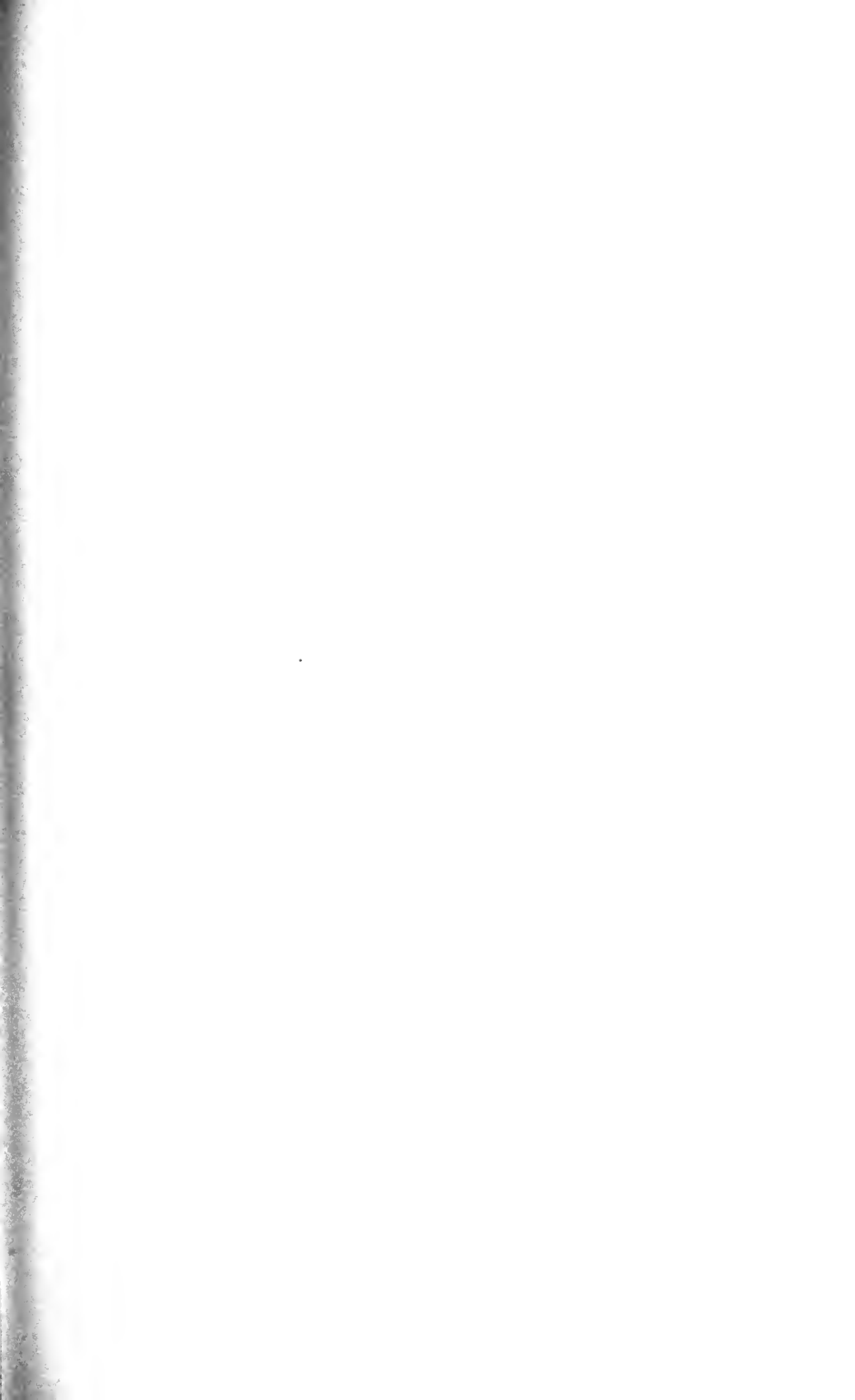
15.—(1) This Act, except sections 2, 6 and 11, comes into force on the day it receives Royal Assent.

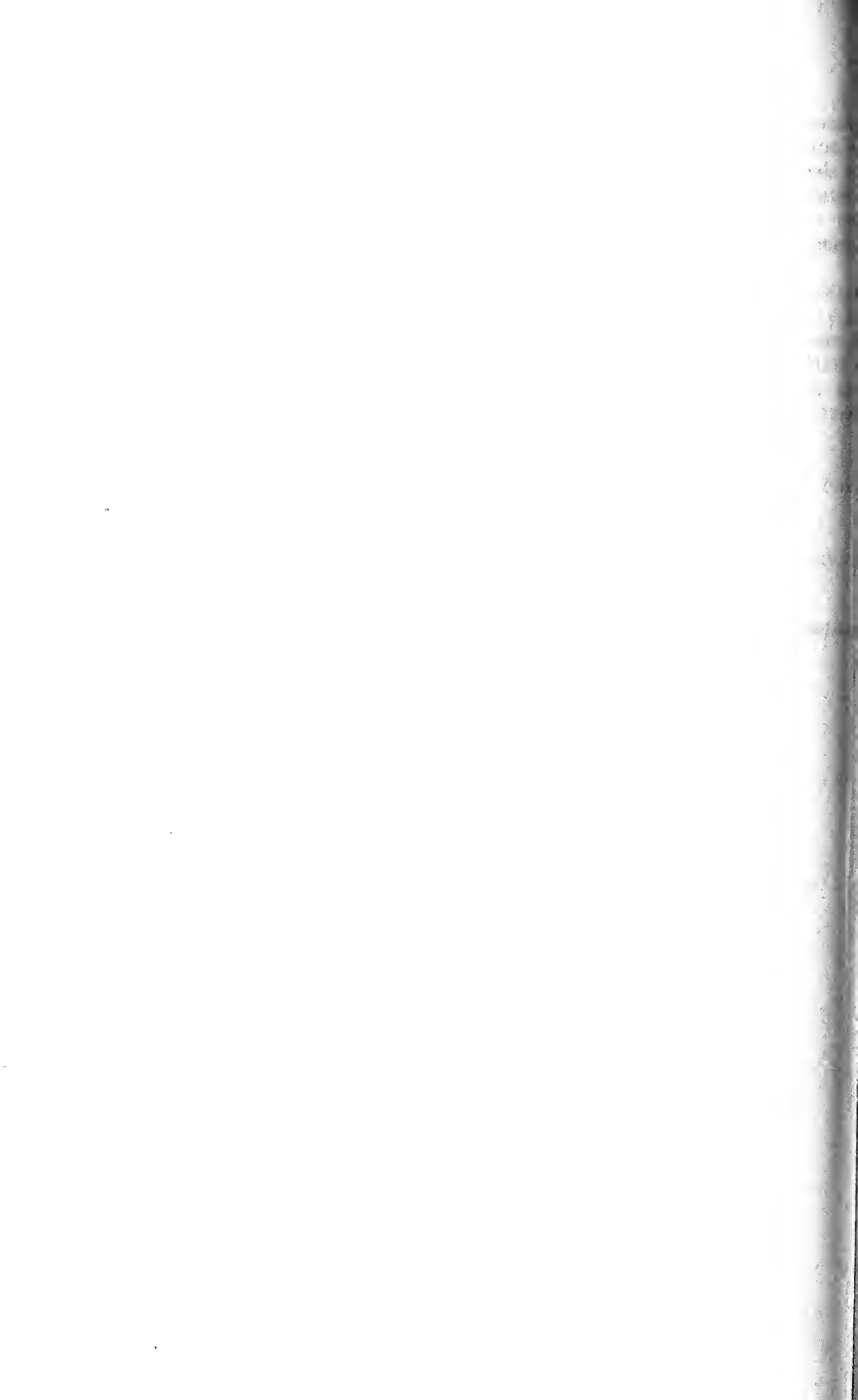
Idem

(2) Sections 2, 6 and 11 come into force on the 1st day of January, 1975.

Short title

16. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1974*.







An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Municipality of
Metropolitan Toronto Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

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

EXPLANATORY NOTES

SECTION 1. The section as re-enacted increases the number of members on the Metropolitan Council from 32 to 37. The City of Toronto and the boroughs of York and East York retain their existing entitlement of 12, 3 and 2 members respectively, while that of Etobicoke is increased from 4 to 5, of Scarborough from 5 to 6 and of North York from 6 to 9. A provision is added that resignation from either the Metropolitan Council or the council of an area municipality shall be deemed to be a resignation from both councils.

An Act to amend The Municipality of Metropolitan Toronto Act

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

1. Section 5 of *The Municipality of Metropolitan Toronto Act*, ^{s. 5, re-enacted} being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 168, section 2, is repealed and the following substituted therefor:

5.—(1) On and after the 1st day of January, 1975, the ^{Metropolitan Council} area municipalities are entitled to the following membership ^{membership} on the Metropolitan Council:

the Borough of East York	— 2 members
the Borough of Etobicoke	— 5 members
the Borough of North York	— 9 members
the Borough of Scarborough	— 6 members
the City of Toronto	— 12 members
the Borough of York	— 3 members

(2) In accordance with the membership to which an area ^{Composition} municipality is entitled under subsection 1, the Metropolitan Council shall include the mayor of each area municipality and, subject to subsection 3,

(a) where an area municipality has a board of control,

(i) the controllers, or

(ii) if the number of members, exclusive of the mayor, to which the area municipality is entitled is less than the number of controllers,

the number of controllers equal to the number necessary to complete the membership to which the area municipality is entitled who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes, the next greatest, and so on, as the case requires, or

(iii) if the area municipality is entitled to a greater number of members than the mayor and the other members of the board of control, the controllers and such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership to which the area municipality is entitled; or

(b) where the area municipality does not have a board of control, such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership on the Metropolitan Council to which the area municipality is entitled.

Where wards
equal to
number of
aldermen
to be
appointed

(3) Where the number of wards in an area municipality is equal to the number of aldermen to be appointed by the council of such area municipality,

(a) the alderman for each ward; or

(b) if there is more than one alderman for each ward, the alderman for each ward who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes in such ward,

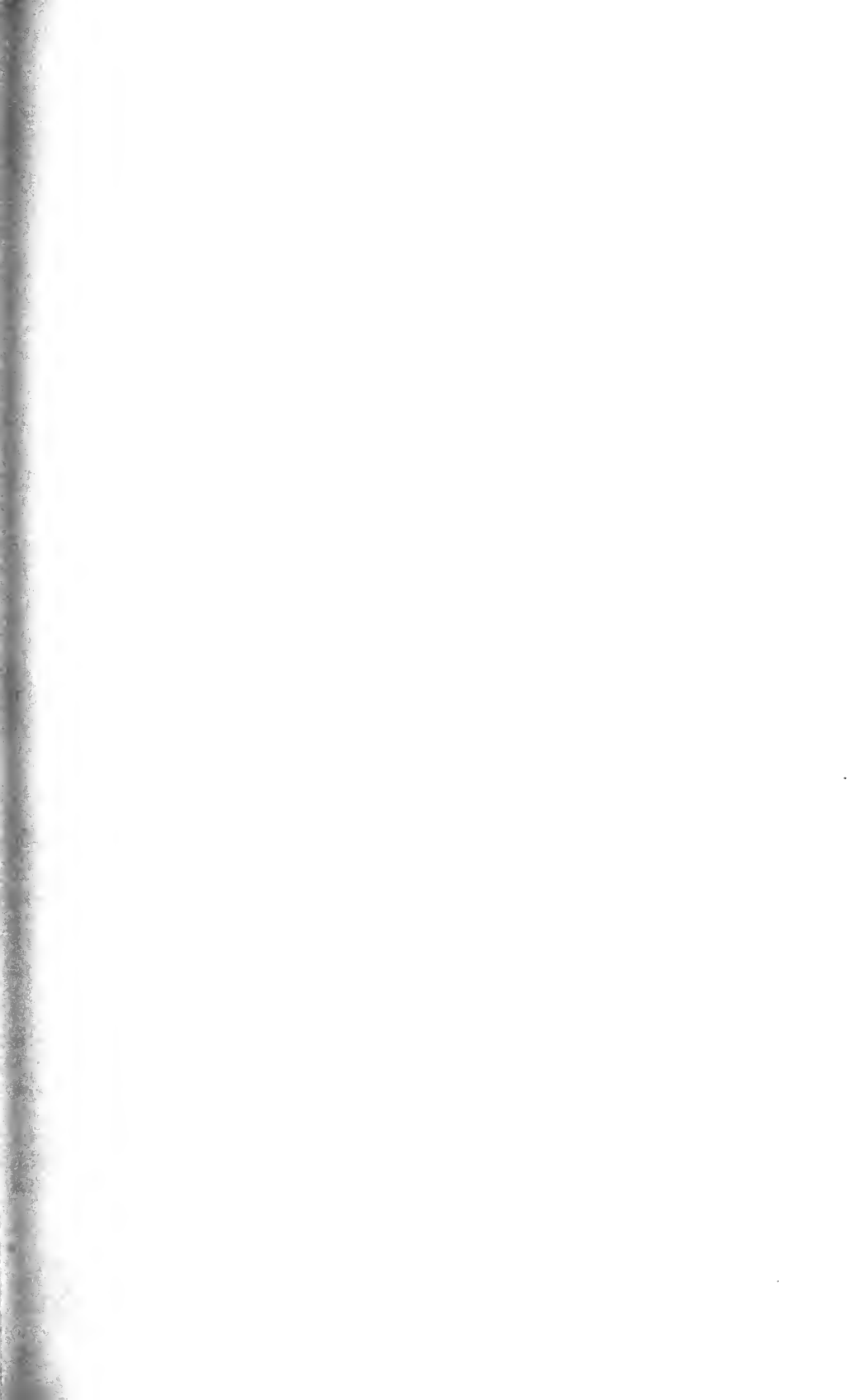
shall be members of the Metropolitan Council in lieu of the aldermen to be appointed.

Acclamation
or equality
of votes

(4) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller, or controllers, or alderman, or aldermen, is, or are, entitled to be a member, or members, of the Metropolitan Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Metropolitan Council.

Election of
chairman

(5) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and



SECTION 2. The section as re-enacted, increases the number of members on the Executive Committee of the Metropolitan Council from 11 to 14. The chairman and the mayor of each area municipality will continue to sit on the Committee but only three members of the City of Toronto executive committee will hold seats rather than the full number of four. Added as members will be two controllers from North York and one controller each from Scarborough and Etobicoke. Provisions are added to fix the quorum as six members and to govern the filling of vacancies under certain circumstances.

elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(6) The clerk of the Metropolitan Corporation shall preside ^{Clerk to} at each such first meeting or, if there is no clerk, the members present shall select a member to preside, and the person so selected may vote as a member. ^{preside}

(7) If, at such first meeting for any reason a chairman is ^{Adjournment} not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(8) The Metropolitan Council shall be composed of the ^{Composition} chairman and the persons who are members pursuant to this Part.

(9) A resignation from the Metropolitan Council or the ^{Resignation} council of an area municipality by a person who is a member of both councils shall be deemed to be a resignation from both the Metropolitan Council and the council of the area municipality.

2. Section 12 of the said Act is repealed and the following sub- ^{s. 12.} stituted therefor: ^{re-enacted}

12.—(1) There shall be an Executive Committee of the ^{Executive} Metropolitan Council composed of, ^{Committee}

- (a) the chairman;
- (b) the mayor of each area municipality;
- (c) the member of the board of control of the Borough of Etobicoke who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;
- (d) the two members of the board of control of the Borough of North York who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

- (e) the member of the board of control of the Borough of Scarborough who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes; and
- (f) three alderman members of the Executive Committee of the City of Toronto who are members of the Metropolitan Council appointed by the council of the City of Toronto.

Chairman

(2) The chairman of the Metropolitan Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

Quorum

(3) Six members of the Executive Committee constitute a quorum.

Powers

(4) The Executive Committee has all the powers and duties of a board of control under subsections 1 and 2 of section 208 of *The Municipal Act*, and subsections 3 to 17 and 18 and 19 of that section apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Remuneration
of
members

(5) Each member of the Executive Committee other than the chairman shall, in addition to his remuneration as a member of the Metropolitan Council, receive such remuneration as may be authorized by the Metropolitan Council.

Certificate
of
qualification

(6) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto appointed by the council of the city as a member of the Executive Committee.

Vacancy

(7) Where a seat on the Executive Committee becomes vacant by the death or resignation of a member who was a Borough controller, the vacancy shall be filled by the controller from the same Borough who received the next greatest number of votes.

s. 16,
enacted

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

Chief
administrative
officer

16.—(1) The Metropolitan Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs:

SECTION 3. The section added permitting the Metropolitan Council to appoint a chief administrative officer is in similar terms to that found in most of the Acts establishing regional municipalities.

SECTION 4.—Subsection 1. The effect of the amendment is to delete the requirement that the Minister's approval be obtained to by-laws establishing or amending the Metropolitan Toronto pension plan for its employees.

Subsection 2. The subsection added will permit certain retired employees of the Metropolitan Corporation to elect to receive benefits under the Metropolitan pension plan in lieu of the pension to which they are entitled under the plan of an area municipality or local board by whom they were employed prior to becoming employees of Metropolitan Toronto.

of the Metropolitan Corporation and perform such duties as the Metropolitan Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Metropolitan Council; and
- (d) shall receive such salary as the Metropolitan Council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 1 of this section. Application of R.S.O. 1970, c. 284

4.—(1) Clause *b* of subsection 2 of section 24 of the said Act is amended by striking out "and no such by-law shall become operative until approved by the Minister" in the fifth, sixth and seventh lines. s. 24 (2) (b). amended

(2) The said section 24, as amended by the Statutes of Ontario, 1971, chapter 80, section 1, is further amended by adding thereto the following subsection: s. 24 amended

(9a) Notwithstanding this or any other general or special Act, where a retired employee of the Metropolitan Corporation or of a local board thereof, Election by retired employee to transfer to Metropolitan pension plan

- (a) was an employee of an area municipality or of a local board thereof and without intervening employment became an employee of the Metropolitan Corporation or of a local board thereof;
- (b) became a member of the pension plan of the Metropolitan Corporation;
- (c) retired on or after the 1st day of January, 1970;
- (d) received or is entitled to receive a pension from or under a pension plan of an area municipality or local board thereof; and
- (e) was entitled to elect a transfer of a sum of money under subsection 8 prior to his retirement and did not so elect.

such retired employee may, with the approval of the Metropolitan Corporation and the area municipality or local board thereof, in lieu of the pension referred to in clause *d*, elect not later than the 31st day of December, 1974, a transfer of a sum of money to the pension plan of the Metropolitan Corporation from the pension plan of the area municipality or local board thereof, equal to the present value, calculated as of the date of the transfer of such sum of money on the

basis of generally accepted actuarial methods, of the pension including all benefits pertaining thereto to which such retired employee is entitled under the pension plan of the area municipality or of a local board thereof and where such retired employee has died the person receiving a pension in respect of the retired employee shall be deemed to be the retired employee for the purposes of this subsection.

s. 35a,
enacted

5. The said Act is further amended by adding thereto the following section:

Surcharge
on water
rates

35a.—(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof.

Applica-
tion of
s. 49

- (2) The provisions of section 49 apply to this section.

s. 96,
re-enacted

6. Section 96 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 2, is repealed and the following substituted therefor:

Stopping-up
highways

96.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Metropolitan Corporation by registered mail.

Agreement

(2) If the Metropolitan Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within twenty-one days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped-up except by agreement between the area municipality and the Metropolitan Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
of judge not
required
R.S.O. 1970,
c. 284

(3) In the case of a township in the Metropolitan Area it is not necessary to obtain the approval of the judge of the county court to such stopping up under section 443 of *The Municipal Act*.

Approval
required to
intersect
metropolitan
road

(4) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the metropolitan road system without the prior written approval of the Metropolitan Corporation.

SECTION 5. The section added empowers the Metropolitan Council to add a surcharge to the rates at which water is supplied to the area municipalities, the proceeds of which are to be expended for the purpose of collecting and disposing of sewage and land drainage.

SECTION 6. The re-enactment is complementary to section 11 of the Bill dissolving the planning board for The Metropolitan Toronto Planning Area, the functions of the planning board relating to the stopping-up of highways by an area municipality are transferred to the Metropolitan Council.

SECTION 7. The section added empowers the Treasurer of Ontario, on the request of the council of any of the five Boroughs, to erect the municipality from a township into a city.

SECTION 8. The effect of the amendments is to delete the requirement that the Minister's approval be obtained to the pension plan provided for members of the Metropolitan Police Force.

SECTION 9. The amendment corrects an error in an internal reference.

SECTION 10. The section added empowers the Metropolitan Council and the council of any area municipality to adopt a housing policy statement with the approval of the Minister of Housing. The policy statement of an area municipality may not conflict with that of Metropolitan Toronto and by-laws that do not conform with an approved housing policy statement may not be passed.

7. The said Act is further amended by adding thereto the following section: s. 148a.
enacted

148a.—(1) Notwithstanding section 148, upon the application of the council of an area municipality that has the status of a township municipality, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs may, by order, erect the area municipality into a city municipality and may direct the name the newly erected municipality shall bear and the date when the erection shall take effect and may provide for any matters that he considers necessary for the establishment and carrying on of the newly erected municipality, including the composition of its council. Treasurer may erect township area municipality into city municipality

(2) Where an order is made under subsection 1, sections 17, 19 and 22 of *The Municipal Act* apply, *mutatis mutandis*, and the provisions of any special Act relating to the former township municipality apply to the newly erected municipality. Application of R. S. O. 1970, c. 284, ss. 17, 19, 22

- 8.—(1) Subsection 1 of section 183 of the said Act is amended by striking out "such" in the second line and inserting in lieu thereof "a" and by striking out "as the Minister may approve" in the fourth and fifth lines. s. 183 (1),
amended

(2) Subsection 6 of the said section 183 is amended by striking out "Subject to the approval of the Minister" in the first line. s. 183 (6),
amended

9. Subsection 1 of section 194 of the said Act is amended by striking out "subsection 2" in the fifth line and inserting in lieu thereof "subsection 3". s. 194 (1),
amended

10. The said Act is further amended by adding thereto the following section: s. 198a.
enacted

198a.—(1) The Metropolitan Council and the council of any area municipality may, by by-law approved by the Minister of Housing, adopt a policy statement related to housing, containing specific objectives, production targets and financial arrangements. Adoption of policy statement related to housing

(2) Where a policy statement referred to in subsection 1 has been adopted by the Metropolitan Council and approved by the Minister of Housing, every housing policy statement that has been adopted by the council of an area municipality shall be amended forthwith to conform therewith and no housing policy statement of an area municipality shall thereafter be approved that does not conform with the housing policy statement of the Metropolitan Council and no By-laws, etc., to conform with housing policy statement

by-law shall be passed by the Metropolitan Council or by the council of an area municipality that does not conform with the housing policy statement of the Metropolitan Council.

ss. 199-203,
re-enacted

- 11.** Sections 199, 200, 201, 202 and 203 of the said Act are repealed and the following substituted therefor:

Metropolitan
Toronto
Planning
Area
R.S.O. 1970,
c. 349

199.—(1) The Metropolitan Toronto Planning Area is continued as a joint planning area under *The Planning Act*.

Designated
municipality

(2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area.

Planning
board
dissolved

(3) The planning board for The Metropolitan Toronto Planning Area is hereby dissolved.

Area municipi-
palities
subsidiary
planning
areas

(4) Subject to *The Planning Act*, each area municipality is a subsidiary planning area within The Metropolitan Toronto Planning Area.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Metropolitan Area.

Subsidiary
plans

(6) When the Minister of Housing has approved an official plan adopted by the Metropolitan Council,

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith.

Planning
duties of
Metropolitan
Council

200.—(1) The Metropolitan Council shall investigate and survey the physical, social and economic conditions in relation to the development of The Metropolitan Toronto Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in The Metropolitan Toronto Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area;

SECTION 11. The re-enacted sections dissolve the planning board for The Metropolitan Toronto Planning Area and vest its planning functions in the Metropolitan Council.



(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of The Metropolitan Toronto Planning Area in determining the solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area; and

(c) consult with any local board having jurisdiction within The Metropolitan Toronto Planning Area.

(2) The Metropolitan Council shall prepare, adopt and forward to the Minister of Housing for approval an official ^{Official plan} plan for The Metropolitan Toronto Planning Area.

(3) The Metropolitan Council may appoint such planning ^{Planning staff} committees and staff as it considers necessary.

(4) The Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning ^{Application of R.S.O. 1970, c. 349} board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Metropolitan Corporation may enter into agree- ^{Agreements re plans of sub-division} ments with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

(6) The Metropolitan Corporation, with the approval of the Minister of Housing, may enter into agreements with any ^{Agreements re special studies} governmental authority, or any agency thereof created by statute for the carrying out of studies relating to The Metropolitan Toronto Planning Area or any part thereof.

201. Except as provided in this Part, the provisions of *The Planning Act* apply. ^{Application of R.S.O. 1970, c. 349}

202. All the assets and liabilities of the planning board for The Metropolitan Toronto Planning Area are assets and liabilities of the Metropolitan Corporation and the Metropolitan Corporation, for all purposes, stands in the place and stead of the planning board for The Metropolitan Toronto Planning Area. ^{Planning board assets, etc., vested in Metropolitan Corporation}

203. Where a person who was employed by the planning board for The Metropolitan Toronto Planning Area immediately prior to the 1st day of January, 1975, is employed by the Metropolitan Corporation without intervening employment, ^{Sick leave credits, holidays and application of O.M.E.R.S.}

(a) employment with the planning board shall be deemed to have been employment with the Metropolitan Corporation for the purposes of sick leave credits and gratuities and holidays; and

(b) the employee, if a member of the pension plan of the Metropolitan Corporation, shall be deemed not to be a person who enters the employ of an employer within the meaning of clause a of subsection 1 of section 8 of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,
c. 324

Offer of
employment

203a.—(1) The Metropolitan Corporation shall offer to employ every person who, on the 1st day of June, 1974, is employed by the planning board for The Metropolitan Toronto Planning Area, and who continues to be so employed until the 31st day of December, 1974.

Entitlement
to salary

(2) Any person who accepts employment under subsection 1 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of June, 1974.

Termination
of
employment

(3) Nothing in this section prevents the Metropolitan Corporation from terminating the employment of an employee for cause.

s. 208 (4),
amended

12. Subsection 4 of section 208 of the said Act is amended by striking out "are not members of the Metropolitan Council or of the council of an area municipality, and" in the second, third and fourth lines.

s. 212,
re-enacted

13. Section 212 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

212.—(1) For the purposes of this section, "municipality" includes a metropolitan, regional or district municipality.

Investment of
moneys not
immediately
required

(2) Where the Metropolitan Corporation or an area municipality has moneys not required immediately by the Metropolitan Corporation or the area municipality, such moneys may be,

(a) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any

SECTION 12. The Board of Management of the O'Keefe Centre is composed of persons appointed by the Metropolitan Council. The amendment removes the present restriction that such persons be not members of the Metropolitan Council nor members of the council of an area municipality.

SECTION 13 The re-enactment of the section broadens the powers of the Metropolitan Corporation in respect of the investment of moneys not immediately required and extends these broadened powers to the area municipalities.

SECTION 14. Authority is granted to the Metropolitan Corporation and to the City of Toronto to establish a pedestrian mall or malls on Yonge Street and the other streets mentioned between the dates in the year 1974 that are set out. The authority is substantially the same as that granted in previous years with the exception that the power to pass by-laws to prohibit or regulate the distribution of literature, pamphlets and the like is not included.

trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, R.S.O. 1970, c. 254

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, R.S.C. 1970, c. B-1

(iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; R.S.O. 1970, c. 118
or

(b) advanced to the capital account of the Metropolitan Corporation or the area municipality for the purpose of interim financing of capital undertakings,

provided that the moneys invested or advanced are repayable by the day on which they are required by the Metropolitan Corporation or the area municipality, and the investments are in other respects reasonable and proper.

- 14.—(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Bloor Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable. Pedestrian promenades. Yonge St.
- (2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Bloor Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable. Idem. Trinity Square. etc.

Contribution
by City
toward costs

- (3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

Right to
damages
by reason
of creation
of
promenade

- (4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section.

Application
of R. S. O.
1970, c. 284,
s. 466

- (5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6.

By-laws

- (6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws,

(a) prohibiting or regulating and licensing the hawking peddling or selling of any goods, wares, merchandise or food thereon;

(b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;

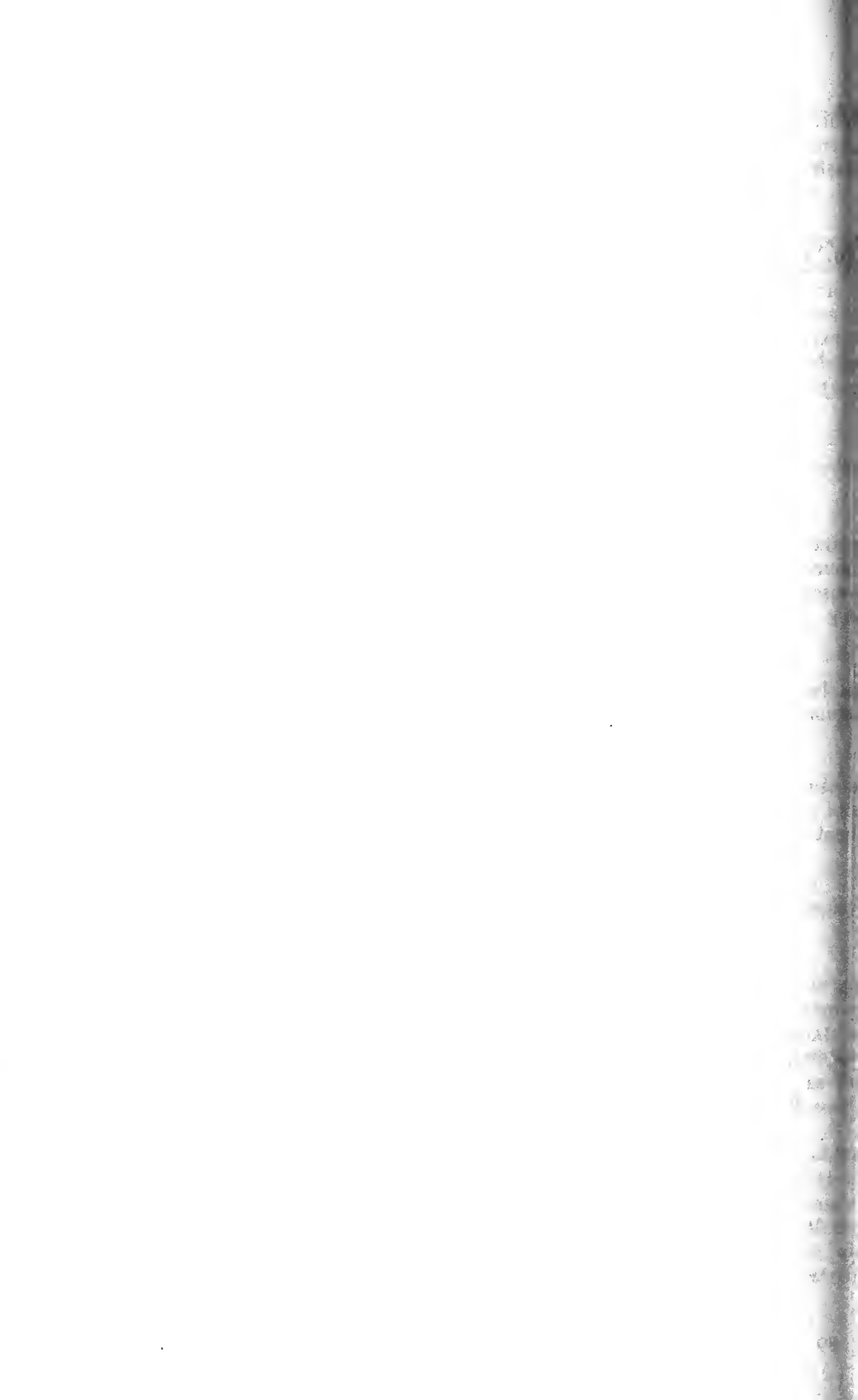
(c) prohibiting or regulating and licensing any display exhibition or advertising thereon; and

(d) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences

Effect on
licences
issued by
Licensing
Commission

- (7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause *a*, *b* or *c* of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section.

- 15.—(1) This Act, except sections 2, 6 and 11, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
- (2) Sections 2, 6 and 11 come into force on the 1st day of ^{Idem} January, 1975.
16. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1974*. ^{Short title}





An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

June 13th, 1974

2nd Reading

June 21st, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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

BILL 89

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Municipality of
Metropolitan Toronto Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

An Act to amend The Municipality of Metropolitan Toronto Act

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

1. Section 5 of *The Municipality of Metropolitan Toronto Act*, ^{s. 5.} ^{re-enacted} being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 168, section 2, is repealed and the following substituted therefor:

5.—(1) On and after the 1st day of January, 1975, the ^{Metropolitan Council} area municipalities are entitled to the following membership ^{membership} on the Metropolitan Council:

the Borough of East York	—	2 members
the Borough of Etobicoke	—	5 members
the Borough of North York	—	9 members
the Borough of Scarborough	—	6 members
the City of Toronto	—	12 members
the Borough of York	—	3 members

(2) In accordance with the membership to which an area ^{Composition} municipality is entitled under subsection 1, the Metropolitan Council shall include the mayor of each area municipality and, subject to subsection 3,

(a) where an area municipality has a board of control,

(i) the controllers, or

(ii) if the number of members, exclusive of the mayor, to which the area municipality is entitled is less than the number of controllers,

the number of controllers equal to the number necessary to complete the membership to which the area municipality is entitled who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes, the next greatest, and so on as the case requires, or

(iii) if the area municipality is entitled to a greater number of members than the mayor and the other members of the board of control, the controllers and such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership to which the area municipality is entitled; or

(b) where the area municipality does not have a board of control, such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership on the Metropolitan Council to which the area municipality is entitled.

Where wards equal to number of aldermen to be appointed

(3) Where the number of wards in an area municipality is equal to the number of aldermen to be appointed by the council of such area municipality,

(a) the alderman for each ward; or

(b) if there is more than one alderman for each ward the alderman for each ward who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes in such ward,

shall be members of the Metropolitan Council in lieu of the aldermen to be appointed.

Acclamation or equality of votes

(4) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller, or controllers, or alderman, or aldermen, is, or are, entitled to be a member, or members of the Metropolitan Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Metropolitan Council.

Election of chairman

(5) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present the Metropolitan Council shall organize as a council and

elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(6) The clerk of the Metropolitan Corporation shall preside ^{Clerk to} at each such first meeting or, if there is no clerk, the mem- ^{preside} bers present shall select a member to preside, and the per- son so selected may vote as a member.

(7) If, at such first meeting for any reason a chairman is ^{Adjournment} not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(8) The Metropolitan Council shall be composed of the ^{Composition} chairman and the persons who are members pursuant to this Part.

(9) A resignation from the Metropolitan Council or the ^{Resignation} council of an area municipality by a person who is a member of both councils shall be deemed to be a resignation from both the Metropolitan Council and the council of the area municipality.

2. Section 12 of the said Act is repealed and the following sub- ^{s. 12.} stituted therefor: ^{re-enacted}

12.—(1) There shall be an Executive Committee of the ^{Executive} Metropolitan Council composed of, ^{Committee}

- (a) the chairman;
- (b) the mayor of each area municipality;
- (c) the member of the board of control of the Borough of Etobicoke who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;
- (d) the two members of the board of control of the Borough of North York who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

- (e) the member of the board of control of the Borough of Scarborough who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes; and
- (f) three alderman members of the Executive Committee of the City of Toronto who are members of the Metropolitan Council appointed by the council of the City of Toronto.

Chairman

(2) The chairman of the Metropolitan Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

Quorum

(3) Six members of the Executive Committee constitute a quorum.

Powers

(4) The Executive Committee has all the powers and duties of a board of control under subsections 1 and 2 of section 208 of *The Municipal Act*, and subsections 3 to 16 and 18 and 19 of that section apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Remuneration
of
members

(5) Each member of the Executive Committee other than the chairman shall, in addition to his remuneration as a member of the Metropolitan Council, receive such remuneration as may be authorized by the Metropolitan Council.

Certificate
of
qualification

(6) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto appointed by the council of the city as a member of the Executive Committee.

Vacancy

(7) Where a seat on the Executive Committee becomes vacant by the death or resignation of a member who was a Borough controller, the vacancy shall be filled by the controller from the same Borough who received the next greatest number of votes.

s. 16,
enacted

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

Chief
administra-
tive officer

16.—(1) The Metropolitan Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs

of the Metropolitan Corporation and perform such duties as the Metropolitan Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Metropolitan Council; and
- (d) shall receive such salary as the Metropolitan Council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284} applies to a chief administrative officer appointed under subsection 1 of this section.

4.—(1) Clause *b* of subsection 2 of section 24 of the said Act ^{s. 24 (2) (b), amended} is amended by striking out "and no such by-law shall become operative until approved by the Minister" in the fifth, sixth and seventh lines.

(2) The said section 24, as amended by the Statutes of Ontario, 1971, chapter 80, section 1, is further amended ^{f.s. 24 amended} by adding thereto the following subsection:

(9a) Notwithstanding this or any other general or special Act, where a retired employee of the Metropolitan Corporation ^{Election by retired employee to transfer to Metropolitan pension plan} or of a local board thereof,

- (a) was an employee of an area municipality or of a local board thereof and without intervening employment became an employee of the Metropolitan Corporation or of a local board thereof;
- (b) became a member of the pension plan of the Metropolitan Corporation;
- (c) retired on or after the 1st day of January, 1970;
- (d) received or is entitled to receive a pension from or under a pension plan of an area municipality or local board thereof; and
- (e) was entitled to elect a transfer of a sum of money under subsection 8 prior to his retirement and did not so elect,

such retired employee may, with the approval of the Metropolitan Corporation and the area municipality or local board thereof, in lieu of the pension referred to in clause *d*, elect not later than the 31st day of December, 1974, a transfer of a sum of money to the pension plan of the Metropolitan Corporation from the pension plan of the area municipality or local board thereof, equal to the present value, calculated as of the date of the transfer of such sum of money on the

basis of generally accepted actuarial methods, of the pension, including all benefits pertaining thereto to which such retired employee is entitled under the pension plan of the area municipality or of a local board thereof and where such retired employee has died the person receiving a pension in respect of the retired employee shall be deemed to be the retired employee for the purposes of this subsection.

s. 35a,
enacted

5. The said Act is further amended by adding thereto the following section:

Surcharge
on water
rates

35a.—(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof.

Applica-
tion of
s. 49

- (2) The provisions of section 49 apply to this section.

s. 96,
re-enacted

6. Section 96 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 2, is repealed and the following substituted therefor:

Stopping-up
highways

96.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Metropolitan Corporation by registered mail.

Agreement

(2) If the Metropolitan Council objects to such stopping-up, it shall so notify the council of the area municipality by registered mail within twenty-one days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped-up except by agreement between the area municipality and the Metropolitan Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
of judge not
required
R.S.O. 1970,
c. 284

(3) In the case of a township in the Metropolitan Area, it is not necessary to obtain the approval of the judge of the county court to such stopping up under section 443 of *The Municipal Act*.

Approval
required to
intersect
metropolitan
road

(4) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the metropolitan road system, without the prior written approval of the Metropolitan Corporation.

7. The said Act is further amended by adding thereto the following section: s. 148i, enacted

148a.—(1) Notwithstanding section 148, upon the application of the council of an area municipality that has the status of a township municipality, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs may, by order, erect the area municipality into a city municipality and may direct the name the newly erected municipality shall bear and the date when the erection shall take effect and may provide for any matters that he considers necessary for the establishment and carrying on of the newly erected municipality, including the composition of its council.

Treasurer may erect township area municipality into city municipality

(2) Where an order is made under subsection 1, sections 17, 19 and 22 of *The Municipal Act* apply, *mutatis mutandis*, and the provisions of any special Act relating to the former township municipality apply to the newly erected municipality. Application of R. S. O. 1970, c. 284, ss. 17, 19, 22

- 8.—(1) Subsection 1 of section 183 of the said Act is amended by striking out "such" in the second line and inserting in lieu thereof "a" and by striking out "as the Minister may approve" in the fourth and fifth lines. s. 183 (1), amended

(2) Subsection 6 of the said section 183 is amended by striking out "Subject to the approval of the Minister" in the first line. s. 183 (6), amended

9. Subsection 1 of section 194 of the said Act is amended by striking out "subsection 2" in the fifth line and inserting in lieu thereof "subsection 3". s. 194 (1), amended

10. The said Act is further amended by adding thereto the following section: s. 198a, enacted

198a.—(1) The Metropolitan Council and the council of any area municipality may, by by-law approved by the Minister of Housing, adopt a policy statement related to housing, containing specific objectives, production targets and financial arrangements. Adoption of policy statement related to housing

(2) Where a policy statement referred to in subsection 1 has been adopted by the Metropolitan Council and approved by the Minister of Housing, every housing policy statement that has been adopted by the council of an area municipality shall be amended forthwith to conform therewith and no housing policy statement of an area municipality shall thereafter be approved that does not conform with the housing policy statement of the Metropolitan Council and no By-laws, etc., to conform with housing policy statement

by-law shall be passed by the Metropolitan Council or by the council of an area municipality that does not conform with the housing policy statement of the Metropolitan Council.

ss. 199-203,
re-enacted

- 11.** Sections 199, 200, 201, 202 and 203 of the said Act are repealed and the following substituted therefor:

Metropolitan
Toronto
Planning
Area
R.S.O. 1970,
c. 349

199.—(1) The Metropolitan Toronto Planning Area is continued as a joint planning area under *The Planning Act*.

Designated
municipality

(2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area.

Planning
board
dissolved

(3) The planning board for The Metropolitan Toronto Planning Area is hereby dissolved.

Area municipa-
lities
subsidiary
planning
areas

(4) Subject to *The Planning Act*, each area municipality is a subsidiary planning area within The Metropolitan Toronto Planning Area.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Metropolitan Area.

Subsidiary
plans

(6) When the Minister of Housing has approved an official plan adopted by the Metropolitan Council,

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith.

Planning
duties of
Metropolitan
Council

200.—(1) The Metropolitan Council shall investigate and survey the physical, social and economic conditions in relation to the development of The Metropolitan Toronto Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in The Metropolitan Toronto Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area;

- (b) hold public meetings and publish information for the purpose of obtaining the participation and cooperation of the inhabitants of The Metropolitan Toronto Planning Area in determining the solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area; and
- (c) consult with any local board having jurisdiction within The Metropolitan Toronto Planning Area.

(2) The Metropolitan Council shall prepare, adopt and forward to the Minister of Housing for approval an official plan for The Metropolitan Toronto Planning Area.

(3) The Metropolitan Council may appoint such planning committees and staff as it considers necessary.

(4) The Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

(6) The Metropolitan Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to The Metropolitan Toronto Planning Area or any part thereof.

201. Except as provided in this Part, the provisions of *The Planning Act* apply.

202. All the assets and liabilities of the planning board for The Metropolitan Toronto Planning Area are assets and liabilities of the Metropolitan Corporation and the Metropolitan Corporation, for all purposes, stands in the place and stead of the planning board for The Metropolitan Toronto Planning Area.

203. Where a person who was employed by the planning board for The Metropolitan Toronto Planning Area immediately prior to the 1st day of January, 1975, is employed by the Metropolitan Corporation without intervening employment,

(a) employment with the planning board shall be deemed to have been employment with the Metropolitan Corporation for the purposes of sick leave credits and gratuities and holidays; and

(b) the employee, if a member of the pension plan of the Metropolitan Corporation, shall be deemed not to be a person who enters the employ of an employer within the meaning of clause *a* of subsection 1 of section 8 of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,
c. 324

Offer of
employment

203a.—(1) The Metropolitan Corporation shall offer to employ every person who, on the 1st day of June, 1974, is employed by the planning board for The Metropolitan Toronto Planning Area, and who continues to be so employed until the 31st day of December, 1974.

Entitlement
to salary

(2) Any person who accepts employment under subsection 1 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of June, 1974.

Termination
of
employment

(3) Nothing in this section prevents the Metropolitan Corporation from terminating the employment of an employee for cause.

s. 208 (4),
amended

12. Subsection 4 of section 208 of the said Act is amended by striking out "are not members of the Metropolitan Council or of the council of an area municipality, and" in the second, third and fourth lines.

s. 212,
re-enacted

13. Section 212 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

212.—(1) For the purposes of this section, "municipality" includes a metropolitan, regional or district municipality.

Investment of
moneys not
immediately
required

(2) Where the Metropolitan Corporation or an area municipality has moneys not required immediately by the Metropolitan Corporation or the area municipality, such moneys may be,

(a) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any

trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, R.S.O. 1970. c. 254

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, R.S.C. 1970. c. B-1

(iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; R.S.O. 1970. c. 118
or

(b) advanced to the capital account of the Metropolitan Corporation or the area municipality for the purpose of interim financing of capital undertakings,

provided that the moneys invested or advanced are repayable by the day on which they are required by the Metropolitan Corporation or the area municipality, and the investments are in other respects reasonable and proper.

- 14.—(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Bloor Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable. Pedestrian promenades, Yonge St.
- (2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Bloor Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable. Idem. Trinity Square, etc.

Contribution
by City
toward costs

- (3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

Right to
damages
by reason
of creation
of
promenade

- (4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section.

Application
of R.S.O.
1970, c. 284,
s. 466

- (5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6.

By-laws

- (6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws,

(a) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;

(b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;

(c) prohibiting or regulating and licensing any display, exhibition or advertising thereon; and

(d) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences.

Effect on
licences
issued by
Licensing
Commission

- (7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause *a*, *b* or *c* of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section.

- 15.**—(1) This Act, except sections 2, 6 and 11, comes into force ^{Commence-} on the day it receives Royal Assent. _{ment}
- (2) Sections 2, 6 and 11 come into force on the 1st day of ^{idem} January, 1975.
- 16.** This Act may be cited as *The Municipality of Metropolitan* ^{Short title} *Toronto Amendment Act, 1974.*

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

June 13th, 1974

2nd Reading

June 21st, 1974

3rd Reading

June 24th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to vary the composition of the councils of the area municipalities of Rayside-Balfour, Valley East and Walden; as well, the manner of selecting the representative on the Regional Council of each of those municipalities is changed. The details of the changes are the following:

1. Presently, the council of Rayside-Balfour consists of eight councillors elected by general vote; one member of the council, elected by the council, sits on the Regional Council. Under the re-enactment, the council will comprise six members, one of whom will be elected by general vote as a member of both the Regional Council and the town council and five of whom will be elected by general vote as members of the town council only.
2. Presently, the council of Valley East consists of six councillors elected by general vote; one member of the council, elected by the council, sits on the Regional Council. Under the re-enactment, the council will comprise six members, one of whom will be elected by general vote as a member of both the Regional Council and the town council and five of whom will be elected by general vote as members of the town council only.
3. Presently, the council of Walden consists of six councillors elected by wards; one member of the council, elected by the council, sits on the Regional Council. Under the re-enactment, the council will consist of seven members, one of whom will be elected by general vote as a member of both the Regional Council and the town council and six of whom will be elected by wards as members of the town council only.

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

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

1. Subsection 1 of section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor: ^{s. 3 (1), re-enacted}

(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council: ^{Composition of council}

1. The City of Sudbury—Nine aldermen elected by wards.
2. The Town of Capreol—Six councillors elected by wards.
3. The Town of Onaping Falls—Six councillors, one of whom shall be elected by general vote and five elected by wards.
4. The Town of Nickel Centre—Six councillors, one of whom shall be elected by general vote and five elected by wards.
5. The Town of Rayside-Balfour—Six councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town.
6. The Town of Valley East—Six councillors, one of whom shall be elected by general vote as a member

of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town.

7. The Town of Walden—Seven councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and six of whom shall be elected by wards as members of the council of such town.

s. 8 (1) (d, e, f),
re-enacted

2. Clauses d, e and f of subsection 1 of section 8 of the said Act are repealed and the following substituted therefor:

(d) one member of the council of the area municipality of the Town of Rayside-Balfour who has been elected as a member of the Regional Council and of the council of such area municipality;

(e) one member of the council of the area municipality of the Town of Valley East who has been elected as a member of the Regional Council and of the council of such area municipality;

(f) one member of the council of the area municipality of the Town of Walden who has been elected as a member of the Regional Council and of the council of such area municipality.

s. 33 (3),
re-enacted

3. Subsection 3 of section 33 of the said Act is repealed and the following substituted therefor:

(3) All planning areas and subsidiary planning areas together with the boards thereof included in the Sudbury Planning Area on the 31st day of December, 1972, are hereby deemed to have been dissolved on such date, and no area municipality shall exercise any powers under *The Planning Act*.

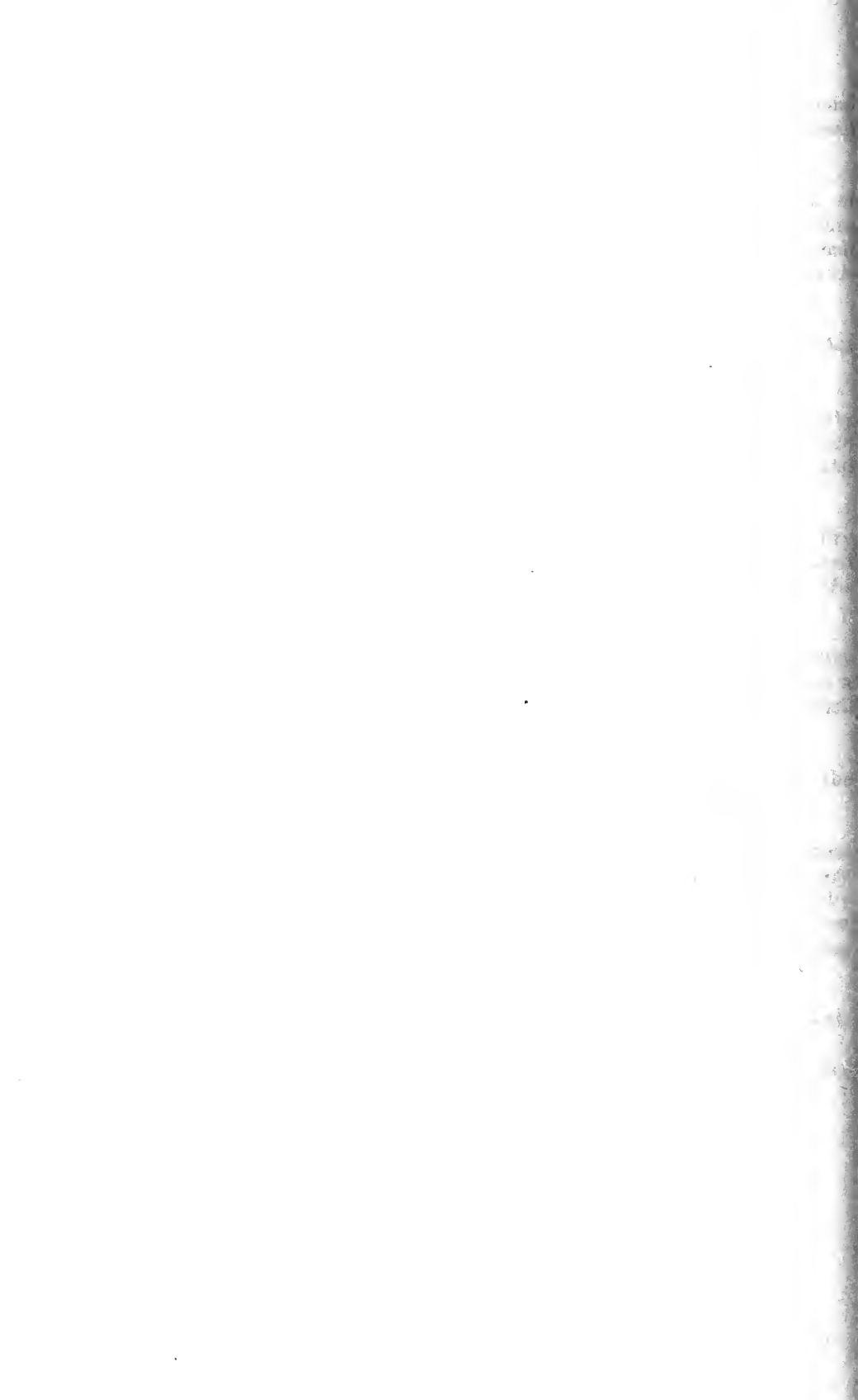
Planning
areas and
subsidiary
planning
areas
dissolved
R.S.O. 1970,
c. 349

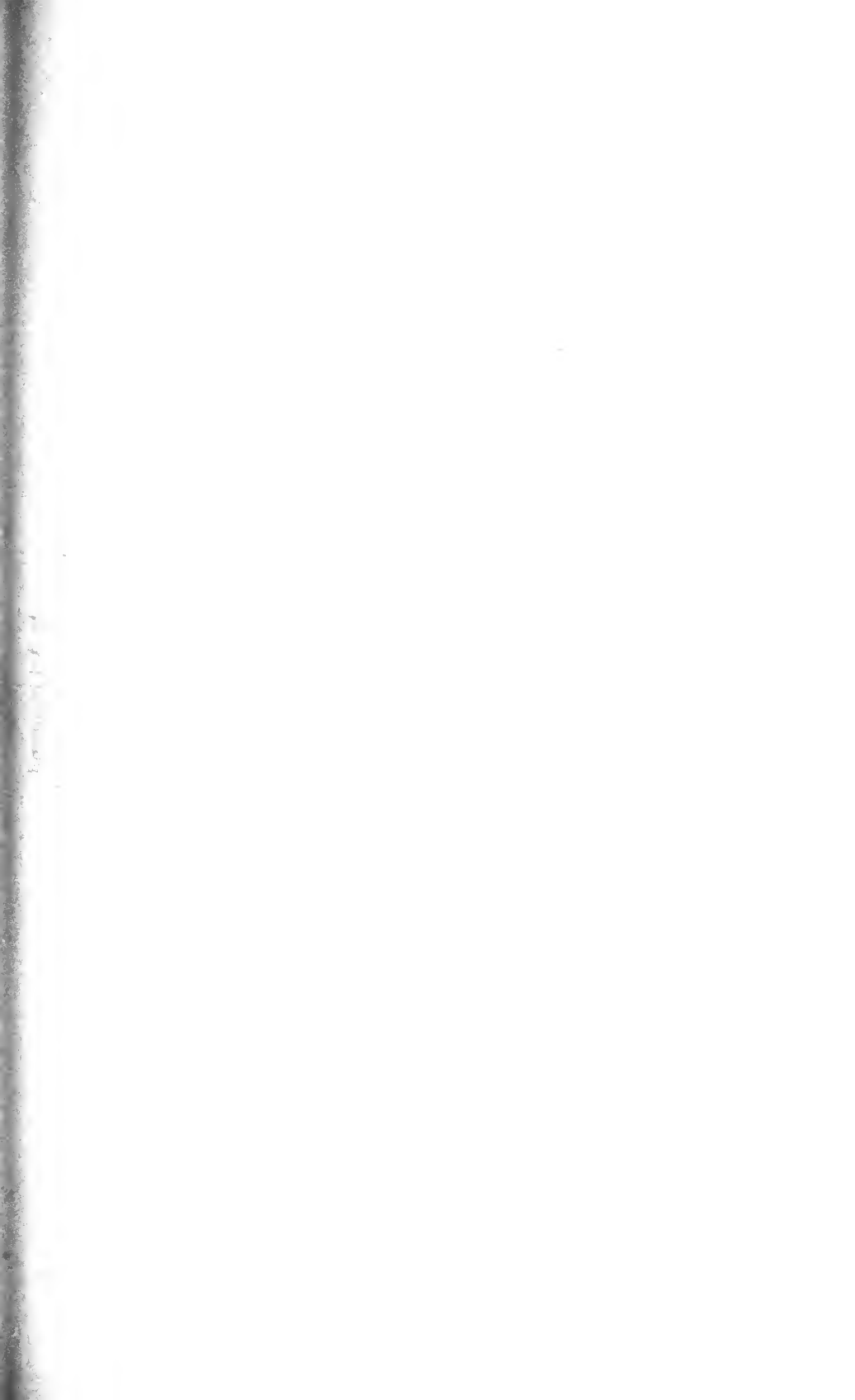
Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.
5. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1974*.

SECTION 2. Complementary to section 1 of the Bill in relation to the representation on the Regional Council of each of the three area municipalities.

SECTION 3. The subsection in its present form, as well as dissolving existing planning areas and boards, declares no area municipality to be a municipality for the purposes of *The Planning Act*. As restructured, area municipalities will continue to be municipalities under *The Planning Act* and thus exempt from the requirement of obtaining consents under section 29; the prohibition against their exercising any powers under the Act continues.





An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 90

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

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

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(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council: ^{Composition of council}

1. The City of Sudbury—Nine aldermen elected by wards.
2. The Town of Capreol—Six councillors elected by wards.
3. The Town of Onaping Falls—Six councillors, one of whom shall be elected by general vote and five elected by wards.
4. The Town of Nickel Centre—Six councillors, one of whom shall be elected by general vote and five elected by wards.
5. The Town of Rayside-Balfour—Six councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town.
6. The Town of Valley East—Six councillors, one of whom shall be elected by general vote as a member

of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town.

7. The Town of Walden—Seven councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and six of whom shall be elected by wards as members of the council of such town.

s. 8 (1) (d, e, f),
re-enacted

2. Clauses *d*, *e* and *f* of subsection 1 of section 8 of the said Act are repealed and the following substituted therefor:

(d) one member of the council of the area municipality of the Town of Rayside-Balfour who has been elected as a member of the Regional Council and of the council of such area municipality;

(e) one member of the council of the area municipality of the Town of Valley East who has been elected as a member of the Regional Council and of the council of such area municipality;

(f) one member of the council of the area municipality of the Town of Walden who has been elected as a member of the Regional Council and of the council of such area municipality.

s. 33 (3),
re-enacted

3. Subsection 3 of section 33 of the said Act is repealed and the following substituted therefor:

(3) All planning areas and subsidiary planning areas together with the boards thereof included in the Sudbury Planning Area on the 31st day of December, 1972, are hereby deemed to have been dissolved on such date, and no area municipality shall exercise any powers under *The Planning Act*.

Planning areas and subsidiary planning areas dissolved R.S.O. 1970, c. 349

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.
5. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1974*.





An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

June 13th, 1974

2nd Reading

June 24th, 1974

3rd Reading

June 24th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Beef Cattle Marketing Act

THE HON. W. A. STEWART
Minister of Agriculture and Food

EXPLANATORY NOTE

The Act at present provides for a maximum licence fee of 15 cents for each head of cattle that weighs 500 pounds or more live weight and 5 cents for each head that weighs less than 500 pounds.

The amendment provides for a maximum licence fee of 45 cents in the case of cattle weighing 500 pounds or more with the provision that the fee for cattle weighing less than 500 pounds will be 10 cents less.

The amendment further provides that no increase in fees in excess of 10 cents shall be made in any twelve month period.

An Act to amend The Beef Cattle Marketing Act

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

1.—(1) Clause *b* of subsection 1 of section 5 of *The Beef Cattle Marketing Act*, being chapter 42 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) subject to subsection 4, fixing the amount of licence fees,

(i) up to but not exceeding 45 cents for each head of cattle that weighs 500 pounds or more live weight, and

(ii) in the case of a head of cattle that weighs less than 500 pounds live weight, at an amount that is 10 cents a head lower than the amount fixed under subclause i.

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

(4) No regulation increasing licence fees shall be made under clause *b* of subsection 1 where the regulation if made would result, on its coming into force, in a total increase, over the immediately preceding twelve month period, in excess of 10 cents for each head of cattle.

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

3. This Act may be cited as *The Beef Cattle Marketing Amendment Act, 1974*.

An Act to amend
The Beef Cattle Marketing Act

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 91

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Beef Cattle Marketing Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



An Act to amend The Beef Cattle Marketing Act

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

1.—(1) Clause *b* of subsection 1 of section 5 of *The Beef Cattle Marketing Act*, being chapter 42 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

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(ii) in the case of a head of cattle that weighs less than 500 pounds live weight, at an amount that is 10 cents a head lower than the amount fixed under subclause i.

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

(4) No regulation increasing licence fees shall be made under clause *b* of subsection 1 where the regulation if made would result, on its coming into force, in a total increase, over the immediately preceding twelve month period, in excess of 10 cents for each head of cattle.

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

3. This Act may be cited as *The Beef Cattle Marketing Amendment Act, 1974*.

An Act to amend
The Beef Cattle Marketing Act

1st Reading

June 13th, 1974

2nd Reading

June 20th, 1974

3rd Reading

June 21st, 1974

THE HON. W. A. STEWART
Minister of Agriculture and Food

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act respecting Fruits and
Vegetables Produce-for-Processing**

THE HON. W. A. STEWART
Minister of Agriculture and Food

EXPLANATORY NOTE

The purpose of the proposed Act is to provide for the payment of licence fees by producers of fruit and vegetables that are sold to processors for processing into food products and for the expenditure of such fees to advance the practice of horticulture and the marketing of fruit and vegetables for processing.

An Act respecting Fruits and Vegetables Produce-for-Processing

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

1. In this Act,

Interpreta-
tion

- (a) "Association" means The Ontario Fruit and Vegetable Growers' Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970.
c. 8
- (b) "inspector" means an inspector appointed for the purposes of this Act;
- (c) "licence" means a licence issued under this Act;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "plant" means a premises where produce is processed;
- (f) "processing" means the manufacture of food products, including juice, beverage spirits or wine from produce, and includes slicing or chopping, canning, bottling, distilling, fermenting, dehydrating, drying, freezing, pickling or processing with sugar or sulphur dioxide or any other chemical or by heat and combining or mixing any produce with any other kind of produce, and "processed" and "processor" have corresponding meanings;
- (g) "produce" means fruits or vegetables produced in Ontario other than fruits or vegetables that are used for any purpose other than processing;
- (h) "regulations" means the regulations made under this Act.

Purpose
and intent
of Act

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the practice of horticulture in all its branches and improve the marketing of produce by,

- (a) holding meetings for the consideration of questions relating to such practice or marketing;
- (b) co-operating with organizations of growers of agricultural products;
- (c) collecting, arranging, assembling and disseminating information;
- (d) stimulating, increasing and improving the sale of produce in Ontario through advertising, education, research and other means; and
- (e) making representations to all levels of government and to agencies of government and to the Canadian Horticultural Council.

Use of
licence
fees by
Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell produce to a processor.

Idem

(2) Every person who sells produce to a processor shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund
of licence
fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-
processor

(6) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor.

(7) Any person who is a producer and a processor shall ^{idem} be deemed to have received in his capacity as a processor from himself in his capacity as a producer the produce produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations apply.

4. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5.

5.—(1) Notwithstanding section 4, the Lieutenant Governor in Council may make regulations,

- (a) fixing the amount of licence fees up to but not exceeding three-tenths of 1 per cent of the sale price of produce;
- (b) requiring persons to pay licence fees owing by them;
- (c) requiring any person who operates a plant and who receives produce from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;
- (d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;
- (e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;
- (f) providing for the exemption from any or all of the regulations of any produce or class of produce or any person or class of persons;
- (g) prescribing the duties of inspectors;
- (h) prescribing forms and providing for their use.

(2) Any regulation may be limited as to time or place, or to both.

- Definitions (3) Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation.
- Appointment of inspectors **6.** The Lieutenant Governor in Council may appoint inspectors for the purposes of this Act.
- Powers of inspector **7.**—(1) For the purpose of enforcing this Act and the regulations, an inspector may enter during normal business hours any premises, other than a dwelling, that he has reason to believe is a plant or an office used in connection therewith.
- Production of documents (2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to produce.
- Idem (3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.
- Photocopy as evidence (4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.
- Demand to be in writing (5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.
- Obstruction of inspector (6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.
- Certificate of appointment of inspector **8.** The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.
- Offences **9.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on

summary conviction is liable for a first offence to a fine of not more than \$100 and for a subsequent offence to a fine of not more than \$500.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. ^{Commence-}_{ment}

11. This Act may be cited as *The Fruits and Vegetables Produce-for-Processing Act, 1974*. ^{Short title}

An Act respecting
Fruits and Vegetables
Produce-for-Processing

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 92

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act respecting Fruits and
Vegetables Produce-for-Processing**

THE HON. W. A. STEWART
Minister of Agriculture and Food

An Act respecting Fruits and Vegetables Produce-for-Processing

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

1. In this Act,

Interpreta-
tion

- (a) "Association" means The Ontario Fruit and Vegetable Growers' Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970.
c. 8
- (b) "inspector" means an inspector appointed for the purposes of this Act;
- (c) "licence" means a licence issued under this Act;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "plant" means a premises where produce is processed;
- (f) "processing" means the manufacture of food products, including juice, beverage spirits or wine from produce, and includes slicing or chopping, canning, bottling, distilling, fermenting, dehydrating, drying, freezing, pickling or processing with sugar or sulphur dioxide or any other chemical or by heat and combining or mixing any produce with any other kind of produce, and "processed" and "processor" have corresponding meanings;
- (g) "produce" means fruits or vegetables produced in Ontario other than fruits or vegetables that are used for any purpose other than processing;
- (h) "regulations" means the regulations made under this Act.

Purpose
and intent
of Act

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the practice of horticulture in all its branches and improve the marketing of produce by,

- (a) holding meetings for the consideration of questions relating to such practice or marketing;
- (b) co-operating with organizations of growers of agricultural products;
- (c) collecting, arranging, assembling and disseminating information;
- (d) stimulating, increasing and improving the sale of produce in Ontario through advertising, education, research and other means; and
- (e) making representations to all levels of government and to agencies of government and to the Canadian Horticultural Council.

Use of
licence
fees by
Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell produce to a processor.

Idem

(2) Every person who sells produce to a processor shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund
of licence
fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-
processor

(6) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor.

(7) Any person who is a producer and a processor shall be deemed to have received in his capacity as a processor from himself in his capacity as a producer the produce produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations apply. ^{idem}

4. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5. ^{Recommendations by directors of Association}

5.—(1) Notwithstanding section 4, the Lieutenant Governor in Council may make regulations. ^{Regulations}

(a) fixing the amount of licence fees up to but not exceeding three-tenths of 1 per cent of the sale price of produce;

(b) requiring persons to pay licence fees owing by them;

(c) requiring any person who operates a plant and who receives produce from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;

(d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;

(e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;

(f) providing for the exemption from any or all of the regulations of any produce or class of produce or any person or class of persons;

(g) prescribing the duties of inspectors;

(h) prescribing forms and providing for their use.

(2) Any regulation may be limited as to time or place, or to both. ^{Application of regulations}

- Definitions (3) Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation.
- Appointment of inspectors **6.** The Lieutenant Governor in Council may appoint inspectors for the purposes of this Act.
- Powers of inspector **7.**—(1) For the purpose of enforcing this Act and the regulations, an inspector may enter during normal business hours any premises, other than a dwelling, that he has reason to believe is a plant or an office used in connection therewith.
- Production of documents (2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to produce.
- Idem (3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.
- Photocopy as evidence (4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.
- Demand to be in writing (5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.
- Obstruction of inspector (6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.
- Certificate of appointment of inspector **8.** The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.
- Offences **9.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on

summary conviction is liable for a first offence to a fine of not more than \$100 and for a subsequent offence to a fine of not more than \$500.

10. This Act comes into force on a day to be named by ^{Commence-}proclamation of the Lieutenant Governor _{ment}.

11. This Act may be cited as *The Fruits and Vegetables* ^{Short title}
Produce-for-Processing Act, 1974.

An Act respecting
Fruits and Vegetables
Produce-for-Processing

1st Reading

June 13th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 25th, 1974

THE HON. W. A. STEWART
Minister of Agriculture and Food

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act respecting the Marketing of Wool

THE HON. W. A. STEWART
Minister of Agriculture and Food

EXPLANATORY NOTE

The purpose of the proposed Act is to provide for the payment of licence fees by producers of wool and the expenditure of such fees to advance the production of sheep and wool and the marketing of wool.

An Act respecting the Marketing of Wool

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

1. In this Act,

Interpreta-
tion

- (a) "Association" means The Ontario Sheep Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970.
c. 8
- (b) "buyer" means a person engaged in buying wool from producers of wool in Ontario;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "licence" means a licence issued under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "regulations" means the regulations made under this Act.

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the production of sheep and wool in all its branches and improve the marketing of wool by,

- (a) holding meetings for the consideration of questions relating to the production of sheep and wool and the marketing of wool;
- (b) co-operating with organizations of producers of agricultural products;
- (c) collecting, arranging, assembling and disseminating information;

- (d) stimulating, increasing and improving the sale of wool in Ontario through advertising, education, research and other means; and
- (e) making representations to all levels of government and to agencies of government.

Use of
licence
fees by
Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell wool to a buyer.

Idem

(2) Every person who sells wool to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund of
licence
fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-
buyer

(6) Any person who is a producer and buyer is entitled in his respective capacities as a producer and as a buyer to all the rights and privileges and is subject to all the duties and obligations of a producer and of a buyer.

Idem

(7) Any person who is a producer and a buyer shall be deemed to have received in his capacity as a buyer from himself in his capacity as a producer the wool produced by him that he buys, and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations thereunder apply.

Recommendations
by
directors of
Association

4. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant

Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5.

5.—(1) Notwithstanding section 4, the Lieutenant Governor in Council may make regulations, Regulations

- (a) fixing the amount of licence fees up to but not exceeding 5 cents per pound of wool;
- (b) requiring persons to pay licence fees owing by them;
- (c) requiring any buyer who receives wool from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;
- (d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;
- (e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;
- (f) providing for the exemption from any or all of the regulations of any wool or class thereof or any person or class of persons;
- (g) prescribing the duties of inspectors;
- (h) prescribing forms and providing for their use.

(2) Any regulation may be limited as to time or place, or to both. Application of regulations

(3) Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation. Definitions

6. The Lieutenant Governor in Council may appoint inspectors for the purposes of this Act. Appointment of inspectors

7.—(1) For the purpose of enforcing this Act and the regulations, an inspector may enter any premises, other than a dwelling, that he has reason to believe is used by a buyer for receiving, assembling or storing wool or an office used in connection therewith during normal business hours. Powers of inspector

Production of documents (2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to wool.

Idem (3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Photocopy as evidence (4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to be in writing (5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.

Obstruction of inspector (6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information relating to the duties of the inspector under this section.

Certificate of appointment of inspector 8. The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate, and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.

Offences 9. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a subsequent offence to a fine of not more than \$500.

Commencement 10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title 11. This Act may be cited as *The Wool Marketing Act, 1974*.



An Act respecting
the Marketing of Wool

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

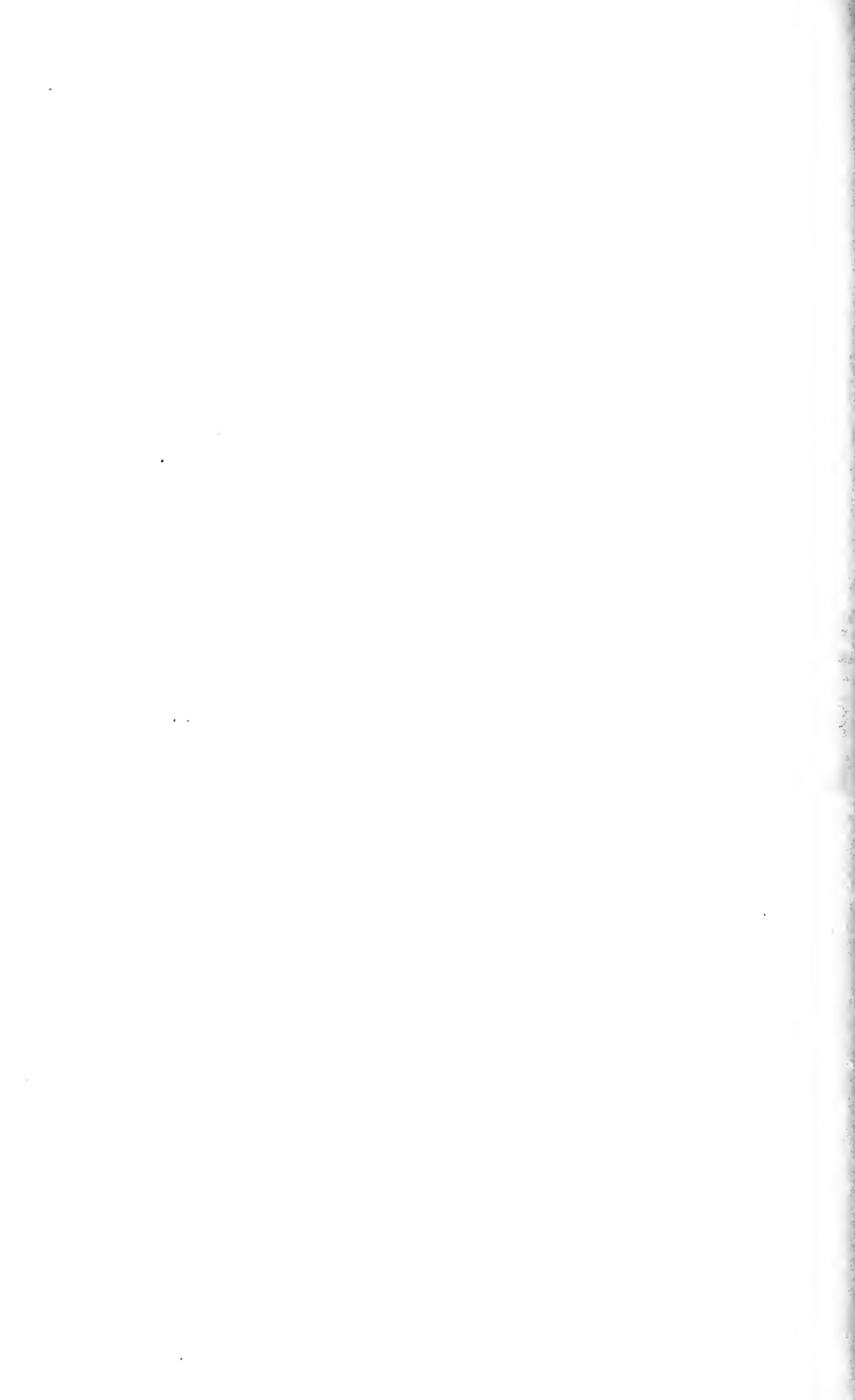
(Government Bill)

BILL 93

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act respecting the Marketing of Wool

THE HON. W. A. STEWART
Minister of Agriculture and Food



An Act respecting the Marketing of Wool

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

1. In this Act,

Interpreta-
tion

- (a) "Association" means The Ontario Sheep Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970, c. 8
- (b) "buyer" means a person engaged in buying wool from producers of wool in Ontario;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "licence" means a licence issued under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "regulations" means the regulations made under this Act.

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the production of sheep and wool in all its branches and improve the marketing of wool by,

Purpose and
Intent of
Act

- (a) holding meetings for the consideration of questions relating to the production of sheep and wool and the marketing of wool;
- (b) co-operating with organizations of producers of agricultural products;
- (c) collecting, arranging, assembling and disseminating information;

- (d) stimulating, increasing and improving the sale of wool in Ontario through advertising, education, research and other means; and
- (e) making representations to all levels of government and to agencies of government.

Use of
licence
fees by
Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell wool to a buyer.

Idem

(2) Every person who sells wool to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund of
licence
fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-
buyer

(6) Any person who is a producer and buyer is entitled in his respective capacities as a producer and as a buyer to all the rights and privileges and is subject to all the duties and obligations of a producer and of a buyer.

Idem

(7) Any person who is a producer and a buyer shall be deemed to have received in his capacity as a buyer from himself in his capacity as a producer the wool produced by him that he buys, and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations thereunder apply.

Recommendations by
directors of
Association

4. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant

Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5.

5.—(1) Notwithstanding section 4, the Lieutenant Governor in Council may make regulations, Regulations

- (a) fixing the amount of licence fees up to but not exceeding 5 cents per pound of wool;
- (b) requiring persons to pay licence fees owing by them;
- (c) requiring any buyer who receives wool from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;
- (d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;
- (e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;
- (f) providing for the exemption from any or all of the regulations of any wool or class thereof or any person or class of persons;
- (g) prescribing the duties of inspectors;
- (h) prescribing forms and providing for their use.

(2) Any regulation may be limited as to time or place, Application of regulations
or to both.

(3) Any word or expression used in a regulation may Definitions
be defined in the regulation for the purposes of the regulation.

6. The Lieutenant Governor in Council may appoint Appointment of inspectors
inspectors for the purposes of this Act.

7.—(1) For the purpose of enforcing this Act and the Powers of inspector
regulations, an inspector may enter any premises, other than a dwelling, that he has reason to believe is used by a buyer for receiving, assembling or storing wool or an office used in connection therewith during normal business hours.

- Production of documents (2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to wool.
- Idem (3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch and the inspector shall forthwith thereafter return them to the person who produced or furnished them.
- Photocopy as evidence (4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.
- Demand to be in writing (5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.
- Obstruction of inspector (6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information relating to the duties of the inspector under this section.
- Certificate of appointment of inspector **8.** The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate, and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.
- Offences **9.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a subsequent offence to a fine of not more than \$500.
- Commencement **10.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **11.** This Act may be cited as *The Wool Marketing Act, 1974*.

An Act respecting
the Marketing of Wool

1st Reading

June 13th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 25th, 1974

THE HON. W. A. STEWART
Minister of Agriculture and Food

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ministry of Government Services Act, 1973**

MR. BURR

EXPLANATORY NOTE

The purpose of the Bill is to ensure that handicapped persons are employed by all persons with whom the Government enters into contracts or agreements exceeding \$2,500.

**An Act to amend
The Ministry of Government Services Act, 1973**

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

1. Section 10 of *The Ministry of Government Services Act, 1973*, ^{s. 10,} being chapter 2, is amended by adding thereto the following subsection:
 - (2) Notwithstanding subsection 1, where the amount of a contract or agreement under subsection 1 is greater than \$2,500, the Minister shall not enter into the contract or agreement unless the person with whom the Minister is entering into the contract or agreement,
 - (a) has in his employ the percentage of handicapped persons prescribed by the regulations; and
 - (b) proves to the satisfaction of the Minister that he is carrying on a positive program of promotion and training for handicapped persons in his employ.
2. Section 17 of the said Act is amended by adding thereto the following clauses: ^{s. 17,}
 - (d) defining "handicapped persons" for the purposes of this Act and the regulations;
 - (e) prescribing the percentage of handicapped persons required to be employed under subsection 2 of section 10 in a particular class of employment.
3. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
4. This Act may be cited as *The Ministry of Government Services Amendment Act, 1974*. ^{Short title}

An Act to amend The Ministry of
Government Services Act, 1973

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to restructure the County of Oxford

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

The Bill provides for the restructuring of the County of Oxford. Annexations and amalgamations will reduce the existing eighteen local municipalities to eight area municipalities. The County will function as an upper tier municipality and the Bill provides for the allocation of responsibilities between the County on the one hand and the area municipalities on the other.

The Bill is divided into ten Parts:

PART I — Area municipalities.

PART II — Establishment of the County Council.

PART III — County Road System.

PART IV — Planning.

PART V — Health and Welfare Services.

PART VI — Police.

PART VII — County Waterworks System.

PART VIII — County Sewage Works.

PART IX — Finances.

PART X — General.

An Act to restructure the County of Oxford

HER 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) "area municipality" means the municipality or corporation of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg and the Township of Blandford-Blenheim and such other municipalities as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "County" means the County of Oxford;
- (d) "County Council" means the council of the County;
- (e) "county road" means a road forming part of the county road system established under Part III;
- (f) "debt" includes any obligation for the payment of money;
- (g) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (h) "highway" and "road" means a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (i) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (j) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the area municipality or of two or more area municipalities or parts thereof;
- (k) "local municipality" means in the year 1974 any local municipality or portion thereof in the County;
- (l) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (m) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (n) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money;
- (p) "Municipal Board" means the Ontario Municipal Board;
- (q) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

Constitution
of area muni-
cipalities

2.—(1) On the 1st day of January, 1975,

- (a) the City of Woodstock is continued as a city municipality;

- (b) the Town of Ingersoll is continued as a town municipality;
- (c) the Town of Tillsonburg is continued as a town municipality and portions of the Township of Dereham described as follows are annexed to such town:

FIRSTLY, part of the Township of Dereham, commencing at the south east angle of the Township of Dereham;

THENCE northerly along the east boundary of the Township of Dereham to the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Dereham to the point of commencement;

SECONDLY, part of the Township of Dereham, commencing at the intersection of the south boundary of the Township of Dereham and the southerly prolongation of the west limit of Lot 8 in Concession XII;

THENCE northerly along the west limit of Lot 8 in concessions XII, XI and X, respectively, to the centre line of Concession X;

THENCE easterly along the centre line of Concession X to the east limit of Lot 3 in Concession X;

THENCE southerly along the east limit of Lot 3 in Concession X and its prolongation to an angle in the Town of Tillsonburg;

THENCE westerly and southerly following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to the point of commencement.

- (d) The Corporation of the Township of Blandford and The Corporation of the Township of Blenheim are amalgamated as a township municipality bearing the name of The Corporation of the Township of Blandford-Blenheim.
- (e) The Corporation of the Township of East Zorra and The Corporation of the Village of Tavistock are amalgamated as a township municipality and the portion of the Township of North Oxford described as follows, is annexed to such Township:

COMMENCING at the intersection of the north boundary of the Township of North Oxford and the northerly prolongation of the west limit of Lot 26 in Concession I;

THENCE southerly to and along the west limit of Lot 26 in Concession I and its prolongation to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the City of Woodstock;

THENCE following the boundaries between the Township of North Oxford and the City of Woodstock to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (f) The Corporation of the Township of East Nissouri, The Corporation of the Village of Embro and The Corporation of the Township of West Zorra are amalgamated as a township municipality and the portion of the Township of North Oxford, described as follows, is annexed to such Township:

COMMENCING at the northwest angle of the Township of North Oxford;

THENCE southerly along the west boundary of the Township of North Oxford and its prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the separated Town of Ingersoll;

THENCE following the boundaries between the Township of North Oxford and the separated Town of Ingersoll to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the boundary of the Village of Beachville;

THENCE following the boundaries between the Township of North Oxford and the Village of Beachville to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the southerly prolongation of the east limit of Lot 25 in Concession 1 of the Township of North Oxford;

THENCE northerly to and along the east limit of said Lot 25 and its prolongation to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (g) The Corporation of the Township of East Oxford, The Corporation of the Township of North Norwich, The Corporation of the Village of Norwich and The Corporation of the Township of South Norwich are amalgamated as a township municipality.
- (h) The Corporation of the Village of Beachville and The Corporation of the Township of West Oxford are amalgamated as a township municipality, and the portion of the Township of Dereham, described as follows, is annexed to such Township:

COMMENCING at the intersection of the east boundary of the Township of Dereham and the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary of the Town of Tillsonburg to its northeast angle;

THENCE northerly to and along the east limit of Lot 3 in Concession X in the Township of Dereham to the centre line of Concession X;

THENCE westerly along the centre line of Concession X to the west limit of Lot 8 in Concession X;

THENCE southerly along the west limit of Lot 8 in concessions X, XI and XII and its prolongation to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to its southwest angle;

THENCE northerly along the west boundary of the Township of Dereham to its northwest angle;

THENCE easterly along the north boundary of the Township of Dereham to its northeast angle;

THENCE southerly along the east boundary of the Township of Dereham to the point of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1975:

1. The Police Village of Bright.
2. The Police Village of Burgessville.
3. The Police Village of Drumbo.
4. The Police Village of Innerkip.
5. The Police Village of Otterville.
6. The Police Village of Plattsville.
7. The Police Village of Princeton.
8. The Police Village of Thamesford.

Amalgama-
tions,
annexations
and
dissolutions
deemed by
O.M.B. orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of

such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re area
municipality
names

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipalities shall be deemed to refer to such area municipalities as designated in the declaration.

3.—(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The City of Woodstock—except as may be provided under subsection 3, eight members, five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the County Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
2. The Town of Ingersoll—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

3. The Town of Tillsonburg—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
4. The Township of Blandford-Blenheim—five members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and four members elected in the manner provided for by order of the Minister made under subsection 3.
5. The Township constituted under clause *e* of subsection 1 of section 2—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
6. The Township constituted under clause *f* of subsection 1 of section 2—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
7. The Township constituted under clause *g* of subsection 1 of section 2—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
8. The Township constituted under clause *h* of subsection 1 of section 2—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

First
elections and
term of office

(2) With respect to the area municipalities, elections of the first councils shall be held in the year 1974, and the day of polling shall be the 7th day of October and the first councils elected shall hold office for the years 1975 and 1976.

(3) For the purposes of the elections of the first councils ^{Idem} of the area municipalities and the members thereof to represent the area municipalities on the County Council,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council of the area municipality and of the County Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order, provide for the qualification of candidates and,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*. ^{1972, c. 95}

(5) The members of the council of each area municipality ^{Organization} elected in the year 1974 shall comprise a committee ^{committee} in their ^{in 1974} respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the elections ^{First} to elect members of the councils of the area municipalities ^{election} in the year 1974 shall, as approved by the Minister, be paid ^{expenses} out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

ESTABLISHMENT OF THE COUNTY COUNCIL

6.—(1) The County of Oxford is continued and on and after the 1st day of January, 1975 shall exercise the powers and duties and be subject to the obligations and liabilities provided for in this Act. ^{County re constituted}

Organi-
zational
powers of
County
Council
in 1974

(2) The County Council elected in the year 1974 in accordance with the provisions of this Act may exercise all such powers as may be necessary to organize and plan for the implementation of the expanded powers and duties of the County on and after the 1st day of January, 1975.

Continuation
in office of
County
Council

(3) The County Council in office in the year 1974 shall continue until the 31st day of December, 1974, but the provisions of this Act shall not apply to such County Council.

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(4) The County on and after the 1st day of January, 1975 shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Minister's
authority

(5) The Minister may by order deem the County to be a regional municipality for the purposes of any general or special Act.

County
deemed not
municipality
for purposes
of
R.S.O. 1970,
c. 284

(6) The County shall not, except as provided for in this Act, be a municipality for the purposes of *The Municipal Act* on and after the 1st day of January, 1975.

County
Council to
exercise cor-
porate
powers

7.—(1) The powers of the County shall be exercised by the County Council and, except where otherwise provided, the jurisdiction of the County Council is confined to the County.

Powers
exercised by
by-law

(2) Except where otherwise provided, the powers of the County Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the County Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or the supposed unreasonableness of its provisions or any of them.

Composition
of County
Council

8.—(1) The County Council shall consist of twenty-one members composed of a warden and,

- (a) in the year 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) five members of council of the City of Woodstock elected as members of the County Council under section 3; and
- (c) one member of council of each area municipality, except the City of Woodstock, elected as members of the County Council under section 3.

Term of
office

(2) The members elected to the County Council in the year 1974, under the provisions of subsection 1, shall hold office for the years, 1974, 1975 and 1976.

(3) On and after the 1st day of January, 1977 the term of office of the County Council shall be two years. Idem

9.—(1) The County Council shall, on or before the 15th day of October, 1974, meet at a time and place and under the chairmanship of a person designated by the Minister to choose a person who will preside as interim warden and act as clerk at the first meeting of the County Council in the year 1974 after such date. Interim warden

(2) At the first meeting of the County Council in the year 1974 and 1977 and every second year thereafter at which a quorum is present, the County Council shall organize as a council and elect from amongst its members a warden who shall hold office, for that term of the council and until his successor is elected, and at such meeting in the year 1977 and every second year thereafter the clerk shall preside until the warden is elected. Election of warden

(3) The member of the County Council elected as warden shall be deemed to have resigned immediately from the council of the area municipality to which he was elected and the provisions of sections 44 and 45 of *The Municipal Act* shall apply to the council of the area municipality in filling the vacancy caused by such resignation. Warden deemed to have resigned
R.S.O. 1970, c. 284

(4) If, at the first meeting of the County Council in the year 1974 and any subsequent first meeting, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for that year and the following year and until his successor is elected in accordance with this Act. Failure to elect warden

10.—(1) The first meeting of the County Council in the year 1974 shall be held on or after the 18th day of October, 1974, at such date, time and place as the interim warden may determine, and the interim warden shall give to each person entitled to be a member of the County Council at least forty-eight hours notice of the date, time and place of such meeting. First meeting in 1974

(2) The warden, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(3) No business shall be proceeded with at the first meeting of the County Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1970, c. 284

When
County
Council
deemed
organized

(4) The County Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,
voting

11.—(1) Eleven members of the County Council representing four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the County Council has one vote only.

Warden vote

(3) The warden does not have a vote except in the event of an equality of votes.

Place of
meeting

12. Subject to section 10, all meetings of the County Council shall be held at such place within the County and at such times as the County Council from time to time appoints.

Vacancies,
warden

13.—(1) When a vacancy occurs in the office of a warden who has been elected under subsection 2 of section 9, the County Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the County Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(2) If the County Council fails to elect a chairman within twenty days as required by subsection 1, the Lieutenant Governor in Council may appoint a person as warden to hold office for the remainder of the term of his predecessor.

Other
members

(3) When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor.

Where head
of council in-
capacitated

(4) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the County Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the County Council who shall act in the place and stead of the head of council during his incapacity but no such by-law shall have effect for a period longer than one month from its effective date

14. Members of the County Council, may be paid for services performed on and after the 1st day of January, 1975, such annual and other remuneration as the County Council may determine. Remuneration

15.—(1) The County Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees

(2) The County Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the warden. Remuneration of committee chairmen

16. The County Council may pass by-laws for governing the proceedings of the County Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

17.—(1) The warden is the head of the County Council and is the chief executive officer of the County. Head of County Council

(2) The County Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the County and perform such duties as the County Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the County Council; and

(d) shall receive such salary as the County Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. Application of R.S.O. 1970, c. 284

18. When the warden is absent from the County or absent through illness, or refuses to act, the County Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. Acting warden

Application of R.S.O. 1970, c. 284 **19.**—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the County.

Idem (2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the County Council and to every local board of the County.

Appointment of clerk **20.**—(1) The County Council shall appoint a clerk whose duty is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the County Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the County Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the County Council.

Deputy clerk (2) The County Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting clerk (3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the County Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Minutes open to inspection **21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the County made to the County Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the County to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix.

Index of by-laws affecting land (2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the County Council that affect land or the use thereof in the County but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the County, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Copies certified by clerk to be receivable in evidence

22.—(1) The County Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the County and preserve and file all accounts of the County and shall perform such other duties as may be assigned to him by the County Council.

Appointment of treasurer

(2) The County Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the County Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Acting treasurer

23.—(1) The treasurer shall receive and safely keep all moneys of the County and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the County Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the County Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt and disbursement of money

(2) Notwithstanding subsection 1, the County Council may by by-law,

Signing of cheques

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The County Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

Petty cash fund

When member may be paid

(4) Except where otherwise expressly provided by this Act, a member of the County Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's liability limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the County Council, unless another disposition of it is expressly provided for by statute.

Bank accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council;
- (b) deposit all money received by him on account of the County, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the County entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the County Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly statement

25.—(1) The treasurer shall prepare and submit to the County Council, monthly, a statement of the money at the credit of the County.

Notice to sureties

(2) Where the treasurer is removed from office or absconds, the County Council shall forthwith give notice to his sureties.

Appointment of auditors

26.—(1) The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry 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 County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the County and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than as an auditor, but this provision shall not apply in the year 1975. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the County Council or any local board of the County that do not conflict with the duties prescribed by the Ministry. ^{Duties of auditors}

27.—(1) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or a local board thereof, the County or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the County or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System and be deemed not to have resigned from his previous employment. ^{Pensions}

(2) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. ^{Idem}

(3) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof, within the County, the employee shall be ^{Sick leave credits}

deemed to remain an employee of the municipality or local board thereof until the County or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the County whereupon the County or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or local board thereof, the County or local board thereof shall during the first year of his employment by the County or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of employment

(5) The County shall offer to employ every person who, on the 1st day of April, 1974, is employed in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the County under this Act and who continues to be so employed until the 31st day of December, 1974.

Entitlement to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of April, 1974.

Application of R.S.O. 1970, c. 324

(7) The County shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Placement of staff

(8) The Minister may by order do all such things as may be necessary to facilitate the placement of staff in the structure of both the County and area municipalities including providing for the protection of pension benefits, sick leave credits and holiday entitlements.

Pension rights and sick leave credits

(9) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination of employment

(10) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

COUNTY ROAD SYSTEM

28. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1975, all roads on the 31st day of December, 1974, under the jurisdiction and control of the County shall continue to form part of the county road system, together with those roads which on the 31st day of December, 1974 are under the jurisdiction and control of the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission. County road system

(2) The County Council may by by-law from time to time add roads to or remove roads from the county road system, including such boundary line roads or portions thereof between the County and an adjoining county or regional municipality as may be agreed upon between the County Council and the council of such adjoining municipality. Adding or removing roads by by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the County to the County and the highway shall for all purposes be deemed to be part of the county road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*. Transfer of provincial highway to County

(4) Where a road or part thereof forms part of the county road system, jurisdiction and control and the soil and freehold thereof are vested in the County. Vesting of roads in County

(5) The Lieutenant Governor in Council may remove any road from the county road system. Removal of roads from county road system

Roads removed from system

(6) Where a road or a part thereof is removed from the county road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the County in respect of such road.

Status of land acquired for widening county road

(7) Notwithstanding subsection 10, where the County acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system.

Idem

(8) When land abutting on a county road is dedicated for, or apparently for, widening the county road, the land so dedicated is part of the county road and the jurisdiction and control and the soil and freehold thereof is vested in the County subject to any rights in the soil reserved by the person who dedicated the land.

Consolidating by-laws

(9) The County Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the county road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the County Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

R.S.O. 1970, c. 410 not to apply

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of construction and maintenance

30. The County Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of information to Minister

31. Where the County proposes the construction, improvement or alteration of a county road, it shall furnish the Minister with such detailed information as he may require.

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

33. The roads included in the county road system shall be maintained and kept in repair by the County.

Maintenance
and repair

34. The County has, in respect of the roads included in the county road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the Woodstock and Ingersoll Suburban Road Commissions, as the case may be, might have done if the roads had not become part of the county road system.

Powers over
roads assumed

35.—(1) The County is not by reason of a road forming part of the county road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the county road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
accepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a county road, and the County may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council expressed by resolution.

Area
municipalities
may construct
sidewalks,
etc.

(3) The cost of any such sidewalk, improvement or service constructed on a county road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a county road shall conform to any requirements or conditions imposed by the County Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area mun-
cipality to con-
form to
requirements
and be
responsible
for damage

Installation of
traffic control
devices

36.—(1) The County may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the county road system.

Relocation of
intersecting
roads

(2) The County may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the county road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the County constructs a new road in lieu of the public road, the County may close the public road at the point of intersection with the county road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the County constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
county road

37. Where a county road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the county road to its full width across the road so intersected is a part of the county road system.

New roads

38. The County Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 27 by adding such new roads to the county road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities
of County

39.—(1) With respect to the roads in the county road system and the regulation of traffic thereon, the County has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
cc. 284, 202

Establishment
of bus lanes

(2) The County Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles

to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the County or any area municipality as part of its passenger transportation service.

40.—(1) The County Council may by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near county road

(a) any gasoline pump within 150 feet of any limit of a county road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a county road.

(2) A by-law passed under this section may provide for Permits the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic

R. S. O. 1970.
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the County Council, and the County Council may delegate any of its powers in respect of the operation of such devices to an officer of the County designated in the by-law. Signal-light devices

(3) The County may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost of signal-light

(4) Subject to *The Highway Traffic Act*, the County Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a county road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 feet of county roads

R. S. O. 1970.
c. 202

42. The County Council may by by-law authorize agreements between the County and the owners or lessees of land abutting on a highway for the construction, maintenance Agreements for pedestrian walks

and use of walks for pedestrians over, across or under the highways upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the County and an adjoining municipality where such bridge or highway is included in the county road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the County Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the County Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the County or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the County, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities, in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges between area municipalities
R.S.O. 1970, c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the County and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Boundary
bridges
between
County and
adjoining
municipalities
R.S.O. 1970.
c. 284

46.—(1) The County Council has, with respect to all land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions
R.S.O. 1970.
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the County Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the County Council prevails to the extent of such conflict.

Conflict with
local by-laws

47.—(1) The County Council may by by-law designate any road in the county road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the County Council may by by-law close any municipal road that intersects or runs into a county controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the County within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing road (5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval the County may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal (6) The County, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal (7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970, c. 323, s. 95 not to apply (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon county controlled-access road **48.** The County Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a county controlled-access road.

Notice **49.—(1)** The County may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a county controlled-access road in contravention of a by-law passed under section 46.

Service of notice (2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice (3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the County Council may by resolution direct

any officer, employee or agent of the County to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the county road system.

(2) Where a road forms part of the county road system, the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

(3) Where the County fails to make any payment required by subsection 2, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the county road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up highways **51.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the County by registered mail.

Agreement (2) If the County objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the County Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment of roads commissioner **52.** The County Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the county road system.
R.S.O. 1970, c. 366

Application of R.S.O. 1970, c. 201 **53.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the county road system.

PART IV

PLANNING

Planning area **54.**—(1) On and after the 1st day of January, 1975, the County shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Oxford Planning Area.
R.S.O. 1970, c. 349

Designated municipality (2) The County Council shall be the Planning Board of the Oxford Planning Area and may be or may constitute or appoint a land division committee for the purpose of granting consents referred to in section 29 of *The Planning Act*.
R.S.O. 1970, c. 349

Advisory committees (3) The County Council may appoint such advisory and planning committees as it deems necessary.

Planning areas and subsidiary planning areas dissolved **55.**—(1) All planning areas and subsidiary planning areas that are included in the Oxford Planning Area together with the boards thereof including the Oxford County Planning Board are hereby dissolved on the 1st day of January, 1975, and no area municipality shall, except as provided in subsection 2, exercise any powers under *The Planning Act*.

Committees of adjustment (2) All committees of adjustment heretofore constituted by the council of a municipality in the Oxford Planning Area are hereby dissolved on the 1st day of January, 1975, and the council of each area municipality is deemed to be a

committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such council shall have any authority to grant consents referred to in section 29 of such Act. R.S.O. 1970, c. 349

(3) All matters in process on the 31st day of December, 1974, under the provisions of *The Planning Act* pertaining to the granting of consents under such Act shall continue and be completed by the council of an area municipality, the County Council or a land division committee as may be appropriate. Continuation of matters in process

56. The County Council, before the 31st day of December, 1978, shall prepare, adopt and forward to the Minister for approval an official plan for the County, and all existing official plans in the Oxford Planning Area shall be deemed to be official plans of the County. Official plan

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The County shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The County is liable for the hospitalization and burial, after the 31st day of December, 1974, of an indigent person or his dependant who was in hospital on the 31st day of December, 1974, and in respect of whom any local municipality within the County was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1975. Proviso

58.—(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest Payment of principal and interest to area municipalities

becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1975, and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital costs form part of county levy (3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Health unit continued **59.**—(1) The health unit serving the County on the 31st day of December, 1974 is continued under the name of the Oxford County Board of Health on and after the 1st day of January, 1975.

Boundaries fixed (2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the County shall not be altered except by order of the Minister of Health.

Constitution of health board **60.**—(1) On and after the 1st day of January, 1975, the Oxford County Board of Health shall be composed of,

(a) seven members of the County Council appointed by the County Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration of members (2) The members of the Oxford County Board of Health appointed by the County Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of board (3) Notwithstanding the provisions of any other Act, the expenses incurred by the Oxford County Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the County.

R.S.O. 1970, c. 377

County deemed city under **61.**—(1) For the purposes of the following Acts, the County shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

R.S.O. 1970, c. 21

1. *The Anatomy Act.*

R.S.O. 1970, c. 270

2. *The Mental Hospitals Act.*

3. *The Sanatoria for Consumptives Act.* R.S.O. 1970,
c. 422

4. *The War Veterans Burial Act.* R.S.O. 1970,
c. 490

(2) For the purposes of the following Acts, no area municipality shall be deemed to be a municipality and the County shall have sole responsibility as a county for all matters provided for in such Acts. County responsibility under

1. *The Day Nurseries Act.* R.S.O. 1970,
c. 104

2. *The General Welfare Assistance Act.* R.S.O. 1970,
c. 192

3. *The Homemakers and Nurses Services Act.* R.S.O. 1970,
c. 203

62.—(1) No area municipality has any authority to establish, erect and maintain a home for the aged under *The Homes for the Aged and Rest Homes Act.* Liability for homes for aged
R.S.O. 1970,
c. 206

(2) The home for the aged known as Woodingford Lodge and all the assets and liabilities thereof vest solely in the County on and after the 1st day of January, 1975. Assets and liabilities vest in county

(3) The costs of operating and maintaining Woodingford Lodge shall form part of the levy under section 81. Levy

63.—(1) The County shall pay to the committee or board of management of any home for the aged located outside the County the cost of maintenance in such home, incurred after the 31st day of December, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality. Residents of other homes for aged

(2) The amount payable by the County under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the County shall be deemed to be a city for the purposes of such Act. County deemed municipality under R.S.O. 1970, c. 64

65. The County is liable for the amounts payable on or after the 1st day of January, 1975, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred 1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area Liability under order made under R.S.C. 1970, c. J-3

municipality, such order shall be considered to be an order upon the County, and the sums of money required to be paid under such order shall be paid by the County and not by the area municipality.

Information **67.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments **68.** In the event that there is any doubt as to whether the County is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc., to approved corporations under R.S.O. 1970, c. 204 **69.** The County may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Police jurisdiction **70.** On and after the 1st day of January, 1975, each police force within the County shall continue to have jurisdiction in the area in which each police force had jurisdiction on the 31st day of December, 1974.

Boards of commissioners of police **71.** All existing boards of commissioners of police and police committees are dissolved on the 31st day of December, 1974, and new boards of commissioners of police or police committees shall be established in the manner provided for in *The Police Act* in those area municipalities in which a local police force has jurisdiction.

R.S.O. 1970, c. 351

Area rating **72.** In any area municipality in which a police force has jurisdiction and such police force does not provide police service to the entire area municipality, the council of such area municipality shall be entitled to establish a police area to which the costs of policing shall be charged.

Policing services reviewed **73.** Notwithstanding the provisions of sections 70, 71 and 72, the County Council may make application to the Minister for a review of the policing services being provided in the County.

74. The Minister may, notwithstanding the provisions of sections 70, 71, 72 and 73, establish a police force for the whole or part of the County in such manner as he determines. Authority of Minister

75. The powers of the Minister under section 74 shall be exercised by order and in such event the provisions of sections 70, 71 and 72 shall cease to apply. Idem

PART VII

COUNTY WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the supply and distribution of water and the financing thereof in the County and all the provisions of any general Act relating to the supply and distribution of water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water and the financing thereof by an area municipality or a local board thereof, including *The Local Improvement Act*, apply *mutatis mutandis* to the County, except the power to establish a public utilities commission. County to be sole distributor of water
R.S.O. 1970. c. 255

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water, including the financing thereof. No area municipality to distribute water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely or primarily for the purposes of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the County or for any area municipality are vested in the County effective the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of water supply facilities

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement. County liability
R.S.O. 1970. c. 255

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the Council of the area municipality determines, from such date until payment is made.

Water supply agreements

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the supply and distribution of water and the financing thereof, the County shall, on the 1st day of January, 1975, stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Idem

(7) The County shall be entitled to enter into agreements with any person or municipality with respect to any of the matters provided for in this Part.

PART VIII

COUNTY SEWAGE WORKS

County responsible for sanitary sewage

77.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the collection and disposal of all sewage including the financing thereof, except as provided for in subsection 7, in the County and all of the provisions of any general Act relating to the collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage and the financing thereof, by an area municipality or a local board thereof including *The Local Improvement Act* apply *mutatis mutandis* to the County, except the power to establish a public utilities commission.

R.S.O. 1970, c. 255

No area municipality to collect sanitary sewage

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage and financing thereof, except as provided in subsection 7.

Vesting of sanitary sewage facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 7, and all real and personal property of any nature whatsoever used solely or primarily for the purpose of the collection and disposal of such sewage in the County by any area municipality is vested in the County

on the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work.

County liability
R.S.O. 1970.
c. 255

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, including the financing thereof, except as provided for in subsection 7, the County Council shall stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Agreements

(7) The County shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the County as the County Council deems necessary and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Land drainage

(8) Where the County undertakes a program provided for in subsection 7, the County may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Assumption of
area municipal
land drainage
systems

(9) The County shall be entitled to enter into agreements with any person or municipality with respect to any matters provided for in this Part.

Idem

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

78. In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

Area muni-
cipality
deemed
municipality
under
R.S.O. 1970,
c. 405

79.—(1) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

County
deemed
regional
municipality

(2) The County shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

(a) for the purposes of any payment under that Act in the year 1975 to the County, the population of each area municipality shall be determined in such manner as the Ministry considers proper;

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for county purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Application of
R.S.O. 1970,
c. 284, s. 312

(3) Section 312 of *The Municipal Act* applies *mutatis mutandis* to the county.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

80.—(1) The County Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the County, including the sums required by law to be provided by the County for any local board of the County, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

(3) The surplus or operating deficit for which the County Council shall make due allowance in preparing the estimates for the year 1975 shall be the audited surplus or operating deficit of the County on the 31st day of December, 1974, and shall include any surplus contribution made under subsection 5.

Surplus or
operating
deficit
of County
Council in
1974

(4) The amount by which any operating deficit existing for the County on the 31st day of December, 1974 exceeds the total of such County's reserves on such date shall become a charge on the municipalities that levied rates for such County in the same proportion as the last apportionment made for County purposes, and shall be paid in such proportions to the County by the appropriate area municipalities not later than the 30th day of June, 1975.

Operating
deficit.
County of
Oxford

(5) Where an operating surplus exists for the County on the 31st day of December, 1974, or where an operating deficit exists on such date that does not exceed the total of such County's reserves on such date, a sum shall be determined equivalent to,

Surplus
contribution.
City of
Woodstock.
Town of
Ingersoll

- (a) the audited surplus of the County together with the total of the County's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be apportioned between the City of Woodstock and the Town of Ingersoll in the proportion that the weighted equalized assessment for each municipality respectively, as ascertained under section 81 for the purpose of apportioning the County levy for 1975, bears to the total weighted, equalized assessment so ascertained for the two municipalities, and the amount apportioned to each municipality shall be paid by the municipality to the County not later than the 30th day of June, 1975.

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the County.

Application of
R.S.O. 1970,
cc. 32, 284

81.—(1) The County Council in each year shall, subject to sections 76 and 77, levy against the area municipalities a sum sufficient,

Levy on
area
municipalities

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the County falling due within the year as well as amounts required to be

raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the County is liable under this Act.

Apportionment

(2) The County Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the County, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to County and area municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the County and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment of by-law where necessary following appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the County Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the County; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the County only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the County shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed assessments, etc., not to apply

R.S.O. 1970, c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of County levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment to include valuations on properties for which payments in lieu of taxes paid

R.S.O. 1970, c. 284, 1971, c. 78, 1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the County and the appropriate area municipality of such valuations.

Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the County Council may consider expedient.

Levy by-laws

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the County levy shall be calculated and levied upon the whole rateable

County levy

property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the County and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the County at the times and in the amounts specified by the by-law of the County Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the County Council determines, from the date payment is due until it is made.

Equalized assessment of merged areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas
R.S.O. 1970,
cc. 405, 284,
32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net County levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determination of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by County Council before estimates adopted

83.—(1) Notwithstanding section 81, in the year 1975, the County Council may, before the adoption of the estimates

for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the County in the year 1974 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy and, if in the opinion of the County Council this would cause undue hardship in any area municipality, the County Council may reduce the amount otherwise payable under this subsection by such area municipality.

(2) Notwithstanding section 81, in 1976 and in subsequent ^{idem} years, the County Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the County Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

(3) The amount of any levy made under subsection 1 or 2 ^{Levy under s. 81 to be reduced} shall be deducted from the amount of levy made under section 81.

(4) Notwithstanding section 82, the council of an area ^{Levy by area municipality before estimates adopted} municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1975, 75 per cent and in all subsequent years 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) The amount of any levy under subsection 4 shall be ^{Levy under s. 81, to be reduced} deducted from the amount of the levy made under section 81.

(6) Subsection 4 of section 303 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284, s. 303 (4)} applies to levies made under this section.

(7) The Ministry of Revenue, for the purposes of a levy ^{Preliminary assessment} under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised equalized and weighted assessment under subsection 4 of section 81.

(8) The Ministry of Revenue shall notify the County and ^{Notice} each area municipality of the preliminary assessment referred

to in subsection 7, on or before the 31st day of January, 1975.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public
school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both

as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations
under
R.S.O. 1970.
c. 425
to apply

ADJUSTMENTS

85.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional
adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1975 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances
to be made in
estimates
of area
municipalities
in 1975
R.S.O. 1970.
c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1974.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

(4) For the purposes of this section and section 87, the audited surplus or operating deficit of a local municipality on the 31st day of December, 1974 shall be reduced or increased, as the case may be, by any payment required under subsection 4 of section 80.

Adjustment
for payment
under s. 87

Interpre-
tation

R.S.O. 1970,
c. 284

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under section 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1974 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1974 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1975.

Committees
of
arbitrators

88.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1975.

Final
determina-
tion

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1974, together with determinations of any financial adjustments which may be necessary.

Notice

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the County and the Municipal Board and unless the council of any such municipality or the County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the County.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall

be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made. Period of adjustment

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities for purposes for which the County has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the County and the assets of such reserve funds are vested in the County. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the County has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

TEMPORARY LOANS

90.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284, s. 332

(2) In 1975, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. Current borrowings

DEBT

91.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County Council may borrow money for the purposes of, Debt R.S.O. 1970, c. 323

(a) the County;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the County.

Liability (2) All debentures issued pursuant to a by-law passed by the County Council under the authority of this Act are direct, joint and several obligations of the County and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the County and of the area municipalities respectively as among themselves.

Limitation (3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1974, power to issue debentures.

Uncompleted works (4) When an area municipality, on or before the 31st day of December, 1974,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the County Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the County for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the County shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustees Act*.

Power to
incur debt
or issue
debentures

92. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County

may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 91 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the County.

93.—(1) Where, under any general or special Act, an area ^{idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the County Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the County Council has been obtained.

(2) Nothing in subsection 1 requires the assent of any ^{Proviso} electors where such assent has been dispensed with under ^{R.S.O. 1970,} section 63 of *The Ontario Municipal Board Act*. ^{c. 323}

94.—(1) Where the Municipal Board has authorized the ^{Borrowing} borrowing of money and the issue of debentures by the County ^{pending} for its purposes, the County Council ^{issue and} pending the issue and ^{sale of} sale of the debentures may agree with a bank or person ^{debentures} for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- ^{idem} ing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The County may charge interest on any proceeds of an ^{Interest} advance or loan transferred under subsection 2 at a rate ^{on proceeds} sufficient to reimburse it for the cost of such advance or ^{transferred} loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

95.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the County such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures

of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the County Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the County.

By-law to
change
mode of
issuing
debentures

(10) The County Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the County Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the County Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the County Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

(17) Notwithstanding any general or special Act, the County 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.

Consolida-
tion

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the County.

Consoli-
dating
debenture
by-laws
R.S.O. 1970,
c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the County on any date prior to maturity, subject to the following provisions:

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the County and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the County Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the County shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the County and two members appointed by the County Council, and the two appointed members may be paid, out of the current fund of the County, such annual remuneration as the County Council determines. Sinking fund committee

(25) The County Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. Alternate members

(26) The treasurer of the County shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the County shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. Security R.S.O. 1970, c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking fund, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of sinking fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank Investments

accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the County;
- (c) in temporary advances to the County pending the issue and sale of any debentures of the County;
- (d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

R.S.O. 1970,
c. 470

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause a.

(37) The treasurer of the County shall prepare and lay ^{Sinking fund requirements} before the County Council in each year, before the annual County levies are made, a statement showing the sums that the County Council will be required, by by-law, to raise for sinking funds in that year.

(38) If the treasurer of the County contravenes sub-^{Offence}section 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(39) If the County Council neglects in any year to ^{Failure to levy}levy the amount required to be raised for a sinking fund, each member of the County Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law ^{Where amount in sinking fund account more than sufficient to pay debt} if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the County Council or the council of an area municipality, may authorize the County Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking ^{No diversion of sinking funds} fund shall be applied towards paying any part of the current or other expenditure of the County or otherwise than is provided in this section.

(42) When there is a surplus in a sinking fund account, ^{Surplus} the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the County or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the County or an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the County or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the County out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to be raised annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section and the provisions of subsections 25 to

41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

96.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the County Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 94, shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The County Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council.

Special assessment and levies

97.—(1) Where part only of a sum of money provided for by a by-law has been raised, the County Council

Repeal of by-law when part only of money to be raised

may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

98.—(1) Subject to section 97, after a debt has been contracted under a by-law, the County Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not apply to any other purpose any money of the County that has been directed to be applied to such payment.

Application
of payments

(2) When the County, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

99. Any officer of the County whose duty it is to carry into effect any of the provisions of a money by-law of the County who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

100.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the County in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136,
255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or

The Local Improvement Act, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 93 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

101.—(1) A debenture or other like instrument shall be sealed with the seal of the County, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the County to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechani- Interest coupons

cally reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the County Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the County to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the County when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the County.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the County Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

102. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the County, the by-law and the debentures issued under it are valid and binding upon the County.

Mode of transfer may be prescribed

103.—(1) Where a debenture contains or has endorsed upon it provisions to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership),

transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Fully registered debenture

104. Where a debenture is defaced, lost or destroyed, the County Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

Exchange of
debentures

105.—(1) On request of the holder of any debenture issued by the County, the treasurer of the County may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the County may, as provided in this section, exchange debentures, heretofore or hereafter issued by the County.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures surrendered for exchange to be cancelled

(4) The treasurer and auditor of the County shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application of proceeds of debentures

106.—(1) The moneys received by the County from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the County from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the County or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the County to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature

for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of rate-payers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency Deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

107. Where real or personal property acquired out of moneys received by the County from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. Use of proceeds of sale of asset acquired from proceeds of sale of debentures

108. When the County intends to borrow money on debentures under this or any other Act, the County Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. Tenders for debentures

109.—(1) The County Council shall, Accounts, how to be kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and

- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The County Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

110. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

111.—(1) If the County Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditures, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the County Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the County.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

112. When, by or under the authority of this Act, the County is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the County may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the County in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for redemption of all such debentures as are redeemable and issue new debentures of the County to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Corporation to raise the money required to complete such purchase.

ASSETS

113. In the year 1974, no local municipality shall, after the 1st day of July, 1974, without the approval of the Minister, dispose of any asset purchased at a cost of or valued at more than \$5,000. Disposal of assets

PART X

GENERAL

114.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 44, 46, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284

(2) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(3) The County shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expense, etc.

(4) Notwithstanding any other provision in this Act, the County may pass a by-law authorizing the head of the Delegation of approval

department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

By-laws

(5) Every by-law of a local municipality as it exists on the 31st day of December, 1974 shall remain in force in the area of the former local municipality on and after the 1st day of January, 1975 and may be amended or repealed by the council of an area municipality as it affects such area municipality and where any such by-law pertains to a function of the County it may be amended or repealed by the County Council.

Idem

(6) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1974, the council of the successor area municipality to such local municipality, or the County Council when the subject-matter of the by-law pertains to a function of the County, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the County and the provisions of subsection 5 apply *mutatis mutandis* to any such by-law.

Vesting of
transportation
assets
in County

(7) In the event that the County establishes a transportation system in accordance with the provisions of subsection 3, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the County on the day such County transportation system is established, without compensation, and the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(8) If the County fails to make any payment required by subsection 7, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency
measures

115.—(1) The County may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the County; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the County,

and when a by-law passed under this subsection is in force in the County, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause b of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970.
c. 284

(2) When a by-law passed under clause a of subsection 1 is in force, the County Council may pass by-laws,

Powers
of County
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the County, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the County Government outside the County;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,
c. W-2.
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the area municipalities shall be deemed to be the local municipalities that form part of the County for municipal purposes.

Deemed local
municipalities
under
R.S.O. 1970,
c. 145

116.—(1) The County may make expenditures for the purpose of diffusing information respecting the advantages

Expenditures
for
diffusing
information

of the County as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application of R.S.O. 1970, c. 284, ss. 354 (1) par. 50, 395 (2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the County, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974.

Grants

117. The County Council may make annual grants to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the County Council are for the general advantage of the inhabitants of the County and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees
R.S.O. 1970, c. 505

118. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the County recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the County may impose.

Investigation by county judge of charges of malfeasance

119.—(1) Where the County Council passes a resolution requesting a judge of the county court within the County or a judge of the county court of a county or judicial district adjoining the County, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the County Council, or an officer or employee of the County, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the County, or to inquire into or concerning any matter connected with the good government of the County or the conduct of any part of its public business, including any business conducted by a local board of the County, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that act, and he shall, with all convenient speed, report to the County Council the result of the inquiry and the evidence taken.

1971, c. 49

(2) The judge shall be paid by the County the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable
to judge
R.S.O. 1970.
c. 228

(3) The County Council may engage and pay counsel to represent the County, and may pay all proper witness fees to persons summoned to give evidence at the instance of the County, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging
counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the County shall pay the costs thereof.

Idem

120.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the County or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Commission
of inquiry

1971. c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the County Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When
commission
may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the County and the Province as the Lieutenant Governor in Council may direct.

Expenses of
commission

121. The County for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Entry on
highways

Agreements
re services

122. The County and any area municipality may enter into agreements for the use within any part of the County of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application of
R.S.O. 1970,
c. 32

123.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the County shall be deemed to be a municipality.

County and
area
municipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the County is occupied by an area municipality or where property belonging to an area municipality is occupied by the county or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpretation

(3) In subsection 2, “County” and “area municipality” include a local board thereof.

Execution
against
County

124.—(1) An execution against the County may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the County, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff’s fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the County for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the

execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the County has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. the County of Oxford" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Function of
clerk and
treasurer

125. The Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission are dissolved on the 1st day of January, 1975, and all the assets and liabilities thereof vest in the County on such date.

Roads Boards
dissolved

Powers of
O.M.B.

126.—(1) In the event of any doubt as to whether any particular asset or liability is vested in the County under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Settling of
doubts

(2) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the County under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

127. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with
other Acts

128.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to a local municipality or local board thereof within the County, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the County or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the County or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

129.—(1) The County or an area municipality or the County and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the County or the County and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1970,
c. 284

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

130.—(1) In this section, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the County Council. Interpretation

(2) On and after the 1st day of January, 1975, the County shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by County

(3) For the purposes of subsection 2, the County may acquire and use land within the County and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the County on the 1st day of January, 1975, without compensation. Waste disposal sites

(4) The County shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3. Payment of principal and interest to area municipalities

(5) If the County fails to make any payment required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the County under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284

131. Where any agreement has been entered into or proceeding commenced by a local municipality, providing Successor rights

the terms thereof are not inconsistent with the provisions of this Act, the County or the appropriate area municipality shall on and after the 1st day of January, 1975, be deemed to stand in the place and stead of such local municipality for all purposes in so far as the agreement or proceeding pertains to the functions of the County or area municipality.

County Fire
Co-ordinator

132. The County shall appoint a County Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the County, and the County is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued
R.S.O. 1970,
c. 202

133.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the County that, on the 31st day of December, 1974, formed part of a city, town, village or township municipality shall be considered to continue to form part of a city, town, village or township municipality.

By-laws of
County and
area
muni-
cipalities

(2) Notwithstanding subsection 1, the County Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1974, to any highway or portion thereof within the County shall continue to apply thereto until a by-law passed by the County Council or the council of an area municipality under such section 82 applies thereto.

Non-
application
of
R.S.O. 1970,
c. 354, s. 108

134.—(1) On and after the 1st day of January, 1975, no area municipality shall be required to comply with section 108 of *The Power Corporation Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1974, Ontario Hydro or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the County, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction and where any such commission is serving in two or more municipalities it shall be deemed to be a local board of the municipality which has the higher or highest assessment to which electrical power and energy is being supplied.

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission.

Members of
commission
continue in
office

(4) All public utilities commissions and waterworks commissions within the County, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1975.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the County Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Member of
commission
not
disqualified

135.—(1) On the 31st day of December, 1974, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1975, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards, etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Council
deemed
recreation
committee

R. S. O. 1970,
cc. 120, 73

136. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Oxford County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Oxford County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1974,

Election
R. S. O. 1970,
cc. 425, 430

1972, c. 95

(a) the polling day for the members of The Oxford County Board of Education and of The Oxford County Roman Catholic Separate School Board shall be the 7th day of October, and the hours of polling

shall be the same as for the municipal elections in the County and the members elected on such date shall take office on the 1st day of January, 1975, and continue to hold such office until the 31st day of December, 1976;

- (b) the Minister shall, by order, provide for nomination of candidates for The Oxford County Board of Education and for The Oxford County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284,
s. 244, not
to apply

137. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the year 1974.

Organi-
zational
expenses

138.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the County.

Terms of
payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

139.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX come into force on the 1st day of January, 1975.

Short title

140. This Act may be cited as *The County of Oxford Act, 1974*.

FORM 1

(Section 10 (2))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 10 (2))

DECLARATION OF QUALIFICATION BY WARDEN

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford declare that:

1. I am a Canadian citizen or other British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to restructure
the County of Oxford

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to restructure the County of Oxford

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

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

EXPLANATORY NOTE

The Bill provides for the restructuring of the County of Oxford. Annexations and amalgamations will reduce the existing eighteen local municipalities to eight area municipalities. The County will function as an upper tier municipality and the Bill provides for the allocation of responsibilities between the County on the one hand and the area municipalities on the other.

The Bill is divided into ten Parts:

PART I — Area municipalities.

PART II — Establishment of the County Council.

PART III — County Road System.

PART IV — Planning.

PART V — Health and Welfare Services.

PART VI — Police.

PART VII — County Waterworks System.

PART VIII — County Sewage Works.

PART IX — Finances.

PART X — General.

An Act to restructure the County of Oxford

HER 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,

Inter-
pretation

- (a) "area municipality" means the municipality or corporation of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg and the Township of Blandford-Blenheim and such other municipalities as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "County" means the County of Oxford;
- (d) "County Council" means the council of the County;
- (e) "county road" means a road forming part of the county road system established under Part III;
- (f) "debt" includes any obligation for the payment of money;
- (g) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (h) "highway" and "road" means a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (i) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (j) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the area municipality or of two or more area municipalities or parts thereof;
- (k) "local municipality" means in the year 1974 any local municipality or portion thereof in the County;
- (l) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (m) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (n) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money;
- (p) "Municipal Board" means the Ontario Municipal Board;
- (q) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

Constitution
of area muni-
cipalities

2.—(1) On the 1st day of January, 1975,

- (a) the City of Woodstock is continued as a city municipality;

- (b) the Town of Ingersoll is continued as a town municipality;
- (c) the Town of Tillsonburg is continued as a town municipality and portions of the Township of Dereham described as follows are annexed to such town:

FIRSTLY, part of the Township of Dereham, commencing at the south east angle of the Township of Dereham;

THENCE northerly along the east boundary of the Township of Dereham to the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Dereham to the point of commencement;

SECONDLY, part of the Township of Dereham, commencing at the intersection of the south boundary of the Township of Dereham and the southerly prolongation of the west limit of Lot 8 in Concession XII;

THENCE northerly along the west limit of Lot 8 in concessions XII, XI and X, respectively, to the centre line of Concession X;

THENCE easterly along the centre line of Concession X to the east limit of Lot 3 in Concession X;

THENCE southerly along the east limit of Lot 3 in Concession X and its prolongation to an angle in the Town of Tillsonburg;

THENCE westerly and southerly following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to the point of commencement.

- (d) The Corporation of the Township of Blandford and The Corporation of the Township of Blenheim are amalgamated as a township municipality bearing the name of The Corporation of the Township of Blandford-Blenheim.
- (e) The Corporation of the Township of East Zorra and The Corporation of the Village of Tavistock are amalgamated as a township municipality bearing the name of The Corporation of the Township of East Zorra-Tavistock, and the portion of the Township of North Oxford described as follows, is annexed to such Township:

COMMENCING at the intersection of the north boundary of the Township of North Oxford and the northerly prolongation of the west limit of Lot 26 in Concession I;

THENCE southerly to and along the west limit of Lot 26 in Concession I and its prolongation to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the City of Woodstock;

THENCE following the boundaries between the Township of North Oxford and the City of Woodstock to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (f) The Corporation of the Township of East Nissouri, The Corporation of the Village of Embro and The Corporation of the Township of West Zorra are amalgamated as a township municipality and the portion of the Township of North Oxford, described as follows, is annexed to such Township:

COMMENCING at the northwest angle of the Township of North Oxford;

THENCE southerly along the west boundary of the Township of North Oxford and its prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the separated Town of Ingersoll;

THENCE following the boundaries between the Township of North Oxford and the separated Town of Ingersoll to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the boundary of the Village of Beachville;

THENCE following the boundaries between the Township of North Oxford and the Village of Beachville to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the southerly prolongation of the east limit of Lot 25 in Concession I of the Township of North Oxford;

THENCE northerly to and along the east limit of said Lot 25 and its prolongation to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

(g) The Corporation of the Township of East Oxford, The Corporation of the Township of North Norwich, The Corporation of the Village of Norwich and The Corporation of the Township of South Norwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norwich.

(h) The Corporation of the Village of Beachville and The Corporation of the Township of West Oxford are amalgamated as a township municipality bearing the name of The Corporation of the Township of South-West Oxford, and the portion of the Township of Dereham, described as follows, is annexed to such Township:

COMMENCING at the intersection of the east boundary of the Township of Dereham and the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary of the Town of Tillsonburg to its northeast angle;

THENCE northerly to and along the east limit of Lot 3 in Concession X in the Township of Dereham to the centre line of Concession X;

THENCE westerly along the centre line of Concession X to the west limit of Lot 8 in Concession X;

THENCE southerly along the west limit of Lot 8 in concessions X, XI and XII and its prolongation to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to its southwest angle;

THENCE northerly along the west boundary of the Township of Dereham to its northwest angle;

THENCE easterly along the north boundary of the Township of Dereham to its northeast angle;

THENCE southerly along the east boundary of the Township of Dereham to the point of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1975:

1. The Police Village of Bright.
2. The Police Village of Burgessville.
3. The Police Village of Drumbo.
4. The Police Village of Innerkip.
5. The Police Village of Otterville.
6. The Police Village of Plattsville.
7. The Police Village of Princeton.
8. The Police Village of Thamesford.

Amalgama-
tions,
annexations
and
dissolutions
deemed by
O.M.B. orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of

such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re area
municipality
names

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipalities shall be deemed to refer to such area municipalities as designated in the declaration.

3.—(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The City of Woodstock—except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality, and, the five members receiving the highest number of votes shall be members of the County Council, except that in the event that any one of such five members decline to accept membership in the County Council, the member of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member of the County Council.
2. The Town of Ingersoll—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council

of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

3. The Town of Tillsonburg—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
4. The Township of Blandford-Blenheim—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
5. The Township of East Zorra-Tavistock—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
6. The Township constituted under clause *f* of subsection 1 of section 2—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.
7. The Township of Norwich ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.
8. The Township of South-West Oxford eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.

First
elections and
term of office

(2) With respect to the area municipalities, elections of the first councils shall be held in the year 1974, and the

day of polling shall be the 7th day of October and the first councils elected shall hold office for the years 1975 and 1976.

(3) For the purposes of the elections of the first councils ^{idem} of the area municipalities and the members thereof to represent the area municipalities on the County Council,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council of the area municipality and of the County Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order, provide for the qualification of candidates and,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*. ^{1972, c. 95}

(5) The members of the council of each area municipality ^{Organization committee} elected in the year 1974 shall comprise a committee in their ^{in 1974} respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the elections ^{First election expenses} to elect members of the councils of the area municipalities in the year 1974 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

ESTABLISHMENT OF THE COUNTY COUNCIL

6.—(1) The County of Oxford is continued and on and after the 1st day of January, 1975 shall exercise the powers and duties and be subject to the obligations and liabilities provided for in this Act. ^{County re constituted}

Organi-
zational
powers of
County
Council
in 1974

(2) The County Council elected in the year 1974 in accordance with the provisions of this Act may exercise all such powers as may be necessary to organize and plan for the implementation of the expanded powers and duties of the County on and after the 1st day of January, 1975.

Continuation
in office of
County
Council

(3) The County Council in office in the year 1974 shall continue until the 31st day of December, 1974, but the provisions of this Act shall not apply to such County Council.

Deemed
municipality
under
R.S.O. 1970,
c. 118, 323

(4) The County on and after the 1st day of January, 1975 shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Minister's
authority

(5) The Minister may by order deem the County to be a regional municipality for the purposes of any general or special Act.

County
deemed not
municipality
for purposes
of
R.S.O. 1970,
c. 284

(6) The County shall not, except as provided for in this Act, be a municipality for the purposes of *The Municipal Act* on and after the 1st day of January, 1975.

County
Council to
exercise cor-
porate
powers

7.—(1) The powers of the County shall be exercised by the County Council and, except where otherwise provided, the jurisdiction of the County Council is confined to the County.

Powers
exercised by
by-law

(2) Except where otherwise provided, the powers of the County Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the County Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or the supposed unreasonableness of its provisions or any of them.

Composition
of County
Council

8.—(1) The County Council shall comprise twenty members consisting of,

- (a) in the year 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) five members of council of the City of Woodstock elected as members of the County Council under section 3; and
- (c) one member of council of each area municipality, except the City of Woodstock, elected as members of the County Council under section 3.

Term of
office

(2) The members elected to the County Council in the year 1974, under the provisions of subsection 1, shall hold office for the years, 1974, 1975 and 1976.

(3) On and after the 1st day of January, 1977 the term of office of the County Council shall be two years. Idem

9.—(1) The County Council shall, on or before the 15th day of October, 1974, meet at a time and place and under the chairmanship of a person designated by the Minister to choose a person who will preside as interim warden and act as clerk at the first meeting of the County Council in the year 1974 after such date. Interim warden

(2) At the first meeting of the County Council in the year 1974 and 1977 and every second year thereafter at which a quorum is present, the County Council shall organize as a council and elect from amongst its members a warden who shall hold office, for that term of the council and until his successor is elected, and at such meeting in the year 1977 and every second year thereafter the clerk shall preside until the warden is elected and the warden so elected shall retain his seat on the council of the area municipality to which he was elected. Election of warden

(3) At the first meeting of the County Council in any year at which the warden is to be elected, the Council shall conduct a draw by lot to determine the area municipality which shall cast the additional vote in the event of a tie to elect the warden. Election of warden

(4) If, at the first meeting of the County Council in the year 1974 and any subsequent first meeting, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for that year and the following year and until his successor is elected in accordance with this Act. Failure to elect warden

10.—(1) The first meeting of the County Council in the year 1974 shall be held on or after the 18th day of October, 1974, at such date, time and place as the interim warden may determine, and the interim warden shall give to each person entitled to be a member of the County Council at least forty-eight hours notice of the date, time and place of such meeting. First meeting in 1974

(2) The warden, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(3) No business shall be proceeded with at the first meeting of the County Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1970.
c 284

When
County
Council
deemed
organized

(4) The County Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,
voting

11.—(1) Eleven members of the County Council representing four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Each member of the County Council has one vote only.

Place of
meeting

12. Subject to section 10, all meetings of the County Council shall be held at such place within the County and at such times as the County Council from time to time appoints.

Vacancies,
warden

13.—(1) When a vacancy occurs in the office of a warden who has been elected under subsection 2 of section 9, the County Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a warden who shall be a member of the County Council, to hold office for the remainder of the term of his predecessor.

Idem

(2) If the County Council fails to elect a warden within twenty days as required by subsection 1, the Lieutenant Governor in Council may appoint a person as warden to hold office for the remainder of the term of his predecessor.

Other
members

(3) When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor.

Where head
of council in-
capacitated

(4) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the County Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the County Council who shall act in the place and stead of the head of council during his incapacity but no such by-law shall have effect for a period longer than one month from its effective date

14. Members of the County Council, may be paid for services performed on and after the 1st day of January, 1975, such annual and other remuneration as the County Council may determine. Remuneration

15.—(1) The County Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees

(2) The County Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the warden. Remuneration of committee chairmen

16. The County Council may pass by-laws for governing the proceedings of the County Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

17.—(1) The warden is the head of the County Council and is the chief executive officer of the County. Head of County Council

(2) The County Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the County and perform such duties as the County Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the County Council; and

(d) shall receive such salary as the County Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. Application of R.S.O. 1970, c. 284

18. When the warden is absent from the County or absent through illness, or refuses to act, the County Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the warden during such absence or refusal to act. Acting warden

Application of R.S.O. 1970, c. 284 **19.**—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the County.

Idem (2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the County Council and to every local board of the County.

Appointment of clerk **20.**—(1) The County Council shall appoint a clerk whose duty is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the County Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the County Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the County Council.

Deputy clerk (2) The County Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting clerk (3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the County Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Minutes open to inspection **21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the County made to the County Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the County to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix.

Index of by-laws affecting land (2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the County Council that affect land or the use thereof in the County but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the County, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Copies certified by clerk to be receivable in evidence

22.—(1) The County Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the County and preserve and file all accounts of the County and shall perform such other duties as may be assigned to him by the County Council.

Appointment of treasurer

(2) The County Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the County Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Acting treasurer

23.—(1) The treasurer shall receive and safely keep all moneys of the County and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the County Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the County Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt and disbursement of money

(2) Notwithstanding subsection 1, the County Council may by by-law,

Signing of cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The County Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

Petty cash fund

When member may be paid

(4) Except where otherwise expressly provided by this Act, a member of the County Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's liability limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the County Council, unless another disposition of it is expressly provided for by statute.

Bank accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council;
- (b) deposit all money received by him on account of the County, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the County entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the County Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly statement

25.—(1) The treasurer shall prepare and submit to the County Council, monthly, a statement of the money at the credit of the County.

Notice to sureties

(2) Where the treasurer is removed from office or absconds, the County Council shall forthwith give notice to his sureties.

Appointment of auditors

26.—(1) The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry 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 County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the County and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than as an auditor, but this provision shall not apply in the year 1975. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the County Council or any local board of the County that do not conflict with the duties prescribed by the Ministry. ^{Duties of auditors}

27.—(1) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the County or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the County or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System and be deemed not to have resigned from his previous employment. ^{Pensions}

(2) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. ^{Idem}

(3) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof, within the County, the employee shall be ^{Sick leave credits}

deemed to remain an employee of the municipality or local board thereof until the County or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the County whereupon the County or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or local board thereof, the County or local board thereof shall during the first year of his employment by the County or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of employment

(5) The County shall offer to employ every person who, on the 1st day of April, 1974, is employed in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the County under this Act and who continues to be so employed until the 31st day of December, 1974.

Entitlement to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of April, 1974.

Application of R.S.O. 1970, c. 324

(7) The County shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Placement of staff

(8) The Minister may by order do all such things as may be necessary to facilitate the placement of staff in the structure of both the County and area municipalities including providing for the protection of pension benefits, sick leave credits and holiday entitlements.

Pension rights and sick leave credits

(9) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination of employment

(10) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

COUNTY ROAD SYSTEM

28. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1975, all roads on the 31st day of December, 1974, under the jurisdiction and control of the County shall continue to form part of the county road system, together with those roads which on the 31st day of December, 1974 are under the jurisdiction and control of the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission.

(2) The County Council may by by-law from time to time add roads to or remove roads from the county road system, including such boundary line roads or portions thereof between the County and an adjoining county or regional municipality as may be agreed upon between the County Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the County to the County and the highway shall for all purposes be deemed to be part of the county road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

(4) Where a road or part thereof forms part of the county road system, jurisdiction and control and the soil and freehold thereof are vested in the County.

(5) The Lieutenant Governor in Council may remove any road from the county road system.

County road system

Adding or removing roads by by-law

Transfer of provincial highway to County

R.S.O. 1970, c. 201

Vesting of roads in County

Removal of roads from county roads system

Roads removed from system

(6) Where a road or a part thereof is removed from the county road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the County in respect of such road.

Status of land acquired for widening county road

(7) Notwithstanding subsection 10, where the County acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system.

Idem

(8) When land abutting on a county road is dedicated for, or apparently for, widening the county road, the land so dedicated is part of the county road and the jurisdiction and control and the soil and freehold thereof is vested in the County subject to any rights in the soil reserved by the person who dedicated the land.

Consolidating by-laws

(9) The County Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the county road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the County Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

R.S.O. 1970, c. 410 not to apply

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of construction and maintenance

30. The County Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of information to Minister

31. Where the County proposes the construction, improvement or alteration of a county road, it shall furnish the Minister with such detailed information as he may require.

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution towards expenditures R.S.O. 1970. c. 201

33. The roads included in the county road system shall be maintained and kept in repair by the County.

Maintenance and repair

34. The County has, in respect of the roads included in the county road system, all the rights, powers, benefits, and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission and the County may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the Woodstock Suburban Roads Commission or the Ingersoll Suburban Roads Commission, as the case may be, might have done if the roads had not become part of the county road system.

Power over roads assumed

35.—(1) The County is not by reason of a road forming part of the county road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the county road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks excepted

R.S.O. 1970. c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a county road, and the County may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a county road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970. c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a county road shall conform to any requirements or conditions imposed by the County

Area municipality to conform to requirements and be responsible for damage

Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Installation of traffic control devices

36.—(1) The County may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the county road system.

Relocation of intersecting roads

(2) The County may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the county road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the County constructs a new road in lieu of the public road, the County may close the public road at the point of intersection with the county road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the County constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Intersection of other roads by county road

37. Where a county road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the county road to its full width across the road so intersected is a part of the county road system.

New roads

38. The County Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the county road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970, c. 284

Powers and liabilities of County

39.—(1) With respect to the roads in the county road system and the regulation of traffic thereon, the County has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970, c. 284, 202

Establishment of bus lanes

(2) The County Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles

to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the County or any area municipality as part of its passenger transportation service.

40.—(1) The County Council may by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near county road

(a) any gasoline pump within 150 feet of any limit of a county road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a county road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic
R.S.O. 1970. c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the County Council, and the County Council may delegate any of its powers in respect of the operation of such devices to an officer of the County designated in the by-law. Signal-light devices

(3) The County may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost of signal-light

(4) Subject to *The Highway Traffic Act*, the County Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a county road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 feet of county roads
R.S.O. 1970. c. 202

42. The County Council may by by-law authorize agreements between the County and the owners or lessees of land abutting on a highway for the construction, maintenance Agreements for pedestrian walks

and use of walks for pedestrians over, across or under the highways upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the County and an adjoining municipality where such bridge or highway is included in the county road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the County Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the County Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the County or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the County, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities, in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges between area municipalities
R.S.O. 1970, c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the County and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Boundary bridges between County and adjoining municipalities
R.S.O. 1970, c. 284

46.—(1) The County Council has, with respect to all land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions
R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the County Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the County Council prevails to the extent of such conflict.

Conflict with local by-laws

47.—(1) The County Council may by by-law designate any road in the county road system, or any portion thereof, as a controlled-access road.

Controlled-access roads

(2) Subject to the approval of the Municipal Board, the County Council may by by-law close any municipal road that intersects or runs into a county controlled-access road.

Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the County within such time as the Municipal Board shall direct.

Notice of application for approval for closing road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing road (5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval the County may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal (6) The County, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal (7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970, c. 323, s. 95 not to apply (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon county controlled-access road **48.** The County Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a county controlled-access road.

Notice **49.—(1)** The County may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a county controlled-access road in contravention of a by-law passed under section 48.

Service of notice (2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice (3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the County Council may by resolution direct

any officer, employee or agent of the County to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, Compensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the county road system. County liability where road forms part of system

(2) Where a road forms part of the county road system, the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. Idem
R.S.O. 1970.
c. 255

(3) Where the County fails to make any payment required by subsection 2, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the county road system, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

Stopping-up highways **51.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the County by registered mail.

Agreement (2) If the County objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the County Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment of roads commissioner **52.** The County Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the county road system.

Application of R.S.O. 1970, c. 201 **53.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the county road system.

PART IV

PLANNING

Planning area **54.**—(1) On and after the 1st day of January, 1975, the County shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Oxford Planning Area.

R.S.O. 1970,
c. 349

(2) The County Council shall be the Planning Board of the Oxford Planning Area and may be or may constitute or appoint a land division committee for the purpose of granting consents referred to in section 29 of *The Planning Act*.

Advisory committees

(3) The County Council may appoint such advisory and planning committees as it deems necessary.

Planning areas and subsidiary planning areas dissolved **55.**—(1) All planning areas and subsidiary planning areas that are included in the Oxford Planning Area together with the boards thereof including the Oxford County Planning Board are hereby dissolved on the 1st day of January, 1975, and no area municipality shall, except as provided in subsections 2, 4 and 5, exercise any powers under *The Planning Act*.

Committees of adjustment

(2) The land division committee constituted for the County of Oxford and all committees of adjustment heretofore constituted by the council of a municipality in the Oxford Planning Area are hereby dissolved on the 1st day of January, 1975, and the council of each area municipality

is deemed to be a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such council shall have any authority to grant consents referred to in section 29 of such Act.

(3) Any application pending before a committee dissolved under subsection 2 and that is not finally disposed of on or before the 31st day of December, 1974, shall continue before and the disposition thereof be completed by the County Council, the land division committee appointed under subsection 2 of section 54, or by the council of an area municipality, according to the nature of the application that is so pending.

(4) The council of an area municipality may exercise the powers provided in sections 35, 36 and 38 of *The Planning Act*, but in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers the by-law passed by the County Council shall prevail.

(5) The County Council may delegate to the council of an area municipality any of its powers in respect of subdivision agreements.

56. The County Council, before the 31st day of December, 1978, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the County, and all existing official plans in the Oxford Planning Area shall be deemed to be official plans of the County.

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The County shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants and no area municipality has any liability under such provisions.

(2) The County is liable for the hospitalization and burial after the 31st day of December, 1974, of an indigent person or his dependant who was in hospital on the 31st day of December, 1974, and in respect of whom any local municipality within the County was liable because the indigent person was a resident of such local municipality.

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1975.

Aid to
hospitals

58.—(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Payment of
principal and
interest to
area
municipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1975, and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital costs
form part of
county levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Health unit
continued

59.—(1) The health unit serving the County on the 31st day of December, 1974 is continued under the name of the Oxford County Board of Health on and after the 1st day of January, 1975.

Boundaries
fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the County shall not be altered except by order of the Minister of Health.

Constitution of
health board

60.—(1) On and after the 1st day of January, 1975, the Oxford County Board of Health shall be composed of,

- (a) not more than seven members of the County Council appointed by the County Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration
of members

(2) The members of the Oxford County Board of Health appointed by the County Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Oxford County Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the County.

61.—(1) For the purposes of the following Acts, the County shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

- 1. *The Anatomy Act.* R.S.O. 1970.
c. 21
- 2. *The Mental Hospitals Act.* R.S.O. 1970.
c. 270
- 3. *The Sanatoria for Consumptives Act.* R.S.O. 1970.
c. 422
- 4. *The War Veterans Burial Act.* R.S.O. 1970.
c. 490

(2) For the purposes of the following Acts, no area municipality shall be deemed to be a municipality and the County shall have sole responsibility as a county for all matters provided for in such Acts.

- 1. *The Day Nurseries Act.* R.S.O. 1970.
c. 104
- 2. *The General Welfare Assistance Act.* R.S.O. 1970.
c. 192
- 3. *The Homemakers and Nurses Services Act.* R.S.O. 1970.
c. 203

62.—(1) No area municipality has any authority to establish, erect and maintain a home for the aged under *The Homes for the Aged and Rest Homes Act.*

(2) The home for the aged known as Woodingford Lodge and all the assets and liabilities thereof vest solely in the County on and after the 1st day of January, 1975.

(3) The costs of operating and maintaining Woodingford Lodge shall form part of the levy under section 81.

63.—(1) The County shall pay to the committee or board of management of any home for the aged located outside the County the cost of maintenance in such home, incurred after the 31st day of December, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

(2) The amount payable by the County under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the County shall be deemed to be a city for the purposes of such Act.

65. The County is liable for the amounts payable on or after the 1st day of January, 1975, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability under order made under R.S.C. 1970, c. J-3 **66.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the County, and the sums of money required to be paid under such order shall be paid by the County and not by the area municipality.

Information **67.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments **68.** In the event that there is any doubt as to whether the County is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc., to approved corporations under R.S.O. 1970, c. 204 **69.** The County may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Police jurisdiction **70.** On and after the 1st day of January, 1975, each police force within the County shall continue to have jurisdiction in the area in which each police force had jurisdiction on the 31st day of December, 1974.

Boards of commissioners of police **71.** All existing boards of commissioners of police and police committees are dissolved on the 31st day of December, 1974, and new boards of commissioners of police or police committees shall be established in the manner provided for in *The Police Act* in those area municipalities in which a local police force has jurisdiction.

R.S.O. 1970, c. 351

Area rating **72.** In any area municipality in which a police force has jurisdiction and such police force does not provide police service to the entire area municipality, the council of such area municipality shall be entitled to establish a police area to which the costs of policing shall be charged.

Policing services reviewed **73.** Notwithstanding the provisions of sections 70, 71 and 72, the County Council may make application to the Minister for a review of the policing services being provided in the County.

74. At the request of the County Council the Minister may, notwithstanding the provisions of sections 70, 71, 72 and 73, establish a police force for the whole or part of the County in such manner as he determines. Authority of Minister

75. The powers of the Minister under section 74 shall be exercised by order and in such event the provisions of sections 70, 71 and 72 shall cease to apply. Idem

PART VII

COUNTY WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the supply and distribution of water and the financing thereof in the County and all the provisions of any general Act relating to the supply and distribution of water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water and the financing thereof by an area municipality or a local board thereof, including *The Local Improvement Act*, apply *mutatis mutandis* to the County, except the power to establish a public utilities commission. County to be sole distributor of water
R.S.O. 1970.
c. 255

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water, including the financing thereof, except as provided in subsection 7. No area municipality to distribute water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely or primarily for the purposes of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the County or for any area municipality are vested in the County effective the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of water supply facilities

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement. County liability
R.S.O. 1970.
c. 255

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the Council of the area municipality determines, from such date until payment is made.

Water supply agreements

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the supply and distribution of water and the financing thereof, the County shall, on the 1st day of January, 1975, stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Idem

(7) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements.

PART VIII

COUNTY SEWAGE WORKS

County responsible for sanitary sewage

77.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the collection and disposal of all sewage including the financing thereof, except as provided for in subsection 7, in the County and all of the provisions of any general Act relating to the collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage and the financing thereof, by an area municipality or a local board thereof including *The Local Improvement Act* apply *mutatis mutandis* to the County, except the power to establish a public utilities commission.

R.S.O. 1970, c. 255

No area municipality to collect sanitary sewage

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage and financing thereof, except as provided in subsections 7 and 9.

Vesting of sanitary sewage facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 7, and all real and personal property of any nature whatsoever used solely or primarily for the purpose of the collection and disposal of such sewage in the County by any area municipality is vested in the County

on the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work.

County liability

R.S.O. 1970, c. 255

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, including the financing thereof, except as provided for in subsection 7, the County Council shall stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Agreements

(7) The County shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the County as the County Council deems necessary and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Land drainage

(8) Where the County undertakes a program provided for in subsection 7, the County may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Assumption of area municipal land drainage systems

(9) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements.

Idem

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

78. In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

Area muni-
cipality
deemed
municipality
under
R.S.O. 1970,
c. 405

79.—(1) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

County
deemed
regional
municipality

(2) The County shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

(a) for the purposes of any payment under that Act in the year 1975 to the County, the population of each area municipality shall be determined in such manner as the Ministry considers proper;

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for county purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Application of
R.S.O. 1970,
c. 284, s. 312

(3) Section 312 of *The Municipal Act* applies *mutatis mutandis* to the county.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

80.—(1) The County Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the County, including the sums required by law to be provided by the County for any local board of the County, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

(3) The surplus or operating deficit for which the County Council shall make due allowance in preparing the estimates for the year 1975 shall be the audited surplus or operating deficit of the County on the 31st day of December, 1974, and shall include any surplus contribution made under subsection 5.

Surplus or
operating
deficit
of County
Council in
1974

(4) The amount by which any operating deficit existing for the County on the 31st day of December, 1974 exceeds the total of such County's reserves on such date shall become a charge on the municipalities that levied rates for such County in the same proportion as the last apportionment made for County purposes, and shall be paid in such proportions to the County by the appropriate area municipalities not later than the 30th day of June, 1975.

Operating
deficit,
County of
Oxford

(5) Where an operating surplus exists for the County on the 31st day of December, 1974, or where an operating deficit exists on such date that does not exceed the total of such County's reserves on such date, a sum shall be determined equivalent to,

Surplus
contribution,
City of
Woodstock,
Town of
Ingersoll

- (a) the audited surplus of the County together with the total of the County's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be apportioned between the City of Woodstock and the Town of Ingersoll in the proportion that the weighted equalized assessment for each municipality respectively, as ascertained under section 81 for the purpose of apportioning the County levy for 1975, bears to the total weighted, equalized assessment so ascertained for the two municipalities, and the amount apportioned to each municipality shall be paid by the municipality to the County not later than the 1st day of January, 1980.

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the County.

Application of
R.S.O. 1970,
cc. 32, 284

81.—(1) The County Council in each year shall, subject to sections 76 and 77, levy against the area municipalities a sum sufficient,

Levy on
area
municipalities

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the County falling due within the year as well as amounts required to be

raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the County is liable under this Act.

Apportionment

(2) The County Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the County, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to County and area municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the County and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment of by-law where necessary following appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the County Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the County; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the County only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the County shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed assessments, etc., not to apply

R.S.O. 1970, c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of County levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 3 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment to include valuations on properties for which payments in lieu of taxes paid

R.S.O. 1970, c. 284, 1971, c. 78, 1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the County and the appropriate area municipality of such valuations.

Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the County Council may consider expedient.

Levy by-laws

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the County levy shall be calculated and levied upon the whole rateable

County levy

property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the County and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the County at the times and in the amounts specified by the by-law of the County Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the County Council determines, from the date payment is due until it is made.

Equalized assessment of merged areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas
R.S.O. 1970,
cc. 405, 284,
32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net County levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determination of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by County Council before estimates adopted

83.—(1) Notwithstanding section 81, in the year 1975, the County Council may, before the adoption of the estimates

for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the County in the year 1974 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy and, if in the opinion of the County Council this would cause undue hardship in any area municipality, the County Council may reduce the amount otherwise payable under this subsection by such area municipality.

(2) Notwithstanding section 81, in 1976 and in subsequent ^{idem} years, the County Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the County Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of levy made under ^{Levy under s. 81 to be reduced} section 81.

(4) Notwithstanding section 82, the council of an area municipality may in any year, before the adoption of the ^{Levy by area municipality before estimates adopted} estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1975, 75 per cent and in all subsequent years 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) The amount of any levy under subsection 4 shall be ^{Levy under s. 82 to be reduced} deducted from the amount of the levy made under section 82.

(6) Subsection 4 of section 303 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284, s. 303 (4)} applies to levies made under this section.

(7) The Ministry of Revenue, for the purposes of a levy ^{Preliminary assessment} under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised equalized and weighted assessment under subsection 4 of section 81.

(8) The Ministry of Revenue shall notify the County and ^{Notice} each area municipality of the preliminary assessment referred

to in subsection 7, on or before the 31st day of January, 1975.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public
school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both

as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

85.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1975 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1975
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1974.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

(4) For the purposes of this section and section 87, the audited surplus or operating deficit of a local municipality on the 31st day of December, 1974 shall be reduced or increased, as the case may be, by any payment required under subsections 4 and 5 of section 80.

Adjustment for payment under s. 87

Interpre-
tation

R.S.O. 1970,
c. 284

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under section 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1974 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1974 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1975.

Committees
of
arbitrators

88.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1975.

Final
determina-
tion

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1974, together with determinations of any financial adjustments which may be necessary.

Notice

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the County and the Municipal Board and unless the council of any such municipality or the County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the County.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall

be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made. Period of adjustment

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities for purposes for which the County has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the County and the assets of such reserve funds are vested in the County. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the County has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

TEMPORARY LOANS

90.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284, s. 332

(2) In 1975, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. Current borrowings

DEBT

91.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County Council may borrow money for the purposes of, Debt R.S.O. 1970, c. 323

(a) the County;

(b) any area municipality;

- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the County.

Liability (2) All debentures issued pursuant to a by-law passed by the County Council under the authority of this Act are direct, joint and several obligations of the County and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the County and of the area municipalities respectively as among themselves.

Limitation (3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1974, power to issue debentures.

Uncompleted works (4) When an area municipality, on or before the 31st day of December, 1974,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the County Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the County for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94 and no further approval of the Municipal Board is required.

Bonds, debentures, etc., trustee investments
R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the County shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustees Act*.

Power to incur debt or issue debentures

92. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County

may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 91 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the County.

93.—(1) Where, under any general or special Act, an area ^{Idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the County Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the County Council has been obtained.

(2) Nothing in subsection 1 requires the assent of any ^{Proviso} electors where such assent has been dispensed with under ^{R.S.O. 1970,} section 63 of *The Ontario Municipal Board Act*. ^{c. 323}

94.—(1) Where the Municipal Board has authorized the ^{Borrowing} borrowing of money and the issue of debentures by the County ^{pending} for its purposes, the County Council ^{issue and} pending the issue and ^{sale of} sale of the debentures may agree with a bank or person ^{debentures} for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- ^{Idem} ing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The County may charge interest on any proceeds of an ^{Interest} advance or loan transferred under subsection 2 at a rate ^{on proceeds} sufficient to reimburse it for the cost of such advance or ^{transferred} loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

95.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the County such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures

of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the County Council may by by-law, ^{Instalment debentures and debentures to refund existing debentures at maturity}

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt.

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied. ^{Levy}

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the County. ^{Levies a debt}

By-law to
change
mode of
issuing
debentures

(10) The County Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the County Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the County Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the County Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing. Effective date

(17) Notwithstanding any general or special Act, the County 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. Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the County. Consolidating debenture by-laws R.S.O. 1970, c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the County on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the County and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada ;
or
- (b) in lawful money of the United States of America and payable in the United States of America ; or
- (c) in lawful money of Great Britain and payable in Great Britain ; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the County Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the County shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the County and two members appointed by the County Council, and the two appointed members may be paid, out of the current fund of the County, such annual remuneration as the County Council determines. Sinking fund committee

(25) The County Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. Alternate members

(26) The treasurer of the County shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the County shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. Security R.S.O. 1970, c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking fund, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of sinking fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank Investments

accounts and may at any time or times vary any investments.

Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- R.S.O. 1970,
c. 470
- (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the County;
 - (c) in temporary advances to the County pending the issue and sale of any debentures of the County;
 - (d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario (34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking fund accounts (35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws shall be deemed one debt and be represented by one sinking fund account.

Earnings credited to sinking fund accounts (36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause a.

(37) The treasurer of the County shall prepare and lay before the County Council in each year, before the annual County levies are made, a statement showing the sums that the County Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}

(38) If the treasurer of the County contravenes sub-section 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. ^{Offence}

(39) If the County Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the County Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the County Council or the council of an area municipality, may authorize the County Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. ^{Where amount in sinking fund account more than sufficient to pay debt}

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the County or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the County or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the County or an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the County or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the County out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to be raised annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section and the provisions of subsections 25 to

41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

96.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the County Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 94, shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The County Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council.

Special assessment and levies

97.—(1) Where part only of a sum of money provided for by a by-law has been raised, the County Council

Repeal of by-law when part only of money to be raised

may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

98.—(1) Subject to section 97, after a debt has been contracted under a by-law, the County Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not apply to any other purpose any money of the County that has been directed to be applied to such payment.

Application
of payments

(2) When the County, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

99. Any officer of the County whose duty it is to carry into effect any of the provisions of a money by-law of the County who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

100.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the County in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136,
255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or

The Local Improvement Act, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 93 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

101.—(1) A debenture or other like instrument shall be sealed with the seal of the County, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the warden, or by some other person authorized by by-law of the County to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechani- Interest coupons

cally reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the County Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical reproduction of signatures

(3) The signature *of the warden, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the County to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the County when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the warden or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the warden or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the County.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the County Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

102. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the County, the by-law and the debentures issued under it are valid and binding upon the County.

Mode of transfer may be prescribed

103.—(1) Where a debenture contains or has endorsed upon it provisions to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership),

transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Fully registered debenture

104. Where a debenture is defaced, lost or destroyed, the County Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

Exchange of debentures

105.—(1) On request of the holder of any debenture issued by the County, the treasurer of the County may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request of sinking fund committee

(2) On the request of the sinking fund committee, the treasurer of the County may, as provided in this section, exchange debentures, heretofore or hereafter issued by the County.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures surrendered for exchange to be cancelled

(4) The treasurer and auditor of the County shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application of proceeds of debentures

106.—(1) The moneys received by the County from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the County from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the County or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the County to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature

for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of rate-payers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency Deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

107. Where real or personal property acquired out of Use of proceeds of sale of asset acquired from proceeds of sale of debentures moneys received by the County from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

108. When the County intends to borrow money on Tenders for debentures debentures under this or any other Act, the County Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

109.—(1) The County Council shall,

Accounts, how to be kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and

- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The County Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

110. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

111.—(1) If the County Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditures, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the County Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the County.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

112. When, by or under the authority of this Act, the County is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the County may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the County in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for redemption of all such debentures as are redeemable and issue new debentures of the County to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Corporation to raise the money required to complete such purchase.

ASSETS

113. In the year 1974, the County of Oxford or a local board thereof and any local municipality or a local board thereof shall not, after the 1st day of July, without the approval of the Minister, dispose of any asset purchased at a cost of or valued at more than \$5,000.

Disposal of assets

PART X

GENERAL

114.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250, 254 and 308 and paragraphs 3, 9, 24, 44, 46, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County.

Application of R.S.O. 1970, c. 284

(2) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Erections, annexations and amalgamations

(3) The County shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Public transportation systems, refuse disposal, entertainment expenses, etc.

(4) Notwithstanding any other provision in this Act, the County may pass a by-law authorizing the head of the

Delegation of approval

department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

By-laws

(5) Every by-law of a local municipality as it exists on the 31st day of December, 1974 shall remain in force in the area of the former local municipality on and after the 1st day of January, 1975 and may be amended or repealed by the council of an area municipality as it affects such area municipality and where any such by-law pertains to a function of the County it may be amended or repealed by the County Council.

Idem

(6) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1974, the council of the successor area municipality to such local municipality, or the County Council when the subject-matter of the by-law pertains to a function of the County, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the County and the provisions of subsection 5 apply *mutatis mutandis* to any such by-law.

Vesting of transportation assets in County

(7) In the event that the County establishes a transportation system in accordance with the provisions of subsection 3, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the County on the day such County transportation system is established, without compensation, and the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(8) If the County fails to make any payment required by subsection 7, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency measures

115.—(1) The County may pass by-laws,

(a) for the establishment and maintenance of an emergency measures civil defence organization in the County; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the County,

and when a by-law passed under this subsection is in force in the County, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970.
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the County Council may pass by-laws,

Powers
of County
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the County, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

R.S.C. 1970.
c. W-2.

R.S.O. 1970.
c. 145

- (d) for acquiring alternative headquarters for the County Government outside the County;

- (e) for obtaining and distributing emergency materials, equipment and supplies; and

- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the area municipalities shall be deemed to be the local municipalities that form part of the County for municipal purposes.

Deemed local
municipalities
under
R.S.O. 1970.
c. 145

116.—(1) The County may make expenditures for the purpose of diffusing information respecting the advantages

Expenditures
for
diffusing
information

of the County as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application of
R.S.O. 1970,
c. 284, ss. 354 (1)
par. 50, 395

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the County, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974.

Grants

117. The County Council may make annual grants to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the County Council are for the general advantage of the inhabitants of the County and for which grant or grants there is no express authority provided by any other Act.

Payment of
damages to
employees
R.S.O. 1970,
c. 505

118. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the County recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the County may impose.

Investigation
by county
judge of
charges of
malfeasance

119.—(1) Where the County Council passes a resolution requesting a judge of the county court within the County or a judge of the county court of a county or judicial district adjoining the County, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the County Council, or an officer or employee of the County, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the County, or to inquire into or concerning any matter connected with the good government of the County or the conduct of any part of its public business, including any business conducted by a local board of the County, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that act, and he shall, with all convenient speed, report to the County Council the result of the inquiry and the evidence taken.

1971, c. 49

(2) The judge shall be paid by the County the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable
to judge
R.S.O. 1970,
c. 228

(3) The County Council may engage and pay counsel to represent the County, and may pay all proper witness fees to persons summoned to give evidence at the instance of the County, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging
counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the County shall pay the costs thereof.

Idem

120.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the County or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Commission
of inquiry

1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the County Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When
commission
may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the County and the Province as the Lieutenant Governor in Council may direct.

Expenses of
commission

121. The County for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Entry on
highways

Agreements
re services

122. The County and any area municipality may enter into agreements for the use within any part of the County of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application of
R.S.O. 1970,
c. 32

123.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the County shall be deemed to be a municipality.

County and
area
municipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the County is occupied by an area municipality or where property belonging to an area municipality is occupied by the county or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpretation

(3) In subsection 2, "County" and "area municipality" include a local board thereof.

Execution
against
County

124.—(1) An execution against the County may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the County, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the County for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the

execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the County has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. the County of Oxford" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Function of
clerk and
treasurer

125. The Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission are dissolved on the 1st day of January, 1975, and all the assets and liabilities thereof vest in the County on such date.

Roads Boards
dissolved

Powers of
O.M.B.

126.—(1) In the event of any doubt as to whether any particular asset or liability is vested in the County under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Settling of
doubts

(2) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the County under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

127. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with
other Acts

128.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to a local municipality or local board thereof within the County, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the County or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the County or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

129.—(1) The County or an area municipality or the County and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the County or the County and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1970,
c. 284

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

130.—(1) In this section, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the County Council. Interpretation

(2) On and after the 1st day of January, 1975, the County shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by County

(3) For the purposes of subsection 2, the County may acquire and use land within the County and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the County on the 1st day of January, 1975, without compensation. Waste disposal sites

(4) The County shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3. Payment of principal and interest to area municipalities

(5) If the County fails to make any payment required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the County under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284

131. Where any agreement has been entered into or proceeding commenced by a local municipality, providing Successor rights

the terms thereof are not inconsistent with the provisions of this Act, the County or the appropriate area municipality shall on and after the 1st day of January, 1975, be deemed to stand in the place and stead of such local municipality for all purposes in so far as the agreement or proceeding pertains to the functions of the County or area municipality.

County Fire
Co-ordinator

132. The County shall appoint a County Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the County including the establishment of a communications system and training facilities for fire fighters, and the County is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued

R.S.O. 1970,
c. 202

133.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the County that, on the 31st day of December, 1974, formed part of a city, town, village or township municipality shall be considered to continue to form part of a city, town, village or township municipality.

By-laws of
County and
area
muni-
cipalities

(2) Notwithstanding subsection 1, the County Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1974, to any highway or portion thereof within the County shall continue to apply thereto until a by-law passed by the County Council or the council of an area municipality under such section 82 applies thereto.

Non-
application
of
R.S.O. 1970,
c. 354. s. 108

134.—(1) On and after the 1st day of January, 1975, no area municipality shall be required to comply with section 108 of *The Power Corporation Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1974, Ontario Hydro or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the County, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction and where any such commission is serving in two or more municipalities it shall be deemed to be a local board of the municipality which has the higher or highest assessment to which electrical power and energy is being supplied.

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission.

Members of
commission
continue in
office

(4) All public utilities commissions and waterworks commissions within the County, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1975.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the County Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Member of
commission
not
disqualified

135.—(1) On the 31st day of December, 1974, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1975, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards, etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Council
deemed
recreation
committee

R.S.O. 1970,
cc. 120, 73

136. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Oxford County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Oxford County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1974,

Election
R.S.O. 1970,
cc. 425, 430

1972, c. 95

- (a) the polling day for the members of The Oxford County Board of Education and of The Oxford County Roman Catholic Separate School Board shall be the 7th day of October, and the hours of polling

shall be the same as for the municipal elections in the County and the members elected on such date shall take office on the 1st day of January, 1975, and continue to hold such office until the 31st day of December, 1976;

- (b) the Minister shall, by order, provide for nomination of candidates for The Oxford County Board of Education and for The Oxford County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284,
s. 244, not
to apply

137. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the year 1974.

Apportionment of operating costs of County library system

138. The operating costs of the County library system shall be apportioned amongst the area municipalities, with the exception of the City of Woodstock and the Town of Tillsonburg, in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 81, bears to the total equalized, weighted assessment for such area municipalities.

Organizational expenses

139.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the County.

Terms of payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commencement

140.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX come into force on the 1st day of January, 1975.

Short title

141. This Act may be cited as *The County of Oxford Act, 1974*.

FORM 1

(Section 10 (2))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as Warden of the council of the County of Oxford, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (2))

DECLARATION OF QUALIFICATION BY WARDEN

I,, having been elected (or appointed) as Warden of the council of the County of Oxford declare that:

1 I am a Canadian citizen or other British subject and am not a citizen or a subject of any foreign country.

2 I am of the full age of eighteen years.

3 I am not an employee of any area municipality or local board of any area municipality

4 I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to restructure
the County of Oxford

1st Reading

June 14th, 1974

2nd Reading

June 25th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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

BILL 95

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to restructure the County of Oxford

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

An Act to restructure the County of Oxford

HER 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,

Inter-
pre-
ta-
tion

- (a) "area municipality" means the municipality or corporation of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg and the Township of Blandford-Blenheim and such other municipalities as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "County" means the County of Oxford;
- (d) "County Council" means the council of the County;
- (e) "county road" means a road forming part of the county road system established under Part III;
- (f) "debt" includes any obligation for the payment of money;
- (g) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (h) "highway" and "road" means a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (i) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (j) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the area municipality or of two or more area municipalities or parts thereof;
- (k) "local municipality" means in the year 1974 any local municipality or portion thereof in the County;
- (l) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (m) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (n) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money;
- (p) "Municipal Board" means the Ontario Municipal Board;
- (q) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

Constitution
of area muni-
cipalities

2.—(1) On the 1st day of January, 1975,

- (a) the City of Woodstock is continued as a city municipality;

- (b) the Town of Ingersoll is continued as a town municipality;
- (c) the Town of Tillsonburg is continued as a town municipality and portions of the Township of Dereham described as follows are annexed to such town:

FIRSTLY, part of the Township of Dereham, commencing at the south east angle of the Township of Dereham;

THENCE northerly along the east boundary of the Township of Dereham to the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Dereham to the point of commencement;

SECONDLY, part of the Township of Dereham, commencing at the intersection of the south boundary of the Township of Dereham and the southerly prolongation of the west limit of Lot 8 in Concession XII;

THENCE northerly along the west limit of Lot 8 in concessions XII, XI and X, respectively, to the centre line of Concession X;

THENCE easterly along the centre line of Concession X to the east limit of Lot 3 in Concession X;

THENCE southerly along the east limit of Lot 3 in Concession X and its prolongation to an angle in the Town of Tillsonburg;

THENCE westerly and southerly following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to the point of commencement.

- (d) The Corporation of the Township of Blandford and The Corporation of the Township of Blenheim are amalgamated as a township municipality bearing the name of The Corporation of the Township of Blandford-Blenheim.
- (e) The Corporation of the Township of East Zorra and The Corporation of the Village of Tavistock are amalgamated as a township municipality bearing the name of The Corporation of the Township of East Zorra-Tavistock, and the portion of the Township of North Oxford described as follows, is annexed to such Township:

COMMENCING at the intersection of the north boundary of the Township of North Oxford and the northerly prolongation of the west limit of Lot 26 in Concession I;

THENCE southerly to and along the west limit of Lot 26 in Concession I and its prolongation to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the City of Woodstock;

THENCE following the boundaries between the Township of North Oxford and the City of Woodstock to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (f) The Corporation of the Township of East Nissouri, The Corporation of the Village of Embro and The Corporation of the Township of West Zorra are amalgamated as a township municipality and the portion of the Township of North Oxford, described as follows, is annexed to such Township:

COMMENCING at the northwest angle of the Township of North Oxford;

THENCE southerly along the west boundary of the Township of North Oxford and its prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the separated Town of Ingersoll;

THENCE following the boundaries between the Township of North Oxford and the separated Town of Ingersoll to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the boundary of the Village of Beachville;

THENCE following the boundaries between the Township of North Oxford and the Village of Beachville to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the southerly prolongation of the east limit of Lot 25 in Concession 1 of the Township of North Oxford;

THENCE northerly to and along the east limit of said Lot 25 and its prolongation to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (g) The Corporation of the Township of East Oxford, The Corporation of the Township of North Norwich, The Corporation of the Village of Norwich and The Corporation of the Township of South Norwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norwich.
- (h) The Corporation of the Village of Beachville and The Corporation of the Township of West Oxford are amalgamated as a township municipality bearing the name of The Corporation of the Township of South-West Oxford, and the portion of the Township of Dereham, described as follows, is annexed to such Township:

COMMENCING at the intersection of the east boundary of the Township of Dereham and the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary of the Town of Tillsonburg to its northeast angle;

THENCE northerly to and along the east limit of Lot 3 in Concession X in the Township of Dereham to the centre line of Concession X;

THENCE westerly along the centre line of Concession X to the west limit of Lot 8 in Concession X;

THENCE southerly along the west limit of Lot 8 in concessions X, XI and XII and its prolongation to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to its southwest angle;

THENCE northerly along the west boundary of the Township of Dereham to its northwest angle;

THENCE easterly along the north boundary of the Township of Dereham to its northeast angle;

THENCE southerly along the east boundary of the Township of Dereham to the point of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1975:

1. The Police Village of Bright.
2. The Police Village of Burgessville.
3. The Police Village of Drumbo.
4. The Police Village of Innerkip.
5. The Police Village of Otterville.
6. The Police Village of Plattsville.
7. The Police Village of Princeton.
8. The Police Village of Thamesford.

Amalgama-
tions,
annexations
and
dissolutions
deemed by
O.M.B. orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of

such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re area
municipality
names

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipalities shall be deemed to refer to such area municipalities as designated in the declaration.

3.—(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The City of Woodstock—except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality, and, the five members receiving the highest number of votes shall be members of the County Council, except that in the event that any one of such five members decline to accept membership in the County Council, the member of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member of the County Council.
2. The Town of Ingersoll—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council

of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

3. The Town of Tillsonburg—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
4. The Township of Blandford-Blenheim—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
5. The Township of East Zorra-Tavistock—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
6. The Township constituted under clause *f* of subsection 1 of section 2—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.
7. The Township of Norwich—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.
8. The Township of South-West Oxford—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.

First
elections and
term of office

(2) With respect to the area municipalities, elections of the first councils shall be held in the year 1974, and the

day of polling shall be the 7th day of October and the first councils elected shall hold office for the years 1975 and 1976.

(3) For the purposes of the elections of the first councils ^{idem} of the area municipalities and the members thereof to represent the area municipalities on the County Council,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council of the area municipality and of the County Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order, provide for the qualification of candidates and,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*. ^{1972, c. 95}

(5) The members of the council of each area municipality ^{Organization committee in 1974} elected in the year 1974 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the elections ^{First election expenses} to elect members of the councils of the area municipalities in the year 1974 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

ESTABLISHMENT OF THE COUNTY COUNCIL

6.—(1) The County of Oxford is continued and on and after the 1st day of January, 1975 shall exercise the powers and duties and be subject to the obligations and liabilities provided for in this Act. ^{County re constituted}

Organi-
zational
powers of
County
Council
in 1974

(2) The County Council elected in the year 1974 in accordance with the provisions of this Act may exercise all such powers as may be necessary to organize and plan for the implementation of the expanded powers and duties of the County on and after the 1st day of January, 1975.

Continuation
in office of
County
Council

(3) The County Council in office in the year 1974 shall continue until the 31st day of December, 1974, but the provisions of this Act shall not apply to such County Council.

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(4) The County on and after the 1st day of January, 1975 shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Minister's
authority

(5) The Minister may by order deem the County to be a regional municipality for the purposes of any general or special Act.

County
deemed not
municipality
for purposes
of
R.S.O. 1970,
c. 284

(6) The County shall not, except as provided for in this Act, be a municipality for the purposes of *The Municipal Act* on and after the 1st day of January, 1975.

County
Council to
exercise cor-
porate
powers

7.—(1) The powers of the County shall be exercised by the County Council and, except where otherwise provided, the jurisdiction of the County Council is confined to the County.

Powers
exercised by
by-law

(2) Except where otherwise provided, the powers of the County Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the County Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or the supposed unreasonableness of its provisions or any of them.

Composition
of County
Council

8.—(1) The County Council shall comprise twenty members consisting of,

- (a) in the year 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) five members of council of the City of Woodstock elected as members of the County Council under section 3; and
- (c) one member of council of each area municipality, except the City of Woodstock, elected as members of the County Council under section 3.

Term of
office

(2) The members elected to the County Council in the year 1974, under the provisions of subsection 1, shall hold office for the years, 1974, 1975 and 1976.

(3) On and after the 1st day of January, 1977 the term of office of the County Council shall be two years. Idem

9.—(1) The County Council shall, on or before the 15th day of October, 1974, meet at a time and place and under the chairmanship of a person designated by the Minister to choose a person who will preside as interim warden and act as clerk at the first meeting of the County Council in the year 1974 after such date. Interim warden

(2) At the first meeting of the County Council in the year 1974 and 1977 and every second year thereafter at which a quorum is present, the County Council shall organize as a council and elect from amongst its members a warden who shall hold office, for that term of the council and until his successor is elected, and at such meeting in the year 1977 and every second year thereafter the clerk shall preside until the warden is elected and the warden so elected shall retain his seat on the council of the area municipality to which he was elected. Election of warden

(3) At the first meeting of the County Council in any year at which the warden is to be elected, the Council shall conduct a draw by lot to determine the area municipality which shall cast the additional vote in the event of a tie to elect the warden. Election of warden

(4) If, at the first meeting of the County Council in the year 1974 and any subsequent first meeting, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for that year and the following year and until his successor is elected in accordance with this Act. Failure to elect warden

10.—(1) The first meeting of the County Council in the year 1974 shall be held on or after the 18th day of October, 1974, at such date, time and place as the interim warden may determine, and the interim warden shall give to each person entitled to be a member of the County Council at least forty-eight hours notice of the date, time and place of such meeting. First meeting in 1974

(2) The warden, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(3) No business shall be proceeded with at the first meeting of the County Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1970.
c. 284

When
County
Council
deemed
organized

(4) The County Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,
voting

11.—(1) Eleven members of the County Council representing four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Each member of the County Council has one vote only.

Place of
meeting

12. Subject to section 10, all meetings of the County Council shall be held at such place within the County and at such times as the County Council from time to time appoints.

Vacancies,
warden

13.—(1) When a vacancy occurs in the office of a warden who has been elected under subsection 2 of section 9, the County Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a warden who shall be a member of the County Council, to hold office for the remainder of the term of his predecessor.

Idem

(2) If the County Council fails to elect a warden within twenty days as required by subsection 1, the Lieutenant Governor in Council may appoint a person as warden to hold office for the remainder of the term of his predecessor.

Other
members

(3) When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor.

Where head
of council in-
capacitated

(4) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the County Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the County Council who shall act in the place and stead of the head of council during his incapacity but no such by-law shall have effect for a period longer than one month from its effective date

14. Members of the County Council, may be paid for services performed on and after the 1st day of January, 1975, such annual and other remuneration as the County Council may determine. Remuneration

15.—(1) The County Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees

(2) The County Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the warden. Remuneration of committee chairmen

16. The County Council may pass by-laws for governing the proceedings of the County Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

17.—(1) The warden is the head of the County Council and is the chief executive officer of the County. Head of County Council

(2) The County Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the County and perform such duties as the County Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the County Council; and

(d) shall receive such salary as the County Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. Application of R.S.O. 1970. c. 284

18. When the warden is absent from the County or absent through illness, or refuses to act, the County Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the warden during such absence or refusal to act. Acting warden

Application of R.S.O. 1970, c. 284 **19.**—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the County.

Idem (2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the County Council and to every local board of the County.

Appointment of clerk **20.**—(1) The County Council shall appoint a clerk whose duty is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the County Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the County Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the County Council.

Deputy clerk (2) The County Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting clerk (3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the County Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Minutes open to inspection **21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the County made to the County Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the County to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix.

Index of by-laws affecting land (2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the County Council that affect land or the use thereof in the County but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the County, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Copies certified by clerk to be receivable in evidence

22.—(1) The County Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the County and preserve and file all accounts of the County and shall perform such other duties as may be assigned to him by the County Council.

Appointment of treasurer

(2) The County Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the County Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Acting treasurer

23.—(1) The treasurer shall receive and safely keep all moneys of the County and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the County Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the County Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt and disbursement of money

(2) Notwithstanding subsection 1, the County Council may by by-law,

Signing of cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The County Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

Petty cash fund

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the County Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the County Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council;
- (b) deposit all money received by him on account of the County, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the County entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the County Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the County Council, monthly, a statement of the money at the credit of the County.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the County Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry 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 County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the County and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than as an auditor, but this provision shall not apply in the year 1975. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the County Council or any local board of the County that do not conflict with the duties prescribed by the Ministry. ^{Duties of auditors}

27.—(1) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the County or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the County or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System and be deemed not to have resigned from his previous employment. ^{Pensions}

(2) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. ^{Idem}

(3) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof, within the County, the employee shall be ^{Sick leave credits}

deemed to remain an employee of the municipality or local board thereof until the County or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the County whereupon the County or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or local board thereof, the County or local board thereof shall during the first year of his employment by the County or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of employment

(5) The County shall offer to employ every person who, on the 1st day of April, 1974, is employed in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the County under this Act and who continues to be so employed until the 31st day of December, 1974.

Entitlement to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of April, 1974.

Application of R.S.O. 1970, c. 324

(7) The County shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Placement of staff

(8) The Minister may by order do all such things as may be necessary to facilitate the placement of staff in the structure of both the County and area municipalities including providing for the protection of pension benefits, sick leave credits and holiday entitlements.

Pension rights and sick leave credits

(9) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination of employment

(10) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

COUNTY ROAD SYSTEM

28. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1975, all roads on the 31st day of December, 1974, under the jurisdiction and control of the County shall continue to form part of the county road system, together with those roads which on the 31st day of December, 1974 are under the jurisdiction and control of the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission.

(2) The County Council may by by-law from time to time add roads to or remove roads from the county road system, including such boundary line roads or portions thereof between the County and an adjoining county or regional municipality as may be agreed upon between the County Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the County to the County and the highway shall for all purposes be deemed to be part of the county road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

(4) Where a road or part thereof forms part of the county road system, jurisdiction and control and the soil and freehold thereof are vested in the County.

(5) The Lieutenant Governor in Council may remove any road from the county road system.

Roads removed from system

(6) Where a road or a part thereof is removed from the county road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the County in respect of such road.

Status of land acquired for widening county road

(7) Notwithstanding subsection 10, where the County acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system.

Idem

(8) When land abutting on a county road is dedicated for, or apparently for, widening the county road, the land so dedicated is part of the county road and the jurisdiction and control and the soil and freehold thereof is vested in the County subject to any rights in the soil reserved by the person who dedicated the land.

Consolidating by-laws

(9) The County Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the county road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the County Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

R.S.O. 1970, c. 410 not to apply

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of construction and maintenance

30. The County Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of information to Minister

31. Where the County proposes the construction, improvement or alteration of a county road, it shall furnish the Minister with such detailed information as he may require.

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution towards expenditures R.S.O. 1970, c. 201

33. The roads included in the county road system shall be maintained and kept in repair by the County.

Maintenance and repair

34. The County has, in respect of the roads included in the county road system, all the rights, powers, benefits, and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission and the County may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the Woodstock Suburban Roads Commission or the Ingersoll Suburban Roads Commission, as the case may be, might have done if the roads had not become part of the county road system.

Power over roads assumed

35.—(1) The County is not by reason of a road forming part of the county road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the county road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks excepted

R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a county road, and the County may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a county road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a county road shall conform to any requirements or conditions imposed by the County

Area municipality to conform to requirements and be responsible for damage

Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Installation of traffic control devices

36.—(1) The County may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the county road system.

Relocation of intersecting roads

(2) The County may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the county road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the County constructs a new road in lieu of the public road, the County may close the public road at the point of intersection with the county road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the County constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Intersection of other roads by county road

37. Where a county road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the county road to its full width across the road so intersected is a part of the county road system.

New roads

38. The County Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the county road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970, c. 284

Powers and liabilities of County

39.—(1) With respect to the roads in the county road system and the regulation of traffic thereon, the County has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970, cc. 284, 202

Establishment of bus lanes

(2) The County Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles

to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the County or any area municipality as part of its passenger transportation service.

40.—(1) The County Council may by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near county road

(a) any gasoline pump within 150 feet of any limit of a county road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a county road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic

R.S.O. 1970.
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the County Council, and the County Council may delegate any of its powers in respect of the operation of such devices to an officer of the County designated in the by-law. Signal-light devices

(3) The County may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost of signal-light

(4) Subject to *The Highway Traffic Act*, the County Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a county road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 feet of county roads

R.S.O. 1970.
c. 202

42. The County Council may by by-law authorize agreements between the County and the owners or lessees of land abutting on a highway for the construction, maintenance Agreements for pedestrian walks

and use of walks for pedestrians over, across or under the highways upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the County and an adjoining municipality where such bridge or highway is included in the county road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the County Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the County Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the County or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the County, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities, in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges between area municipalities
R.S.O. 1970, c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the County and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Boundary bridges between County and adjoining municipalities
R. S. O. 1970.
c. 284

46.—(1) The County Council has, with respect to all land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions
R. S. O. 1970.
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the County Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the County Council prevails to the extent of such conflict.

Conflict with local by-laws

47.—(1) The County Council may by by-law designate any road in the county road system, or any portion thereof, as a controlled-access road.

Controlled-access roads

(2) Subject to the approval of the Municipal Board, the County Council may by by-law close any municipal road that intersects or runs into a county controlled-access road.

Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the County within such time as the Municipal Board shall direct.

Notice of application for approval for closing road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing road (5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval the County may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal (6) The County, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal (7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970, c. 323, s. 95 not to apply (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon county controlled-access road **48.** The County Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a county controlled-access road.

Notice **49.—(1)** The County may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a county controlled-access road in contravention of a by-law passed under section 48.

Service of notice (2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice (3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the County Council may by resolution direct

any officer, employee or agent of the County to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. ^{Offence}

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, ^{Compensation}

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the county road system. ^{County liability where road forms part of system}

(2) Where a road forms part of the county road system, the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. ^{Idem} ^{R.S.O. 1970. c. 255}

(3) Where the County fails to make any payment required by subsection 2, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. ^{Default}

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the county road system, the Municipal Board, upon application, may determine the matter and its decision is final. ^{Settling of doubts}

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the County by registered mail.

Agreement

(2) If the County objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the County Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

52. The County Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the county road system.

Application of
R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the county road system.

PART IV

PLANNING

Planning area

54.—(1) On and after the 1st day of January, 1975, the County shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Oxford Planning Area.

R.S.O. 1970,
c. 349

Designated
municipality
R.S.O. 1970,
c. 349

(2) The County Council shall be the Planning Board of the Oxford Planning Area and may be or may constitute or appoint a land division committee for the purpose of granting consents referred to in section 29 of *The Planning Act*.

Advisory
committees

(3) The County Council may appoint such advisory and planning committees as it deems necessary.

Planning areas
and subsidiary
planning areas
dissolved

55.—(1) All planning areas and subsidiary planning areas that are included in the Oxford Planning Area together with the boards thereof including the Oxford County Planning Board are hereby dissolved on the 1st day of January, 1975, and no area municipality shall, except as provided in subsections 2, 4 and 5, exercise any powers under *The Planning Act*.

Committees of
adjustment

(2) The land division committee constituted for the County of Oxford and all committees of adjustment heretofore constituted by the council of a municipality in the Oxford Planning Area are hereby dissolved on the 1st day of January, 1975, and the council of each area municipality

is deemed to be a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such council shall have any authority to grant consents referred to in section 29 of such Act. R.S.O. 1970, c. 349

(3) Any application pending before a committee dissolved under subsection 2 and that is not finally disposed of on or before the 31st day of December, 1974, shall continue before and the disposition thereof be completed by the County Council, the land division committee appointed under subsection 2 of section 54, or by the council of an area municipality, according to the nature of the application that is so pending. Completion of disposition of pending applications for consents, etc.

(4) The council of an area municipality may exercise the powers provided in sections 35, 36 and 38 of *The Planning Act*, but in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers the by-law passed by the County Council shall prevail. Powers under R.S.O. 1970 c. 349

(5) The County Council may delegate to the council of an area municipality any of its powers in respect of subdivision agreements. Delegation of powers re subdivision agreements

56. The County Council, before the 31st day of December, 1978, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the County, and all existing official plans in the Oxford Planning Area shall be deemed to be official plans of the County. Official plan

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The County shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The County is liable for the hospitalization and burial, after the 31st day of December, 1974, of an indigent person or his dependant who was in hospital on the 31st day of December, 1974, and in respect of whom any local municipality within the County was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1975. Proviso

Aid to
hospitals

58.—(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Payment of
principal and
interest to
area
municipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1975, and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital costs
form part of
county levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Health unit
continued

59.—(1) The health unit serving the County on the 31st day of December, 1974 is continued under the name of the Oxford County Board of Health on and after the 1st day of January, 1975.

Boundaries
fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the County shall not be altered except by order of the Minister of Health.

Constitution of
health board

60.—(1) On and after the 1st day of January, 1975, the Oxford County Board of Health shall be composed of,

- (a) not more than seven members of the County Council appointed by the County Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration
of members

(2) The members of the Oxford County Board of Health appointed by the County Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Oxford County Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the County.

R.S.O. 1970,
c. 377

61.—(1) For the purposes of the following Acts, the County shall be deemed to be a city and no area municipality shall be deemed to be a municipality: County deemed city under

- | | |
|---|------------------------|
| 1. <i>The Anatomy Act.</i> | R.S.O. 1970.
c. 21 |
| 2. <i>The Mental Hospitals Act.</i> | R.S.O. 1970.
c. 270 |
| 3. <i>The Sanatoria for Consumptives Act.</i> | R.S.O. 1970.
c. 422 |
| 4. <i>The War Veterans Burial Act.</i> | R.S.O. 1970.
c. 490 |

(2) For the purposes of the following Acts, no area municipality shall be deemed to be a municipality and the County shall have sole responsibility as a county for all matters provided for in such Acts. County responsibility under

- | | |
|---|------------------------|
| 1. <i>The Day Nurseries Act.</i> | R.S.O. 1970.
c. 104 |
| 2. <i>The General Welfare Assistance Act.</i> | R.S.O. 1970.
c. 192 |
| 3. <i>The Homemakers and Nurses Services Act.</i> | R.S.O. 1970.
c. 203 |

62.—(1) No area municipality has any authority to establish, erect and maintain a home for the aged under *The Homes for the Aged and Rest Homes Act.* Liability for homes for aged

R.S.O. 1970.
c. 206

(2) The home for the aged known as Woodingford Lodge and all the assets and liabilities thereof vest solely in the County on and after the 1st day of January, 1975. Assets and liabilities vest in county

(3) The costs of operating and maintaining Woodingford Lodge shall form part of the levy under section 81. Levy

63.—(1) The County shall pay to the committee or board of management of any home for the aged located outside the County the cost of maintenance in such home, incurred after the 31st day of December, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality. Residents of other homes for aged

(2) The amount payable by the County under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the County shall be deemed to be a city for the purposes of such Act. County deemed municipality under

R.S.O. 1970.
c. 64

65. The County is liable for the amounts payable on or after the 1st day of January, 1975, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

1965. c. 14

Liability under order made under R.S.C. 1970, c. J-3 **66.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the County, and the sums of money required to be paid under such order shall be paid by the County and not by the area municipality.

Information **67.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments **68.** In the event that there is any doubt as to whether the County is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc., to approved corporations under R.S.O. 1970, c. 204 **69.** The County may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Police jurisdiction **70.** On and after the 1st day of January, 1975, each police force within the County shall continue to have jurisdiction in the area in which each police force had jurisdiction on the 31st day of December, 1974.

Boards of commissioners of police **71.** All existing boards of commissioners of police and police committees are dissolved on the 31st day of December, 1974, and new boards of commissioners of police or police committees shall be established in the manner provided for in *The Police Act* in those area municipalities in which a local police force has jurisdiction.

R.S.O. 1970, c. 351

Area rating **72.** In any area municipality in which a police force has jurisdiction and such police force does not provide police service to the entire area municipality, the council of such area municipality shall be entitled to establish a police area to which the costs of policing shall be charged.

Policing services reviewed **73.** Notwithstanding the provisions of sections 70, 71 and 72, the County Council may make application to the Minister for a review of the policing services being provided in the County.

74. At the request of the County Council the Minister may, notwithstanding the provisions of sections 70, 71, 72 and 73, establish a police force for the whole or part of the County in such manner as he determines. Authority of Minister

75. The powers of the Minister under section 74 shall be exercised by order and in such event the provisions of sections 70, 71 and 72 shall cease to apply. Idem

PART VII

COUNTY WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the supply and distribution of water and the financing thereof in the County and all the provisions of any general Act relating to the supply and distribution of water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water and the financing thereof by an area municipality or a local board thereof, including *The Local Improvement Act*, apply *mutatis mutandis* to the County, except the power to establish a public utilities commission. County to be sole distributor of water
R.S.O. 1970, c. 255

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water, including the financing thereof, except as provided in subsection 7. No area municipality to distribute water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely or primarily for the purposes of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the County or for any area municipality are vested in the County effective the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of water supply facilities

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement. County liability
R.S.O. 1970, c. 255

Default (5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the Council of the area municipality determines, from such date until payment is made.

Water supply agreements (6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the supply and distribution of water and the financing thereof, the County shall, on the 1st day of January, 1975, stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Idem (7) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements.

PART VIII

COUNTY SEWAGE WORKS

County responsible for sanitary sewage R.S.O. 1970, c. 255 77.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the collection and disposal of all sewage including the financing thereof, except as provided for in subsection 7, in the County and all of the provisions of any general Act relating to the collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage and the financing thereof, by an area municipality or a local board thereof including *The Local Improvement Act* apply *mutatis mutandis* to the County, except the power to establish a public utilities commission.

No area municipality to collect sanitary sewage (2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage and financing thereof, except as provided in subsections 7 and 9.

Vesting of sanitary sewage facilities (3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 7, and all real and personal property of any nature whatsoever used solely or primarily for the purpose of the collection and disposal of such sewage in the County by any area municipality is vested in the County

on the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work.

County
liability

R.S.O. 1970.
c. 255

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, including the financing thereof, except as provided for in subsection 7, the County Council shall stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Agreements

(7) The County shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the County as the County Council deems necessary and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Land drainage

(8) Where the County undertakes a program provided for in subsection 7, the County may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Assumption of
area municipal
land drainage
systems

(9) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements.

Idem

PART IX

FINANCES

78. In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

Interpre-
tation
R.S.O. 1970,
c. 32

79.—(1) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Area munic-
ipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(2) The County shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

County
deemed
regional
municipality

(a) for the purposes of any payment under that Act in the year 1975 to the County, the population of each area municipality shall be determined in such manner as the Ministry considers proper;

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for county purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

(3) Section 312 of *The Municipal Act* applies *mutatis mutandis* to the county.

Application of
R.S.O. 1970,
c. 284, s. 312

YEARLY ESTIMATES AND LEVIES

80.—(1) The County Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the County, including the sums required by law to be provided by the County for any local board of the County, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly
estimates

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

Allowance
to be made
in estimates

(3) The surplus or operating deficit for which the County Council shall make due allowance in preparing the estimates for the year 1975 shall be the audited surplus or operating deficit of the County on the 31st day of December, 1974, and shall include any surplus contribution made under subsection 5.

Surplus or
operating
deficit
of County
Council in
1974

(4) The amount by which any operating deficit existing for the County on the 31st day of December, 1974 exceeds the total of such County's reserves on such date shall become a charge on the municipalities that levied rates for such County in the same proportion as the last apportionment made for County purposes, and shall be paid in such proportions to the County by the appropriate area municipalities not later than the 30th day of June, 1975.

Operating
deficit.
County of
Oxford

(5) Where an operating surplus exists for the County on the 31st day of December, 1974, or where an operating deficit exists on such date that does not exceed the total of such County's reserves on such date, a sum shall be determined equivalent to,

Surplus
contribution.
City of
Woodstock,
Town of
Ingersoll

- (a) the audited surplus of the County together with the total of the County's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be apportioned between the City of Woodstock and the Town of Ingersoll in the proportion that the weighted equalized assessment for each municipality respectively, as ascertained under section 81 for the purpose of apportioning the County levy for 1975, bears to the total weighted, equalized assessment so ascertained for the two municipalities, and the amount apportioned to each municipality shall be paid by the municipality to the County not later than the 1st day of January, 1980.

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the County.

Application of
R.S.O. 1970,
cc. 32, 284

81.—(1) The County Council in each year shall, subject to sections 76 and 77, levy against the area municipalities a sum sufficient,

Levy on
area
municipal-
ities

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the County falling due within the year as well as amounts required to be

raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the County is liable under this Act.

Apportionment

(2) The County Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the County, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to County and area municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the County and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment of by-law where necessary following appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the County Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the County; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the County only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the County shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed assessments, etc., not to apply

R.S.O. 1970, c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of County levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 3 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment to include valuations on properties for which payments in lieu of taxes paid

R.S.O. 1970, c. 284, 1971, c. 78, 1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the County and the appropriate area municipality of such valuations.

Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the County Council may consider expedient.

Levy by-laws

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the County levy shall be calculated and levied upon the whole rateable

County levy

property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the County and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the County at the times and in the amounts specified by the by-law of the County Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the County Council determines, from the date payment is due until it is made.

Equalized
assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284,
32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net County levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by
County
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1975, the County Council may, before the adoption of the estimates

for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the County in the year 1974 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy and, if in the opinion of the County Council this would cause undue hardship in any area municipality, the County Council may reduce the amount otherwise payable under this subsection by such area municipality.

(2) Notwithstanding section 81, in 1976 and in subsequent ^{idem} years, the County Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the County Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

(3) The amount of any levy made under subsection 1 or 2 ^{Levy under s. 81 to be reduced} shall be deducted from the amount of levy made under section 81.

(4) Notwithstanding section 82, the council of an area ^{Levy by area municipality before estimates adopted} municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1975, 75 per cent and in all subsequent years 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) The amount of any levy under subsection 4 shall be ^{Levy under s. 82 to be reduced} deducted from the amount of the levy made under section 82.

(6) Subsection 4 of section 303 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284, s. 303 (4)} applies to levies made under this section.

(7) The Ministry of Revenue, for the purposes of a levy ^{Preliminary assessment} under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised equalized and weighted assessment under subsection 4 of section 81.

(8) The Ministry of Revenue shall notify the County and ^{Notice} each area municipality of the preliminary assessment referred

to in subsection 7, on or before the 31st day of January, 1975.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public
school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both

as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations
under
R.S.O. 1970,
c. 425
to apply

ADJUSTMENTS

85.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional
adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1975 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances
to be made in
estimates
of area
municipalities
in 1975
R.S.O. 1970,
c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1974.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

(4) For the purposes of this section and section 87, the audited surplus or operating deficit of a local municipality on the 31st day of December, 1974 shall be reduced or increased, as the case may be, by any payment required under subsections 4 and 5 of section 80.

Adjustment
for payment
under s. 87

Interpre-
tation

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under section 2 of section 307 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Surplus or
deficit at
December 31,
1974 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1974 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1975.

Committees
of
arbitrators

88.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1975.

Final
determina-
tion

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1974, together with determinations of any financial adjustments which may be necessary.

Notice

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the County and the Municipal Board and unless the council of any such municipality or the County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the County.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall

be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made. Period of adjustment

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities for purposes for which the County has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the County and the assets of such reserve funds are vested in the County. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the County has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

TEMPORARY LOANS

90.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284, s. 332

(2) In 1975, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. Current borrowings

DEBT

91.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County Council may borrow money for the purposes of, Debt R.S.O. 1970, c. 323

(a) the County;

(b) any area municipality;

- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the County.

Liability

(2) All debentures issued pursuant to a by-law passed by the County Council under the authority of this Act are direct, joint and several obligations of the County and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the County and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1974, power to issue debentures.

Uncompleted works

(4) When an area municipality, on or before the 31st day of December, 1974,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the County Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the County for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the County shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustees Act*.

Power to
incur debt
or issue
debentures

92. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County

may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 91 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the County.

93.—(1) Where, under any general or special Act, an area ^{idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the County Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the County Council has been obtained.

(2) Nothing in subsection 1 requires the assent of any ^{Proviso} electors where such assent has been dispensed with under ^{R.S.O. 1970,} section 63 of *The Ontario Municipal Board Act*. ^{c. 323}

94.—(1) Where the Municipal Board has authorized the ^{Borrowing} borrowing of money and the issue of debentures by the County ^{pending} for its purposes, the County Council pending the issue and ^{issue and} sale of the debentures may agree with a bank or person ^{sale of} for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law ^{debentures} pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- ^{idem} ing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The County may charge interest on any proceeds of an ^{Interest} advance or loan transferred under subsection 2 at a rate ^{on proceeds} sufficient to reimburse it for the cost of such advance or ^{transferred} loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

95.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the County such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area munic-
ipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures

of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the County Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the County.

By-law to
change
mode of
issuing
debentures

(10) The County Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the County Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the County Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the County Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

(17) Notwithstanding any general or special Act, the County 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.

Consolida-
tion

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the County.

Consoli-
dating
debenture
by-laws
R.S.O. 1970,
c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the County on any date prior to maturity, subject to the following provisions:

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the County and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the County Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the County shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the County and two members appointed by the County Council, and the two appointed members may be paid, out of the current fund of the County, such annual remuneration as the County Council determines.

(25) The County Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the County shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the County shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking fund, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank

accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the County;
- (c) in temporary advances to the County pending the issue and sale of any debentures of the County;
- (d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

R.S.O. 1970,
c. 470

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the County shall prepare and lay ^{Sinking fund requirements} before the County Council in each year, before the annual County levies are made, a statement showing the sums that the County Council will be required, by by-law, to raise for sinking funds in that year.

(38) If the treasurer of the County contravenes sub-^{Offence}section 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(39) If the County Council neglects in any year to ^{Failure to levy}levy the amount required to be raised for a sinking fund, each member of the County Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law ^{Where amount in sinking fund account more than sufficient to pay debt} if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the County Council or the council of an area municipality, may authorize the County Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking ^{No diversion of sinking funds} fund shall be applied towards paying any part of the current or other expenditure of the County or otherwise than is provided in this section.

(42) When there is a surplus in a sinking fund account, ^{Surplus}the sinking fund committee shall,

(a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

(i) to retire unmatured debentures of the County or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the County or an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the County or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the County out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts
to be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section and the provisions of subsections 25 to

41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

96.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the County Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 94, shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The County Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council.

Special assessment and levies

97.—(1) Where part only of a sum of money provided for by a by-law has been raised, the County Council

Repeal of by-law when part only of money to be raised

may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

98.—(1) Subject to section 97, after a debt has been contracted under a by-law, the County Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not apply to any other purpose any money of the County that has been directed to be applied to such payment.

Application
of payments

(2) When the County, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

99. Any officer of the County whose duty it is to carry into effect any of the provisions of a money by-law of the County who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

100.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the County in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136,
255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or

The Local Improvement Act, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 93 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

101.—(1) A debenture or other like instrument shall be sealed with the seal of the County, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the warden, or by some other person authorized by by-law of the County to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechani- Interest coupons

cally reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the County Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical reproduction of signatures

(3) The signature of the warden, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the County to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the County when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the warden or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the warden or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the County.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the County Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

102. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the County, the by-law and the debentures issued under it are valid and binding upon the County.

Mode of transfer may be prescribed

103.—(1) Where a debenture contains or has endorsed upon it provisions to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership),

transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Fully registered debenture

104. Where a debenture is defaced, lost or destroyed, the County Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

Exchange of debentures

105.—(1) On request of the holder of any debenture issued by the County, the treasurer of the County may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request of sinking fund committee

(2) On the request of the sinking fund committee, the treasurer of the County may, as provided in this section, exchange debentures, heretofore or hereafter issued by the County.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures surrendered for exchange to be cancelled

(4) The treasurer and auditor of the County shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application of proceeds of debentures

106.—(1) The moneys received by the County from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the County from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the County or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the County to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature

for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of rate-payers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

107. Where real or personal property acquired out of moneys received by the County from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

108. When the County intends to borrow money on debentures under this or any other Act, the County Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

109.—(1) The County Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The County Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

110. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

111.—(1) If the County Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditures, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the County Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the County.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

112. When, by or under the authority of this Act, the County is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the County may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the County in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for redemption of all such debentures as are redeemable and issue new debentures of the County to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Corporation to raise the money required to complete such purchase.

ASSETS

113. In the year 1974, the County of Oxford or a local board thereof and any local municipality or a local board thereof shall not, after the 1st day of July, without the approval of the Minister, dispose of any asset purchased at a cost of or valued at more than \$5,000. Disposal of assets

PART X

GENERAL

114.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250, 254 and 308 and paragraphs 3, 9, 24, 44, 46, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284

(2) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(3) The County shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(4) Notwithstanding any other provision in this Act the County may pass a by-law authorizing the head of the Delegation of approval

department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

By-laws

(5) Every by-law of a local municipality as it exists on the 31st day of December, 1974 shall remain in force in the area of the former local municipality on and after the 1st day of January, 1975 and may be amended or repealed by the council of an area municipality as it affects such area municipality and where any such by-law pertains to a function of the County it may be amended or repealed by the County Council.

Idem

(6) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1974, the council of the successor area municipality to such local municipality, or the County Council when the subject-matter of the by-law pertains to a function of the County, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the County and the provisions of subsection 5 apply *mutatis mutandis* to any such by-law.

Vesting of
transportation
assets
in County

(7) In the event that the County establishes a transportation system in accordance with the provisions of subsection 3, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the County on the day such County transportation system is established, without compensation, and the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(8) If the County fails to make any payment required by subsection 7, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency
measures

115.—(1) The County may pass by-laws,

(a) for the establishment and maintenance of an emergency measures civil defence organization in the County; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the County,

and when a by-law passed under this subsection is in force in the County, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970.
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the County Council may pass by-laws,

Powers
of County
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the County, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the County Government outside the County;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970.
c. W-2.

R.S.O. 1970.
c. 145

(3) For the purposes of *The Emergency Measures Act*, the area municipalities shall be deemed to be the local municipalities that form part of the County for municipal purposes.

Deemed local
municipalities
under

R.S.O. 1970.
c. 145

116.—(1) The County may make expenditures for the purpose of diffusing information respecting the advantages

Expenditures
for
diffusing
information

of the County as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application of R.S.O. 1970, c. 284, ss. 354 par. 50, 395 (2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the County, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974.

Grants

117. The County Council may make annual grants to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the County Council are for the general advantage of the inhabitants of the County and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees R.S.O. 1970, c. 505

118. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the County recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the County may impose.

Investigation by county judge of charges of malfeasance

1971, c. 49

119.—(1) Where the County Council passes a resolution requesting a judge of the county court within the County or a judge of the county court of a county or judicial district adjoining the County, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the County Council, or an officer or employee of the County, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the County, or to inquire into or concerning any matter connected with the good government of the County or the conduct of any part of its public business, including any business conducted by a local board of the County, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that act, and he shall, with all convenient speed, report to the County Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the County the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable
to Judge
R.S.O 1970,
c. 228

(3) The County Council may engage and pay counsel to represent the County, and may pay all proper witness fees to persons summoned to give evidence at the instance of the County, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging
counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the County shall pay the costs thereof.

Idem

120.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the County or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Commission
of Inquiry

1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the County Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When
commission
may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the County and the Province as the Lieutenant Governor in Council may direct.

Expenses of
commission

121. The County for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Entry on
highways

Agreements
re services

122. The County and any area municipality may enter into agreements for the use within any part of the County of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application of
R.S.O. 1970,
c. 32

123.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the County shall be deemed to be a municipality.

County and
area
municipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the County is occupied by an area municipality or where property belonging to an area municipality is occupied by the county or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpretation

(3) In subsection 2, "County" and "area municipality" include a local board thereof.

Execution
against
County

124.—(1) An execution against the County may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the County, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the County for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the

execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the County has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. the County of Oxford" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

125. The Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission are dissolved on the 1st day of January, 1975, and all the assets and liabilities thereof vest in the County on such date.

Powers of
O.M.B.

126.—(1) In the event of any doubt as to whether any particular asset or liability is vested in the County under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Settling of
doubts

(2) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the County under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

127. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with
other Acts

128.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to a local municipality or local board thereof within the County, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the County or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the County or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

129.—(1) The County or an area municipality or the County and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the County or the County and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1970,
c. 284

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

130.—(1) In this section, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the County Council. Interpretation

(2) On and after the 1st day of January, 1975, the County shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by County

(3) For the purposes of subsection 2, the County may acquire and use land within the County and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the County on the 1st day of January, 1975, without compensation. Waste disposal sites

(4) The County shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3. Payment of principal and interest to area municipalities

(5) If the County fails to make any payment required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the County under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284

131. Where any agreement has been entered into or proceeding commenced by a local municipality, providing Successor rights

the terms thereof are not inconsistent with the provisions of this Act, the County or the appropriate area municipality shall on and after the 1st day of January, 1975, be deemed to stand in the place and stead of such local municipality for all purposes in so far as the agreement or proceeding pertains to the functions of the County or area municipality.

County Fire
Co-ordinator

132. The County shall appoint a County Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the County including the establishment of a communications system and training facilities for fire fighters, and the County is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued

R.S.O. 1970,
c. 202

133.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the County that, on the 31st day of December, 1974, formed part of a city, town, village or township municipality shall be considered to continue to form part of a city, town, village or township municipality.

By-laws of
County and
area
municipalities

(2) Notwithstanding subsection 1, the County Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1974, to any highway or portion thereof within the County shall continue to apply thereto until a by-law passed by the County Council or the council of an area municipality under such section 82 applies thereto.

Non-
application
of
R.S.O. 1970,
c. 354, s. 108

134.—(1) On and after the 1st day of January, 1975, no area municipality shall be required to comply with section 108 of *The Power Corporation Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1974, Ontario Hydro or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the County, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction and where any such commission is serving in two or more municipalities it shall be deemed to be a local board of the municipality which has the higher or highest assessment to which electrical power and energy is being supplied.

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission.

Members of
commission
continue in
office

(4) All public utilities commissions and waterworks commissions within the County, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1975.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the County Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Member of
commission
not
disqualified

135.—(1) On the 31st day of December, 1974, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1975, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards, etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Council
deemed
recreation
committee

R.S.O. 1970,
cc. 120, 73

136. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Oxford County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Oxford County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1974,

Election
R.S.O. 1970,
cc. 425, 430

1972, c. 95

- (a) the polling day for the members of The Oxford County Board of Education and of The Oxford County Roman Catholic Separate School Board shall be the 7th day of October, and the hours of polling

shall be the same as for the municipal elections in the County and the members elected on such date shall take office on the 1st day of January, 1975, and continue to hold such office until the 31st day of December, 1976;

(b) the Minister shall, by order, provide for nomination of candidates for The Oxford County Board of Education and for The Oxford County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and

(c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284,
s. 244, not
to apply

137. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the County in the year 1974.

Apportionment of operating costs of County library system

138. The operating costs of the County library system shall be apportioned amongst the area municipalities, with the exception of the City of Woodstock and the Town of Tillsonburg, in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 81, bears to the total equalized, weighted assessment for such area municipalities.

Organizational expenses

139.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the County.

Terms of payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commencement

140.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX come into force on the 1st day of January, 1975.

Short title

141. This Act may be cited as *The County of Oxford Act, 1974*.

FORM 1

(Section 10 (2))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 10 (2))

DECLARATION OF QUALIFICATION BY WARDEN

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford declare that:

1. I am a Canadian citizen or other British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an employee of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to restructure
the County of Oxford

1st Reading

June 14th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to ensure a Guaranteed Annual Income
to Ontario Residents Sixty-five Years of Age and over**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

The Bill authorizes payment to every eligible person of a guaranteed annual income increment sufficient to provide an income of \$2,600 a year to each unmarried resident of Ontario and a combined income of \$5,200 to each married couple resident in Ontario. For the purpose of determining the amount of increment to which an eligible person is entitled under this Bill, income from outside sources is taken into account, as well as any pension or monthly guaranteed income supplement to which an eligible person may be entitled under the *Old Age Security Act* (Canada).

"Eligible person" is defined in the Bill to be a person who is over age sixty-five, is resident in Ontario, and who meets one of the following tests:

- (a) a person who resides in Ontario on July 1, 1974 and is receiving a guaranteed income supplement under the federal *Old Age Security Act* from the Ontario Regional Office of the Federal Department of National Health and Welfare;
- (b) a person who, prior to his eligibility, has resided in Ontario for periods that add up to twenty years since he attained eighteen years of age;
- (c) a person who has resided in Canada for the five years immediately prior to his eligibility and who has resided in Ontario for the last year of those five years; or
- (d) a person who has resided in Ontario for the full year immediately prior to his eligibility and has, including that year, resided in Canada for twenty years since attaining the age of eighteen years.

The majority of eligible persons entitled to receive an increment under this Bill will also be entitled to receive a monthly guaranteed income supplement under the *Old Age Security Act* (Canada), and section 3 of the Bill is intended to permit the Minister to make arrangements with the Government of Canada to reduce unnecessary duplication of paperwork by applicants for an increment and unnecessary administrative duplication to obtain information that will be furnished under this legislation or under the *Old Age Security Act* (Canada). To ensure similar treatment in similar circumstances under this Act and the federal Act, many of the provisions of the federal Act are paralleled in this Bill, although the less stringent residency test for eligibility in this Bill means that there will be some Ontario residents who will be entitled to receive payments under this Bill who will not be eligible for a monthly guaranteed income supplement under the federal legislation.

The first payment under the legislation proposed in this Bill will be made in the month of July, 1974, and payments will continue to be made monthly while the recipient remains an eligible person. Temporary absences from Ontario will not disqualify a recipient from eligibility to receive an increment under the proposed legislation, but taking up permanent residence outside Ontario, or residing outside Ontario for more than six consecutive months can result in disqualification or in a reduction of payments for the year in which the absence occurs.

**An Act to ensure a Guaranteed Annual
Income to Ontario Residents Sixty-five
Years of Age and over**

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

1. In this Act,

Inter-
pretation

- (a) "applicant" means a person who has applied for an increment;
- (b) "application" means an application for an increment under this Act;
- (c) "base calendar year" means the calendar year ending next before the commencement of the current fiscal year;
- (d) "basic monthly income" of a beneficiary for a month means,
 - (i) for any month in which the beneficiary is unmarried, and for which he is entitled to receive in the month a pension or a supplement, an amount equal to the sum of one-twelfth of his income for the base calendar year, plus the amount of any pension or supplement that he is entitled to receive in the month,
 - (ii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment and a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of

the beneficiary and his spouse, plus the amount of any pension or supplement that the beneficiary is entitled to receive in the month,

- (iii) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the lesser of,
 - (A) one-half of the amount of any pension that the beneficiary is entitled to receive in the month, or
 - (B) an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,

plus

- (C) the amount of any pension or supplement that the beneficiary is entitled to receive in the month,
- (iv) for any month in which the beneficiary is unmarried, and for which he is not entitled to receive a pension or a supplement, an amount equal to one-twelfth of his income for the base calendar year,
- (v) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment, and for which neither the beneficiary nor his spouse is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,
- (vi) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month an increment, a pension, or a supplement, and

for which the beneficiary is not entitled to receive a pension or a supplement,

- (A) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person,

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an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, or

- (B) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is not less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, and is less than an amount equal to the sum of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),
2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and
3. the amount of \$48.00,

an amount equal to the sum of the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, or

- (C) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is equal to or greater than the sum of the amounts described in paragraph 1, 2 or 3 of subclause B,

an amount equal to one-thirty-sixth of,

- (D) the amount of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the aggregate of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),
2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and
3. the amount of \$12.00,

plus the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under that Act to an unmarried person, or

- (vii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive an increment and a pension or supplement, and for which the beneficiary is not entitled to receive a pension or supplement, an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, plus the aggregate of,

(A) the amount of any increment, and

(B) the amount of any pension or supplement,

that the spouse of the beneficiary is entitled to receive in the month;

- (e) "beneficiary" means a person to whom payment of an increment has been approved;
- (f) "current fiscal year" means the fiscal year in respect of which an application for an increment is made by an applicant or on his behalf;
- (g) "defined income" means any amount that is a supplement, a pension, a payment similar to a supplement or a pension under a law of a province of Canada, a private pension income, a benefit, other than a death benefit, under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*, and any amount that is income prescribed for the purpose of this clause; ^{R.S.C. 1970.}
_{C. C-5}
- (h) "eligible person" means a person who has attained sixty-five years of age or such lesser age as may be prescribed, who, on the date his application is received by the Minister or his qualifying date, whichever is the later date, is actually residing in Ontario, and who,
- (i) on the 1st day of July, 1974, is actually residing in Ontario and is in receipt of a supplement that is paid to him through the Ontario Regional Office of the Income Security Branch of the Department of National Health and Welfare of the Government of Canada,
- (ii) resided in Ontario for a period of one full year immediately prior to the date on which his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, and was either,
- (A) resident in Canada for a period of five consecutive years immediately prior to the date his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, or
- (B) resident in Canada for a continuous period of, or for periods the aggregate

of which is, twenty years after attaining the age of eighteen years,

or

- (iii) prior to the date his application is received by the Minister or prior to his qualifying date, whichever is the later date, had resided in Ontario for a continuous period of, or for periods the aggregate of which is, twenty years after attaining the age of eighteen years;
- (i) "fiscal year" means a period of twelve consecutive months commencing on the 1st day of April or on such other date as may be prescribed by the Lieutenant Governor in Council;
- (j) "guaranteed income limit" means, unless a higher amount is prescribed,
 - (i) in the case of a beneficiary described in any of subclauses i to vi of clause *d*, \$2,600, or
 - (ii) in the case of a beneficiary described in subclause vii of clause *d*, \$5,200;
- (k) "income for the base calendar year" of a person or an applicant means his income for the calendar year ended next before the current fiscal year and computed in accordance with the *Income Tax Act* (Canada), minus,
 - (i) the amount of any increment,
 - (ii) the amount of any pension or supplement and the amount of any similar payment made under a law of a province of Canada, and
 - (iii) the amount of any death benefit under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*,

that is included in computing that income, and means any amount deemed by section 5 to be income for the base calendar year;

- (l) "increment" means the monthly guaranteed annual income increment authorized to be paid under this

Act, and is an amount equal to the amount by which one-twelfth of the guaranteed income limit applicable to a beneficiary exceeds the beneficiary's basic monthly income for the month for which the payment authorized under this Act is being made;

- (m) "Minister" means the Minister of Revenue;
- (n) "month throughout the whole of which the beneficiary is married" includes the month in which the beneficiary ceases to be married as a result of the death of his spouse or otherwise, and "month in which the beneficiary is unmarried" does not include the month in which he so ceases to be married;
- (o) "pension" means a monthly pension authorized to be paid under Part I of the *Old Age Security Act* ^{R.S.C. 1970,} _{c. O-6} (Canada);
- (p) "prescribed" means prescribed by regulation;
- (q) "previous fiscal year" means the fiscal year next before the current fiscal year;
- (r) "qualifying date" means the 1st day of July, 1974 or, in the case of an individual who is not an eligible person on that date, the first date after the 1st day of July, 1974 on which such individual becomes an eligible person;
- (s) "regulation" means a regulation made under this Act;

"supplement" means a monthly guaranteed income supplement authorized to be paid under Part II of the *Old Age Security Act* (Canada).

2.—(1) Subject to this Act and the regulations, an ^{Payment of} increment may be paid to every eligible person for each month in a fiscal year, such that the first payment shall be made for the month following the month in which the beneficiary's qualifying date occurs or, where an application is received after the applicant's qualifying date, for the month following the month in which the application is approved. ^{increment}

(2) No increment may be paid to any eligible person for any month in any fiscal year unless an application therefor has been made by him or on his behalf and payment of the increment for months in that fiscal year has been approved by the Minister, and except as other- ^{When} _{increment} ^{not} _{payable}

wise provided in this Act and the regulations, no increment may be paid to any eligible person, pursuant to an application therefor, for

- (a) any month more than twelve months before the month in which the application is received;
- (b) any month prior to the 1st day of July, 1974;
- (c) any month throughout the whole of which the beneficiary is absent from Ontario, having absented himself from Ontario, either before or after becoming a beneficiary, and having remained out of Ontario before that month for six consecutive months, exclusive of the month in which he left Ontario; or
- (d) any month prior to the month following the month in which his application is received or in which his qualifying date occurs, whichever is the later.

Suspension of payments

(3) Where, after becoming a beneficiary, a person remains out of Ontario for six consecutive months, exclusive of the month in which he left Ontario, payment of his increment in any subsequent month during which he is only temporarily resident in Ontario may, without a hearing, be suspended, but payment may be resumed with the month in which he returns to Ontario to become principally resident in Ontario.

Idem

(4) Where a beneficiary, either before or after becoming a beneficiary, is convicted of an offence and sentenced to a term of imprisonment exceeding ninety days, payment of his increment for any period he continues to be imprisoned shall be suspended, but may be resumed upon his release from imprisonment.

Idem

(5) Where a beneficiary fails to comply with any of the provisions of this Act or the regulations, payment of his increment may, without a hearing, be suspended, and where payment of an increment is so suspended, it shall be resumed when the beneficiary has complied with such provisions, and shall be paid in accordance with the amount of any increment to which the beneficiary is then entitled.

Approval where applicant entitled to pension or supplement

(6) When an applicant is, on his qualifying date or on the last day of the month in which his application is

received, whichever is the later day, entitled to receive a pension or a supplement for which he has not applied, his application shall not be approved until his entitlement to receive a pension or a supplement is determined.

(7) Where a beneficiary becomes entitled to receive a pension or a supplement and does not apply therefor, the beneficiary's increment shall be reduced to that amount that would be payable to him were he receiving the pension and, where applicable, the supplement to which he would be entitled upon making an application as provided in the *Old Age Security Act* (Canada).

Reduction of increment where beneficiary entitled to pension or supplement

R.S.C. 1970.
c. O-6

3.—(1) In order to facilitate the carrying out of the intent and purpose of this Act, or for the purpose of ascertaining any fact necessary to establish that a person who has applied for or is entitled to a supplement is or is not entitled to an increment, the Minister may act upon any decision made by the Minister of National Health and Welfare of the Government of Canada or by a court or tribunal to which an appeal is taken as provided for in the *Old Age Security Act* (Canada) or may act upon any statement or information furnished under that Act, and for the purpose of determining the entitlement of any person to an increment or of determining the amount thereof, the Minister may treat an application under the *Old Age Security Act* (Canada) for a supplement or a statement of income furnished under that Act as an application or statement, as the case requires, under this Act, and when so treated, such application or statement shall be deemed an application or statement under this Act.

Minister may act on information furnished under R.S.C. 1970.
c. O-6

(2) The Minister is authorized to enter into and to proceed upon any arrangement with the Minister of National Health and Welfare of the Government of Canada for obtaining, exchanging and keeping confidential any information furnished under this Act or under the *Old Age Security Act* (Canada), or any arrangement that will, in the opinion of the Minister, facilitate the implementation and carrying out of the provisions of this Act and the payment of increments to which any eligible person is entitled under this Act, but if any such arrangement is made with a person who is not subject to the provisions of section 10, the Minister shall take all steps necessary to ensure that any information coming to such person's knowledge concerning any beneficiary or applicant is not divulged or disclosed to any person not legally entitled thereto.

Delegation
of power

(3) Where an arrangement is entered into under subsection 2, the Minister may in writing delegate the exercise or discharge of any power or duty conferred or imposed upon him by this Act, including a discretion, and where the exercise of any discretion is delegated, the Minister shall in writing define the extent to which and, where applicable, the terms upon which the discretion is exercisable, and every delegation made under this subsection may be revoked or may be made upon such conditions as the Minister may impose to ensure the carrying out of the purposes of this Act and compliance with its provisions.

Approval of
application
after month
in which
received

4.—(1) Where an application is approved after the last day of the month in which it is received, the approval may be effective as of such earlier date, not prior to the day on which the application was received, as may be prescribed.

Application
after
eligibility

(2) Notwithstanding subsection 1, where the qualifying date of an applicant occurred before the day on which his application is received, the approval of the application may be effective as of such earlier day, not before the later of,

- (a) a day one year before the day on which the application was received; or
- (b) the day on which the applicant's qualifying date occurred,

as may be prescribed.

Continua-
tion of
payments

(3) Subject to this Act and the regulations, an increment shall continue to be paid during the lifetime of a beneficiary, and shall cease with the payment for the month in which the beneficiary dies.

When
increment
payable

(4) Payment of an increment for any month shall be made at any time during the month, except that where payment of an increment in respect of any fiscal year is approved after the end of the month for which the first payment of the increment may be made, payments thereof for the month in which the payment of the increment is approved and for months preceding that month may be made during the two months following the month in which payment of the increment is approved.

Minimum
increment

(5) Where the increment to which a beneficiary is entitled in any month is more than zero and less than \$2.50,

the beneficiary shall be paid an increment in the amount of \$2.50 for that month.

5.—(1) Every applicant in respect of a current fiscal year shall in his application make a statement of his income for the base calendar year. Statement of income to be made

(2) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income, other than his estimated income from that office or employment or from that business, as the case may be, for the calendar year in which he ceased to hold that office or employment or ceased to carry on that business, in which case, Additional statement where retirement in current fiscal year

(a) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

(b) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

(3) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by Additional statement where loss of private pension income in current fiscal year

subsection 1 in the case of an applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income for the calendar year in which he suffered that loss, other than private pension income received by him in that part of that calendar year that is before the month in which he suffered that loss, in which case,

- (a) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income for that calendar year,

plus

- (b) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Additional
statement
where retire-
ment before
current
fiscal year

(4) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing his statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

- (a) where he ceased to hold that office or employment or to carry on that business in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or
- (b) where he ceased to hold that office or employment or to carry on that business in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year showing any

income actually received by him in that calendar year from that office or employment or from that business, as the case may be, in which case,

- (i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

- (ii) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

(5) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

Additional
statement
where loss
of private
pension
income
before
current
fiscal year

- (a) where he suffered that loss in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or
- (b) where he suffered that loss in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year, showing the amount of private pension income actually received by him in

that part of that calendar year that is before the month in which he suffered that loss, in which case,

- (i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income in that calendar year,

plus

- (ii) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Where
statement
filed under
subs. 2 or 3

(6) Where, under subsection 2 or 3, a statement of estimated income is filed by an applicant or by an applicant's spouse, no increment calculated on the basis of that statement may be paid to the applicant for any month in the current fiscal year before,

- (a) the month next following the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, ceased to hold the office or employment previously held by him or ceased to carry on the business previously carried on by him; or
- (b) the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, suffered the loss of income due to termination or reduction of private pension income,

as the case may be.

Reduction
of income
for the base
calendar
year

(7) For the purpose of facilitating a payment of an increment to a beneficiary, and for the purpose of making the same amount of increment payable to every beneficiary whose increment, calculated in accordance with this Act (other than this subsection) and the regulations, is more or less in the same amount, the Minister may reduce,

- (a) the income for the base calendar year of any beneficiary by an amount that shall not exceed \$23.99; or

- (b) the aggregate incomes for the base calendar year of any beneficiary and the spouse of that beneficiary by an amount that shall not exceed \$47.99,

and such income or incomes, when so reduced, shall be deemed to be the income for the base calendar year of the beneficiary or the aggregate incomes for the base calendar year of the beneficiary and his spouse, as the case may be, but no reduction authorized by this subsection shall be made if it will reduce the amount of the increment to which a beneficiary is entitled.

6.—(1) Every application in respect of a fiscal year shall state whether the applicant is married on the day on which the application is made or the last day of the previous fiscal year, whichever is the earlier day, and, if so, the name and address of his spouse and whether, to his knowledge, his spouse is in receipt of an increment. Statement of marital status

(2) Subject to subsection 3, where an application in respect of a fiscal year is made by a person who, on the day on which his application is made or the last day of the previous fiscal year, whichever is the earlier day, is married, the application shall not be considered or dealt with unless, Statement by spouse

- (a) the applicant's spouse has filed a statement in prescribed form of the spouse's income for the base calendar year; or
- (b) an application in respect of the current fiscal year has been received from the applicant's spouse.

(3) Where an application in respect of a fiscal year is made by a person, the Minister, Direction by Minister where no statement filed by spouse or where spouses living apart

- (a) may, without a hearing and after such investigation of the circumstances as he deems necessary, in any case where,
- (i) no statement or application under subsection 2 is filed or received from the spouse of the person, or
- (ii) he is satisfied that the person, as a result of circumstances not attributable to him or his spouse, was not living with his spouse in a dwelling maintained by him or his spouse at the time the application was made; and

- (b) shall, where he is satisfied that on the last day of the previous fiscal year, the person was living separate and apart from his spouse and had lived so separate and apart for a period of not less than one year immediately before that day,

direct that the application be considered and dealt with as though the person was not married on the last day of the previous fiscal year.

Review of
direction

(4) Where, after the Minister has made a direction under subsection 3 with respect to an application made in respect of a fiscal year by a person other than a person to whom clause *b* of subsection 3 applies, a statement or application under subsection 2 is filed by or received from the applicant's spouse, the Minister may review the direction and may after his review direct that any increment paid to the applicant or his spouse for months in that fiscal year following the month in which the review is made be calculated as if,

- (a) the applicant and his spouse were in fact married on the last day of the previous fiscal year; or
- (b) the applicant and his spouse had not been married on the last day of the previous fiscal year.

Direction by
Minister
where
marital
status
changes
in current
fiscal year

(5) Where an application in respect of a fiscal year is made by a person, and at any time in that fiscal year the person,

- (a) ceases to live separate and apart from his spouse in the case of a person referred to in clause *b* of subsection 3;
- (b) is married; or
- (c) ceases to be married as a result of the death of his spouse or otherwise,

the Minister may, where he is requested to do so by that person, direct that any increment paid to that person, or except where clause *c* applies, to that person or his spouse for any months in that fiscal year following the month in which the direction is made, be calculated,

- (d) where clause *a* or *b* applies, as though the person and his spouse had been married on the last day of the previous fiscal year; and

- (e) where clause c applies, as though the person had not been married on the last day of the previous fiscal year.

(6) Nothing in subsection 5 shall be construed to limit or restrict the authority of the Minister to make any direction under subsection 3 or 4, and no hearing is required to be held prior to the making of any such direction. ^{Saving provision}

7.—(1) Where an application in respect of a fiscal year is approved, and it is subsequently determined that the income of the applicant for the base calendar year calculated as required by this Act (hereinafter referred to as his "actual income") does not accord with his income (hereinafter referred to as his "shown income") calculated as required by this Act on the basis of a statement required or permitted by section 5 to be made or filed by him, ^{Adjustment of increment}

- (a) where the applicant's actual income exceeds his shown income, any amount by which the increment paid to him for months in that fiscal year exceeds the increment that would have been paid to him for those months if his shown income had been equal to his actual income, may be deducted and retained out of any subsequent payments of such increment made to him in such manner as may be prescribed; and
- (b) where the applicant's shown income exceeds his actual income, there shall be paid to him an amount by which the increment that would have been paid to him for months in that fiscal year if his shown income had been equal to his actual income, exceeds the increment paid to him for those months.

(2) Notwithstanding subsection 1, no amount may be deducted and retained in a fiscal year pursuant to that subsection with respect to any increment paid to a beneficiary for months before the immediately preceding fiscal year, unless, ^{Limitation}

- (a) the beneficiary made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining such payment of increment; or
- (b) the amount by which,
- (i) the increment paid to the beneficiary for months in that fiscal year and the immediately preceding fiscal year,

exceeds

- (ii) the increment that would have been paid to the beneficiary for those months where his shown income had been equal to his actual income,

has been determined and an amount has been deducted and retained with respect thereto in accordance with this section, in which case the amount of the excess may be deducted and retained, in such manner as may be prescribed, out of any payment of increment made to him after any amount has been so deducted and retained.

Minister
to consider
applications

8.—(1) The Minister forthwith upon receiving an application shall consider the application, and he may,

- (a) approve payment of an increment and determine the amount thereof that may be paid to the applicant; or
- (b) determine that no increment may be paid to the applicant.

Minister to
furnish
particulars

(2) Where particulars of the basis on which the amount of any increment that may be paid to an applicant was determined by the Minister are requested by the applicant, or where the Minister determines that no increment may be paid to an applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no increment may be paid and shall notify the applicant of his right of appeal under this section.

Appeal

(3) Where an applicant is dissatisfied with a determination of the Minister under subsection 1 or with the decision of the Minister under section 2 to suspend payment of an increment or with a direction of the Minister under section 6, he may appeal against the determination, decision or direction as provided for in this section to the board and the decision of the board, subject only to variation by it upon application made to it by the applicant or the Minister based on evidence not previously considered by it, is final and binding on any question that is solely a question of fact.

Appeal how
commenced

(4) An appeal under this section shall be commenced by serving by registered mail or by personal service on the Minister and on the board a notice of appeal setting out the reasons for the appeal and the facts on which the appellant relies in support of his appeal.

(5) No appeal under this section with respect to a determination under subsection 1 shall be commenced after the expiration of sixty days from the day when written notice is given by the Minister under subsection 2 as to the particulars requested by an applicant or as to a determination of the Minister that no increment is payable.

Time for commencing appeal

(6) Within sixty days of the day on which a notice of appeal is served on him, the Minister shall serve by registered mail or by personal service on the appellant, or on his agent for service shown in the notice of appeal, a reply setting out the facts and reasons relied on by the Minister in opposing the appeal.

Reply of Minister

(7) At the time that a reply is served under subsection 6, the Minister shall forward a copy thereof to the board, together with any statement of particulars or statement of the basis of his determination given under subsection 2 or his decision made under section 2, that is material on the appeal.

Documents to be sent to board

(8) When the reply of the Minister is served, the board shall appoint a time and place for the hearing of the appeal and shall so notify the appellant and the Minister, and the board shall hear the appeal, and the practice and procedure of the board, as set out in *The Family Benefits Act* and regulations made thereunder, shall, *mutatis mutandis*, apply to an appeal under this section, including any right of appeal from the decision of the board on a question that is not solely a question of fact.

Board to hear appeal

R.S.O. 1970. c. 157

(9) In disposing of an appeal under this section, the board may *mutatis mutandis* exercise all the powers conferred upon it under *The Family Benefits Act*.

Powers of board

R.S.O. 1970. c. 157

(10) The board may extend the time within which an appeal may be commenced under subsection 5, either before or after the expiration of the time therein specified, where it is satisfied that there are *prima facie* grounds either for claiming relief pursuant to a hearing or for an appeal and that there are reasonable grounds for applying for the extension.

Extension of time

(11) In this section, "board" means the board of review established and constituted under the provisions of *The Family Benefits Act* and regulations made thereunder.

Interpretation

9.—(1) Where a person receives or obtains the payment of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, he shall forthwith return to the Minister such increment or excess amount, as the case may be.

Recovery of increment to which recipient not entitled

Idem

(2) Where a person receives or obtains the payment of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced,

(a) at any time, where that person made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining the amount or excess amount ; or

(b) where clause *a* is not applicable, at any time before the end of the fiscal year next following the fiscal year in which the amount or excess amount was received or obtained,

and where that person is or subsequently becomes a beneficiary, the amount of any such indebtedness may, subject to subsection 2 of section 7, be deducted and retained out of any increment payable to him or out of any payment to which he may be entitled at any time thereafter under subsection 5 of section 6*b* of *The Income Tax Act*, and where applicable, the amount of any such indebtedness may be recovered in the manner provided for in *The Financial Administration Act*.

R.S.O. 1970,
cc. 217, 166Information
to be
confidential

10.—(1) Except as provided in subsection 2, all information obtained under this Act by any officer, employee or agent of the Ministry of Revenue is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

Disclosure
of
information

(2) Any information referred to in subsection 1 that is obtained by any officer, employee or agent of the Ministry of Revenue in the administration of this Act may be communicated to any officer or employee of the Department of National Health and Welfare of the Government of Canada or of the Department of National Revenue of the Government of Canada, or of the Ministry of Treasury, Economics and Intergovernmental Affairs, or of the Ministry of Community and Social Services, or to any person or class of persons prescribed by the Lieutenant Governor in Council and approved by the Minister of National Health and Welfare of the Government of Canada who are administering a program of assistance payments similar in nature to the payments authorized under this Act.

(3) Notwithstanding any other Act or law, no officer, agent or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection 1 or to produce any statement or other writing containing any such information.

Evidence and production of documents

(4) Subsections 1 and 3 do not apply in respect of proceedings relating to the administration or enforcement of this Act.

Application of subs. 1, 3

11. An increment shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security an increment is void.

Increment not assignable

12.—(1) Where an applicant or a beneficiary entitled to receive an increment dies, the Minister may pay any increment to which the applicant or beneficiary was entitled at his death to the executor or administrator of his estate or, if no executor or administrator is, in the opinion of the Minister, likely to be appointed or granted letters probate, to such applicant's or beneficiary's surviving spouse or to the person who appears to the Minister to be discharging the duties of executor or administrator of the deceased applicant's or beneficiary's estate, although not so constituted or appointed by the Surrogate Court.

Payment after death

(2) In the case of a beneficiary,

(a) for whom a committee or trustee is acting; or

(b) who, in the opinion of the Minister, is using or is likely to use his increment otherwise than for his own benefit, or is incapacitated or is incapable of handling his own affairs,

Where increment may be paid to a trustee, etc.

the Minister may appoint a person to act on behalf of the beneficiary, and the increment may be paid for the benefit of the beneficiary to the committee or trustee or to the person so appointed.

(3) A person acting for a beneficiary under subsection 2 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

Compensation

13. Where a deduction is made from an increment payable under this Act or from any payment under a Statute of Canada or of a province of Canada that is relevant in determining the income for the base calendar year of the person

Liability to Crown not to increase increment

to whom any increment may be paid under this Act, and the deduction is made by the Crown to reduce or discharge a liability to the Crown of the person, such person's entitlement under this Act shall not thereby be increased.

Production
of docu-
ments and
records to
Minister

14. The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any beneficiary, from the spouse of any beneficiary, or from any person, partnership, syndicate, trust or corporation holding any amount for or paying or liable to pay any amount to a beneficiary or to the spouse of a beneficiary, production or production on oath of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents or information within such reasonable time as is stipulated therein.

Offence

15.—(1) Every person who,

- (a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a payment of an increment under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;
- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of an increment under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled;
- (c) knowingly, converts to his own use a payment of an increment under this Act to which he is not entitled;
or
- (d) contravenes section 10 or 14,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300 for each offence.

Information
may be for
more than
one offence

(2) An information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Limitation

(3) An information in respect of an offence under this Act shall be laid within five years of the time when the offence was committed.

10.—(1) The Minister may make regulations prescribing ^{Regulations} any form, notification or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification or statement shall be completed and what information it shall contain.

(2) The Lieutenant Governor in Council may make regu-^{Idem}lations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, and without limiting the generality of the foregoing, may make regulations,

- (a) prescribing the amount of the guaranteed income limit;
- (b) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive an increment and to establish the amount of such increment;
- (c) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
- (d) prescribing amounts that may be included in or excluded from defined income or income for the base calendar year;
- (e) defining intervals of absence from Ontario that shall be deemed not to have interrupted residence in Ontario;
- (f) providing for the suspension of payment of an increment during any investigation into the eligibility of a beneficiary, and the reinstatement or resumption of the payment thereof;
- (g) prescribing the manner in which any amount required by this Act to be deducted and retained out of any increment shall be so deducted and retained;
- (h) providing for the making of any application, statement or notification, or the doing of any other act or thing required or permitted by this Act, by any person or agency, and for the payment of a benefit to any person or agency on behalf of any other person or beneficiary where it is established, in such manner and by such evidence as may be prescribed, that such other person or beneficiary is, by reason of

infirmity, illness, insanity or other cause, incapable of managing his own affairs, and prescribing the manner in which any increment authorized to be paid to any such person or agency shall be administered and expended for the benefit of the beneficiary and accounted for;

- (i) fixing a date, other than the 1st day of April, for the commencement of a fiscal year for the purposes of this Act, and extending or abridging the period of any fiscal year, current fiscal year or previous fiscal year to provide for the orderly transition to the prescribed fiscal year from the fiscal year in effect prior to the prescribing of a different fiscal year under this clause;
- (j) defining the meaning of private pension income for the purposes of this Act and the regulations; and
- (k) prescribing, for the purposes of clause *h* of section 1, an age that is less than sixty-five years of age.

Idem

(3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Moneys

17. The moneys required for the purposes of this Act shall, from the 1st day of July, 1974 until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Transitional provisions

18. Notwithstanding any other provision of this Act,

- (a) every person who is an eligible person within the meaning of subclause i of clause *h* of section 1 is deemed to have applied for an increment in the month of June, 1974, to have had his application approved in that month, and to have furnished to the Minister the information that has been furnished to the Minister of National Health and Welfare with respect to the fiscal year commencing on the 1st day of April, 1974; and
- (b) where a beneficiary is, on the 1st day of July, 1974, an eligible person within the meaning of subclause ii or iii of clause *h* of section 1 and is a person whose application is received by the Minister prior to the 1st day of August, 1975, the approval of his application may be effective as of a date that is not earlier than the 30th day of June, 1974,

and where the application of a person described in clause *a* or *b* is deemed to be approved in the month of June, 1974 or is approved as of the 30th day of June, 1974, the person may be paid an increment for the month of July, 1974.

19. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

20. This Act may be cited as *The Ontario Guaranteed Annual Income Act, 1974*. ^{Short title}

An Act to ensure a
Guaranteed Annual Income
to Ontario Residents Sixty-five
Years of Age and over

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

BILL 96

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to ensure a Guaranteed Annual Income
to Ontario Residents Sixty-five Years of Age and over**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



**An Act to ensure a Guaranteed Annual
Income to Ontario Residents Sixty-five
Years of Age and over**

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

1. In this Act,

Inter-
pretation

- (a) "applicant" means a person who has applied for an increment;
- (b) "application" means an application for an increment under this Act;
- (c) "base calendar year" means the calendar year ending next before the commencement of the current fiscal year;
- (d) "basic monthly income" of a beneficiary for a month means,
 - (i) for any month in which the beneficiary is unmarried, and for which he is entitled to receive in the month a pension or a supplement, an amount equal to the sum of one-twelfth of his income for the base calendar year, plus the amount of any pension or supplement that he is entitled to receive in the month,
 - (ii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment and a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of

the beneficiary and his spouse, plus the amount of any pension or supplement that the beneficiary is entitled to receive in the month,

- (iii) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the lesser of,
 - (A) one-half of the amount of any pension that the beneficiary is entitled to receive in the month, or
 - (B) an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,

plus

- (C) the amount of any pension or supplement that the beneficiary is entitled to receive in the month,
- (iv) for any month in which the beneficiary is unmarried, and for which he is not entitled to receive a pension or a supplement, an amount equal to one-twelfth of his income for the base calendar year,
- (v) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment, and for which neither the beneficiary nor his spouse is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,
- (vi) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month an increment, a pension, or a supplement, and

for which the beneficiary is not entitled to receive a pension or a supplement,

- (A) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person,

R.S.C. 1970.
c. O-6

an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, or

- (B) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is not less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, and is less than an amount equal to the sum of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),
2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and
3. the amount of \$48.00,

an amount equal to the sum of the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, or

- (C) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is equal to or greater than the sum of the amounts described in paragraph 1, 2 or 3 of sub-subclause B,

an amount equal to one-thirty-sixth of,

- (D) the amount of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the aggregate of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),
2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and
3. the amount of \$12.00,

plus the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under that Act to an unmarried person, or

- (vii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive an increment and a pension or supplement, and for which the beneficiary is not entitled to receive a pension or supplement, an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, plus the aggregate of,

- (A) the amount of any increment, and

- (B) the amount of any pension or supplement,

that the spouse of the beneficiary is entitled to receive in the month;

- (e) "beneficiary" means a person to whom payment of an increment has been approved;
- (f) "current fiscal year" means the fiscal year in respect of which an application for an increment is made by an applicant or on his behalf;
- (g) "defined income" means any amount that is a supplement, a pension, a payment similar to a supplement or a pension under a law of a province of Canada, a private pension income, a benefit, other than a death benefit, under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*, and any amount that is income prescribed for the purpose of this clause; R.S.C. 1970,
c. C-5
- (h) "eligible person" means a person who has attained sixty-five years of age or such lesser age as may be prescribed, who, on the date his application is received by the Minister or his qualifying date, whichever is the later date, is actually residing in Ontario, and who,
- (i) on the 1st day of July, 1974, is actually residing in Ontario and is in receipt of a supplement that is paid to him through the Ontario Regional Office of the Income Security Branch of the Department of National Health and Welfare of the Government of Canada,
 - (ii) resided in Ontario for a period of one full year immediately prior to the date on which his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, and was either,
 - (A) resident in Canada for a period of five consecutive years immediately prior to the date his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, or
 - (B) resident in Canada for a continuous period of, or for periods the aggregate

of which is, twenty years after attaining the age of eighteen years,

or

- (iii) prior to the date his application is received by the Minister or prior to his qualifying date, whichever is the later date, had resided in Ontario for a continuous period of, or for periods the aggregate of which is, twenty years after attaining the age of eighteen years;
- (i) "fiscal year" means a period of twelve consecutive months commencing on the 1st day of April or on such other date as may be prescribed by the Lieutenant Governor in Council;
- (j) "guaranteed income limit" means, unless a higher amount is prescribed,
 - (i) in the case of a beneficiary described in any of subclauses i to vi of clause *d*, \$2,600, or
 - (ii) in the case of a beneficiary described in subclause vii of clause *d*, \$5,200;
- (k) "income for the base calendar year" of a person or an applicant means his income for the calendar year ended next before the current fiscal year and computed in accordance with the *Income Tax Act* (Canada), minus,
 - (i) the amount of any increment,
 - (ii) the amount of any pension or supplement and the amount of any similar payment made under a law of a province of Canada, and
 - (iii) the amount of any death benefit under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*,

1970-71,
c. 63 (Can.)

R.S.C. 1970,
c. C-5

that is included in computing that income, and means any amount deemed by section 5 to be income for the base calendar year;

- (l) "increment" means the monthly guaranteed annual income increment authorized to be paid under this

Act, and is an amount equal to the amount by which one-twelfth of the guaranteed income limit applicable to a beneficiary exceeds the beneficiary's basic monthly income for the month for which the payment authorized under this Act is being made;

- (m) "Minister" means the Minister of Revenue;
- (n) "month throughout the whole of which the beneficiary is married" includes the month in which the beneficiary ceases to be married as a result of the death of his spouse or otherwise, and "month in which the beneficiary is unmarried" does not include the month in which he so ceases to be married;
- (o) "pension" means a monthly pension authorized to be paid under Part I of the *Old Age Security Act* ^{R.S.C. 1970,} (Canada); _{c. O-6}
- (p) "prescribed" means prescribed by regulation;
- (q) "previous fiscal year" means the fiscal year next before the current fiscal year;
- (r) "qualifying date" means the 1st day of July, 1974 or, in the case of an individual who is not an eligible person on that date, the first date after the 1st day of July, 1974 on which such individual becomes an eligible person;
- (s) "regulation" means a regulation made under this Act;

"supplement" means a monthly guaranteed income supplement authorized to be paid under Part II of the *Old Age Security Act* (Canada).

2.—(1) Subject to this Act and the regulations, an increment may be paid to every eligible person for each month in a fiscal year, such that the first payment shall be made for the month following the month in which the beneficiary's qualifying date occurs or, where an application is received after the applicant's qualifying date, for the month following the month in which the application is approved. Payment of
Increment

(2) No increment may be paid to any eligible person for any month in any fiscal year unless an application therefor has been made by him or on his behalf and payment of the increment for months in that fiscal year has been approved by the Minister, and except as other- When
Increment
not payable

wise provided in this Act and the regulations, no increment may be paid to any eligible person, pursuant to an application therefor, for

- (a) any month more than twelve months before the month in which the application is received;
- (b) any month prior to the 1st day of July, 1974;
- (c) any month throughout the whole of which the beneficiary is absent from Ontario, having absented himself from Ontario, either before or after becoming a beneficiary, and having remained out of Ontario before that month for six consecutive months, exclusive of the month in which he left Ontario; or
- (d) any month prior to the month following the month in which his application is received or in which his qualifying date occurs, whichever is the later.

Suspension of payments

(3) Where, after becoming a beneficiary, a person remains out of Ontario for six consecutive months, exclusive of the month in which he left Ontario, payment of his increment in any subsequent month during which he is only temporarily resident in Ontario may, without a hearing, be suspended, but payment may be resumed with the month in which he returns to Ontario to become principally resident in Ontario.

Idem

(4) Where a beneficiary, either before or after becoming a beneficiary, is convicted of an offence and sentenced to a term of imprisonment exceeding ninety days, payment of his increment for any period he continues to be imprisoned shall be suspended, but may be resumed upon his release from imprisonment.

Idem

(5) Where a beneficiary fails to comply with any of the provisions of this Act or the regulations, payment of his increment may, without a hearing, be suspended, and where payment of an increment is so suspended, it shall be resumed when the beneficiary has complied with such provisions, and shall be paid in accordance with the amount of any increment to which the beneficiary is then entitled.

Approval where applicant entitled to pension or supplement

(6) When an applicant is, on his qualifying date or on the last day of the month in which his application is

received, whichever is the later day, entitled to receive a pension or a supplement for which he has not applied, his application shall not be approved until his entitlement to receive a pension or a supplement is determined.

(7) Where a beneficiary becomes entitled to receive a pension or a supplement and does not apply therefor, the beneficiary's increment shall be reduced to that amount that would be payable to him were he receiving the pension and, where applicable, the supplement to which he would be entitled upon making an application as provided in the *Old Age Security Act* (Canada).

Reduction of increment where beneficiary entitled to pension or supplement

R.S.C. 1970, c. O-6

3.—(1) In order to facilitate the carrying out of the intent and purpose of this Act, or for the purpose of ascertaining any fact necessary to establish that a person who has applied for or is entitled to a supplement is or is not entitled to an increment, the Minister may act upon any decision made by the Minister of National Health and Welfare of the Government of Canada or by a court or tribunal to which an appeal is taken as provided for in the *Old Age Security Act* (Canada) or may act upon any statement or information furnished under that Act, and for the purpose of determining the entitlement of any person to an increment or of determining the amount thereof, the Minister may treat an application under the *Old Age Security Act* (Canada) for a supplement or a statement of income furnished under that Act as an application or statement, as the case requires, under this Act, and when so treated, such application or statement shall be deemed an application or statement under this Act.

Minister may act on information furnished under R.S.C. 1970, c. O-6

(2) The Minister is authorized to enter into and to proceed upon any arrangement with the Minister of National Health and Welfare of the Government of Canada for obtaining, exchanging and keeping confidential any information furnished under this Act or under the *Old Age Security Act* (Canada), or any arrangement that will, in the opinion of the Minister, facilitate the implementation and carrying out of the provisions of this Act and the payment of increments to which any eligible person is entitled under this Act, but if any such arrangement is made with a person who is not subject to the provisions of section 10, the Minister shall take all steps necessary to ensure that any information coming to such person's knowledge concerning any beneficiary or applicant is not divulged or disclosed to any person not legally entitled thereto.

Idem

Delegation
of power

(3) Where an arrangement is entered into under subsection 2, the Minister may in writing delegate the exercise or discharge of any power or duty conferred or imposed upon him by this Act, including a discretion, and where the exercise of any discretion is delegated, the Minister shall in writing define the extent to which and, where applicable, the terms upon which the discretion is exercisable, and every delegation made under this subsection may be revoked or may be made upon such conditions as the Minister may impose to ensure the carrying out of the purposes of this Act and compliance with its provisions.

Approval of
application
after month
in which
received

4.—(1) Where an application is approved after the last day of the month in which it is received, the approval may be effective as of such earlier date, not prior to the day on which the application was received, as may be prescribed.

Application
after
eligibility

(2) Notwithstanding subsection 1, where the qualifying date of an applicant occurred before the day on which his application is received, the approval of the application may be effective as of such earlier day, not before the later of,

(a) a day one year before the day on which the application was received; or

(b) the day on which the applicant's qualifying date occurred,

as may be prescribed.

Continuation
of
payments

(3) Subject to this Act and the regulations, an increment shall continue to be paid during the lifetime of a beneficiary, and shall cease with the payment for the month in which the beneficiary dies.

When
increment
payable

(4) Payment of an increment for any month shall be made at any time during the month, except that where payment of an increment in respect of any fiscal year is approved after the end of the month for which the first payment of the increment may be made, payments thereof for the month in which the payment of the increment is approved and for months preceding that month may be made during the two months following the month in which payment of the increment is approved.

Minimum
increment

(5) Where the increment to which a beneficiary is entitled in any month is more than zero and less than \$2.50,

the beneficiary shall be paid an increment in the amount of \$2.50 for that month.

5.—(1) Every applicant in respect of a current fiscal year shall in his application make a statement of his income for the base calendar year. Statement of income to be made

(2) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income, other than his estimated income from that office or employment or from that business, as the case may be, for the calendar year in which he ceased to hold that office or employment or ceased to carry on that business, in which case, Additional statement where retirement in current fiscal year

(a) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

(b) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

(3) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by Additional statement where loss of private pension income in current fiscal year

subsection 1 in the case of an applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income for the calendar year in which he suffered that loss, other than private pension income received by him in that part of that calendar year that is before the month in which he suffered that loss, in which case,

- (a) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income for that calendar year,

plus

- (b) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Additional
statement
where retire-
ment before
current
fiscal year

(4) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing his statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

- (a) where he ceased to hold that office or employment or to carry on that business in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or
- (b) where he ceased to hold that office or employment or to carry on that business in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year showing any

income actually received by him in that calendar year from that office or employment or from that business, as the case may be, in which case,

- (i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

- (ii) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

(5) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

Additional
statement
where loss
of private
pension
income
before
current
fiscal year

- (a) where he suffered that loss in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or
- (b) where he suffered that loss in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year, showing the amount of private pension income actually received by him in

that part of that calendar year that is before the month in which he suffered that loss, in which case,

- (i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income in that calendar year,

plus

- (ii) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Where
statement
filed under
subs. 2 or 3

(6) Where, under subsection 2 or 3, a statement of estimated income is filed by an applicant or by an applicant's spouse, no increment calculated on the basis of that statement may be paid to the applicant for any month in the current fiscal year before,

- (a) the month next following the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, ceased to hold the office or employment previously held by him or ceased to carry on the business previously carried on by him; or
- (b) the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, suffered the loss of income due to termination or reduction of private pension income,

as the case may be.

Reduction
of income
for the base
calendar
year

(7) For the purpose of facilitating a payment of an increment to a beneficiary, and for the purpose of making the same amount of increment payable to every beneficiary whose increment, calculated in accordance with this Act (other than this subsection) and the regulations, is more or less in the same amount, the Minister may reduce,

- (a) the income for the base calendar year of any beneficiary by an amount that shall not exceed \$23.99; or

- (b) the aggregate incomes for the base calendar year of any beneficiary and the spouse of that beneficiary by an amount that shall not exceed \$47.99,

and such income or incomes, when so reduced, shall be deemed to be the income for the base calendar year of the beneficiary or the aggregate incomes for the base calendar year of the beneficiary and his spouse, as the case may be, but no reduction authorized by this subsection shall be made if it will reduce the amount of the increment to which a beneficiary is entitled.

6.—(1) Every application in respect of a fiscal year shall state whether the applicant is married on the day on which the application is made or the last day of the previous fiscal year, whichever is the earlier day, and, if so, the name and address of his spouse and whether, to his knowledge, his spouse is in receipt of an increment. Statement of marital status

(2) Subject to subsection 3, where an application in respect of a fiscal year is made by a person who, on the day on which his application is made or the last day of the previous fiscal year, whichever is the earlier day, is married, the application shall not be considered or dealt with unless, Statement by spouse

- (a) the applicant's spouse has filed a statement in prescribed form of the spouse's income for the base calendar year; or
- (b) an application in respect of the current fiscal year has been received from the applicant's spouse.

(3) Where an application in respect of a fiscal year is made by a person, the Minister, Direction by Minister where no statement filed by spouse or where spouses living apart

- (a) may, without a hearing and after such investigation of the circumstances as he deems necessary, in any case where,
- (i) no statement or application under subsection 2 is filed or received from the spouse of the person, or
- (ii) he is satisfied that the person, as a result of circumstances not attributable to him or his spouse, was not living with his spouse in a dwelling maintained by him or his spouse at the time the application was made; and

- (b) shall, where he is satisfied that on the last day of the previous fiscal year, the person was living separate and apart from his spouse and had lived so separate and apart for a period of not less than one year immediately before that day,

direct that the application be considered and dealt with as though the person was not married on the last day of the previous fiscal year.

Review of
direction

(4) Where, after the Minister has made a direction under subsection 3 with respect to an application made in respect of a fiscal year by a person other than a person to whom clause *b* of subsection 3 applies, a statement or application under subsection 2 is filed by or received from the applicant's spouse, the Minister may review the direction and may after his review direct that any increment paid to the applicant or his spouse for months in that fiscal year following the month in which the review is made be calculated as if,

- (a) the applicant and his spouse were in fact married on the last day of the previous fiscal year; or
- (b) the applicant and his spouse had not been married on the last day of the previous fiscal year.

Direction by
Minister
where
marital
status
changes
in current
fiscal year

(5) Where an application in respect of a fiscal year is made by a person, and at any time in that fiscal year the person,

- (a) ceases to live separate and apart from his spouse in the case of a person referred to in clause *b* of subsection 3;
- (b) is married; or
- (c) ceases to be married as a result of the death of his spouse or otherwise,

the Minister may, where he is requested to do so by that person, direct that any increment paid to that person, or except where clause *c* applies, to that person or his spouse for any months in that fiscal year following the month in which the direction is made, be calculated,

- (d) where clause *a* or *b* applies, as though the person and his spouse had been married on the last day of the previous fiscal year; and

(c) where clause c applies, as though the person had not been married on the last day of the previous fiscal year.

(6) Nothing in subsection 5 shall be construed to limit or restrict the authority of the Minister to make any direction under subsection 3 or 4, and no hearing is required to be held prior to the making of any such direction. ^{Saving provision}

7.—(1) Where an application in respect of a fiscal year is approved, and it is subsequently determined that the income of the applicant for the base calendar year calculated as required by this Act (hereinafter referred to as his "actual income") does not accord with his income (hereinafter referred to as his "shown income") calculated as required by this Act on the basis of a statement required or permitted by section 5 to be made or filed by him, ^{Adjustment of increment}

(d) where the applicant's actual income exceeds his shown income, any amount by which the increment paid to him for months in that fiscal year exceeds the increment that would have been paid to him for those months if his shown income had been equal to his actual income, may be deducted and retained out of any subsequent payments of such increment made to him in such manner as may be prescribed; and

(b) where the applicant's shown income exceeds his actual income, there shall be paid to him an amount by which the increment that would have been paid to him for months in that fiscal year if his shown income had been equal to his actual income, exceeds the increment paid to him for those months.

(2) Notwithstanding subsection 1, no amount may be deducted and retained in a fiscal year pursuant to that subsection with respect to any increment paid to a beneficiary for months before the immediately preceding fiscal year, unless, ^{Limitation}

(a) the beneficiary made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining such payment of increment; or

(b) the amount by which,

(i) the increment paid to the beneficiary for months in that fiscal year and the immediately preceding fiscal year,

exceeds

- (ii) the increment that would have been paid to the beneficiary for those months where his shown income had been equal to his actual income,

has been determined and an amount has been deducted and retained with respect thereto in accordance with this section, in which case the amount of the excess may be deducted and retained, in such manner as may be prescribed, out of any payment of increment made to him after any amount has been so deducted and retained.

Minister
to consider
applications

8.—(1) The Minister forthwith upon receiving an application shall consider the application, and he may,

- (a) approve payment of an increment and determine the amount thereof that may be paid to the applicant; or
- (b) determine that no increment may be paid to the applicant.

Minister to
furnish
particulars

(2) Where particulars of the basis on which the amount of any increment that may be paid to an applicant was determined by the Minister are requested by the applicant, or where the Minister determines that no increment may be paid to an applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no increment may be paid and shall notify the applicant of his right of appeal under this section.

Appeal

(3) Where an applicant is dissatisfied with a determination of the Minister under subsection 1 or with the decision of the Minister under section 2 to suspend payment of an increment or with a direction of the Minister under section 6, he may appeal against the determination, decision or direction as provided for in this section to the board and the decision of the board, subject only to variation by it upon application made to it by the applicant or the Minister based on evidence not previously considered by it, is final and binding on any question that is solely a question of fact.

Appeal how
commenced

(4) An appeal under this section shall be commenced by serving by registered mail or by personal service on the Minister and on the board a notice of appeal setting out the reasons for the appeal and the facts on which the appellants relies in support of his appeal.

(5) No appeal under this section with respect to a determination under subsection 1 shall be commenced after the expiration of sixty days from the day when written notice is given by the Minister under subsection 2 as to the particulars requested by an applicant or as to a determination of the Minister that no increment is payable.

(6) Within sixty days of the day on which a notice of appeal is served on him, the Minister shall serve by registered mail or by personal service on the appellant, or on his agent for service shown in the notice of appeal, a reply setting out the facts and reasons relied on by the Minister in opposing the appeal.

(7) At the time that a reply is served under subsection 6, the Minister shall forward a copy thereof to the board, together with any statement of particulars or statement of the basis of his determination given under subsection 2 or his decision made under section 2, that is material on the appeal.

(8) When the reply of the Minister is served, the board shall appoint a time and place for the hearing of the appeal and shall so notify the appellant and the Minister, and the board shall hear the appeal, and the practice and procedure of the board, as set out in *The Family Benefits Act* and regulations made thereunder, shall, *mutatis mutandis*, apply to an appeal under this section, including any right of appeal from the decision of the board on a question that is not solely a question of fact.

(9) In disposing of an appeal under this section, the board may *mutatis mutandis* exercise all the powers conferred upon it under *The Family Benefits Act*.

(10) The board may extend the time within which an appeal may be commenced under subsection 5, either before or after the expiration of the time therein specified, where it is satisfied that there are *prima facie* grounds either for claiming relief pursuant to a hearing or for an appeal and that there are reasonable grounds for applying for the extension.

(11) In this section, "board" means the board of review established and constituted under the provisions of *The Family Benefits Act* and regulations made thereunder.

9.—(1) Where a person receives or obtains the payment of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, he shall forthwith return to the Minister such increment or excess amount, as the case may be.

Idem

(2) Where a person receives or obtains the payment of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced,

- (a) at any time, where that person made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining the amount or excess amount ; or
- (b) where clause *a* is not applicable, at any time before the end of the fiscal year next following the fiscal year in which the amount or excess amount was received or obtained,

and where that person is or subsequently becomes a beneficiary, the amount of any such indebtedness may, subject to subsection 2 of section 7, be deducted and retained out of any increment payable to him or out of any payment to which he may be entitled at any time thereafter under subsection 5 of section 6*b* of *The Income Tax Act*, and where applicable, the amount of any such indebtedness may be recovered in the manner provided for in *The Financial Administration Act*.

R.S.O. 1970,
cc. 217, 166Information
to be
confidential

10.—(1) Except as provided in subsection 2, all information obtained under this Act by any officer, employee or agent of the Ministry of Revenue is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

Disclosure
of
information

(2) Any information referred to in subsection 1 that is obtained by any officer, employee or agent of the Ministry of Revenue in the administration of this Act may be communicated to any officer or employee of the Department of National Health and Welfare of the Government of Canada or of the Department of National Revenue of the Government of Canada, or of the Ministry of Treasury, Economics and Intergovernmental Affairs, or of the Ministry of Community and Social Services, or to any person or class of persons prescribed by the Lieutenant Governor in Council and approved by the Minister of National Health and Welfare of the Government of Canada who are administering a program of assistance payments similar in nature to the payments authorized under this Act.

(3) Notwithstanding any other Act or law, no officer, agent or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection 1 or to produce any statement or other writing containing any such information.

Evidence and production of documents

(4) Subsections 1 and 3 do not apply in respect of proceedings relating to the administration or enforcement of this Act.

Application of subs. 1.3

11. An increment shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security an increment is void.

Increment not assignable

12.—(1) Where an applicant or a beneficiary entitled to receive an increment dies, the Minister may pay any increment to which the applicant or beneficiary was entitled at his death to the executor or administrator of his estate or, if no executor or administrator is, in the opinion of the Minister, likely to be appointed or granted letters probate, to such applicant's or beneficiary's surviving spouse or to the person who appears to the Minister to be discharging the duties of executor or administrator of the deceased applicant's or beneficiary's estate, although not so constituted or appointed by the Surrogate Court.

Payment after death

(2) In the case of a beneficiary,

Where increment may be paid to a trustee, etc.

(a) for whom a committee or trustee is acting; or

(b) who, in the opinion of the Minister, is using or is likely to use his increment otherwise than for his own benefit, or is incapacitated or is incapable of handling his own affairs,

the Minister may appoint a person to act on behalf of the beneficiary, and the increment may be paid for the benefit of the beneficiary to the committee or trustee or to the person so appointed.

(3) A person acting for a beneficiary under subsection 2 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

Compensation

13. Where a deduction is made from an increment payable under this Act or from any payment under a Statute of Canada or of a province of Canada that is relevant in determining the income for the base calendar year of the person

Liability to Crown not to increase increment

to whom any increment may be paid under this Act, and the deduction is made by the Crown to reduce or discharge a liability to the Crown of the person, such person's entitlement under this Act shall not thereby be increased.

Production
of docu-
ments and
records to
Minister

14. The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any beneficiary, from the spouse of any beneficiary, or from any person, partnership, syndicate, trust or corporation holding any amount for or paying or liable to pay any amount to a beneficiary or to the spouse of a beneficiary, production or production on oath of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents or information within such reasonable time as is stipulated therein.

Offence

15.—(1) Every person who,

- (a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a payment of an increment under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;
- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of an increment under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled;
- (c) knowingly, converts to his own use a payment of an increment under this Act to which he is not entitled; or
- (d) contravenes section 10 or 14,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300 for each offence.

Information
may be for
more than
one offence

(2) An information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Limitation

(3) An information in respect of an offence under this Act shall be laid within five years of the time when the offence was committed.

16.—(1) The Minister may make regulations prescribing ^{Regulations} any form, notification or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification or statement shall be completed and what information it shall contain.

(2) The Lieutenant Governor in Council may make regu-^{idem}lations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, and without limiting the generality of the foregoing, may make regulations,

- (a) prescribing the amount of the guaranteed income limit;
- (b) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive an increment and to establish the amount of such increment;
- (c) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
- (d) prescribing amounts that may be included in or excluded from defined income or income for the base calendar year;
- (e) defining intervals of absence from Ontario that shall be deemed not to have interrupted residence in Ontario;
- (f) providing for the suspension of payment of an increment during any investigation into the eligibility of a beneficiary, and the reinstatement or resumption of the payment thereof;
- (g) prescribing the manner in which any amount required by this Act to be deducted and retained out of any increment shall be so deducted and retained;
- (h) providing for the making of any application, statement or notification, or the doing of any other act or thing required or permitted by this Act, by any person or agency, and for the payment of a benefit to any person or agency on behalf of any other person or beneficiary where it is established, in such manner and by such evidence as may be prescribed, that such other person or beneficiary is, by reason of

infirmity, illness, insanity or other cause, incapable of managing his own affairs, and prescribing the manner in which any increment authorized to be paid to any such person or agency shall be administered and expended for the benefit of the beneficiary and accounted for;

- (i) fixing a date, other than the 1st day of April, for the commencement of a fiscal year for the purposes of this Act, and extending or abridging the period of any fiscal year, current fiscal year or previous fiscal year to provide for the orderly transition to the prescribed fiscal year from the fiscal year in effect prior to the prescribing of a different fiscal year under this clause;
- (j) defining the meaning of private pension income for the purposes of this Act and the regulations; and
- (k) prescribing, for the purposes of clause *h* of section 1, an age that is less than sixty-five years of age.

Idem

(3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Moneys

17. The moneys required for the purposes of this Act shall, from the 1st day of July, 1974 until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Transitional provisions

18. Notwithstanding any other provision of this Act,

- (a) every person who is an eligible person within the meaning of subclause i of clause *h* of section 1 is deemed to have applied for an increment in the month of June, 1974, to have had his application approved in that month, and to have furnished to the Minister the information that has been furnished to the Minister of National Health and Welfare with respect to the fiscal year commencing on the 1st day of April, 1974; and
- (b) where a beneficiary is, on the 1st day of July, 1974, an eligible person within the meaning of subclause ii or iii of clause *h* of section 1 and is a person whose application is received by the Minister prior to the 1st day of August, 1975, the approval of his application may be effective as of a date that is not earlier than the 30th day of June, 1974,

and where the application of a person described in clause *a* or *b* is deemed to be approved in the month of June, 1974 or is approved as of the 30th day of June, 1974, the person may be paid an increment for the month of July, 1974.

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

20. This Act may be cited as *The Ontario Guaranteed Annual Income Act, 1974*. ^{Short title}

An Act to ensure a
Guaranteed Annual Income
to Ontario Residents Sixty-five
Years of Age and over

1st Reading

June 14th, 1974

2nd Reading

June 20th, 1974

3rd Reading

June 27th, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Municipal Franchises Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

The amendment includes rights related to the transmission of gas among the types of rights for the renewal or extension of which application may be made to the Ontario Energy Board.

An Act to amend The Municipal Franchises Act

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

1. Subsection 1 of section 10 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is amended by inserting after "term" in the first line "of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or", so that the subsection shall read as follows:

(1) Where the term of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or of a right to operate works for the distribution of gas or to supply gas to a municipal corporation or to the inhabitants of a municipality has expired or will expire within one year, either the municipality or the party having the right may apply to the Ontario Energy Board for an order for a renewal of or an extension of the term of the right.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Municipal Franchises Amendment Act, 1974*.

An Act to amend
The Municipal Franchises Act

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 97

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Municipal Franchises Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

**An Act to amend
The Municipal Franchises Act**

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

1. Subsection 1 of section 10 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is amended by inserting after "term" in the first line "of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or", so that the subsection shall read as follows:

(1) Where the term of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or of a right to operate works for the distribution of gas or to supply gas to a municipal corporation or to the inhabitants of a municipality has expired or will expire within one year, either the municipality or the party having the right may apply to the Ontario Energy Board for an order for a renewal of or an extension of the term of the right.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Municipal Franchises Amendment Act, 1974*.

An Act to amend
The Municipal Franchises Act

1st Reading

June 14th, 1974

2nd Reading

June 26th, 1974

3rd Reading

June 26th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

Presently, two members of the Waterloo city council, elected by the council, sit on the Regional Council. The amendment provides that the two council members receiving the greatest number of votes at the last election will sit on the Regional Council. If one or both decline then the members receiving the next greatest number of votes, in declining order, become eligible to sit on the Council.

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

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

1. Clause *d* of subsection 1 of section 8 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed and the following substituted therefor:

s. 8 (1) (d),
re-enacted

(d) two members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council, in any year received the highest number of votes, and in the event that either or both of such members decline to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1974*.

Short title

An Act to amend
The Regional Municipality of
Waterloo Act, 1972

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 98

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

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**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

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

1. Clause *d* of subsection 1 of section 8 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is ^{s. 8 (1) (d), re-enacted} repealed and the following substituted therefor:
 - (d) two members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council, in any year received the highest number of votes, and in the event that either or both of such members decline to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
3. This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1974*. ^{Short title}

An Act to amend
The Regional Municipality of
Waterloo Act, 1972

1st Reading

June 14th, 1974

2nd Reading

June 20th, 1974

3rd Reading

June 21st, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The City of the Lakehead Act, 1968-69**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The title of the Act is amended to conform to the name of the City as established by the Minister following a vote of the electors.

SECTION 2. The amendment retains the present ward structure for the purposes of the 1974 elections. In 1975, the council of the City is required to apply to the Municipal Board to either confirm or vary the ward structure.

SECTION 3. The effect of the re-enactment is to carry forward for the purposes of the 1974 elections certain residence qualifications for aldermen.

**An Act to amend
The City of the Lakehead Act, 1968-69**

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

1. The long title to *The City of the Lakehead Act, 1968-69*, Long title re-enacted being chapter 56, is repealed and the following substituted therefor:

“An Act to incorporate the City of Thunder Bay”

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 36, section 1, is further amended s. 3, amended by adding thereto the following subsections:

(5a) Notwithstanding subsection 5, the wards described therein shall be continued for the election to be held in the year 1974, and the council of the City shall, in the year 1975, apply to the Ontario Municipal Board for confirmation of the said ward system or for the establishment in the City of such other system for the election of persons to the council as the council considers suitable. Wards continued for 1974 election

(5b) The Ontario Municipal Board may, notwithstanding *The Municipal Act*, establish such system for the election of persons to the council of the City as the Municipal Board in its discretion considers suitable. Powers of O.M.B. R.S.O. 1970, c. 284

3. Subsections 2 and 3 of section 4 of the said Act are repealed and the following substituted therefor: s. 4(2), re-enacted s. 4(3), repealed

(2) Twelve aldermen shall be elected by a general vote of the electors of the City and the electors in the year 1974 shall vote to elect, Election of aldermen

- (a) five aldermen whose principal residences are, at the commencement of the nomination period, in Fort William Ward;

- (b) five aldermen whose principal residences are, at the commencement of the nomination period, in Port Arthur Ward;
- (c) one alderman whose principal place of residence is, at the commencement of the nomination period in McIntyre Ward; and
- (d) one alderman whose principal place of residence is, at the commencement of the nomination period, in Neebing Ward.

s. 7,
amended

4. Section 7 of the said Act is amended by adding thereto the following subsection:

Fort William
Board of Park
Management
dissolved

(1a) The Board of Park Management of the City of Fort William is hereby deemed to have been dissolved on the 1st day of January, 1970, and all the assets and liabilities of such board vested on that date in the City without compensation.

s. 14 (1),
amended

- 5.—(1) Subsection 1 of section 14 of the said Act is amended by striking out “and 1973” in the second line and inserting in lieu thereof “1973, 1974, 1975, 1976 and 1977”.

s. 14 (2),
amended

(2) Subsection 2 of the said section 14 is amended by striking out “and 1973” in the second line and inserting in lieu thereof “1973, 1974, 1975, 1976 and 1977”.

s. 24a,
enacted

6. The said Act is amended by adding thereto the following section:

Exhibition
property
liable to
taxation
when
occupied
by tenant

24a. Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society, Fort William-Port Arthur, situate in the City and bounded on the north by Isabel Street, on the east by the Fort William Road, on the south by the McIntyre River and on the west by Memorial Avenue, shall, when in occupation by a tenant, be liable to municipal taxation, including business taxes.

s. 27,
re-enacted

7. Section 27 of the said Act is repealed and the following substituted therefor:

Short title

27. This Act may be cited as *The City of Thunder Bay Act, 1968-69*.

SECTION 4. The dissolution of this Board was overlooked in the original legislation. The amendment deems it to have been dissolved on January 1st, 1970, being the same date on which similar boards were dissolved.

SECTION 5. The effect of the amendments is to continue until 1977 the requirement that lower rates of taxation be imposed in McIntyre and Neebing Wards.

SECTION 6 Self-explanatory.

SECTION 7. Complementary to section I of the Bill in relation to the proper name of the City.



8. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
9. This Act may be cited as *The City of the Lakehead Amendment Act, 1974*. ^{Short title}

An Act to amend
The City of the Lakehead
Act, 1968-69

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

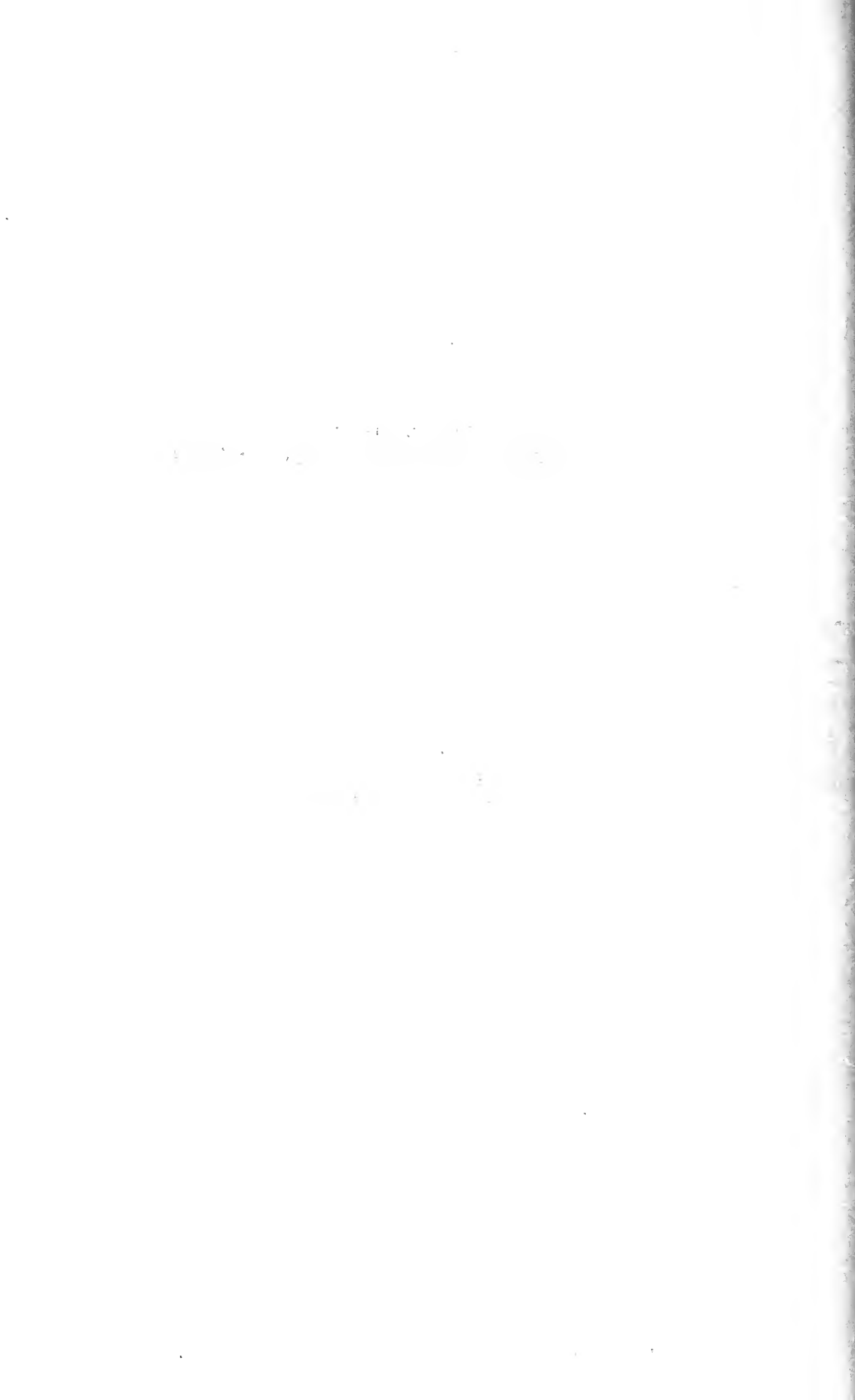
(Government Bill)

BILL 99

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The City of The Lakehead Act, 1968-69**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



**An Act to amend
The City of The Lakehead Act, 1968-69**

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

1. The long title to *The City of The Lakehead Act, 1968-69*, Long title re-enacted being chapter 56, is repealed and the following substituted therefor:

"An Act to incorporate the City of Thunder Bay"

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 36, section 1, is further amended s. 3, amended by adding thereto the following subsections:

(5a) Notwithstanding subsection 5, the wards described therein shall be continued for the election to be held in the year 1974, and the council of the City shall, in the year 1975, apply to the Ontario Municipal Board for confirmation of the said ward system or for the establishment in the City of such other system for the election of persons to the council as the council considers suitable. Wards continued for 1974 election

(5b) The Ontario Municipal Board may, notwithstanding *The Municipal Act*, establish such system for the election of persons to the council of the City as the Municipal Board in its discretion considers suitable. Powers of O.M.B. R.S.O. 1970. c. 284

3. Subsections 2 and 3 of section 4 of the said Act are repealed and the following substituted therefor: s. 4 (2), re-enacted s. 4 (3), repealed

(2) Twelve aldermen shall be elected by a general vote of the electors of the City and the electors in the year 1974 shall vote to elect, Election of aldermen

- (a) five aldermen whose principal residences are, at the commencement of the nomination period, in Fort William Ward;

- (b) five aldermen whose principal residences are, at the commencement of the nomination period, in Port Arthur Ward;
- (c) one alderman whose principal place of residence is, at the commencement of the nomination period, in McIntyre Ward; and
- (d) one alderman whose principal place of residence is, at the commencement of the nomination period, in Neebing Ward.

s. 7,
amended

4. Section 7 of the said Act is amended by adding thereto the following subsection:

Fort William
Board of Park
Management
dissolved

(1a) The Board of Park Management of the City of Fort William is hereby deemed to have been dissolved on the 1st day of January, 1970, and all the assets and liabilities of such board vested on that date in the City without compensation.

s. 14 (1),
amended

- 5.—(1) Subsection 1 of section 14 of the said Act is amended by striking out “and 1973” in the second line and inserting in lieu thereof “1973, 1974, 1975, 1976 and 1977”.

s. 14 (2),
amended

(2) Subsection 2 of the said section 14 is amended by striking out “and 1973” in the second line and inserting in lieu thereof “1973, 1974, 1975, 1976 and 1977”.

s. 24a,
enacted

6. The said Act is amended by adding thereto the following section:

Exhibition
property
liable to
taxation
when
occupied
by tenant

24a. Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society, Fort William-Port Arthur, situate in the City and bounded on the north by Isabel Street, on the east by the Fort William Road, on the south by the McIntyre River and on the west by Memorial Avenue, shall, when in occupation by a tenant, be liable to municipal taxation, including business taxes.

s. 27,
re-enacted

7. Section 27 of the said Act is repealed and the following substituted therefor:

Short title

27. This Act may be cited as *The City of Thunder Bay Act, 1968-69*.

8. This Act comes into force on the day it receives Royal Commence-
Assent. ment
9. This Act may be cited as *The City of The Lakehead Amend-* Short title
ment Act, 1974.



An Act to amend
The City of The Lakehead
Act, 1968-69

1st Reading

June 14th, 1974

2nd Reading

June 24th, 1974

3rd Reading

June 24th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Health Insurance Act, 1972

THE HON. F. S. MILLER
Minister of Health

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to provide that the Minister of Health will represent the Government of Ontario in respect of the agreement with the Government of Canada referred to in section 3 (1) of the Act.

SECTION 2. The amendments provide for the appointment of two persons who are not physicians or practitioners to membership on the Medical Review Committee and for the payment of the administrative expenses of the Committee.

**An Act to amend
The Health Insurance Act, 1972**

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

1. Subsection 1 of section 3 of *The Health Insurance Act*, ^{s. 3 (1),} amended 1972, being chapter 91, is amended by striking out "Treasurer of Ontario" in the second line and inserting in lieu thereof "Minister".
- 2.—(1) Subsection 1 of section 5 of the said Act is repealed ^{s. 5 (1),} re-enacted and the following substituted therefor:

(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of,

Medical Review Committee
R.S.O. 1970,
c. 200.

(a) not more than six members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons; and

(b) two members who are not physicians or practitioners, appointed by the Minister.

(1a) Three members of the Medical Review Committee, ^{Quorum} one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the Committee.

- (2) The said section 5 is amended by adding thereto ^{s. 5,} amended the following subsection:

(2a) The Medical Review Committee shall be paid such amounts for the administration expenses of the Committee and the engaging of assistance for the Committee as may be approved by the Minister.

Administration expenses

s. 5a,
enacted

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

Practitioner Review Committees

Practitioner
review
committees

5a.—(1) The Minister shall appoint the following practitioner review committees:

R.S.O. 1970,
c. 70

1. A Chiroprody Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Regents appointed under *The Chiroprody Act*.

R.S.O. 1970,
c. 137

2. A Chiropractic Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Chiropractic appointed under *The Drugless Practitioners Act*.

3. A Dentistry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by The Royal College of Dental Surgeons of Ontario.

4. An Optometry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the College of Optometrists of Ontario.

5. An Osteopathy Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Osteopathy appointed under *The Drugless Practitioners Act*.

Quorum

(2) Three members of a practitioner review committee, one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the committee.

Remunera-
tion

(3) The members of a practitioner review committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Administra-
tion expenses

(4) Every practitioner review committee shall be paid such amounts for the expenses of the committee and the engaging of assistance for the committee as may be approved by the Minister.

SECTION 3. The amendment provides for practitioner review committees similar to the Medical Review Committee provided for in section 5 of the Act

SECTION 4. The subsection is re-enacted to provide for premium assistance in establishing as well as in continuing entitlement to insured services.

SECTION 5. The amendment changes the method of counting employees to include all employees for the purpose of determining whether a mandatory group exists or may be created but continues to include in a mandatory group only employees who are residents of Ontario.

SECTION 6. Subsection 2 of section 22 of the Act is re-enacted to provide that the Medical Review Committee may recommend that the General Manager require and recover reimbursement of any overpayment by the Plan.

The new subsection 3 of section 22 of the Act provides for the referral of matters to practitioner review committees by the General Manager of the Plan as in the case of referrals to the Medical Review Committee.

The new subsection 4 of section 22 of the Act provides for deductions from amounts owing by the Plan to physicians and practitioners equal to amounts previously overpaid.

(5) No member of a practitioner review committee shall be employed in the public service of Ontario or by any agency of the Crown. Qualifications of members

(6) Every practitioner review committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister or the Appeal Board and shall perform such other duties as are assigned to it by this Act or the regulations. Duties

4. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) A resident who is unable to make payment of his premiums due to unemployment, illness, disability or financial hardship may apply to the General Manager for assistance in establishing or continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship. Application for temporary assistance

5. Subsections 1 and 2 of section 15 of the said Act are repealed and the following substituted therefor: s. 15 (1, 2), re-enacted

(1) In this section, "employees" includes the employer of the employees if the employer is an individual or a member of a partnership. Interpretation

(2) Where the number of employees of an employer totals fifteen or more, the employees who are residents of Ontario are a mandatory group. Mandatory group

(2a) Where the number of employees of an employer totals more than five but fewer than fifteen, the General Manager may upon application therefor designate the employees who are residents of Ontario as a mandatory group. Voluntary creation of mandatory group

- 6.—(1) Subsection 2 of section 22 of the said Act is repealed and the following substituted therefor: s. 22 (2), re-enacted

(2) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a physician, it appears to the General Manager on reasonable grounds that, Refusal or reduction of claims

(a) all or part of the insured services were not in fact rendered;

- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsection:

Idem

(3) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a practitioner who is engaged in the practice of a health discipline in respect of which a practitioner review committee has been appointed under this Act, it appears to the General Manager on reasonable grounds that,

- (a) all or part of the insured services were not in fact rendered;
- (b) all or part of such services were not therapeutically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the practitioner review committee appointed in respect of the health discipline in which the practitioner is engaged in practice and the practitioner review committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the committee.



SECTION 7. Section 24 (1) (c) of the Act requires the General Manager to serve notice on a claimant where the General Manager reduces the amount claimed for payment for an insured service. The amended clause will only require notice that a claim is reduced where the claim is reduced to an amount less than the amount payable by the Plan.

SECTION 8.—Subsection 1. Complementary to the new subsection 3 of section 22 of the Act.

Subsection 2. The first part of the amendment is the insertion of a reference to new subsection 3 of section 22 of the Act. The second part of the amendment is complementary to new subsection 3 of section 29 of the Act.

Subsection 3. The new subsection 3 of section 29 of the Act provides for the recovery of excess amounts paid on account of claims for accounts by physicians or practitioners who do not submit their accounts to the Plan.

(3) The said section 22 is further amended by adding ^{s. 22.} thereto the following subsection:

(4) The General Manager may deduct from the amount ^{Deduction} payable by the Plan to a physician or practitioner an ^{re over-} amount that shall be retained by the Plan equal to the ^{payment} amount of any overpayment by the Plan to the physician or practitioner.

7. Clause c of subsection 1 of section 24 of the said Act is ^{s. 24 (1) (c).} amended by adding at the end thereof "to an amount less ^{amended} than the amount payable by the Plan".

8.—(1) Subsection 1 of section 29 of the said Act is amended ^{s. 29 (1).} by inserting after "2" in the third line "or 3". ^{amended}

(2) Subsection 2 of the said section 29 is amended by ^{s. 29 (2).} inserting after "2" in the fourth line "or 3" and by ^{amended} striking out "and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction" in the ninth, tenth, eleventh and twelfth lines.

(3) The said section 29 is amended by adding thereto ^{s. 29.} the following subsection: ^{amended}

(3) Where the claim for an account of a physician ^{Recovery} or practitioner referred to in subsection 2 is reduced ^{of excess} by the General Manager on any of the grounds referred ^{payment} to in subsection 2 and an amount in excess of the amount to which the claim is reduced,

(a) is paid by the Plan to the insured person and by the insured person to the physician or practitioner and is not repaid by the physician or practitioner to the Plan; or

(b) is paid by the Plan to the insured person and,

(i) is not paid to the physician or practitioner, or

(ii) is paid to the physician or practitioner and repaid to the insured person,

and is not repaid to the Plan,

the Minister may bring action in a court of competent jurisdiction to recover such excess amount with costs,

(c) in the circumstances set out in clause *a*, from the physician or practitioner; or

(d) in the circumstances set out in clause *b*, from the insured person.

s. 43 (1),
amended

9.—(1) Subsection 1 of section 43 of the said Act is amended by striking out “and practitioners” in the sixth and seventh lines.

s. 43,
amended

(2) The said section 43 is amended by adding thereto the following subsection:

(1*a*) The Minister, from among persons nominated for such purpose by a body referred to in section 5*a* that nominates persons for appointment to a practitioner review committee in respect of a health discipline, may appoint in writing practitioner and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and records maintained in hospitals and health facilities, offices of practitioners and other health care facilities respecting patients who are receiving or who have received insured services provided by or at the direction of one or more practitioners engaged in the practice of the health discipline in respect of which the practitioner review committee has been appointed, and such practitioner and financial inspectors shall act only at the direction of such practitioner review committee.

s. 43 (2),
amended

(3) Subsection 2 of the said section 43 is amended by inserting after “medical” in the first line “or practitioner”.

s. 44 (1),
amended

10. Subsection 1 of section 44 of the said Act is amended by inserting after “Committee” in the first line “every practitioner review committee”.

s. 45,
amended

11. Section 45 of the said Act is amended by inserting after “Committee” in the first line “practitioner review committees”.

s. 48,
amended

12. Section 48 of the said Act is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause:

(*e*) ceases to carry on its undertaking,

SECTION 9—Subsection 1. Complementary to new subsection 1a of section 43 of the Act.

Subsection 2. The new subsection 1a of section 43 of the Act provides for the appointment of inspectors in relation to the practices of practitioners and is complementary to new section 5a of the Act.

Subsection 3. Complementary to new subsection 1a of section 43 of the Act.

SECTION 10. Complementary to new section 5a of the Act.

SECTION 11. Complementary to new section 5a of the Act.

SECTION 12. The amendment makes the directors of a corporation liable for payment of premiums that the corporation has failed to remit when the corporation ceases to carry on its undertaking.

SECTION 13. Complementary to new section 5a of the Act.

13. Clause *s* of section 51 of the said Act is amended by ^{s. 51 (s).}_{amended} inserting after "Committee" in the second line "practitioner review committees".
- 14.—(1) This Act, except subsections 1 and 3 of section 6, ^{Commence-}_{ment} comes into force on the day it receives Royal Assent.
- (2) Subsections 1 and 3 of section 6 shall be deemed to ^{Idem} have come into force on the 1st day of April, 1972.
15. This Act may be cited as *The Health Insurance Amend-* ^{Short title}_{ment Act, 1974.}

An Act to amend
The Health Insurance Act, 1972

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Health Insurance Act, 1972

THE HON. F. S. MILLER
Minister of Health

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

EXPLANATORY NOTES

SECTION 1. The amendments provide for the appointment of two persons who are not physicians or practitioners to membership on the Medical Review Committee and for the payment of the administrative expenses of the Committee.

**An Act to amend
The Health Insurance Act, 1972**

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

- 1.—(1) Subsection 1 of section 5 of *The Health Insurance Act, 1972*,^{s. 5 (1), re-enacted} being chapter 91, is repealed and the following substituted therefor:

(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of,

Medical Review Committee R.S.O. 1970, c. 200

- (a) not more than six members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons; and
- (b) two members who are not physicians or practitioners, appointed by the Minister.

(1a) Three members of the Medical Review Committee,^{Quorum} one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the Committee.

- (2) The said section 5 is amended by adding thereto^{s. 5, amended} the following subsection:

(2a) The Medical Review Committee shall be paid such amounts for the administration expenses of the Committee and the engaging of assistance for the Committee as may be approved by the Minister.^{Administration expenses}

2. The said Act is amended by adding thereto the following^{s. 5a, enacted} section:

PRACTITIONER REVIEW COMMITTEES

Practitioner
review
committees

5a.—(1) The Minister shall appoint the following practitioner review committees:

R.S.O. 1970,
c. 70

1. A Chiropody Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Regents appointed under *The Chiropody Act*.

R.S.O. 1970,
c. 137

2. A Chiropractic Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Chiropractic appointed under *The Drugless Practitioners Act*.

3. A Dentistry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by The Royal College of Dental Surgeons of Ontario.

4. An Optometry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the College of Optometrists of Ontario.

5. An Osteopathy Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Osteopathy appointed under *The Drugless Practitioners Act*.

Quorum

(2) Three members of a practitioner review committee, one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the committee.

Remuneration

(3) The members of a practitioner review committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Administration
expenses

(4) Every practitioner review committee shall be paid such amounts for the expenses of the committee and the engaging of assistance for the committee as may be approved by the Minister.

SECTION 2. The amendment provides for practitioner review committees similar to the Medical Review Committee provided for in section 5 of the Act.

SECTION 3. The subsection is re-enacted to provide for premium assistance in establishing as well as in continuing entitlement to insured services.

SECTION 4. The amendment changes the method of counting employees to include all employees for the purpose of determining whether a mandatory group exists or may be created but continues to include in a mandatory group only employees who are residents of Ontario.

SECTION 5. Subsection 2 of section 22 of the Act is re-enacted to provide that the Medical Review Committee may recommend that the General Manager require and recover reimbursement of any overpayment by the Plan.

The new subsection 3 of section 22 of the Act provides for the referral of matters to practitioner review committees by the General Manager of the Plan as in the case of referrals to the Medical Review Committee.

The new subsection 4 of section 22 of the Act provides for deductions from amounts owing by the Plan to physicians and practitioners equal to amounts previously overpaid.

(5) No member of a practitioner review committee shall be employed in the public service of Ontario or by any agency of the Crown. Qualifications of members

(6) Every practitioner review committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister or the Appeal Board and shall perform such other duties as are assigned to it by this Act or the regulations. Duties

3. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) A resident who is unable to make payment of his premiums due to unemployment, illness, disability or financial hardship may apply to the General Manager for assistance in establishing or continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship. Application for temporary assistance

4. Subsections 1 and 2 of section 15 of the said Act are repealed and the following substituted therefor: s. 15 (1, 2), re-enacted

(1) In this section, "employees" includes the employer of the employees if the employer is an individual or a member of a partnership. Interpretation

(2) Where the number of employees of an employer totals fifteen or more, the employees who are residents of Ontario are a mandatory group. Mandatory group

(2a) Where the number of employees of an employer totals more than five but fewer than fifteen, the General Manager may upon application therefor designate the employees who are residents of Ontario as a mandatory group. Voluntary creation of mandatory group

5.—(1) Subsection 2 of section 22 of the said Act is repealed and the following substituted therefor: s. 22 (2), re-enacted

(2) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a physician, it appears to the General Manager on reasonable grounds that, Refusal or reduction of claims

(a) all or part of the insured services were not in fact rendered;

- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

s. 22.
amended

- (2) The said section 22 is amended by adding thereto the following subsection:

Idem

(3) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a practitioner who is engaged in the practice of a health discipline in respect of which a practitioner review committee has been appointed under this Act, it appears to the General Manager on reasonable grounds that,

- (a) all or part of the insured services were not in fact rendered;
- (b) all or part of such services were not therapeutically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the practitioner review committee appointed in respect of the health discipline in which the practitioner is engaged in practice and the practitioner review committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the committee.



SECTION 6. Section 24 (1) (c) of the Act requires the General Manager to serve notice on a claimant where the General Manager reduces the amount claimed for payment for an insured service. The amended clause will only require notice that a claim is reduced where the claim is reduced to an amount less than the amount payable by the Plan.

SECTION 7.—Subsection 1. Complementary to the new subsection 3 of section 22 of the Act.

Subsection 2. The first part of the amendment is the insertion of a reference to new subsection 3 of section 22 of the Act. The second part of the amendment is complementary to new subsection 3 of section 29 of the Act.

Subsection 3. The new subsection 3 of section 29 of the Act provides for the recovery of excess amounts paid on account of claims for accounts by physicians or practitioners who do not submit their accounts to the Plan.

(3) The said section 22 is further amended by adding ^{s. 22.} thereto the following subsection: amended

(4) The General Manager may deduct from the amount ^{Deduction} payable by the Plan to a physician or practitioner an ^{re over-} amount that shall be retained by the Plan equal to the ^{payment} amount of any overpayment by the Plan to the physician or practitioner.

6. Clause c of subsection 1 of section 24 of the said Act is ^{s. 24 (1) (c).} amended by adding at the end thereof "to an amount less ^{amended} than the amount payable by the Plan".

7. (1) Subsection 1 of section 29 of the said Act is amended ^{s. 29 (1).} by inserting after "2" in the third line "or 3". ^{amended}

(2) Subsection 2 of the said section 29 is amended by ^{s. 29 (2).} inserting after "2" in the fourth line "or 3" and by ^{amended} striking out "and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction" in the ninth, tenth, eleventh and twelfth lines.

(3) The said section 29 is amended by adding thereto ^{s. 29.} the following subsection: ^{amended}

(3) Where the claim for an account of a physician ^{Recovery} or practitioner referred to in subsection 2 is reduced ^{of excess} by the General Manager on any of the grounds referred ^{payment} to in subsection 2 and an amount in excess of the amount to which the claim is reduced,

(a) is paid by the Plan to the insured person and by the insured person to the physician or practitioner and is not repaid by the physician or practitioner to the Plan; or

(b) is paid by the Plan to the insured person and,

(i) is not paid to the physician or practitioner,
or

(ii) is paid to the physician or practitioner and repaid to the insured person,

and is not repaid to the Plan,

the Minister may bring action in a court of competent jurisdiction to recover such excess amount with costs,

(c) in the circumstances set out in clause *a*, from the physician or practitioner; or

(d) in the circumstances set out in clause *b*, from the insured person.

s. 43 (1),
amended

8.—(1) Subsection 1 of section 43 of the said Act is amended by striking out “and practitioners” in the sixth and seventh lines.

s. 43,
amended

(2) The said section 43 is amended by adding thereto the following subsection:

(1a) The Minister, from among persons nominated for such purpose by a body referred to in section 5a that nominates persons for appointment to a practitioner review committee in respect of a health discipline, may appoint in writing practitioner and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and records maintained in hospitals and health facilities, offices of practitioners and other health care facilities respecting patients who are receiving or who have received insured services provided by or at the direction of one or more practitioners engaged in the practice of the health discipline in respect of which the practitioner review committee has been appointed, and such practitioner and financial inspectors shall act only at the direction of such practitioner review committee.

s. 43 (2),
amended

(3) Subsection 2 of the said section 43 is amended by inserting after “medical” in the first line “or practitioner”.

s. 44 (1),
amended

9. Subsection 1 of section 44 of the said Act is amended by inserting after “Committee” in the first line “every practitioner review committee”.

s. 45,
amended

10. Section 45 of the said Act is amended by inserting after “Committee” in the first line “practitioner review committees”.

s. 48,
amended

11. Section 48 of the said Act is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause:

(e) ceases to carry on its undertaking,

SECTION 8.—Subsection 1. Complementary to new subsection *1a* of section 43 of the Act.

Subsection 2 The new subsection *1a* of section 43 of the Act provides for the appointment of inspectors in relation to the practices of practitioners and is complementary to new section *5a* of the Act.

Subsection 3. Complementary to new subsection *1a* of section 43 of the Act.

SECTION 9. Complementary to new section *5a* of the Act.

SECTION 10. Complementary to new section *5a* of the Act.

SECTION 11 The amendment makes the directors of a corporation liable for payment of premiums that the corporation has failed to remit when the corporation ceases to carry on its undertaking.

SECTION 12. Complementary to new section 5a of the Act.

12. Clause *s* of section 51 of the said Act is amended by ^{s. 51 (s).} amended inserting after "Committee" in the second line "practitioner review committees".
- 13.—(1) This Act, except subsections 1 and 3 of section 5, ^{Commence-}ment comes into force on the day it receives Royal Assent.
- (2) Subsections 1 and 3 of section 5 shall be deemed to ^{idem} have come into force on the 1st day of April, 1972.
14. This Act may be cited as *The Health Insurance Amend-* Short title *ment Act, 1974*.

An Act to amend
The Health Insurance Act, 1972

1st Reading

June 14th, 1974

2nd Reading

June 27th, 1974

3rd Reading

THE HON. F. S. MILLER
Minister of Health

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

BILL 100

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Health Insurance Act, 1972

THE HON. F. S. MILLER
Minister of Health



**An Act to amend
The Health Insurance Act, 1972**

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

- 1.—(1) Subsection 1 of section 5 of *The Health Insurance Act, 1972*, ^{s. 5 (1), re-enacted} being chapter 91, is repealed and the following substituted therefor:

(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of,

Medical Review Committee
R.S.O. 1970.
c. 200

- (a) not more than six members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons; and
- (b) two members who are not physicians or practitioners, appointed by the Minister.

(1a) Three members of the Medical Review Committee, ^{Quorum} one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the Committee.

- (2) The said section 5 is amended by adding thereto ^{s. 5, amended} the following subsection:

(2a) The Medical Review Committee shall be paid such amounts for the administration expenses of the Committee and the engaging of assistance for the Committee as may be approved by the Minister.

Administration expenses

2. The said Act is amended by adding thereto the following ^{s. 5a, enacted} section:

PRACTITIONER REVIEW COMMITTEES

Practitioner
review
committees

5a.—(1) The Minister shall appoint the following practitioner review committees:

1. A Chiropody Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Regents appointed under *The Chiropody Act*.
2. A Chiropractic Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Chiropractic appointed under *The Drugless Practitioners Act*.
3. A Dentistry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by The Royal College of Dental Surgeons of Ontario.
4. An Optometry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the College of Optometrists of Ontario.
5. An Osteopathy Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Osteopathy appointed under *The Drugless Practitioners Act*.

R.S.O. 1970,
c. 70

R.S.O. 1970,
c. 137

Quorum

(2) Three members of a practitioner review committee, one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the committee.

Remunera-
tion

(3) The members of a practitioner review committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Administra-
tion expenses

(4) Every practitioner review committee shall be paid such amounts for the expenses of the committee and the engaging of assistance for the committee as may be approved by the Minister.

(5) No member of a practitioner review committee shall be employed in the public service of Ontario or by any agency of the Crown. Qualifications of members

(6) Every practitioner review committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister or the Appeal Board and shall perform such other duties as are assigned to it by this Act or the regulations. Duties

3. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: s. 14 (2). re-enacted

(2) A resident who is unable to make payment of his premiums due to unemployment, illness, disability or financial hardship may apply to the General Manager for assistance in establishing or continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship. Application for temporary assistance

4. Subsections 1 and 2 of section 15 of the said Act are repealed and the following substituted therefor: s. 15 (1, 2). re-enacted

(1) In this section, "employees" includes the employer of the employees if the employer is an individual or a member of a partnership. Interpretation

(2) Where the number of employees of an employer totals fifteen or more, the employees who are residents of Ontario are a mandatory group. Mandatory group

(2a) Where the number of employees of an employer totals more than five but fewer than fifteen, the General Manager may upon application therefor designate the employees who are residents of Ontario as a mandatory group. Voluntary creation of mandatory group

5.—(1) Subsection 2 of section 22 of the said Act is repealed and the following substituted therefor: s. 22 (2). re-enacted

(2) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a physician, it appears to the General Manager on reasonable grounds that, Refusal or reduction of claims

(a) all or part of the insured services were not in fact rendered;

- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsection:

Idem

(3) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a practitioner who is engaged in the practice of a health discipline in respect of which a practitioner review committee has been appointed under this Act, it appears to the General Manager on reasonable grounds that,

- (a) all or part of the insured services were not in fact rendered;
- (b) all or part of such services were not therapeutically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the practitioner review committee appointed in respect of the health discipline in which the practitioner is engaged in practice and the practitioner review committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the committee.

(3) The said section 22 is further amended by adding ^{s. 22,} thereto the following subsection:

(4) The General Manager may deduct from the amount ^{Deduction re over-} payable by the Plan to a physician or practitioner an ^{payment} amount that shall be retained by the Plan equal to the amount of any overpayment by the Plan to the physician or practitioner.

6. Clause c of subsection 1 of section 24 of the said Act is ^{s. 24 (1) (c),} amended by adding at the end thereof "to an amount less ^{amended} than the amount payable by the Plan".

7. (1) Subsection 1 of section 29 of the said Act is amended ^{s. 29 (1),} by inserting after "2" in the third line "or 3". ^{amended}

(2) Subsection 2 of the said section 29 is amended by ^{s. 29 (2),} inserting after "2" in the fourth line "or 3" and by ^{amended} striking out "and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction" in the ninth, tenth, eleventh and twelfth lines.

(3) The said section 29 is amended by adding thereto ^{s. 29,} the following subsection: ^{amended}

(3) Where the claim for an account of a physician ^{Recovery of excess} or practitioner referred to in subsection 2 is reduced ^{payment} by the General Manager on any of the grounds referred to in subsection 2 and an amount in excess of the amount to which the claim is reduced,

(a) is paid by the Plan to the insured person and by the insured person to the physician or practitioner and is not repaid by the physician or practitioner to the Plan; or

(b) is paid by the Plan to the insured person and,

(i) is not paid to the physician or practitioner,
or

(ii) is paid to the physician or practitioner and repaid to the insured person,

and is not repaid to the Plan,

the Minister may bring action in a court of competent jurisdiction to recover such excess amount with costs,

(c) in the circumstances set out in clause *a*, from the physician or practitioner; or

(d) in the circumstances set out in clause *b*, from the insured person.

s. 43 (1),
amended

8.—(1) Subsection 1 of section 43 of the said Act is amended by striking out “and practitioners” in the sixth and seventh lines.

s. 43,
amended

(2) The said section 43 is amended by adding thereto the following subsection:

(1*a*) The Minister, from among persons nominated for such purpose by a body referred to in section 5*a* that nominates persons for appointment to a practitioner review committee in respect of a health discipline, may appoint in writing practitioner and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and records maintained in hospitals and health facilities, offices of practitioners and other health care facilities respecting patients who are receiving or who have received insured services provided by or at the direction of one or more practitioners engaged in the practice of the health discipline in respect of which the practitioner review committee has been appointed, and such practitioner and financial inspectors shall act only at the direction of such practitioner review committee.

s. 43 (2),
amended

(3) Subsection 2 of the said section 43 is amended by inserting after “medical” in the first line “or practitioner”.

s. 44 (1),
amended

9. Subsection 1 of section 44 of the said Act is amended by inserting after “Committee” in the first line “every practitioner review committee”.

s. 45,
amended

10. Section 45 of the said Act is amended by inserting after “Committee” in the first line “practitioner review committees”.

s. 48,
amended

11. Section 48 of the said Act is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause:

(e) ceases to carry on its undertaking,

- 12.** Clause s of section 51 of the said Act is amended by^{s. 51 (s), amended} inserting after "Committee" in the second line "practitioner review committees".
- 13.**—(1) This Act, except subsections 1 and 3 of section 5,^{Commence-ment} comes into force on the day it receives Royal Assent.
- (2) Subsections 1 and 3 of section 5 shall be deemed to^{Idem} have come into force on the 1st day of April, 1972.
- 14.** This Act may be cited as *The Health Insurance Amend-Short title ment Act, 1974*.

1. The first part of the book is devoted to a general introduction to the subject of the history of the world, and to a description of the various methods which have been employed by historians in the study of the past.	1
2. The second part of the book is devoted to a description of the various methods which have been employed by historians in the study of the past.	1
3. The third part of the book is devoted to a description of the various methods which have been employed by historians in the study of the past.	1
4. The fourth part of the book is devoted to a description of the various methods which have been employed by historians in the study of the past.	1
5. The fifth part of the book is devoted to a description of the various methods which have been employed by historians in the study of the past.	1
6. The sixth part of the book is devoted to a description of the various methods which have been employed by historians in the study of the past.	1
7. The seventh part of the book is devoted to a description of the various methods which have been employed by historians in the study of the past.	1
8. The eighth part of the book is devoted to a description of the various methods which have been employed by historians in the study of the past.	1
9. The ninth part of the book is devoted to a description of the various methods which have been employed by historians in the study of the past.	1
10. The tenth part of the book is devoted to a description of the various methods which have been employed by historians in the study of the past.	1



An Act to amend
The Health Insurance Act, 1972

1st Reading

June 14th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. F. S. MILLER
Minister of Health

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Public Health Act

THE HON. F. S. MILLER
Minister of Health

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. New sections *2a*, *2b* and *2c* of the Act provide for:

1. The appointment of inspectors for the purposes of sections of the Act or all or any section of a regulation under the Act.
2. The making of inspections by inspectors appointed under the Act or employed by a local board of health where licensing or registration is required under the Act or the regulations.
3. Protection from personal liability without limiting the liability of the Crown for inspectors and Directors or other officers of the Ministry having authority or power to issue licences or make registrations or to direct an inspector to make an inspection under the Act.

An Act to amend The Public Health Act

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

1. Section 1 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: ^{s. 1. amended}

(na) "Ministry" means the Ministry of Health.

2. The said Act is amended by adding thereto the following sections: ^{ss. 2a-2c. enacted}

2a.—(1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments and in an appointment may limit the authority of an inspector in such manner as the Minister considers necessary or advisable. ^{Appointment of inspectors}

(2) The Minister shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. ^{Certificate of appointment}

2b.—(1) An inspector appointed under section 2a or employed by a local board may at all reasonable times enter any business premises that are licensed or registered or the owner, user or operator of which is licensed or registered under this Act or the regulations to ensure that the provisions of this Act or the regulations to which his appointment or employment extends are complied with. ^{Powers of inspectors}

(2) Where a provincial judge is satisfied, upon an *ex parte* application by an inspector, that there is reasonable ground for believing that it is necessary to enter any institution, building or place, including a private residence, for the ^{Order authorizing entry}

administration of this Act or the regulations, the provincial judge may issue an order authorizing an inspector to enter therein or thereon and to make or require to be made such examinations, investigations and inquiries and to make, take and remove or require to be made, taken or removed samples, copies or extracts, but every such entry, examination, investigation, inquiry and making, taking and removing of samples, copies or extracts shall be carried out between sunrise and sunset unless the provincial judge authorizes the inspector, by the order, to so act at another time.

Director
or other
officer may
require
inspection

(3) Where a Director or other officer of the Ministry having authority or power to issue licences or make registrations under any section of this Act or the regulations has reasonable and probable grounds to believe that any person is acting or that any institution, building or place other than a private dwelling is being used without being licensed or registered as required by this Act or the regulations, the Director or other officer of the Ministry may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of any section of this Act or the regulations in respect of such licensing or registration.

Making of
copies

(4) Upon an inspection under this section, the inspector may upon giving a receipt therefor remove any material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

Admissi-
bility of
copies

(5) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Obstruction

(6) No person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

Protection
from
personal
liability

2c.—(1) No action or other proceeding for damages shall be instituted against an inspector appointed under section 2a or a Director or other officer of the Ministry having authority or power to issue licences or make registrations or to direct an inspector to make an inspection under any section of this Act or the regulations or anyone acting under the direction of such Director or other officer of the Ministry or inspector appointed under section 2a for any



SECTION 3. Section 6 of the Act provides for the making of regulations. Paragraph 31 of section 6 is amended to provide authority to regulate "recreational" camps rather than "summer" camps.

SECTION 4. Subsections 2 and 3 are re-enacted to remove the provision that the medical officer of health is a member of a local board of health and to increase the number of resident ratepayers on the board.

Subsection 5 refers to a local board of health in a town having a population of less than 4,000 and subsection 6 refers to a local board of health in a township having a population of 4,000 or over.

SECTION 5. The re-enacted subsection 2 lowers the retirement age for a medical officer of health from seventy to sixty-five years of age and sets a maximum age limit of seventy years where a medical officer of health is continued in office by the municipal council from year to year after attaining the retirement age.

The repealed subsection 5 required the medical officer of health to make a sanitary inspection of all schools in his municipality annually and make a report to the Ministry.

SECTION 6. The amendments related to sections 45 to 45g of the Act provide for a proficiency testing program for laboratories. Owners and operators are required to participate in the program and to pay fees therefor.

Provision is made for designating by regulation an agency to carry out examinations and evaluations and for an agreement between the Minister and the agency as to the details of and payment for the work of the agency.

Where the performance of a test in a laboratory is reported as not up to standard, the Director may impose conditions on the licence for the laboratory with respect to the performance of the test; provision is made for hearings by the Licence Review Board with respect to the imposition of such conditions.

act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Crown not
relieved of
liability
R.S.O. 1970.
c. 365

3. Paragraph 31 of section 6 of the said Act is amended by striking out "summer" in the first line and inserting in lieu thereof "recreational".

s. 6, par. 31.
amended

4. Subsections 2, 3, 5 and 6 of section 13 of the said Act are repealed and the following substituted therefor:

s. 13 (2, 3).
re-enacted
s. 13 (5, 6).
repealed

(2) In a city and in every town having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor and four resident ratepayers to be appointed annually by the council at its first meeting in every year.

In cities and
in towns of
4,000 or over

(3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide that the local board shall consist of the mayor and,

In cities over
100,000

(a) six resident ratepayers, at least two of whom are not members of the council; or

(b) eight resident ratepayers, at least three of whom are not members of the council.

5. Subsections 2 and 5 of section 40 of the said Act are repealed and the following substituted therefor:

s. 40 (2).
re-enacted
s. 40 (5).
repealed

(2) Every medical officer of health shall cease to hold office upon attaining sixty-five years of age but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year until he attains the age of seventy years.

6. Section 45 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 1, is further amended by striking out "45n" in the first line and inserting in lieu thereof "45g".

s. 45.
amended

s. 45d,
amended

7. Section 45d of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 3, is further amended by adding thereto the following subsections:

Conditions
to
laboratory
licence

(9a) It is a condition of a licence for a laboratory that,

- (a) the performance of tests in the laboratory meet the generally accepted standards of proficiency in such tests;
- (b) the owner and the operator of the laboratory submit the performance of tests in the laboratory to examinations and evaluations of proficiency carried out by the agency designated in the regulations;
- (c) the owner of the laboratory pay the fees prescribed by the regulations for the examinations and evaluations by the agency designated in the regulations of proficiency in the performance of tests in the laboratory.

Idem

(9b) Where an agency designated in the regulations to examine and evaluate proficiency in the performance of tests, reports to the Director that the performance of a test in a laboratory does not meet the generally accepted standard of proficiency in the performance of the test, the Director may impose such conditions upon the licence in respect of the performance of the test in the laboratory as the Director considers necessary or advisable in order that the health of the public may be protected.

s. 45f (1),
re-enacted

8. Subsection 1 of section 45f of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

Proposal to
refuse to
issue,
revoke or
impose
condition

(1) Where the Director proposes to revoke or to refuse to issue or renew a licence or to impose a condition on an existing licence under this Act, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant in the case of a proposal to refuse to issue or renew the licence and on the owner and operator in the case of a proposal to revoke or to impose a condition on the licence.

s. 45n,
amended

9. Section 45n of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 7, is further amended by adding thereto the following clauses:

(o) prescribing fees in respect of classes of tests for examinations and evaluations of proficiency in the performance of tests in laboratories;



SECTION 11. Section 87, which provides powers of entry and inspection of premises, is re-enacted to extend this authority to inspectors appointed under new section 2*a* of the Act and to provide a power to order closure of premises under the conditions set out in the section. New sections 87*a* to 87*d* provide for a hearing and an appeal upon an order under section 87 but the order is effective at and from the time it is served.

(p) designating an agency or agencies to carry out examinations and evaluations of proficiency in the performance of tests in laboratories.

10. The said Act is further amended by adding thereto the following sections: ss. 45o-45q. enacted

45o. The Minister may enter into an agreement with Agreement an agency or agencies designated in the regulations to provide for the examination and evaluation of the performance of tests in laboratories including the manner and frequency of such examinations and evaluations, the reports thereon and payment therefor.

45p. The Minister may establish a committee of not fewer Committee than five persons for the purpose of recommending to the Minister standards and procedures for the evaluation of proficiency in the performance of tests in laboratories.

45q. The moneys required for the administration of the Moneys program of examining and evaluating the performance of tests in laboratories shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

11. Section 87 of the said Act is repealed and the following sub- s. 87. re-enacted stituted therefor:

87.—(1) The medical officer of health of a municipality Inspection of premises or any inspector or other person in the employ of the local board acting under his instructions may enter any premises in the municipality, and an inspector appointed under section 2a may enter any premises, at all reasonable times and inspect and examine the premises for the purpose of carrying out this Act and may take such action as he considers necessary for carrying it out including, where he finds that a condition exists in or about the premises that,

- (a) is dangerous or is likely to become dangerous to health or safety; or
- (b) hinders or is likely to hinder the prevention, mitigation or suppression of disease,

the making of an order that the premises be closed and remain closed until the condition no longer exists in or about the premises, and any person in charge of the premises for the time being shall render such assistance as is necessary to make such entry, inspection and examination.

Form of
order closing
premises

- (2) An order closing premises under subsection 1,
- (a) shall be in writing and shall include written reasons for the order; and
- (b) may be directed to the owner or a person in charge of the premises.

Revocation
of order

(3) The person who has issued an order closing premises pursuant to subsection 1 may by a further order revoke the order and in such case shall serve or cause to be served a copy of the order on the person to whom the order closing the premises was directed.

Interpre-
tation

87a.—(1) In this section and in sections 87b and 87c, “Board” means the Health Facilities Appeal Board established under *The Ambulance Act*.

R.S.O. 1970,
c. 20

Notice

(2) An order closing premises referred to in subsection 2 of section 87 shall inform the person to whom it is directed that the owner or the person in charge of the premises is entitled to a hearing by the Board if he mails or delivers to the person who made the order and to the Board, within fifteen days after a copy of the order is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Effect of
order

(3) Notwithstanding that a hearing is required in respect of an order closing premises, the order is effective at and from the time it is served upon the person to whom it is directed and is further effective until revoked or as confirmed or varied or until rescinded as provided by subsection 4 and such person shall comply with the order immediately.

Powers of
Board

(4) Where the owner or the person in charge of the premises requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order and for such purposes the Board may substitute its finding for that of the person who made the order closing the premises.

Extension of
time for
requiring
hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the owner or a person in charge of the premises under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the owner or a person in charge of the premises pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

87b.—(1) The person who has made the order closing ^{Parties} the premises pursuant to section 87, the owner or person in charge of the premises who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

(2) Notice of a hearing under section 87a shall afford the ^{Notice of hearing} owner or person in charge of the premises a reasonable opportunity to show before the hearing that the condition referred to in section 87 does not exist or no longer exists in or about the premises.

(3) Any party to proceedings under section 87a shall be ^{Examination of documentary evidence} afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Board holding a hearing shall not ^{Members holding hearing not to have taken part in investigation, etc.} have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the ^{Recording of evidence} Supreme Court.

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters ^{Findings of fact} that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. ^{1971, c. 47}

(7) No member of the Board shall participate in a decision ^{Only members at hearing to participate in decision} of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, ^{Release of documentary evidence} be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to court

87c.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be filed in court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister entitled to be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of court on appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order closing the premises and to substitute its finding as to the condition of the premises for that of the person who made the order closing the premises as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order closing the premises or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of order or notice

87d. Except where otherwise provided, any order or notice required by sections 87 to 87c to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where the order or notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the order or notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order or notice until a later date.

s. 118 (2), re-enacted

12. Subsection 2 of section 118 of the said Act is repealed and the following substituted therefor:

Other offences

(2) Any person who contravenes any other provision of this Act or of the regulations for which no other penalty is provided or of any municipal by-law passed under this Act, or who wilfully disobeys or neglects to carry out any order or direction lawfully made or given by the Ministry, an inspector appointed under section 2a, a local board, medical officer of

SECTION 12. Subsection 2 of section 118 of the Act is re-enacted to include a reference to inspectors appointed by the Minister under new section 2*a* of the Act, to remove the minimum fine and increase the maximum fine from \$500 to \$2,000 or to imprisonment for not more than six months, or to both.

New subsection 2*a* of section 118 of the Act provides for a maximum penalty of \$5,000 where a corporation is convicted of an offence under subsection 2 of section 118 of the Act.

New subsection 2*b* of section 118 of the Act imposes liability upon directors of a corporation convicted of an offence under subsection 2 of section 118 of the Act and imposes liability upon officers, servants and agents of the corporation if they are responsible for the conduct that gave rise to the offence.

SECTION 13. Paragraph 29 provides penalties for contravention of the by-law contained in Schedule B. Section 118 (2) of the Act sets out the new penalty for such a contravention.

health or public health inspector, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

(2a) Where a corporation is convicted of an offence under subsection 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. ^{Idem}

(2b) Where a corporation has been convicted of an offence under subsection 2, ^{Directors and officers}

(a) each director of the corporation; and

(b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he had no knowledge of any of the acts constituting the offence, and could not reasonably be expected to have had such knowledge and that he exercised reasonable diligence to prevent the commission of the offence.

- 13.** Paragraph 29 of Schedule B to the said Act is repealed. ^{Sched. B. par. 29. repealed}
- 14.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. ^{Commencement}
- 15.** This Act may be cited as *The Public Health Amendment Act, 1974*. ^{Short title}





An Act to amend
The Public Health Act

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(Government Bill)

BILL 101

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Public Health Act

THE HON. F. S. MILLER
Minister of Health



An Act to amend The Public Health Act

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

1. Section 1 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: ^{s.1. amended}

(na) "Ministry" means the Ministry of Health.

2. The said Act is amended by adding thereto the following sections: ^{ss. 2a-2c. enacted}

2a.—(1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments and in an appointment may limit the authority of an inspector in such manner as the Minister considers necessary or advisable. ^{Appointment of inspectors}

(2) The Minister shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. ^{Certificate of appointment}

2b.—(1) An inspector appointed under section 2a or employed by a local board may at all reasonable times enter any business premises that are licensed or registered or the owner, user or operator of which is licensed or registered under this Act or the regulations to ensure that the provisions of this Act or the regulations to which his appointment or employment extends are complied with. ^{Powers of inspectors}

(2) Where a provincial judge is satisfied, upon an *ex parte* application by an inspector, that there is reasonable ground for believing that it is necessary to enter any institution, building or place, including a private residence, for the ^{Order authorizing entry}

administration of this Act or the regulations, the provincial judge may issue an order authorizing an inspector to enter therein or thereon and to make or require to be made such examinations, investigations and inquiries and to make, take and remove or require to be made, taken or removed samples, copies or extracts, but every such entry, examination, investigation, inquiry and making, taking and removing of samples, copies or extracts shall be carried out between sunrise and sunset unless the provincial judge authorizes the inspector, by the order, to so act at another time.

Director
or other
officer may
require
inspection

(3) Where a Director or other officer of the Ministry having authority or power to issue licences or make registrations under any section of this Act or the regulations has reasonable and probable grounds to believe that any person is acting or that any institution, building or place other than a private dwelling is being used without being licensed or registered as required by this Act or the regulations, the Director or other officer of the Ministry may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of any section of this Act or the regulations in respect of such licensing or registration.

Making of
copies

(4) Upon an inspection under this section, the inspector may upon giving a receipt therefor remove any material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

Admissi-
bility of
copies

(5) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Obstruction

(6) No person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

Protection
from
personal
liability

2c.—(1) No action or other proceeding for damages shall be instituted against an inspector appointed under section 2a or a Director or other officer of the Ministry having authority or power to issue licences or make registrations or to direct an inspector to make an inspection under any section of this Act or the regulations or anyone acting under the direction of such Director or other officer of the Ministry or inspector appointed under section 2a for any

act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

3. Paragraph 31 of section 6 of the said Act is amended by striking out "summer" in the first line and inserting in lieu thereof "recreational".

s. 6, par. 31,
amended

4. Subsections 2, 3, 5 and 6 of section 13 of the said Act are repealed and the following substituted therefor:

s. 13 (2, 3),
re-enacted
s. 13 (5, 6),
repealed

(2) In a city and in every town having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor and four resident ratepayers to be appointed annually by the council at its first meeting in every year.

in cities and
in towns of
4,000 or over

(3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide that the local board shall consist of the mayor and,

in cities over
100,000

(a) six resident ratepayers, at least two of whom are not members of the council; or

(b) eight resident ratepayers, at least three of whom are not members of the council.

5. Subsections 2 and 5 of section 40 of the said Act are repealed and the following substituted therefor:

s. 40 (2),
re-enacted
s. 40 (5),
repealed

(2) Every medical officer of health shall cease to hold office upon attaining sixty-five years of age but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year until he attains the age of seventy years.

6. Section 45 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 1, is further amended by striking out "45u" in the first line and inserting in lieu thereof "45q".

s. 45,
amended

s. 45*d*,
amended

7. Section 45*d* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 3, is further amended by adding thereto the following subsections:

Conditions
to
laboratory
licence

- (9*a*) It is a condition of a licence for a laboratory that,
- (*a*) the performance of tests in the laboratory meet the generally accepted standards of proficiency in such tests;
- (*b*) the owner and the operator of the laboratory submit the performance of tests in the laboratory to examinations and evaluations of proficiency carried out by the agency designated in the regulations;
- (*c*) the owner of the laboratory pay the fees prescribed by the regulations for the examinations and evaluations by the agency designated in the regulations of proficiency in the performance of tests in the laboratory.

Idem

(9*b*) Where an agency designated in the regulations to examine and evaluate proficiency in the performance of tests, reports to the Director that the performance of a test in a laboratory does not meet the generally accepted standard of proficiency in the performance of the test, the Director may impose such conditions upon the licence in respect of the performance of the test in the laboratory as the Director considers necessary or advisable in order that the health of the public may be protected.

s. 45*f* (1),
re-enacted

8. Subsection 1 of section 45*f* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

Proposal to
refuse to
issue,
revoke or
impose
condition

(1) Where the Director proposes to revoke or to refuse to issue or renew a licence or to impose a condition on an existing licence under this Act, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant in the case of a proposal to refuse to issue or renew the licence and on the owner and operator in the case of a proposal to revoke or to impose a condition on the licence.

s. 45*n*,
amended

9. Section 45*n* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 7, is further amended by adding thereto the following clauses:

- (*o*) prescribing fees in respect of classes of tests for examinations and evaluations of proficiency in the performance of tests in laboratories;

(p) designating an agency or agencies to carry out examinations and evaluations of proficiency in the performance of tests in laboratories.

10. The said Act is further amended by adding thereto the following sections: ss. 45o-45q. enacted

45o. The Minister may enter into an agreement with Agreement an agency or agencies designated in the regulations to provide for the examination and evaluation of the performance of tests in laboratories including the manner and frequency of such examinations and evaluations, the reports thereon and payment therefor.

45p. The Minister may establish a committee of not fewer Committee than five persons for the purpose of recommending to the Minister standards and procedures for the evaluation of proficiency in the performance of tests in laboratories.

45q. The moneys required for the administration of the Moneys program of examining and evaluating the performance of tests in laboratories shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

11. Section 87 of the said Act is repealed and the following substituted therefor: s. 87. re-enacted

87.—(1) The medical officer of health of a municipality Inspection of premises or any inspector or other person in the employ of the local board acting under his instructions may enter any premises in the municipality, and an inspector appointed under section 2a may enter any premises, at all reasonable times and inspect and examine the premises for the purpose of carrying out this Act and may take such action as he considers necessary for carrying it out including, where he finds that a condition exists in or about the premises that,

(a) is dangerous or is likely to become dangerous to health or safety; or

(b) hinders or is likely to hinder the prevention, mitigation or suppression of disease,

the making of an order that the premises be closed and remain closed until the condition no longer exists in or about the premises, and any person in charge of the premises for the time being shall render such assistance as is necessary to make such entry, inspection and examination.

Form of
order closing
premises

(2) An order closing premises under subsection 1,

(a) shall be in writing and shall include written reasons for the order; and

(b) may be directed to the owner or a person in charge of the premises.

Revocation
of order

(3) The person who has issued an order closing premises pursuant to subsection 1 may by a further order revoke the order and in such case shall serve or cause to be served a copy of the order on the person to whom the order closing the premises was directed.

Interpre-
tation

87a.—(1) In this section and in sections 87b and 87c, “Board” means the Health Facilities Appeal Board established under *The Ambulance Act*.

R.S.O. 1970,
c. 20

Notice

(2) An order closing premises referred to in subsection 2 of section 87 shall inform the person to whom it is directed that the owner or the person in charge of the premises is entitled to a hearing by the Board if he mails or delivers to the person who made the order and to the Board, within fifteen days after a copy of the order is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Effect of
order

(3) Notwithstanding that a hearing is required in respect of an order closing premises, the order is effective at and from the time it is served upon the person to whom it is directed and is further effective until revoked or as confirmed or varied or until rescinded as provided by subsection 4 and such person shall comply with the order immediately.

Powers of
Board

(4) Where the owner or the person in charge of the premises requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order and for such purposes the Board may substitute its finding for that of the person who made the order closing the premises.

Extension of
time for
requiring
hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the owner or a person in charge of the premises under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the owner or a person in charge of the premises pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

87b.—(1) The person who has made the order closing the premises pursuant to section 87, the owner or person in charge of the premises who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. ^{Parties}

(2) Notice of a hearing under section 87a shall afford the owner or person in charge of the premises a reasonable opportunity to show before the hearing that the condition referred to in section 87 does not exist or no longer exists in or about the premises. ^{Notice of hearing}

(3) Any party to proceedings under section 87a shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. ^{Members holding hearing not to have taken part in investigation, etc.}

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. ^{Recording of evidence}

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. ^{Findings of fact} 1971, c. 47

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. ^{Only members at hearing to participate in decision}

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. ^{Release of documentary evidence}

Appeal to
court

87c.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be
filed in court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order closing the premises and to substitute its finding as to the condition of the premises for that of the person who made the order closing the premises as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order closing the premises or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of
order or
notice

87d. Except where otherwise provided, any order or notice required by sections 87 to 87c to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where the order or notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the order or notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order or notice until a later date.

s. 118 (2),
re-enacted

12. Subsection 2 of section 118 of the said Act is repealed and the following substituted therefor:

Other
offences

(2) Any person who contravenes any other provision of this Act or of the regulations for which no other penalty is provided or of any municipal by-law passed under this Act, or who wilfully disobeys or neglects to carry out any order or direction lawfully made or given by the Ministry, an inspector appointed under section 2a, a local board, medical officer of

health or public health inspector, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

(2a) Where a corporation is convicted of an offence under subsection 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Idem

(2b) Where a corporation has been convicted of an offence under subsection 2, Directors
and
officers

(a) each director of the corporation; and

(b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he had no knowledge of any of the acts constituting the offence, and could not reasonably be expected to have had such knowledge and that he exercised reasonable diligence to prevent the commission of the offence.

- 13.** Paragraph 29 of Schedule B to the said Act is repealed. Sched. B.
par. 29.
repealed
- 14.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
- 15.** This Act may be cited as *The Public Health Amendment Act, 1974*. Short title

An Act to amend
The Public Health Act

1st Reading

June 14th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. F. S. MILLER
Minister of Health

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to provide for the
Incorporation of Communities in Territory
without Municipal Organization**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

The Bill empowers the Treasurer to establish, in territory without municipal organization, a community, the inhabitants of which will be a body corporate. An elected council of either three or five members, as the Treasurer determines, will exercise the powers and duties in relation to the community as provided in the Bill. The council is empowered to levy taxes for the purposes of the community and the matters over which it has jurisdiction are set out in Schedule B of the Bill.

A procedural by-law is set out in Schedule A of the Bill to govern the proceedings of the council, which may, with the approval of the Treasurer, be amended by the council.

The organizational expenditures of a new community during its first year of operation, as approved by the Treasurer, may be paid out of the Consolidated Revenue Fund.

**An Act to provide for the
Incorporation of Communities in Territory
without Municipal Organization**

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

1. In this Act,

Interpre-
tation

- (a) "community" means an area, the inhabitants of which are constituted a body corporate under this Act;
- (b) "council" means the council of a community;
- (c) "inhabitant" means a permanent resident or a temporary resident having a permanent dwelling within the locality;
- (d) "locality" means any area without municipal organization defined by the Minister;
- (e) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (f) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2. This Act applies only in territory without municipal organization,

Appli-
cation
of Act

INCORPORATION OF COMMUNITIES

3.—(1) The Minister, upon the application to him of not fewer than thirty inhabitants being Canadian citizens or other British subjects having attained the full age of eighteen years, in a locality having a population of not fewer than fifty inhabitants, or on his own initiative, may

Incorporation
of
community

by order establish the boundaries of a community and provide that the inhabitants thereof are a body corporate for the purposes of this Act and name such body corporate as "The Corporation of the Community of.....", naming the community.

Proviso
R.S.O. 1970,
c. 349

(2) No community shall be incorporated until the Minister of Housing, on the recommendation of the Minister, has made an order under section 32 of *The Planning Act* pertaining to the proposed community.

Alteration
of
boundaries

(3) The boundaries of a community established under subsection 1 may be varied by the Minister.

Dissolution

(4) The Minister may, upon petition of not fewer than two-thirds of the inhabitants being Canadian citizens or other British subjects having attained the full age of eighteen years, or the council of a community, or on his own initiative, dissolve such community.

Appointment
of hearing
officer

4.—(1) The Minister may, before making any order under subsection 1 or 3 of section 3, appoint a hearing officer to hold a public hearing to inquire into the merits of establishing a community.

Notice of
hearing

(2) The hearing officer shall, in such manner as he considers desirable, give public notice of the hearing referred to in subsection 1 at least fourteen days before the date of such hearing and he may continue the hearing for such number of days as may be required to complete the inquiry.

Report

(3) The hearing officer shall, within one month of the date of completion of the public hearing, make a report to the Minister.

Who
entitled to
be heard

(4) All inhabitants within a locality which it is proposed to incorporate as a community under subsection 1 of section 3, or any inhabitant within a distance of such locality as may be specified by order of the Minister, shall be entitled to be heard at the public hearing mentioned in subsection 1.

COMPOSITION AND ELECTION OF COUNCILS

Council

5.—(1) A council of three or five members, as may be determined by order of the Minister, shall be elected in a community to exercise the powers and duties provided for in this Act.

(2) The elections to the council shall, except as the Minister may by order vary, be conducted in accordance with *The Municipal Elections Act, 1972*.

Conduct of elections

1972, c. 96

(3) The Minister shall by order provide for all matters necessary to conduct the elections for the members of the first council.

Power of Minister re elections to first council

(4) Every member of council before entering on the duties of his office shall make and subscribe a declaration of office in Form 1 and an oath of allegiance in Form 2.

Declaration of office

6.—(1) The council shall hold its first meeting in the year, following an election, not later than the 15th day of January, and at such meeting shall elect one of its members as chairman.

First meeting

(2) No business shall be proceeded with at the first meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

Declarations of office before business

(3) A council shall be deemed to be organized within the meaning of this Act when the declarations of office have been made by a majority of the members and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations.

When council deemed organized

(4) The secretary-treasurer shall preside or, if there is no secretary-treasurer, the members present shall select a member to preside at such first meeting until the chairman of the council is elected and the person so selected may vote as a member.

Secretary-treasurer to preside

(5) The Minister shall provide by order for the first meeting of the first council and its term of office.

Term of office of first council

CONDUCT OF BUSINESS

7.—(1) A majority of members of council constitutes a quorum, and the business of the council shall, subject to subsection 2, be conducted in accordance with the procedural by-law in Schedule A.

Quorum and procedure

(2) The by-law in Schedule A shall be in force in the community as if enacted by the Council thereof, but the council may pass by-laws with the approval of the Minister for making additional requirements or variations in respect of the conduct of its business.

Application of Sched. A

Regular meetings open to public

8.—(1) All regular meetings of the council shall be open to the public.

When meetings to be held

(2) The council shall hold such regular meetings as may be determined by the council.

Public meeting

(3) In addition to the regular meetings of council, the council shall hold in May, in each year, a public meeting in the community of which all inhabitants shall be notified by public notice not less than fifteen days prior to the date of holding such meeting.

Annual report by chairman

(4) The chairman shall present to the meeting referred to in subsection 3, an annual report of the affairs of the community in the preceding year including an audited statement of the community's financial affairs.

Remuneration

9. The council may by by-law, approved by the Minister, establish rates of remuneration for its members.

Chairman to preside

10.—(1) The chairman is the head of the council and shall preside at all meetings of the council.

Acting chairman

(2) In the absence of the chairman, or if his office is vacant, or if he refuses to act, the council may, from among its members, appoint an acting chairman who, during such absence, vacancy or refusal to act, shall act in the place of the chairman and preside at the meetings of council.

Exclusion for improper conduct

(3) The chairman may expel or exclude from any meetings any person who has been guilty of improper conduct at the meeting.

Secretary-treasurer

11.—(1) The council shall appoint a secretary-treasurer who shall hold office at the pleasure of the council and have all the powers and duties of the clerk, treasurer and collector of a municipality as specified in *The Municipal Act* for the purposes of this Act, in so far as such powers and duties are consistent with this Act.

R.S.O. 1970, c. 284

Remuneration

(2) The secretary-treasurer shall receive such remuneration as may be determined by the council with the approval of the Minister.

Declaration of office

(3) Every secretary-treasurer, before entering on the duties of his office shall make and subscribe a declaration of office in Form 3 and shall give annually, such security as the council directs for the faithful performance of such duties and for duly accounting for and paying over all moneys that come into his hands.

(4) Section 233 of *The Municipal Act* applies *mutatis mutandis* to security to be furnished by the secretary-treasurer. Applica-
tion of
R.S.O. 1970,
c. 284, s. 233

AUDIT

12. The Minister shall make such provision as he con- Audit
siders necessary for the annual audit of the books and
records of the community.

FINANCES AND ASSESSMENT

13.—(1) The council shall, in each calendar year, pre- Yearly
estimates
and
contents
pare and adopt estimates of all sums required during the
year for the purposes of the corporation, including a sum
sufficient to pay all debts of the corporation falling due
within the year, and such estimates shall set forth the
estimated revenues and expenditures in such detail and
according to such form as the Ministry may from time to
time prescribe.

(2) In preparing the estimates, the council shall make due Allowances
to be made
in estimates
allowance for a surplus of any previous year that will be
available during the current year and shall provide for any
operating deficit of any previous year and for the cost of
collection, abatement of and discount on taxes, and for un-
collectable taxes, and may provide for taxes that it is
estimated will not be collected during the year and for such
other reserves within such limits as to type and amount as
the Ministry may approve.

(3) One by-law or several by-laws for levying the rates Rating
by-laws
may be passed as the council considers expedient.

(4) The Ministry may prescribe the form of estimates to Form of
estimates
be prepared by the council and may, from time to time,
vary the same.

14.—(1) The assessment of land in a community shall, Assessment
for the purposes of this Act, be the assessment as deter-
mined under *The Assessment Act*.

(2) The provisions of *The Assessment Act* apply *mutatis* Applica-
tion of
R.S.O. 1970,
c. 32
mutandis to a community.

15. The assessment commissioner shall cause to be pre- Assessment
roll
pared an assessment roll for each community in the
region for which he is the commissioner and in such
preparation shall cause to be set down the particulars
required under section 17 of *The Assessment Act*, and such

roll shall in all other respects be prepared in the same manner as for a municipality.

Rates for
general
purposes

16.—(1) The council in each year shall levy on the whole assessment for real property, according to the last revised assessment roll, the aggregate amount of the sums necessary for payment within the year of the sums adopted under section 13 for general purposes.

When taxes
due

(2) The rates imposed for any year shall be deemed to have been imposed and to be due on and from the 1st day of January of each year, unless otherwise expressly provided by the by-law by which they are imposed.

Instalments

(3) The council may, by by-law, provide for the payment of taxes by instalments.

Penalties
and
interest

17.—(1) The council may, by by-law, impose a percentage charge as a penalty for non-payment of taxes or any instalment thereof, not exceeding 1 per cent, on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

(2) The secretary-treasurer shall add to the amount of all taxes due and unpaid interest at the rate of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid.

No compound
interest

(3) No interest or percentage added to taxes shall be compounded.

Interest and
percentages
added form
part of
taxes

(4) Interest and percentages added to taxes form part of such taxes and shall be collected as taxes.

Who liable
for taxes,
lien on
lands

(5) The taxes due upon any land with costs may be recovered with interest as a debt due to the corporation from the owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and are a special lien on the land in priority to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority are not lost or impaired by any neglect, omission or error of the corporation or of any agent or officer, or by want of registration.

Notice of
forfeiture

18.—(1) Where any part of the tax imposed under this Act remains unpaid for a period of three years or more, the council shall cause to be filed in the proper land registry office a caution in the prescribed form, and there-

upon the secretary-treasurer shall send by registered mail a notice to every person appearing from search or inquiry at the proper land registry office or sheriff's office to be the owner of the land in respect of which the default has been made, and to every person appearing from such search or inquiry to have an interest therein, stating that, unless the total amount of tax and penalties due and payable under this Act and the prescribed costs are paid within twelve months of the mailing of the notice, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown as represented by the Minister of Natural Resources.

(2) Where no letters patent from the Crown have issued ^{idem} granting land in respect of which the tax imposed under this Act remains unpaid for a period of two years or more, the secretary-treasurer shall send by registered mail the notice mentioned in subsection 1 to the person shown on the assessment roll prepared under section 15 as the owner of the land, and the sending of such notice shall be deemed to be in compliance with subsection 1.

(3) Where any part of the tax, penalties and costs ^{Declara-} remains unpaid twelve months after the mailing of the ^{tion of} notice under subsection 1 or 2, the secretary-treasurer shall so certify to the Minister of Natural Resources, and upon receipt of such certificate, the Minister of Natural Resources by a certificate may declare the lands and every interest therein forfeited to and vested in the Crown, and thereupon, subject to subsections 4 and 5, the land and every interest therein vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto whether existing, arising or accruing before or after such forfeiture is declared, and the land may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario.

(4) Where a dominant tenement is forfeited, any ease- ^{Easements} ment appurtenant thereto passes to the Crown, and, where a servient tenement is forfeited the forfeiture does not affect any easement to which the servient tenement is subject.

(5) Upon receipt of a certificate of forfeiture, the land registrar shall register it, and it is conclusive evidence of the forfeiture to the Crown of the land and every interest therein so certified to be forfeited, and it is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture. ^{Registra-} ^{tion of} ^{certifi-} ^{cate}

R.S.O. 1970,
cc. 234, 249,
not to apply
to forfeited
lands

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

BORROWING

Current
borrowings

19.—(1) The council may by by-law, either before or after the passing of by-laws for imposing the levies for the current year, authorize the chairman and secretary-treasurer to borrow from time to time by way of promissory note such sums as the council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the corporation.

Limit at
any one
time

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Minister, exceed 70 per cent of the uncollected balance of the estimated revenues of the corporation as set forth in the estimates adopted for the year.

Temporary
applica-
tion of
estimates
of
preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall be calculated temporarily upon the estimated revenues of the corporation as set forth in the estimates for the next preceding year, provided that in the first year of operation of the corporation, the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister.

Lender not
bound

(4) The lender is not bound to establish the necessity of the sum lent or to see to its application.

Execution
of
promissory
note

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the corporation, and signed by the chairman or by some other person authorized by by-law to sign it, and by the secretary-treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation
of
charge

(6) The council may by by-law provide or authorize the chairman and secretary-treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole taxable assessment of the community.

POWERS AND DUTIES OF COUNCIL

20.—(1) The provisions of subsections 1 and 2 of section 10, subsection 1 of section 31 and sections 32 and 33 of *The Local Roads Boards Act* apply *mutatis mutandis* to the council. Applica-
tion of
R.S.O. 1970,
c. 256

(2) The secretary-treasurer shall remit to the Minister of Transportation and Communications, subject to the approval of the Minister, an amount equal to the amount of tax moneys received by him from the owners of the land within the community attributable to the construction and maintenance of local roads within the community. Remission
of portion
of tax to
Minister of
Transporta-
tion and
Communica-
tions

(3) Where the whole or any portion of a local roads area is included within a community established under this Act, the local roads area and the board thereof are dissolved and the Minister of Transportation and Communications may, without petition, exercise any of his powers under section 8 of *The Local Roads Boards Act*. Dissolution
of local
roads
boards

21.—(1) For the purposes of every Act, the council shall have the powers and duties of the council of a township and the community shall be deemed to be a township in respect of the functions specified in Schedule B. Powers of
council

(2) Notwithstanding subsection 1, the Minister may, in respect of any community, by order vary the functions to be performed by the council. Powers
varied by
Minister

(3) For the purposes of sections 57, 58, 59, 60 and 61 of *The Ontario Municipal Board Act*, a community shall be deemed to be a municipality and the approval of the Minister shall be deemed to be the approval of the Ontario Municipal Board under sections 64 and 65 of *The Ontario Municipal Board Act*. Community
deemed
municipality
under
R.S.O. 1970,
c. 323

22.—(1) A community shall be deemed to be a municipality for the purposes of section 17 of *The Ontario Water Resources Act*. Application
of
R.S.O. 1970,
c. 332, s. 17

(2) A council shall be deemed to be the council of a municipality for the purposes of *The Municipal Conflict of Interest Act, 1972*. Application
of
1972, c. 142

(3) A community shall be deemed to be a lower tier municipality for the purposes of *The Property Tax Stabilization Act, 1973* and a municipality for the purposes of *The Municipal Unconditional Grants Act*. Application
of
1973, c. 73
R.S.O. 1970,
c. 293

- Application of R.S.O. 1970, c. 284 **23.** The provisions of Part III, except section 45 of *The Municipal Act* apply *mutatis mutandis* to the council.
- Regulations **24.** The Minister may make regulations prescribing forms for the purposes of this Act and providing for their use.
- Conditional powers **25.** The Lieutenant Governor in Council may by order, on the recommendation of the Minister, do all such acts or things that may be necessary to carry out the purposes of this Act, including the application of any Act to a council or a community.
- Organizational expenditures **26.** The organizational expenditures of a council for a period not exceeding one year following the date of establishment of the community may, as approved by the Minister, be paid out of the Consolidated Revenue Fund.
- Commencement **27.** This Act comes into force on the day it receives Royal Assent.
- Short title **28.** This Act may be cited as *The Northern Communities Act, 1974*.

SCHEDULE A

By-law in Force in every Community

1. The proceedings of the council and the conduct of the members shall, subject to the provisions of this Act, be governed by the provisions, rules and regulations contained in this by-law. Proceedings of by-law to apply
2. The chairman shall, at the first meeting of the council following a regular election, be elected in the manner determined by council and where a vote is taken and an equality of votes occurs, the tie shall be broken and the successful candidate determined by lot conducted by the secretary-treasurer or by the member presiding at the meeting. Manner of electing chairman
3. If at such meeting for any reason a chairman is not elected, the secretary-treasurer or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Minister shall appoint the chairman to hold office for that year and until his successor is elected, in accordance with section 2 in the year next following. Idem
4. As soon after the hour fixed for the holding of a meeting of the council as a quorum is present, the chairman shall take the chair and call the meeting to order. Calling of meeting to order
5. Where the chairman does not attend within fifteen minutes after the time appointed for a meeting of the council, the secretary-treasurer shall call the members to order and an acting chairman shall be appointed from among the members present. Absence of chairman
6. If no quorum is present, one-half hour after the time appointed for a meeting of the council, the secretary-treasurer shall record the names of members present and the meeting shall stand adjourned. Where no quorum present
7. The routine order of business for the meetings of the council shall be as follows: Order of business
 - (a) minutes of previous meeting;
 - (b) deputations and petitions;
 - (c) communications;
 - (d) presentation of accounts;
 - (e) committee reports;
 - (f) by-laws;
 - (g) unfinished business;
 - (h) notices of motion;
 - (i) new business; and
 - (j) adjournment.
8. All business shall be taken up in the order or routine in which it stands, as shown on the agenda, unless otherwise decided by the concurring vote of the majority of the members of the council. Agenda to be followed unless departure concurred in by majority

Minutes

9. The minutes of the meetings of Council shall record,

- (a) the place, date and time of the meeting;
- (b) the names of the presiding officer or officers and notation of the attendance or otherwise of the members;
- (c) the reading, if requested, correction and adoption of the minutes of prior meetings; and
- (d) all the other proceedings of the meeting without note or comment.

Duties of the chairman

10. It shall be the duty of the chairman or other presiding officer,

- (a) to open the meeting of council by taking the chair and calling the meeting to order;
- (b) to announce the business before the council in the order in which it is to be acted upon;
- (c) to receive and submit in the proper manner, all motions presented by the members of council;
- (d) to put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- (e) to enforce on all occasions, the observance of order and decorum among the members;
- (f) to authenticate by his signature, when necessary, all by-laws, resolutions and minutes of council;
- (g) to represent and support the council, declaring the will and implicitly obeying its decisions in all things; and
- (h) to adjourn the meeting when the business is concluded.

Reading of by-laws and proceeding thereon

11. Every by-law shall,

- (a) receive three readings prior to it being enacted;
- (b) not be subject to amendment or debate on its first reading;
- (c) when enacted by council, be endorsed by the secretary-treasurer as to the date or dates of the several readings thereof;
- (d) be open to debate and amendment before it is ordered for the third reading;
- (e) when enacted by council, be numbered and dated and sealed with the seal of the corporation, signed by the chairman and by the secretary-treasurer and be deposited by the secretary-treasurer in his office for safekeeping.

Voting in council

12. The manner of voting on any question before council shall be at the discretion of the chairman and may be by voice, show of hand, standing or otherwise, but no vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect.

13 Each member of the council, including the chairman, has one vote. Vote only on any question and any motion on which there is an equality of votes shall be deemed to be lost.

14 Where a council consists of five members, the concurrent votes of at least three of them is necessary to carry any resolution or other measure. Where a council consists of five members

SCHEDULE B

1. The provision, maintenance and operation of sewer and water services.
2. The provision of sidewalks.
3. The collection, removal and disposal of garbage and other refuse.
4. The provision, maintenance and operation of fire protection services.
5. The provision, maintenance and operation of street lighting.
6. The provision, maintenance and operation of parks, community centres and programs of recreation.
7. The purposes of *The Municipal Act* with respect to trailers, trailer camps, trailer parks, tourist camps, motels, air harbours and landing grounds.
8. The purposes of Part 1 of *The Dog Licensing and Live Stock and Poultry Protection Act*.

FORM 1

I, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of to which I have been elected in this community, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office, and that I will disclose any pecuniary interest, direct or indirect as required by and in accordance with *The Municipal Conflict of Interest Act, 1972*, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

FORM 2

I, having been elected to the office of in the community of do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at the
of
in the of
this day of
19....

FORM 3

DECLARATION OF APPOINTED OFFICE

I, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of secretary-treasurer, that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office to which I have been appointed, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the corporation except that arising out of my office as secretary-treasurer.



An Act to provide for
the Incorporation of Communities
in Territory without
Municipal Organization

1st Reading

June 17th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Milk Act

THE HON. W. A. STEWART
Minister of Agriculture and Food

EXPLANATORY NOTE

The purpose of the Bill is to provide for the control of the quality of milk by the imposing on and collecting from a producer of penalties where milk supplied by the producer fails to comply with prescribed standards or is produced on premises or with equipment that fails to comply with prescribed standards.

An Act to amend The Milk Act

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

1. Section 18 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 162, section 7, is further amended by adding thereto the following paragraph:

19a. providing for,

- (a) the control of the quality of milk by the imposing on and collecting from a producer of penalties where any milk supplied by the producer fails to comply with the standards of quality for such milk prescribed by the regulations or is produced on premises or with equipment that fails to comply with the regulations and, without limiting the generality of the foregoing, where such milk,
 - (i) contains any substance prohibited by the regulations,
 - (ii) contains a substance in excess of the amount thereof permitted by the regulations, or
 - (iii) has a substance removed therefrom contrary to the regulations;
- (b) the terms and conditions under which, and the times at which, the penalties are payable;
- (c) the amount of the penalties and the method by which the penalties are calculated;

- (d) the payment of the penalties to the marketing board constituted to administer any plan established for the control and regulation of the marketing of milk under this Act; and
- (e) the use of the penalties by such marketing board for the purposes mentioned in paragraph 19 of subsection 1 of section 8.

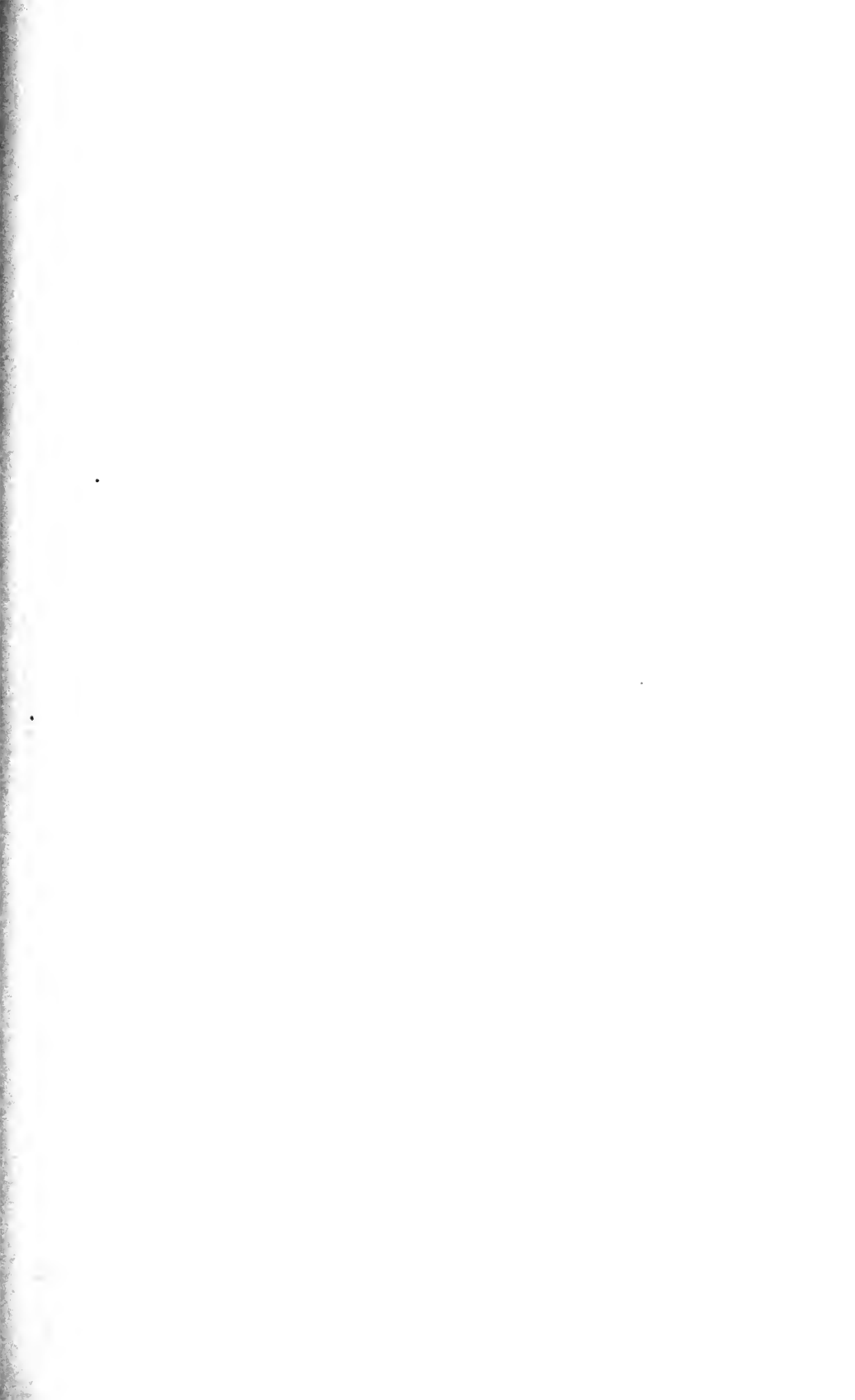
Commence-
ment

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

Short title

3. This Act may be cited as *The Milk Amendment Act, 1974 (No. 2)*.





An Act to amend
The Milk Act

1st Reading

June 17th, 1974

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 103

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Milk Act

THE HON. W. A. STEWART
Minister of Agriculture and Food

An Act to amend The Milk Act

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

1. Section 18 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 162, section 7, is further amended by adding thereto the following paragraph:

19a. providing for,

- (a) the control of the quality of milk by the imposing on and collecting from a producer of penalties where any milk supplied by the producer fails to comply with the standards of quality for such milk prescribed by the regulations or is produced on premises or with equipment that fails to comply with the regulations and, without limiting the generality of the foregoing, where such milk,
- (i) contains any substance prohibited by the regulations,
 - (ii) contains a substance in excess of the amount thereof permitted by the regulations, or
 - (iii) has a substance removed therefrom contrary to the regulations;
- (b) the terms and conditions under which, and the times at which, the penalties are payable;
- (c) the amount of the penalties and the method by which the penalties are calculated;

- (d) the payment of the penalties to the marketing board constituted to administer any plan established for the control and regulation of the marketing of milk under this Act; and
- (e) the use of the penalties by such marketing board for the purposes mentioned in paragraph 19 of subsection 1 of section 8.

Commence-
ment

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

Short title

3. This Act may be cited as *The Milk Amendment Act, 1974 (No. 2)*.







An Act to amend
The Milk Act

1st Reading

June 17th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 25th, 1974

THE HON. W. A. STEWART
Minister of Agriculture and Food

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Regional Municipality of Durham Act, 1973**

MR. SARGENT

EXPLANATORY NOTE

The purpose of the Bill is to remove the confusion that exists between the Town of Durham and The Regional Municipality of Durham. The name Frost has been chosen in honour of the late Honourable Leslie Frost.

**An Act to amend
The Regional Municipality of Durham Act, 1973**

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

1. The long title to *The Regional Municipality of Durham Act*,^{Long title, re-enacted} 1973, being chapter 78, is repealed and the following substituted therefor:

"An Act to establish The Regional Municipality of Frost".

2. Section 156 of the said Act is repealed and the following^{s. 156, re-enacted} substituted therefor:

156. This Act may be cited as *The Regional Municipality of Frost Act, 1973*.^{Short title}

3. This Act comes into force on the day it receives Royal^{Commence-ment} Assent.
4. This Act may be cited as *The Regional Municipality of Durham Amendment Act, 1974*.^{Short title}

An Act to amend
The Regional Municipality of Durham
Act, 1973

1st Reading

June 17th, 1974

2nd Reading

3rd Reading

MR. SARGENT

(Private Member's Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

The Juries Act, 1974

THE HON. R. WELCH
Attorney General

EXPLANATORY NOTE

The Bill re-enacts *The Jurors Act*. The new Act would,

1. prepare the way to abolishing grand juries;
2. shorten the list of exempted occupations;
3. modernize the procedures for selection and return of jurors, including the deletion of county selectors;
4. consolidate recent amendments.

The Juries Act, 1974

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

1. In this Act,

Interpre-
tation

- (a) "county" includes a district;
- (b) "county court" includes a district court;
- (c) "Director of Assessment" means the Executive Director of the Assessment Division of the Ministry of Revenue;
- (d) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 230, s. 1; 1973, c. 81, s. 1, *amended*.

ELIGIBILITY

2. Subject to sections 3 and 4, every person who,

Eligible
jurors

- (a) resides in Ontario;
- (b) is a Canadian citizen; and
- (c) in the year preceding the year for which the jury is selected had attained the age of eighteen years or more and had not attained the age of sixty-nine years or more,

is eligible and liable to serve as a juror on juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county in which he resides. 1973, c. 81, s. 2, *amended*.

3.—(1) The following persons are ineligible to serve as ^{ineligible} jurors: _{occupations}

1. Every member of the Privy Council of Canada or the Executive Council of Ontario.
2. Every member of the Senate, the House of Commons of Canada or the Assembly.
3. Every judge.
4. Every barrister and solicitor and every student-at-law.
5. Every legally qualified medical practitioner and veterinary surgeon who is actively engaged in practice and every coroner.
6. Every person engaged in the enforcement of law including, without restricting the generality of the foregoing, sheriffs, wardens of any penitentiary, superintendents, jailers or keepers of prisons, correctional institutions or lockups, sheriff's officers and constables, police officers and constables, and officers of a court of justice.
7. The husband or wife of each person mentioned in paragraph 3, 4 or 6.
8. Every ordained minister, priest or clergyman under any form or profession or of any faith or worship, licensed to perform marriages in Ontario.
9. Every person who is a member of a religious order vowed to live in a convent, monastery or other like religious community. R.S.O. 1970, c. 230, s. 3 (1); 1973, c. 81, s. 5.

Connection
with court
action at
same sittings

(2) Every person who is under subpoena or is likely to be called as a witness in a civil or criminal proceeding or has an interest in an action is ineligible to serve as a juror at any sittings of a court at which such proceeding or action might be tried.

Previous
service

(3) Every person who, at any time within three years preceding the year for which the jury roll is prepared, has received fees for service after selection from the roll prepared under this Act or any predecessor thereof. R.S.O. 1970, c. 230, s. 3 (3), *amended*.

Ineligibility
for personal
reasons

4. A person is ineligible to serve as a juror who,

(a) is infirm, decrepit or afflicted with blindness, deafness or other physical infirmity incompatible with the discharge of the duties of a juror;

(b) is not in the possession of his natural faculties; or

- (c) has been convicted of an indictable offence, unless he has subsequently been granted a pardon. 1973, c. 81, s. 4.

PREPARATION OF JURY ROLLS

5.—(1) The sheriff of a county shall on or before the 15th day of September in each year determine for the ensuing year for the county, ^{Number of jurors on roll}

- (a) the number of jurors that will be required for each sittings of,
- (i) the Supreme Court,
 - (ii) the court of general sessions of the peace in the county, and
 - (iii) the county court in the county;
- (b) the number of persons that will be required for selection from the jury roll for the purposes of any other Act; and
- (c) the aggregate number of persons that will be so required.

(2) In a provisional judicial district, after the sheriff has determined the number of persons that will be required for service during the ensuing year, he shall fix the total number of persons, that shall be selected from municipalities, and the total number that shall be selected from territory without municipal organization, ^{Number of jurors in districts}

(3) The sheriff shall forthwith upon making his determination under subsection 1 certify and transmit, ^{Transmission of resolutions}

- (a) to the Director of Assessment,
- (i) a copy of the determination declaring the aggregate number of persons required for the jury roll in the county in the ensuing year, and
 - (ii) a statement of the numbers of jury service notices to be mailed to persons in the county;
- (b) to the office of the Registrar of the Supreme Court, a copy of the determination for the number of jurors under subclause i of clause a of subsection 1; and

- (c) to the clerk of the county court in the county, copies of the determinations for the number of jurors under subclauses ii and iii of clause *a* of subsection 1. 1973, c. 81, s. 5, *part, amended*.

Jury service notices

6.—(1) The Director of Assessment shall in each year on or before the 31st day of October cause a jury service notice, together with a return to the jury service notice in the form prescribed by the regulations and a prepaid return envelope addressed to the sheriff of the county, to be mailed by first class mail to the number of persons in each county specified by the sheriff in his statement, and selected in the manner provided for in this section.

Selection of persons notified

(2) The persons to whom jury service notices are mailed under this section shall be selected by the Director of Assessment at random from persons who, from information obtained at the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*,

R.S.O. 1970, c. 32

- (a) at the time of the census, resided in the county and were Canadian citizens; and
- (b) in the year preceding the year for which the jury is selected, are of or will attain the age of eighteen years or more and are not of and will not attain the age of sixty-nine years or more,

and the number of persons selected from each municipality in the county shall bear approximately the same proportion to the total number selected for the county as the total number of persons eligible for selection in the municipality bears to the total number eligible for selection in the county, as determined by such census.

Application of subs. 2 to municipalities in districts

(3) In a provisional judicial district for the purposes of subsection 2, all the municipalities in the district shall together be treated in the same manner as a county from which the number of jurors required is the number fixed under subsection 2 of section 5 to be selected from municipalities.

Address for mailing

(4) The jury service notice to a person under this section shall be mailed to him at the address shown for him in the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*.

Return to jury service notice

(5) Every person to whom a jury service notice is mailed in accordance with this section shall accurately and truthfully complete the return and shall mail it to the sheriff of the county within five days after receipt thereof.

(6) For the purposes of subsection 5, the notice shall be deemed to have been received on the third day after the day of mailing unless the person to whom the notice is mailed establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control did not receive the notice or order, or did not receive the notice or order until a later date. When service deemed made

(7) The Director of Assessment shall furnish to the sheriff of the county a list of persons in the county arranged alphabetically to whom jury service notices were mailed under this section forthwith after such mailing and the list received by the sheriff purporting to be certified by the Director of Assessment is, without proof of the office or signature of the Director of Assessment, receivable in evidence in any action or proceeding as *prima facie* proof of the mailing of jury service notices to the persons shown on the list. List of notices given

(8) In the selecting of persons for entry in the jury roll in a county or district in which an Indian reserve is situate, the sheriff shall select names of eligible persons inhabiting the reserve in the same manner as if the reserve were a municipality and, for the purpose, the sheriff may obtain the names of inhabitants of the reserve from any record available. 1973, c. 81, s. 5, *part, amended*. Indian reserves

7. The sheriff shall in each year prepare a roll called the jury roll in the form prescribed by the regulations. 1973, c. 81, s. 5, *part, amended*. Sheriff to prepare jury roll

8.—(1) The sheriff shall open the returns to jury service notices received by him and shall cause the name, address, age and occupation of each person making such a return, who is shown by the return to be eligible for jury service, to be entered in the jury roll alphabetically arranged and numbered consecutively. Entry of names in jury roll

(2) The sheriff may, with the written approval of the local judge of the High Court, omit the name from the roll where it appears such person will be unable to attend for jury duty. Omission of names

(3) The sheriff may request the Director of Assessment to mail such number of additional jury service notices and forms of returns to jury service notice as in the opinion of the sheriff are required. Supplementary names

(4) Upon receipt of a request from the sheriff under subsection 3, the Director of Assessment shall forthwith carry out such request and for such purpose section 6 applies *mutatis* Supplying of supplementary names

mutandis with respect to the additional jury service notices requested by the sheriff to be mailed. 1973, c. 81, s. 5, *part, amended*.

Selection
from
unorganized
territory

(5) In a provisional judicial district, the sheriff shall select names of eligible persons who reside in the district outside territory with municipal organization in the numbers fixed under subsection 2 of section 5 and for the purpose may have recourse to the latest polling list prepared and certified for such territory, and to any assessment or collector's roll prepared for school purposes and may obtain names from any other record available. 1973, c. 81, s. 7, *part, amended*.

Certification
of roll

9. As soon as he has completed the jury roll but not later than the 31st day of December in each year, the sheriff shall certify the roll to be the proper roll prepared as the law directs and shall deliver notice of the certification to the local judge of the High Court, but the judge may extend the time for delivery for such reasons as he considers sufficient. 1973, c. 81, s. 5, *part, amended*.

Extension
of times

10. The Chief Justice of the High Court may, upon the request of the sheriff of a county, extend any times prescribed by this Act in connection with the preparation of the jury roll for the county to such date as he considers appropriate and may authorize the continued use of the latest jury roll until the dates so fixed. 1973, c. 81, s. 5, *part, amended*.

Additions to
roll by
sheriff

11.—(1) Where there are no persons or not a sufficient number of persons on the proper jury roll, or where there is no jury roll for the year in existence, the sheriff may supply names of eligible jurors from the jury roll for the nearest preceding year for which there is a jury roll or certified copy thereof in existence.

Certifi-
cation of
additions
by sheriff

(2) The names supplied to the jury roll under this section shall be entered thereon and certified by the sheriff. R.S.O. 1970, c. 230, s. 43, *amended*.

JURY PANELS

Issuance
of precepts

12.—(1) The judges of the Supreme Court, or one or more of them, for the holding of any sittings of the Supreme Court, and the judge of the county court, for the holding of any sittings of the county court or of the court of general sessions of the peace, may respectively issue precepts in the form prescribed by the regulations to the sheriff for the return of such number of jurors as the sheriff has determined as the number to be drafted and returned or such greater or lesser number as in their or his opinion is required. R.S.O. 1970, c. 230, s. 45 (1), *amended*.

(2) The proper officer in the office of the Registrar of the Supreme Court at Toronto, shall procure the precepts for the return of panels of jurors required for the sittings of the Supreme Court, and transmit them to the sheriffs as soon as conveniently may be after the day has been appointed for the sittings for which the jurors are required. R.S.O. 1970, c. 230, s. 50.

13.—(1) Where a judge of the Supreme Court considers it necessary that the jurors to form the panel for a sitting of the Supreme Court be summoned in more than one set, he may direct the sheriff to return such number of jurors in such number of sets on such day for each set as he thinks fit. R.S.O. 1970, c. 230, s. 52 (1), *amended*.

(2) The sheriff shall divide such jurors into as many sets as are directed, and shall in the summons to every juror specify at what time his attendance will be required.

(3) Each set shall for all purposes be deemed a separate panel. R.S.O. 1970, c. 230, s. 52 (2, 3).

14.—(1) The judge of the county court, if after the issue of the precept it appears to him expedient, may at any time before the day appointed for the sittings of the Supreme Court, by order under his hand and seal, and the judge assigned to hold the sittings or the presiding judge may, at any time before or during the sittings of such court, by order under his hand and seal, direct the sheriff to return an additional number of jurors.

(2) The judge of the county court, after the issue of the precept, at any time before or during the sittings of the county court or court of general sessions of the peace, by order under his hand and seal, may direct the sheriff to return an additional number of jurors.

(3) The sheriff, upon the receipt of any such order, shall forthwith draft such additional number of jurors in the manner provided by this Act, and shall add their names to the panel list, and shall forthwith thereafter summon them, and where there are not a sufficient number of jurors on the jury roll for the purpose of the additions, section 11 applies. R.S.O. 1970, c. 230, s. 48, *amended*.

15. Where the same day is appointed for holding the court of general sessions of the peace and the sittings of the county court, the sheriff may return the same panel to the precepts for the panels of jurors. R.S.O. 1970, c. 230, s. 51.

How sheriffs
to draft
panels of
jurors

16. Every sheriff to whom a precept for the return of jurors is directed shall, to such precept, return a panel list of the names of the jurors contained in the jury roll, whose names shall be drafted from such roll in the manner hereinafter mentioned. R.S.O. 1970, c. 230, s. 56.

Sheriff to
draft panel

17. Upon receipt of the precept, the sheriff shall post up in his office written notice of the day, hour and place at which he will draft the panel of jurors, and he shall draft the panel by ballot from the jury roll in the presence of a justice of the peace who shall attend upon reasonable notice from the sheriff. R.S.O. 1970, c. 230, s. 59 (1), *amended*.

How sheriff
to prepare a
panel

18.—(1) Before proceeding to draft a panel of jurors from a jury roll, the sheriff shall prepare a proper title or heading for the list of jurors to be returned, to which he shall fix an appropriate number according as such panel is the first, second, third or subsequent panel drafted from such jury roll, and the title or heading shall set forth the number of jurors to be returned.

Ballots for
drafting
panel

(2) The sheriff shall then append to such title or heading a list of numbers from "1" forward to the number required, and shall prepare a set of ballots of uniform and convenient size containing the same number of ballots as there are numbers on the jury roll, allowing one number to each ballot, which number shall be printed or written on it, and he shall then proceed to draft the panel of jurors. R.S.O. 1970, c. 230, s. 62.

Drafting
of panel

19.—(1) The sheriff shall draft the panel by drawing at random the ballots from a container in the presence of the justice of the peace.

Panel
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll, but the name of a person shall not be included on the panel list where the spouse of such person is on the list.

Idem

(3) The panel list so alphabetically arranged and numbered, with a short statement of the precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the sheriff, or his deputy and the justice of the peace, present at such drafting, shall then be recorded and attested by the signatures of the sheriff, or his deputy and the justice of the peace, and such panel list shall

be retained in the custody of the sheriff. R.S.O. 1970, c. 230, s. 63, *amended*.

20. The sheriff shall, upon his return to the precept, annex thereto the panel list containing the names, and places of residence, and occupations of the persons so drafted, and shall transmit one copy thereof to the office of the Registrar of the Supreme Court at Toronto, or to the local registrar, or to the clerk of the county court, as the case may be. R.S.O. 1970, c. 230, s. 64, *amended*. Copies of panel to be transmitted

21.—(1) The sheriff shall summon every person drafted to serve on juries, by sending to him by registered mail a notice in writing in the form prescribed by the regulations under the hand of the sheriff, at least twenty-one days before the day upon which the person is to attend, but when the sheriff is directed to draft and summon additional jurors under this Act, such twenty-one days service is not necessary. R.S.O. 1970, c. 230, s. 66 (1), *amended*. Jurors to be summoned 21 days before attendance required

(2) The sheriff may excuse any person summoned for a jury sittings on the grounds of illness or hardship but unless the local judge of the High Court directs otherwise and notwithstanding any other provision of this Act, such person shall be included in a panel to be returned for a sittings later in the year or, where there are no further sittings in that year, in a panel to be returned for a sittings in the year next following. *New*. Excusing of juror

22. The jury roll and every list containing the names of the jury drafted for any panel shall be kept under lock and key by the sheriff and every officer mentioned in section 20 having a copy thereof, and except in so far as may be necessary in order to prepare the panel lists, and serve the jury summons, shall not be disclosed by the sheriff, his deputy, officer, clerk, or by any officer mentioned in section 17 or 20, or by any other person, until ten days before the sittings of the court for which the panel has been drafted, and during such period of ten days, the sheriff, or his deputy, and any officer mentioned in section 20 having a copy of the panel list shall permit the inspection at all reasonable hours of the jury roll and of the panel list or copy thereof in his custody by litigants or accused persons or their solicitors and shall furnish the litigants or accused persons or their solicitors, upon request and payment of a fee of \$2, with a copy of any such panel list. R.S.O. 1970, c. 230, s. 65, *amended*. Secrecy of jury roll and panel

23.—(1) Where there is no business requiring the attendance of a jury at a sittings of a court in respect of which a precept has been issued, Countermand where no jury cases

- (a) the clerk of the court or local registrar, as the case may be, where the sittings is for the trial of actions; or
- (b) the Crown attorney where the sittings is for the trial of criminal prosecutions,

shall, at least five clear days before the day upon which the sittings is to commence, give notice in writing to the sheriff in the form prescribed by the regulations that the attendance of the jurors is not required. R.S.O. 1970, c. 230, s. 66 (3, 4), *amended*.

Postpone-
ment of date
for
attendance
of jurors

(2) Where the business of the court does not require the attendance of the jurors until a day after the day upon which the sittings is to commence, the appropriate officer determined under subsection 1 shall, at least five clear days before the day upon which the sittings is to commence, give notice in writing to the sheriff in the form prescribed by the regulations that the attendance of the jurors is not required until such later day as is specified in the notice. R.S.O. 1970, c. 230, s. 47 (1), *amended*.

Notice to
be given
to juror

(3) Subject to subsection 5, the sheriff, upon receipt of such notice, shall forthwith by registered mail or otherwise, as he considers expedient, notify in the form prescribed by the regulations each person summoned to serve as a juror that his attendance at the sittings is not required or is not required until the day specified in the notice, and in case any person so summoned attends after receiving such notice or before the day specified, as the case may be, he is not entitled to any fees or mileage for attendance.

Where juror
attends
owing to
non-receipt
of notice

(4) Where, after the giving of such notice, a juror so summoned attends the sittings contrary to the notice and the sheriff is satisfied that the notice was not received prior to the attendance and that the juror attended in good faith, believing his attendance on that day to be necessary, the sheriff shall allow the juror his fees and mileage allowance. R.S.O. 1970, c. 230, s. 66 (5, 6), *amended*.

Sheriff must
ascertain
that there
are no
prisoners
in custody

(5) In the case of a sittings of the Supreme Court for the trial of criminal matters and proceedings, or in the case of a sittings of the court of general sessions of the peace, the sheriff shall not give the notice mentioned in subsection 3 unless he is satisfied that there is no prisoner in custody awaiting trial at the sittings. R.S.O. 1970, c. 230, s. 66 (8).

Division of
Supreme
Court panel

24.—(1) Where a judge of the Supreme Court considers it necessary, he may direct that the jurors summoned for a

sitting of the Supreme Court be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

(2) Where the judge of a county court considers it necessary, ^{Division of county court panel} he may direct that the jurors summoned for jury sittings of the county court or the court of general sessions of the peace, or both, be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel. 1972, c. 112, s. 6.

25. A juror summoned for jury duty may be excused ^{Excusing of juror} from attending the sittings on the grounds of illness or hardship,

- (a) before the day for attendance, by the local judge of the High Court;
- (b) on or after the day for attendance, by the judge presiding at the sittings,

and the judge may direct that the service of a person so excused be postponed and that notwithstanding any provision of this Act, he be included in a panel to be returned for a sittings later in the year or in a panel to be returned for a sittings in the year next following. 1973, c. 81, s. 8, *amended*.

26.—(1) Any number of jurors summoned for a jury sittings ^{Release of jurors by judge} of the Supreme Court or of the county court or court of general sessions of the peace may, until resumed by direction of a judge, be released from service or further service, as the case may be, at any time before the sittings by the local judge of the High Court. R.S.O. 1970, c. 230, s. 49 (1), *amended*.

(2) The judge presiding at the sittings may release such ^{Release of jurors during sittings} jurors as, in his opinion, will not be immediately required, and the release may be for the remainder of the sittings or until the judge directs that they be summoned to reattend. R.S.O. 1970, c. 230, s. 49 (4).

(3) Where jurors have been released under this section, ^{Panel} the remaining jurors constitute the panel and where released jurors are resumed under this section they are added to the panel. R.S.O. 1970, c. 230, s. 49 (5), *amended*.

(4) Where jurors are released under this section, they are ^{Fees} not entitled to receive the fees provided by this Act during the period of release. R.S.O. 1970, c. 230, s. 49 (6).

The Supreme Court may issue precepts as heretofore

27. Subject to this Act, the Supreme Court and the judges thereof have the same power and authority as heretofore in issuing any precept, or in making any award or order, orally or otherwise, for the return of a jury for the trial of any issue before the court, or for amending or enlarging the panel of jurors returned for the trial of any such issue, and the return to any precept, award or order shall be made in the manner heretofore used and accustomed, and the jurors shall, as heretofore, be returned from the body of the county, and shall be eligible according to this Act. R.S.O. 1970, c. 230, s. 53.

County courts

28. The provisions of this Act respecting the issue of precepts for the return of a general panel of jurors for the sittings of the Supreme Court, as well as for the execution and return of the precepts, with all things touching the same, shall be observed and followed in all particulars with respect to the sittings of courts of general sessions of the peace and of county courts. R.S.O. 1970, c. 230, s. 55, *amended*.

ACTIONS TRIED BY JURY

When actions to be entered for trial

29. Subject, in the case of an action in the Supreme Court, to any order made by a judge of that court, and in the case of an action in the county court, to any order made by a judge of the county court, actions to be tried by a jury, whether in the Supreme Court or the county court, shall be entered for trial not later than six clear days before the first day of the sittings. R.S.O. 1970, c. 230, s. 66 (2), *amended*.

DRAWING JURY AT TRIAL

Empanelling jury at the trial

30.—(1) The name of every person summoned to attend as a juror, with his place of residence, occupation, and number on the panel list shall be written distinctly by the sheriff on a card or paper, as nearly as may be of the form and size following, viz.:

15. DAVID BOOTH

OF LOT NO. 11, IN THE 7TH CON. OF ALBION

MERCHANT

and the names so written shall, under the direction of the sheriff, be put together in a container to be provided by him for that purpose, and he shall deliver it to the clerk of the court. R.S.O. 1970, c. 230, s. 70.

How the clerk is to proceed to draw names

(2) Where an issue is brought on to be tried, or damages are to be assessed by a jury, the clerk shall, in open court, cause the container to be shaken so as sufficiently to mix the names, and shall then draw out six of the cards or papers, one after another, causing the container to be shaken after the drawing

of each name, and if any juror whose name is so drawn does not appear or is challenged and set aside, then such further number until six jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first six jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the clerk of the court, shall be sworn, and shall be the jury to try the issue or to assess the damages.

(3) The cards or papers containing the names of persons so drawn and sworn shall be kept apart until the jury has given in its verdict, and it has been recorded, or until the jury has been by consent of the parties, or by leave of the court, discharged, and shall then be returned to the container there to be kept with the other cards or papers remaining therein. R.S.O. 1970, c. 230, s. 71.

Names drawn to be kept apart, etc.

31. A jury may be selected in accordance with section 30 at any time before the trial of an issue or assessment of damages directed by the judge presiding at the sittings and shall attend for service upon the summons of the sheriff. R.S.O. 1970, c. 230, s. 72.

Selection of juries in advance

32. Notwithstanding sections 30 and 31, where no objection is made by a party, the court may try any issue or assess damages with the jury previously drawn to try any other issue, or to assess damages, without the cards or papers containing their names being returned to the container and redrawn, or may order any of the jurors whom both parties consent to withdraw, or who may be justly challenged or excused by the court, to retire and may cause another name or other names to be drawn from the container, and shall try the issue or assess the damages with the residue of the original jury and the new jurors who appear and are approved as indifferent. R.S.O. 1970, c. 230, s. 73.

Several causes may be tried in succession by the same jury

33.—(1) Where a full jury does not appear at a sittings of a court for civil matters, or where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the sheriff to name and appoint so many of such other able persons of the county then present, or who can be found, as will make up a full jury, and the sheriff shall return such persons to serve on the jury.

If a full jury does not appear a *tales* may be granted

(2) Where a full jury does not appear, the names of the persons so returned shall be added to the panel returned upon the precept. R.S.O. 1970, c. 230, s. 74.

Adding names of talesmen

34. The presiding judge before whom a civil case is or may be heard may in his discretion on an application made by or on

How jury to be composed

behalf of the parties or any of them or at his own instance, make an order for the jury to be composed of men only or of women only, as the case may require. R.S.O. 1970, c. 230, s. 75, *amended*.

The sheriff to note on rolls names of jurors who do not serve

35. Immediately after the sittings of the Supreme Court and of the court of general sessions of the peace, and of the county court, the sheriff shall note on the jury roll from which the panel of jurors returned to the sittings was drafted opposite the names of the jurors, the non-attendance or default of every juror who has not attended until discharged by the court. 1973, c. 81, s. 10, *part*.

CHALLENGES

Lack of eligibility

36. If a person not eligible is drawn as a juror for the trial of an issue in any matter or proceeding, the want of eligibility is a good cause for challenge. 1973, c. 81, s. 10, *part*.

Peremptory challenges in civil cases

37. In any cause, the plaintiff or plaintiffs, on one side, and the defendant or defendants, on the other, may challenge peremptorily any four of the jurors drawn to serve on the trial, and such right of challenge extends to the Crown when a party. R.S.O. 1970, c. 230, s. 78.

Ratepayers, officers, etc., of municipality may be challenged

38. In a matter or proceeding to which a municipal corporation, other than a county, is a party, every ratepayer, and every officer or servant of the corporation is, for that reason, liable to challenge as a juror. R.S.O. 1970, c. 230, s. 79.

GENERAL

Fees payable to jurors, selectors, etc.
R.S.O. 1970, c. 6

39.—(1) Such fees and allowances as are prescribed under *The Administration of Justice Act* shall be paid to,

- (a) every juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court; and
- (b) the justice of the peace in attendance for each panel drafted under section 17. 1971, c. 9, s. 5; 1973, c. 81, s. 12, *amended*.

Sums to be paid with record when entered for trial in jury cases

(2) With every record entered for trial of issues or assessment of damages by a jury in the Supreme Court there shall be paid to the Registrar or the local registrar of the Supreme Court, as the case may be, such sum as is prescribed under *The Administration of Justice Act*, and the record shall not be entered unless such sum is first paid. R.S.O. 1970, c. 230, s. 87.

40.—(1) The clerk of the court or the sheriff or his officer shall, at the opening of the court and before any other business is proceeded with, call the names of the jurors, and the sheriff or his officer shall record those who are present or absent. R.S.O. 1970, c. 230, s. 85, *amended*.

List of
jurors to be
called

(2) The sheriff shall keep a record of the payment of fees to jurors for attending sittings of a court. *New*.

Record of
fees paid

(3) A juror not appearing when called is not entitled to pay for the day on which he makes default. R.S.O. 1970, c. 230, s. 86.

Jurors not
attending
not to be
paid

41. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing any form required or permitted by this Act to be prescribed by the regulations;
- (b) prescribing the manner of keeping jury rolls and lists of jury panels and records thereof and requiring and prescribing the form of the certification or authentication of entries therein. *New*.

42.—(1) Every person who,

Offences

- (a) wilfully makes or causes to be made any alteration in any roll or panel or in any certified copy thereof except in accordance with this Act;
- (b) falsely certifies any roll or panel; or
- (c) influences or attempts to influence the selection of persons for inclusion in or omission from any jury roll or panel, except in a proper procedure under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1970, c. 230, s. 92, *amended*.

(2) Every sheriff or clerk of the peace, or clerk or registrar of a court who refuses to perform any duty imposed on him by this Act, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. R.S.O. 1970, c. 230, s. 93, *amended*.

Idem

(3) Every person who is required to complete a return to a jury service notice and who,

Idem

- (a) without reasonable excuse fails to complete the return or mail it to the sheriff as required by subsection 7 of section 6; or
- (b) knowingly gives false or misleading information in the return,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. 1973, c. 81, s. 14.

Evidence of
not mailing

(4) For the purposes of subsection 3, where the sheriff fails to receive a return to a jury service notice within five days from the date on which it was required by this Act to be mailed, such failure is *prima facie* proof that the person required to mail it to the sheriff failed to do so in the time required.

Certificate
as evidence

(5) A statement as to the receipt or non-receipt of a return to a jury service notice purporting to be certified by the sheriff is, without proof of the appointment or signature of the sheriff, receivable in evidence as *prima facie* proof of the facts stated therein in any prosecution under subsection 3. *New.*

Contempt
of court

43. Every person is in contempt of court who, without reasonable excuse,

- (a) having been duly summoned to attend on a jury, does not attend in pursuance of the summons, or being there called does not answer to his name; or
- (b) being a juror or talesman, after having been called, is present but does not appear, or after his appearance, wilfully withdraws himself from the presence of the court; or
- (c) being a sheriff, wilfully empanels and returns to serve on a jury a person whose name has not been duly drawn upon the panel in the manner prescribed in this Act; or
- (d) being a registrar, clerk of the peace, or other officer wilfully records the appearance of a person so summoned and returned who has not actually appeared. R.S.O. 1970, c. 230, ss. 89, 91, *amended.*

Idem.
tampering
with jurors

44.—(1) Every person is in contempt of court who, being interested in an action that is or is to be entered for trial or may be tried in the court, or being the solicitor, counsel,

agent or emissary of such person, before or during the sittings or at any time after a juror on the jury panel for such court, has been summoned knowingly, directly or indirectly, speaks to or consults with the juror respecting such action or any matter or thing relating thereto. R.S.O. 1970, c. 230, s. 95 (1), *amended*.

(2) Where a solicitor or barrister or student at law or articled clerk is guilty of such offence he may, in addition to any other penalty, be struck from the roll of solicitors or be disbarred or suspended from the practice of his profession for a limited time or his name may be erased from the list of the Law Society or removed therefrom for a limited time by the Supreme Court upon motion at the instance and in the name of the Attorney General.

Barrister, solicitor or student to be disbarred or suspended

(3) This section does not apply where a juror is also a party to or a known witness or interested in the action or is otherwise ineligible as a juror in the action, nor to anything that may properly take place in the course of the trial or conduct of the action. R.S.O. 1970, c. 230, s. 95 (2, 3).

Exception where juror is a party or witness

45. The sheriff shall at the sittings of the Supreme Court or county court for trials by jury and the court of general sessions of the peace post up in the court room and jury rooms and in the general entrance hall of the court house, printed copies in conspicuous type of subsections 2 and 3 of section 127 of the *Criminal Code* (Canada) and subsection 1 of section 44 of this Act. R.S.O. 1970, c. 230, s. 96.

Posting up copies of s. 127 (2, 3) of *Criminal Code*

R.S.C. 1970, c. C-34

46. Nothing in this Act alters, abridges or affects any power or authority that any court or judge has, or any practice or form in regard to trials by jury, juries or jurors, except in those cases only where such power or authority, practice or form is repealed or altered, or is inconsistent with any of the provisions of this Act. R.S.O. 1970, c. 230, s. 97.

Saving of former powers of court and judges except as altered

47.—(1) The omission to observe any of the provisions of this Act respecting the eligibility, selection, balloting and distribution of jurors, the preparation of the jury roll or the drafting of panels from the jury roll is not a ground for impeaching or quashing a verdict or judgment in any action. R.S.O. 1970, c. 230, s. 81, *amended*.

Omissions to observe this Act not to vitiate the verdict

(2) Subject to sections 36 and 38, a jury panel returned by the sheriff for the purposes of this Act shall be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding. 1973, c. 81, s. 11.

Panel deemed properly selected

48.—(1) The judges of the Supreme Court, or one or more of them, for the holding of any sittings of the Supreme Court,

Judges to issue precepts to the sheriffs

and the judge of the county court, for the holding of any sittings of the county court or of the court of general sessions of the peace, may issue precepts to the sheriff for the return of a proper number of grand jurors for such sittings.

Number of grand jurors

(2) The precepts for the return of grand jurors shall command the return, and the panel shall consist of seven grand jurors.

Cancellation of precept for grand jury

(3) Where, after the issue of a precept for the return of grand jurors, the Crown attorney informs a judge authorized under subsection 1 to issue the precept that there are no criminal prosecutions at the sittings for which the precept was issued, the judge may,

(a) cancel the precept; or

(b) if summonses have been served on the persons drafted to serve on the grand jury, direct the sheriff to notify each person so summoned, in the manner prescribed by subsection 3 of section 23. R.S.O. 1970, c. 230, s. 45, *amended*.

Inspection of institutions

49.—(1) The judge presiding at a jury sittings of the Supreme Court and at a sittings of the court of general sessions of the peace shall instruct the grand jury that it may inspect all or any of the institutions in the county or district and lockups established for the county or district that are maintained in whole or in part by public moneys, and every grand jury that makes such an inspection shall prepare a report or presentment indicating the conditions found to be existing in each of the institutions inspected, but where such an inspection has been conducted within six months prior to the date of the commencement of such sittings, no inspection shall be made without the specific consent of the judge. R.S.O. 1970, c. 230, s. 46 (1); 1972, c. 112, s. 5.

Amount of time to be spent in inspection

(2) The time that may be devoted by a grand jury to the inspection of institutions is subject to the control and direction of the presiding judge. R.S.O. 1970, c. 230, s. 46 (2).

R.S.O. 1970, c. 230, repealed

50.—(1) *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is repealed.

1971, c. 9, repealed

(2) *The Jurors Amendment Act, 1971*, being chapter 9, is repealed.

1971, c. 98, Sched. par. 16 repealed

(3) Paragraph 16 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, as amended by the Statutes of Ontario, 1972, chapter 112, section 2 and 1973, chapter 81, section 7, is repealed.

(4) *The Jurors Amendment Act, 1972*, being chapter 112, 1972, c. 112, repealed is repealed.

(5) *The Jurors Amendment Act, 1972 (No. 2)*, being chapter 170, 1972, c. 170, repealed is repealed.

(6) *The Jurors Amendment Act, 1973*, being chapter 81, 1973, c. 81, repealed is repealed.

51. Sections 48 and 49 are repealed on a day to be named Repeal of ss. 48, 49 by proclamation of the Lieutenant Governor.

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

53. This Act may be cited as *The Juries Act, 1974*. Short title



The Juries Act, 1974

1st Reading

June 18th, 1974

2nd Reading

3rd Reading

THE HON. R. WELCH
Attorney General

(Government Bill)

BILL 105

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

The Juries Act, 1974

THE HON. R. WELCH
Attorney General

BILL 105

1974

The Juries Act, 1974

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

1. In this Act,

Interpretation

- (a) "county" includes a district;
- (b) "county court" includes a district court;
- (c) "Director of Assessment" means the Executive Director of the Assessment Division of the Ministry of Revenue;
- (d) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 230, s. 1; 1973, c. 81, s. 1, *amended*.

ELIGIBILITY

2. Subject to sections 3 and 4, every person who,

Eligible jurors

- (a) resides in Ontario;
- (b) is a Canadian citizen; and
- (c) in the year preceding the year for which the jury is selected had attained the age of eighteen years or more and had not attained the age of sixty-nine years or more,

is eligible and liable to serve as a juror on juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county in which he resides. 1973, c. 81, s. 2, *amended*.

3.—(1) The following persons are ineligible to serve as Ineligible occupations jurors:

1. Every member of the Privy Council of Canada or the Executive Council of Ontario.
2. Every member of the Senate, the House of Commons of Canada or the Assembly.
3. Every judge.
4. Every barrister and solicitor and every student-at-law.
5. Every legally qualified medical practitioner and veterinary surgeon who is actively engaged in practice and every coroner.
6. Every person engaged in the enforcement of law including, without restricting the generality of the foregoing, sheriffs, wardens of any penitentiary, superintendents, jailers or keepers of prisons, correctional institutions or lockups, sheriff's officers and constables, police officers and constables, and officers of a court of justice.
7. The husband or wife of each person mentioned in paragraph 3, 4 or 6.
8. Every ordained minister, priest or clergyman under any form or profession or of any faith or worship, licensed to perform marriages in Ontario.
9. Every person who is a member of a religious order vowed to live in a convent, monastery or other like religious community. R.S.O. 1970, c. 230, s. 3 (1); 1973, c. 81, s. 5.

Connection
with court
action at
same sittings

(2) Every person who is under subpoena or is likely to be called as a witness in a civil or criminal proceeding or has an interest in an action is ineligible to serve as a juror at any sittings of a court at which such proceeding or action might be tried.

Previous
service

(3) Every person who, at any time within three years preceding the year for which the jury roll is prepared, has received fees for service after selection from the roll prepared under this Act or any predecessor thereof. R.S.O. 1970, c. 230, s. 3 (3), *amended*.

Ineligibility
for personal
reasons

4. A person is ineligible to serve as a juror who,
- (a) is infirm, decrepit or afflicted with blindness, deafness or other physical infirmity incompatible with the discharge of the duties of a juror;
 - (b) is not in the possession of his natural faculties; or

- (c) has been convicted of an indictable offence, unless he has subsequently been granted a pardon. 1973, c. 81, s. 4.

PREPARATION OF JURY ROLLS

5.—(1) The sheriff of a county shall on or before the 15th day of September in each year determine for the ensuing year for the county, ^{Number of jurors on roll}

(a) the number of jurors that will be required for each sittings of,

(i) the Supreme Court,

(ii) the court of general sessions of the peace in the county, and

(iii) the county court in the county;

(b) the number of persons that will be required for selection from the jury roll for the purposes of any other Act; and

(c) the aggregate number of persons that will be so required.

(2) In a provisional judicial district, after the sheriff has determined the number of persons that will be required for service during the ensuing year, he shall fix the total number of persons, that shall be selected from municipalities, and the total number that shall be selected from territory without municipal organization. ^{Number of jurors in districts}

(3) The sheriff shall forthwith upon making his determination under subsection 1 certify and transmit, ^{Transmission of resolutions}

(a) to the Director of Assessment,

(i) a copy of the determination declaring the aggregate number of persons required for the jury roll in the county in the ensuing year, and

(ii) a statement of the numbers of jury service notices to be mailed to persons in the county;

(b) to the office of the Registrar of the Supreme Court, a copy of the determination for the number of jurors under subclause i of clause a of subsection 1; and

- (c) to the clerk of the county court in the county, copies of the determinations for the number of jurors under subclauses ii and iii of clause *a* of subsection 1. 1973, c. 81, s. 5, *part, amended*.

Jury service notices

6.—(1) The Director of Assessment shall in each year on or before the 31st day of October cause a jury service notice, together with a return to the jury service notice in the form prescribed by the regulations and a prepaid return envelope addressed to the sheriff of the county, to be mailed by first class mail to the number of persons in each county specified by the sheriff in his statement, and selected in the manner provided for in this section.

Selection of persons notified

(2) The persons to whom jury service notices are mailed under this section shall be selected by the Director of Assessment at random from persons who, from information obtained at the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*,

R.S.O. 1970, c. 32

- (a) at the time of the census, resided in the county and were Canadian citizens; and
- (b) in the year preceding the year for which the jury is selected, are of or will attain the age of eighteen years or more and are not of and will not attain the age of sixty-nine years or more,

and the number of persons selected from each municipality in the county shall bear approximately the same proportion to the total number selected for the county as the total number of persons eligible for selection in the municipality bears to the total number eligible for selection in the county, as determined by such census.

Application of subs. 2 to municipalities in districts

(3) In a provisional judicial district for the purposes of subsection 2, all the municipalities in the district shall together be treated in the same manner as a county from which the number of jurors required is the number fixed under subsection 2 of section 5 to be selected from municipalities.

Address for mailing

(4) The jury service notice to a person under this section shall be mailed to him at the address shown for him in the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*.

Return to jury service notice

(5) Every person to whom a jury service notice is mailed in accordance with this section shall accurately and truthfully complete the return and shall mail it to the sheriff of the county within five days after receipt thereof.

(6) For the purposes of subsection 5, the notice shall be deemed to have been received on the third day after the day of mailing unless the person to whom the notice is mailed establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control did not receive the notice or order, or did not receive the notice or order until a later date. When service deemed made

(7) The Director of Assessment shall furnish to the sheriff of the county a list of persons in the county arranged alphabetically to whom jury service notices were mailed under this section forthwith after such mailing and the list received by the sheriff purporting to be certified by the Director of Assessment is, without proof of the office or signature of the Director of Assessment, receivable in evidence in any action or proceeding as *prima facie* proof of the mailing of jury service notices to the persons shown on the list. List of notices given

(8) In the selecting of persons for entry in the jury roll in a county or district in which an Indian reserve is situate, the sheriff shall select names of eligible persons inhabiting the reserve in the same manner as if the reserve were a municipality and, for the purpose, the sheriff may obtain the names of inhabitants of the reserve from any record available. 1973, c. 81, s. 5, *part, amended*. Indian reserves

7. The sheriff shall in each year prepare a roll called the jury roll in the form prescribed by the regulations. 1973, c. 81, s. 5, *part, amended*. Sheriff to prepare jury roll

8.—(1) The sheriff shall open the returns to jury service notices received by him and shall cause the name, address, age and occupation of each person making such a return, who is shown by the return to be eligible for jury service, to be entered in the jury roll alphabetically arranged and numbered consecutively. Entry of names in jury roll

(2) The sheriff may, with the written approval of the local judge of the High Court, omit the name from the roll where it appears such person will be unable to attend for jury duty. Omission of names

(3) The sheriff may request the Director of Assessment to mail such number of additional jury service notices and forms of returns to jury service notice as in the opinion of the sheriff are required. Supplementary names

(4) Upon receipt of a request from the sheriff under subsection 3, the Director of Assessment shall forthwith carry out such request and for such purpose section 6 applies *mutatis* Supplying of supplementary names

mutandis with respect to the additional jury service notices requested by the sheriff to be mailed. 1973, c. 81, s. 5, *part, amended.*

Selection
from
unorganized
territory

(5) In a provisional judicial district, the sheriff shall select names of eligible persons who reside in the district outside territory with municipal organization in the numbers fixed under subsection 2 of section 5 and for the purpose may have recourse to the latest polling list prepared and certified for such territory, and to any assessment or collector's roll prepared for school purposes and may obtain names from any other record available. 1973, c. 81, s. 7, *part, amended.*

Certification
of roll

9. As soon as he has completed the jury roll but not later than the 31st day of December in each year, the sheriff shall certify the roll to be the proper roll prepared as the law directs and shall deliver notice of the certification to the local judge of the High Court, but the judge may extend the time for delivery for such reasons as he considers sufficient. 1973, c. 81, s. 5, *part, amended.*

Extension
of times

10. The Chief Justice of the High Court may, upon the request of the sheriff of a county, extend any times prescribed by this Act in connection with the preparation of the jury roll for the county to such date as he considers appropriate and may authorize the continued use of the latest jury roll until the dates so fixed. 1973, c. 81, s. 5, *part, amended.*

Additions to
roll by
sheriff

11.—(1) Where there are no persons or not a sufficient number of persons on the proper jury roll, or where there is no jury roll for the year in existence, the sheriff may supply names of eligible jurors from the jury roll for the nearest preceding year for which there is a jury roll or certified copy thereof in existence.

Certifi-
cation of
additions
by sheriff

(2) The names supplied to the jury roll under this section shall be entered thereon and certified by the sheriff. R.S.O. 1970, c. 230, s. 43, *amended.*

JURY PANELS

Issuance
of precepts

12.—(1) The judges of the Supreme Court, or one or more of them, for the holding of any sittings of the Supreme Court, and the judge of the county court, for the holding of any sittings of the county court or of the court of general sessions of the peace, may respectively issue precepts in the form prescribed by the regulations to the sheriff for the return of such number of jurors as the sheriff has determined as the number to be drafted and returned or such greater or lesser number as in their or his opinion is required. R.S.O. 1970, c. 230, s. 45 (1), *amended.*

(2) The proper officer in the office of the Registrar of the Supreme Court at Toronto, shall procure the precepts for the return of panels of jurors required for the sittings of the Supreme Court, and transmit them to the sheriffs as soon as conveniently may be after the day has been appointed for the sittings for which the jurors are required. R.S.O. 1970, c. 230, s. 50.

13.—(1) Where a judge of the Supreme Court considers it necessary that the jurors to form the panel for a sitting of the Supreme Court be summoned in more than one set, he may direct the sheriff to return such number of jurors in such number of sets on such day for each set as he thinks fit. R.S.O. 1970, c. 230, s. 52 (1), *amended*.

(2) The sheriff shall divide such jurors into as many sets as are directed, and shall in the summons to every juror specify at what time his attendance will be required.

(3) Each set shall for all purposes be deemed a separate panel. R.S.O. 1970, c. 230, s. 52 (2, 3).

14.—(1) The judge of the county court, if after the issue of the precept it appears to him expedient, may at any time before the day appointed for the sittings of the Supreme Court, by order under his hand and seal, and the judge assigned to hold the sittings or the presiding judge may, at any time before or during the sittings of such court, by order under his hand and seal, direct the sheriff to return an additional number of jurors.

(2) The judge of the county court, after the issue of the precept, at any time before or during the sittings of the county court or court of general sessions of the peace, by order under his hand and seal, may direct the sheriff to return an additional number of jurors.

(3) The sheriff, upon the receipt of any such order, shall forthwith draft such additional number of jurors in the manner provided by this Act, and shall add their names to the panel list, and shall forthwith thereafter summon them, and where there are not a sufficient number of jurors on the jury roll for the purpose of the additions, section 11 applies. R.S.O. 1970, c. 230, s. 48, *amended*.

15. Where the same day is appointed for holding the court of general sessions of the peace and the sittings of the county court, the sheriff may return the same panel to the sheriffs for the panels of jurors. R.S.O. 1970, c. 230, s. 51.

How sheriffs
to draft
panels of
jurors

16. Every sheriff to whom a precept for the return of jurors is directed shall, to such precept, return a panel list of the names of the jurors contained in the jury roll, whose names shall be drafted from such roll in the manner hereinafter mentioned. R.S.O. 1970, c. 230, s. 56.

Sheriff to
draft panel

17. Upon receipt of the precept, the sheriff shall post up in his office written notice of the day, hour and place at which he will draft the panel of jurors, and he shall draft the panel by ballot from the jury roll in the presence of a justice of the peace who shall attend upon reasonable notice from the sheriff. R.S.O. 1970, c. 230, s. 59 (1), *amended*.

How sheriff
to prepare a
panel

18.—(1) Before proceeding to draft a panel of jurors from a jury roll, the sheriff shall prepare a proper title or heading for the list of jurors to be returned, to which he shall fix an appropriate number according as such panel is the first, second, third or subsequent panel drafted from such jury roll, and the title or heading shall set forth the number of jurors to be returned.

Ballots for
drafting
panel

(2) The sheriff shall then append to such title or heading a list of numbers from "1" forward to the number required, and shall prepare a set of ballots of uniform and convenient size containing the same number of ballots as there are numbers on the jury roll, allowing one number to each ballot, which number shall be printed or written on it, and he shall then proceed to draft the panel of jurors. R.S.O. 1970, c. 230, s. 62.

Drafting
of panel

19.—(1) The sheriff shall draft the panel by drawing at random the ballots from a container in the presence of the justice of the peace.

Panel
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll, but the name of a person shall not be included on the panel list where the spouse of such person is on the list.

Idem

(3) The panel list so alphabetically arranged and numbered, with a short statement of the precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the sheriff, or his deputy and the justice of the peace, present at such drafting, shall then be recorded and attested by the signatures of the sheriff, or his deputy and the justice of the peace, and such panel list shall

be retained in the custody of the sheriff. R.S.O. 1970, c. 230, s. 63, *amended*.

20. The sheriff shall, upon his return to the precept, annex thereto the panel list containing the names, and places of residence, and occupations of the persons so drafted, and shall transmit one copy thereof to the office of the Registrar of the Supreme Court at Toronto, or to the local registrar, or to the clerk of the county court, as the case may be. R.S.O. 1970, c. 230, s. 64, *amended*. Copies of panel to be transmitted

21.—(1) The sheriff shall summon every person drafted to serve on juries, by sending to him by registered mail a notice in writing in the form prescribed by the regulations under the hand of the sheriff, at least twenty-one days before the day upon which the person is to attend, but when the sheriff is directed to draft and summon additional jurors under this Act, such twenty-one days service is not necessary. R.S.O. 1970, c. 230, s. 66 (1), *amended*. Jurors to be summoned 21 days before attendance required

(2) The sheriff may excuse any person summoned for a jury sittings on the grounds of illness or hardship but unless the local judge of the High Court directs otherwise and notwithstanding any other provision of this Act, such person shall be included in a panel to be returned for a sittings later in the year or, where there are no further sittings in that year, in a panel to be returned for a sittings in the year next following. *New*. Excusing of juror

22. The jury roll and every list containing the names of the jury drafted for any panel shall be kept under lock and key by the sheriff and every officer mentioned in section 20 having a copy thereof, and except in so far as may be necessary in order to prepare the panel lists, and serve the jury summons, shall not be disclosed by the sheriff, his deputy, officer, clerk, or by any officer mentioned in section 17 or 20, or by any other person, until ten days before the sittings of the court for which the panel has been drafted, and during such period of ten days, the sheriff, or his deputy, and any officer mentioned in section 20 having a copy of the panel list shall permit the inspection at all reasonable hours of the jury roll and of the panel list or copy thereof in his custody by litigants or accused persons or their solicitors and shall furnish the litigants or accused persons or their solicitors, upon request and payment of a fee of \$2, with a copy of any such panel list. R.S.O. 1970, c. 230, s. 65, *amended*. Secrecy of jury roll and panel

23.—(1) Where there is no business requiring the attendance of a jury at a sittings of a court in respect of which a precept has been issued, Counter-mand where no jury cases

- (a) the clerk of the court or local registrar, as the case may be, where the sittings is for the trial of actions; or
- (b) the Crown attorney where the sittings is for the trial of criminal prosecutions,

shall, at least five clear days before the day upon which the sittings is to commence, give notice in writing to the sheriff in the form prescribed by the regulations that the attendance of the jurors is not required. R.S.O. 1970, c. 230, s. 66 (3, 4), *amended*.

Postpone-
ment of date
for
attendance
of jurors

(2) Where the business of the court does not require the attendance of the jurors until a day after the day upon which the sittings is to commence, the appropriate officer determined under subsection 1 shall, at least five clear days before the day upon which the sittings is to commence, give notice in writing to the sheriff in the form prescribed by the regulations that the attendance of the jurors is not required until such later day as is specified in the notice. R.S.O. 1970, c. 230, s. 47 (1), *amended*.

Notice to
be given
to juror

(3) Subject to subsection 5, the sheriff, upon receipt of such notice, shall forthwith by registered mail or otherwise, as he considers expedient, notify in the form prescribed by the regulations each person summoned to serve as a juror that his attendance at the sittings is not required or is not required until the day specified in the notice, and in case any person so summoned attends after receiving such notice or before the day specified, as the case may be, he is not entitled to any fees or mileage for attendance.

Where juror
attends
owing to
non-receipt
of notice

(4) Where, after the giving of such notice, a juror so summoned attends the sittings contrary to the notice and the sheriff is satisfied that the notice was not received prior to the attendance and that the juror attended in good faith, believing his attendance on that day to be necessary, the sheriff shall allow the juror his fees and mileage allowance. R.S.O. 1970, c. 230, s. 66 (5, 6), *amended*.

Sheriff must
ascertain
that there
are no
prisoners
in custody

(5) In the case of a sittings of the Supreme Court for the trial of criminal matters and proceedings, or in the case of a sittings of the court of general sessions of the peace, the sheriff shall not give the notice mentioned in subsection 3 unless he is satisfied that there is no prisoner in custody awaiting trial at the sittings. R.S.O. 1970, c. 230, s. 66 (8).

Division of
Supreme
Court panel

24.—(1) Where a judge of the Supreme Court considers it necessary, he may direct that the jurors summoned for a

sitting of the Supreme Court be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

(2) Where the judge of a county court considers it necessary, ^{Division of county court panel} he may direct that the jurors summoned for jury sittings of the county court or the court of general sessions of the peace, or both, be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel. 1972, c. 112, s. 6.

25. A juror summoned for jury duty may be excused ^{Excusing of juror} from attending the sittings on the grounds of illness or hardship,

- (a) before the day for attendance, by the local judge of the High Court;
- (b) on or after the day for attendance, by the judge presiding at the sittings,

and the judge may direct that the service of a person so excused be postponed and that notwithstanding any provision of this Act, he be included in a panel to be returned for a sittings later in the year or in a panel to be returned for a sittings in the year next following. 1973, c. 81, s. 8, *amended*.

26.—(1) Any number of jurors summoned for a jury sittings ^{Release of jurors by judge} of the Supreme Court or of the county court or court of general sessions of the peace may, until resummoned by direction of a judge, be released from service or further service, as the case may be, at any time before the sittings by the local judge of the High Court. R.S.O. 1970, c. 230, s. 49 (1), *amended*.

(2) The judge presiding at the sittings may release such ^{Release of jurors during sittings} jurors as, in his opinion, will not be immediately required, and the release may be for the remainder of the sittings or until the judge directs that they be summoned to reattend. R.S.O. 1970, c. 230, s. 49 (4).

(3) Where jurors have been released under this section, ^{Panel} the remaining jurors constitute the panel and where released jurors are resummoned under this section they are added to the panel. R.S.O. 1970, c. 230, s. 49 (5), *amended*.

(4) Where jurors are released under this section, they are ^{Fees} not entitled to receive the fees provided by this Act during the period of release. R.S.O. 1970, c. 230, s. 49 (6).

The Supreme Court may issue precepts as heretofore

27. Subject to this Act, the Supreme Court and the judges thereof have the same power and authority as heretofore in issuing any precept, or in making any award or order, orally or otherwise, for the return of a jury for the trial of any issue before the court, or for amending or enlarging the panel of jurors returned for the trial of any such issue, and the return to any precept, award or order shall be made in the manner heretofore used and accustomed, and the jurors shall, as heretofore, be returned from the body of the county, and shall be eligible according to this Act. R.S.O. 1970, c. 230, s. 53.

County courts

28. The provisions of this Act respecting the issue of precepts for the return of a general panel of jurors for the sittings of the Supreme Court, as well as for the execution and return of the precepts, with all things touching the same, shall be observed and followed in all particulars with respect to the sittings of courts of general sessions of the peace and of county courts. R.S.O. 1970, c. 230, s. 55, *amended*.

ACTIONS TRIED BY JURY

When actions to be entered for trial

29. Subject, in the case of an action in the Supreme Court, to any order made by a judge of that court, and in the case of an action in the county court, to any order made by a judge of the county court, actions to be tried by a jury, whether in the Supreme Court or the county court, shall be entered for trial not later than six clear days before the first day of the sittings. R.S.O. 1970, c. 230, s. 66 (2), *amended*.

DRAWING JURY AT TRIAL

Empanelling jury at the trial

30.—(1) The name of every person summoned to attend as a juror, with his place of residence, occupation, and number on the panel list shall be written distinctly by the sheriff on a card or paper, as nearly as may be of the form and size following, viz.:

15. DAVID BOOTH

OF LOT NO. 11, IN THE 7TH CON. OF ALBION

MERCHANT

and the names so written shall, under the direction of the sheriff, be put together in a container to be provided by him for that purpose, and he shall deliver it to the clerk of the court. R.S.O. 1970, c. 230, s. 70.

How the clerk is to proceed to draw names

(2) Where an issue is brought on to be tried, or damages are to be assessed by a jury, the clerk shall, in open court, cause the container to be shaken so as sufficiently to mix the names, and shall then draw out six of the cards or papers, one after another, causing the container to be shaken after the drawing

of each name, and if any juror whose name is so drawn does not appear or is challenged and set aside, then such further number until six jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first six jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the clerk of the court, shall be sworn, and shall be the jury to try the issue or to assess the damages.

(3) The cards or papers containing the names of persons so drawn and sworn shall be kept apart until the jury has given in its verdict, and it has been recorded, or until the jury has been by consent of the parties, or by leave of the court, discharged, and shall then be returned to the container there to be kept with the other cards or papers remaining therein. R.S.O. 1970, c. 230, s. 71.

Names drawn to be kept apart, etc.

31. A jury may be selected in accordance with section 30 at any time before the trial of an issue or assessment of damages directed by the judge presiding at the sittings and shall attend for service upon the summons of the sheriff. R.S.O. 1970, c. 230, s. 72.

Selection of juries in advance

32. Notwithstanding sections 30 and 31, where no objection is made by a party, the court may try any issue or assess damages with the jury previously drawn to try any other issue, or to assess damages, without the cards or papers containing their names being returned to the container and redrawn, or may order any of the jurors whom both parties consent to withdraw, or who may be justly challenged or excused by the court, to retire and may cause another name or other names to be drawn from the container, and shall try the issue or assess the damages with the residue of the original jury and the new jurors who appear and are approved as indifferent. R.S.O. 1970, c. 230, s. 73.

Several causes may be tried in succession by the same jury

33.—(1) Where a full jury does not appear at a sittings of a court for civil matters, or where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the sheriff to name and appoint so many of such other able persons of the county then present, or who can be found, as will make up a full jury, and the sheriff shall return such persons to serve on the jury.

If a full jury does not appear a *tales* may be granted

(2) Where a full jury does not appear, the names of the persons so returned shall be added to the panel returned upon the precept. R.S.O. 1970, c. 230, s. 74.

Adding names of *talesmen*

34. The presiding judge before whom a civil case is or may be heard may in his discretion on an application made by or on

How jury to be composed

behalf of the parties or any of them or at his own instance, make an order for the jury to be composed of men only or of women only, as the case may require. R.S.O. 1970, c. 230, s. 75, *amended*.

The sheriff to note on rolls names of jurors who do not serve

35. Immediately after the sittings of the Supreme Court and of the court of general sessions of the peace, and of the county court, the sheriff shall note on the jury roll from which the panel of jurors returned to the sittings was drafted opposite the names of the jurors, the non-attendance or default of every juror who has not attended until discharged by the court. 1973, c. 81, s. 10, *part*.

CHALLENGES

Lack of eligibility

36. If a person not eligible is drawn as a juror for the trial of an issue in any matter or proceeding, the want of eligibility is a good cause for challenge. 1973, c. 81, s. 10, *part*.

Peremptory challenges in civil cases

37. In any cause, the plaintiff or plaintiffs, on one side, and the defendant or defendants, on the other, may challenge peremptorily any four of the jurors drawn to serve on the trial, and such right of challenge extends to the Crown when a party. R.S.O. 1970, c. 230, s. 78.

Ratepayers, officers, etc., of municipality may be challenged

38. In a matter or proceeding to which a municipal corporation, other than a county, is a party, every ratepayer, and every officer or servant of the corporation is, for that reason, liable to challenge as a juror. R.S.O. 1970, c. 230, s. 79.

GENERAL

Fees payable to jurors, selectors, etc.
R.S.O. 1970, c. 6

39.—(1) Such fees and allowances as are prescribed under *The Administration of Justice Act* shall be paid to,

- (a) every juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court; and
- (b) the justice of the peace in attendance for each panel drafted under section 17. 1971, c. 9, s. 5; 1973, c. 81, s. 12, *amended*.

Sums to be paid with record when entered for trial in jury cases

(2) With every record entered for trial of issues or assessment of damages by a jury in the Supreme Court there shall be paid to the Registrar or the local registrar of the Supreme Court, as the case may be, such sum as is prescribed under *The Administration of Justice Act*, and the record shall not be entered unless such sum is first paid. R.S.O. 1970, c. 230, s. 87.

40.—(1) The clerk of the court or the sheriff or his officer shall, at the opening of the court and before any other business is proceeded with, call the names of the jurors, and the sheriff or his officer shall record those who are present or absent. R.S.O. 1970, c. 230, s. 85, *amended*. List of jurors to be called

(2) The sheriff shall keep a record of the payment of fees to jurors for attending sittings of a court. *New*. Record of fees paid

(3) A juror not appearing when called is not entitled to pay for the day on which he makes default. R.S.O. 1970, c. 230, s. 86. Jurors not attending not to be paid

41. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing any form required or permitted by this Act to be prescribed by the regulations;
- (b) prescribing the manner of keeping jury rolls and lists of jury panels and records thereof and requiring and prescribing the form of the certification or authentication of entries therein. *New*.

42.—(1) Every person who, Offences

- (a) wilfully makes or causes to be made any alteration in any roll or panel or in any certified copy thereof except in accordance with this Act;
- (b) falsely certifies any roll or panel; or
- (c) influences or attempts to influence the selection of persons for inclusion in or omission from any jury roll or panel, except in a proper procedure under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1970, c. 230, s. 92, *amended*.

(2) Every sheriff or clerk of the peace, or clerk or registrar of a court who refuses to perform any duty imposed on him by this Act, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. R.S.O. 1970, s. 93, *amended*. Idem

(3) Every person who is required to complete a return to a jury service notice and who, Idem

- (a) without reasonable excuse fails to complete the return or mail it to the sheriff as required by subsection 7 of section 6; or
- (b) knowingly gives false or misleading information in the return,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. 1973, c. 81, s. 14.

Evidence of
not mailing

(4) For the purposes of subsection 3, where the sheriff fails to receive a return to a jury service notice within five days from the date on which it was required by this Act to be mailed, such failure is *prima facie* proof that the person required to mail it to the sheriff failed to do so in the time required.

Certificate
as evidence

(5) A statement as to the receipt or non-receipt of a return to a jury service notice purporting to be certified by the sheriff is, without proof of the appointment or signature of the sheriff, receivable in evidence as *prima facie* proof of the facts stated therein in any prosecution under subsection 3. *New.*

Contempt
of court

43. Every person is in contempt of court who, without reasonable excuse,

- (a) having been duly summoned to attend on a jury, does not attend in pursuance of the summons, or being there called does not answer to his name; or
- (b) being a juror or talesman, after having been called, is present but does not appear, or after his appearance wilfully withdraws himself from the presence of the court; or
- (c) being a sheriff, wilfully empanels and returns to serve on a jury a person whose name has not been duly drawn upon the panel in the manner prescribed in this Act; or
- (d) being a registrar, clerk of the peace, or other officer wilfully records the appearance of a person so summoned and returned who has not actually appeared. R.S.O. 1970, c. 230, ss. 89, 91, *amended.*

Idem.
tampering
with jurors

44.—(1) Every person is in contempt of court who, being interested in an action that is or is to be entered for trial or may be tried in the court, or being the solicitor, counsel,

agent or emissary of such person, before or during the sittings or at any time after a juror on the jury panel for such court, has been summoned knowingly, directly or indirectly, speaks to or consults with the juror respecting such action or any matter or thing relating thereto. R.S.O. 1970, c. 230, s. 95 (1), *amended*.

(2) Where a solicitor or barrister or student at law or articulated clerk is guilty of such offence he may, in addition to any other penalty, be struck from the roll of solicitors or be disbarred or suspended from the practice of his profession for a limited time or his name may be erased from the list of the Law Society or removed therefrom for a limited time by the Supreme Court upon motion at the instance and in the name of the Attorney General.

Barrister, solicitor or student to be disbarred or suspended

(3) This section does not apply where a juror is also a party to or a known witness or interested in the action or is otherwise ineligible as a juror in the action, nor to anything that may properly take place in the course of the trial or conduct of the action. R.S.O. 1970, c. 230, s. 95 (2, 3).

Exception where juror is a party or witness

45. The sheriff shall at the sittings of the Supreme Court or county court for trials by jury and the court of general sessions of the peace post up in the court room and jury rooms and in the general entrance hall of the court house, printed copies in conspicuous type of subsections 2 and 3 of section 127 of the *Criminal Code* (Canada) and subsection 1 of section 44 of this Act. R.S.O. 1970, c. 230, s. 96.

Posting up copies of s. 127 (2, 3) of *Criminal Code*

R.S.C. 1970, c. C-34

46. Nothing in this Act alters, abridges or affects any power or authority that any court or judge has, or any practice or form in regard to trials by jury, juries or jurors, except in those cases only where such power or authority, practice or form is repealed or altered, or is inconsistent with any of the provisions of this Act. R.S.O. 1970, c. 230, s. 97.

Saving of former powers of court and judges except as altered

47.—(1) The omission to observe any of the provisions of this Act respecting the eligibility, selection, balloting and distribution of jurors, the preparation of the jury roll or the drafting of panels from the jury roll is not a ground for impeaching or quashing a verdict or judgment in any action. R.S.O. 1970, c. 230, s. 81, *amended*.

Omissions to observe this Act not to vitiate the verdict

(2) Subject to sections 36 and 38, a jury panel returned by the sheriff for the purposes of this Act shall be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding. 1973, c. 81, s. 11.

Panel deemed properly selected

48.—(1) The judges of the Supreme Court, or one or more of them, for the holding of any sittings of the Supreme Court,

Judges to issue precepts to the sheriffs

and the judge of the county court, for the holding of any sittings of the county court or of the court of general sessions of the peace, may issue precepts to the sheriff for the return of a proper number of grand jurors for such sittings.

Number of grand jurors

(2) The precepts for the return of grand jurors shall command the return, and the panel shall consist of seven grand jurors.

Cancellation of precept for grand jury

(3) Where, after the issue of a precept for the return of grand jurors, the Crown attorney informs a judge authorized under subsection 1 to issue the precept that there are no criminal prosecutions at the sittings for which the precept was issued, the judge may,

(a) cancel the precept; or

(b) if summonses have been served on the persons drafted to serve on the grand jury, direct the sheriff to notify each person so summoned, in the manner prescribed by subsection 3 of section 23. R.S.O. 1970, c. 230, s. 45, *amended*.

Inspection of institutions

49.—(1) The judge presiding at a jury sittings of the Supreme Court and at a sittings of the court of general sessions of the peace shall instruct the grand jury that it may inspect all or any of the institutions in the county or district and lockups established for the county or district that are maintained in whole or in part by public moneys, and every grand jury that makes such an inspection shall prepare a report or presentment indicating the conditions found to be existing in each of the institutions inspected, but where such an inspection has been conducted within six months prior to the date of the commencement of such sittings, no inspection shall be made without the specific consent of the judge. R.S.O. 1970, c. 230, s. 46 (1); 1972, c. 112, s. 5.

Amount of time to be spent in inspection

(2) The time that may be devoted by a grand jury to the inspection of institutions is subject to the control and direction of the presiding judge. R.S.O. 1970, c. 230, s. 46 (2).

R.S.O. 1970, c. 230, repealed

50.—(1) *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is repealed.

1971, c. 9, repealed

(2) *The Jurors Amendment Act, 1971*, being chapter 9, is repealed.

1971, c. 98, Sched. par. 16 repealed

(3) Paragraph 16 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, as amended by the Statutes of Ontario, 1972, chapter 112, section 2 and 1973, chapter 81, section 7, is repealed.

(4) *The Jurors Amendment Act, 1972*, being chapter 112, 1972, c. 112, repealed is repealed.

(5) *The Jurors Amendment Act, 1972 (No. 2)*, being chapter 170, 1972, c. 170, repealed is repealed.

(6) *The Jurors Amendment Act, 1973*, being chapter 81, 1973, c. 81, repealed is repealed.

51. Sections 48 and 49 are repealed on a day to be named Repeal of ss. 48, 49 by proclamation of the Lieutenant Governor.

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

53. This Act may be cited as *The Juries Act, 1974*. Short title



The Juries Act, 1974

1st Reading

June 18th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 26th, 1974

THE HON. R. WELCH
Attorney General

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to provide for the
Inspection of Public Institutions by Public Visitation**

THE HON. R. WELCH
Attorney General

EXPLANATORY NOTE

The Bill provides for the inspection of public institutions by a panel selected from the jury roll to replace the public inspection function of grand juries which are abolished under the new *Juries Act, 1974*.

An Act to provide for the Inspection of Public Institutions by Public Visitation

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

1. In this Act,

Interpre-
tation

(a) "judge" means a county or district court judge;

(b) "panel" means the public institutions inspection panel.

2.—(1) The judge of every county or district shall, on the first Monday in May and November in each year, or soon thereafter as is practicable, convene in open court a public institutions inspection panel composed of seven persons selected from the jury roll prepared under *The Juries Act, 1974* for the county or district and for this purpose the sheriff shall provide the panel.

Convening
of public
institutions
inspection
panel

(2) *The Juries Act, 1974* applies to the selection, recording, summoning, attendance and service of the persons for service on a public institutions inspection panel in the same manner as to the selection, recording, summoning, attendance and service of persons for service on a panel of jurors selected for a sittings of a court.

Application
of
1974. c. ...

(3) Payment of fees to a member of a panel shall be deemed to be payment of fees to a person for attending sittings of a court as a juror for the purposes of subsection 3 of section 3 of *The Juries Act, 1974*.

Service
counts as
jury service

(4) The panel shall appoint one of its members to be the chairman of the panel.

Chairman

(5) The judge shall instruct the panel in its duties.

Duty of
judge

Excusing
from duty

3.—(1) The judge may excuse any person summoned to serve on a panel from attending on grounds of illness or hardship.

Exclusion
for interest

(2) The judge may exclude any person summoned to serve on the panel or excuse a panel member from participating in any inspection where the judge believes that the duty of the person under this Act is or may be in conflict with another interest of such person.

Reduced
panel

(3) Where, after the panel is convened, any person on the panel dies or becomes incapacitated from any cause or is excluded or excused from serving by the judge under subsection 1 or 2, the judge may authorize the remainder of the panel to proceed with its duties under this Act.

Duties
of panel

4.—(1) The panel may inspect all or any of the institutions in the county or district that are maintained in whole or in part by public money.

Lock-ups

(2) The panel shall inspect all institutions in the county or district in which persons are being held in custody for the purpose of a judicial proceeding.

Report

(3) Every panel that makes such an inspection shall prepare a report indicating the conditions found to be existing in each of the institutions inspected and with respect to institutions referred to in subsection 2 indicating whether any persons are being held therein improperly or for an unreasonable length of time.

Time for
completion

(4) The inspections shall be completed within two weeks after the panel is convened but the judge may extend the time for completion of the inspection and during such period of extension the inspection is subject to the control and direction of the judge.

Powers of
inspection

5.—(1) Subject to any agreement between the chairman and the institution, the panel may, after a request for entry by the chairman, enter any public institution the panel is entitled to inspect under section 4 at any time during reasonable business hours and may inspect therein all parts of the premises, and any documents, records, files or accounts in the custody of the institution, and the panel or any member thereof may interrogate any person on the premises concerning any matter respecting the affairs, administration and operation of the institution.

Offence

(2) Any person who wilfully obstructs an inspection by a panel or any member thereof under subsection 1 is

guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.

6.—(1) The panel shall submit its report to the judge ^{Delivery} sitting in open court. _{of report}

(2) The judge to whom a report is submitted shall for- ^{Distribution} ward a copy of the report to the Attorney General. _{of report}

(3) The report submitted to the judge shall be filed with ^{Filing} the clerk of the county or district court as a public document _{of report} and shall be available for public inspection.

7. The Lieutenant Governor in Council may make regula- ^{Regulations} tions prescribing the fees and allowances payable to mem- _{bers} of panels and providing for reimbursement for expenses.

8. This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor. _{ment}

9. This Act may be cited as *The Public Institutions* ^{Short title} *Inspection Act, 1974*.





An Act to provide
for the Inspection of Public
Institutions by Public Visitation

1st Reading

June 18th, 1974

2nd Reading

3rd Reading

THE HON. R. WELCH
Attorney General

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to provide for the
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THE HON. R. WELCH
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(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill provides for the inspection of public institutions by a panel selected from the jury roll to replace the public inspection function of grand juries which are abolished under the new *Juries Act, 1974*.

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Exclusion for interest (2) The judge may exclude any person summoned to serve on the panel or excuse a panel member from participating in any inspection where the judge believes that the duty of the person under this Act is or may be in conflict with another interest of such person.

Reduced panel (3) Where, after the panel is convened, any person on the panel dies or becomes incapacitated from any cause or is excluded or excused from serving by the judge under subsection 1 or 2, the judge may authorize the remainder of the panel to proceed with its duties under this Act.

Duties of panel **4.—(1)** The panel may inspect all or any of the institutions in the county or district that are maintained in whole or in part by public money.

Lock-ups (2) The panel shall inspect all institutions in the county or district in which persons are being held in custody for the purpose of a judicial proceeding.

Report (3) Every panel that makes such an inspection shall prepare a report indicating the conditions found to be existing in each of the institutions inspected and with respect to institutions referred to in subsection 2 indicating whether any persons are being held therein improperly or for an unreasonable length of time.

Time for completion (4) The inspections shall be completed within two weeks after the panel is convened but the judge may extend the time for completion of the inspection and during such period of extension the inspection is subject to the control and direction of the judge.

Powers of inspection **5.—(1)** Subject to any agreement between the chairman and the institution, the panel may, after a request for entry by the chairman, enter any public institution the panel is entitled to inspect under section 4 at any time during reasonable business hours and may inspect therein all parts of the premises, and any documents, records, files or accounts in the custody of the institution, and the panel or any member thereof may interrogate any person on the premises concerning any matter respecting the affairs, administration and operation of the institution.

Offence (2) Any person who wilfully obstructs an inspection by a panel or any member thereof under subsection 1 is

guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.

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An Act to provide
for the Inspection of Public
Institutions by Public Visitation

1st Reading

June 18th, 1974

2nd Reading

June 26th, 1974

3rd Reading

THE HON. R. WELCH
Attorney General

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

BILL 106

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to provide for the
Inspection of Public Institutions by Public Visitation**

THE HON. R. WELCH
Attorney General

**An Act to provide for the
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An Act to provide
for the Inspection of Public
Institutions by Public Visitation

1st Reading

June 18th, 1974

2nd Reading

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3rd Reading

June 26th, 1974

THE HON. R. WELCH
Attorney General

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ontario School Trustees' Council Act**

THE HON. T. L. WELLS
Minister of Education

EXPLANATORY NOTES

SECTION 1. The composition of the Council is amended to refer to the Ontario Public School Trustees' Association which is the new body composed of four former member associations and to the new name of the association formerly known as L'Association des Commissions des Ecoles Bilingues d'Ontario.

SECTION 2. The amendment removes the requirement of the Minister's approval for the Executive to acquire and hold real and personal property, to invest the funds of the Council and to make grants to organizations having the same or like objects as the Council.

SECTION 3. The amendment removes the power to make regulations respecting the number of representatives to be appointed to the Council by the member associations or any combination thereof since this is now provided for in subsection 1 of section 3 as re-enacted.

**An Act to amend
The Ontario School Trustees' Council Act**

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

1. Subsection 1 of section 3 of *The Ontario School Trustees' Council Act*, being chapter 329 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (1) The Council shall be composed of seven representatives appointed by the Ontario Public School Trustees' Association and three representatives appointed by each of the following member associations:
 1. L'Association Francaise des Conseils Scolaires de l'Ontario.
 2. Northern Ontario Public and Secondary School Trustees' Association.
 3. Ontario Separate School Trustees' Association.
2. Section 9 of the said Act is amended by striking out "subject to the approval of the Minister" in the second and third lines. s. 9.
amended
3. Section 12 of the said Act is repealed. s. 12.
repealed
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The Ontario School Trustees' Council Amendment Act, 1974*. Short title

An Act to amend
The Ontario School Trustees'
Council Act

1st Reading

June 18th, 1974

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

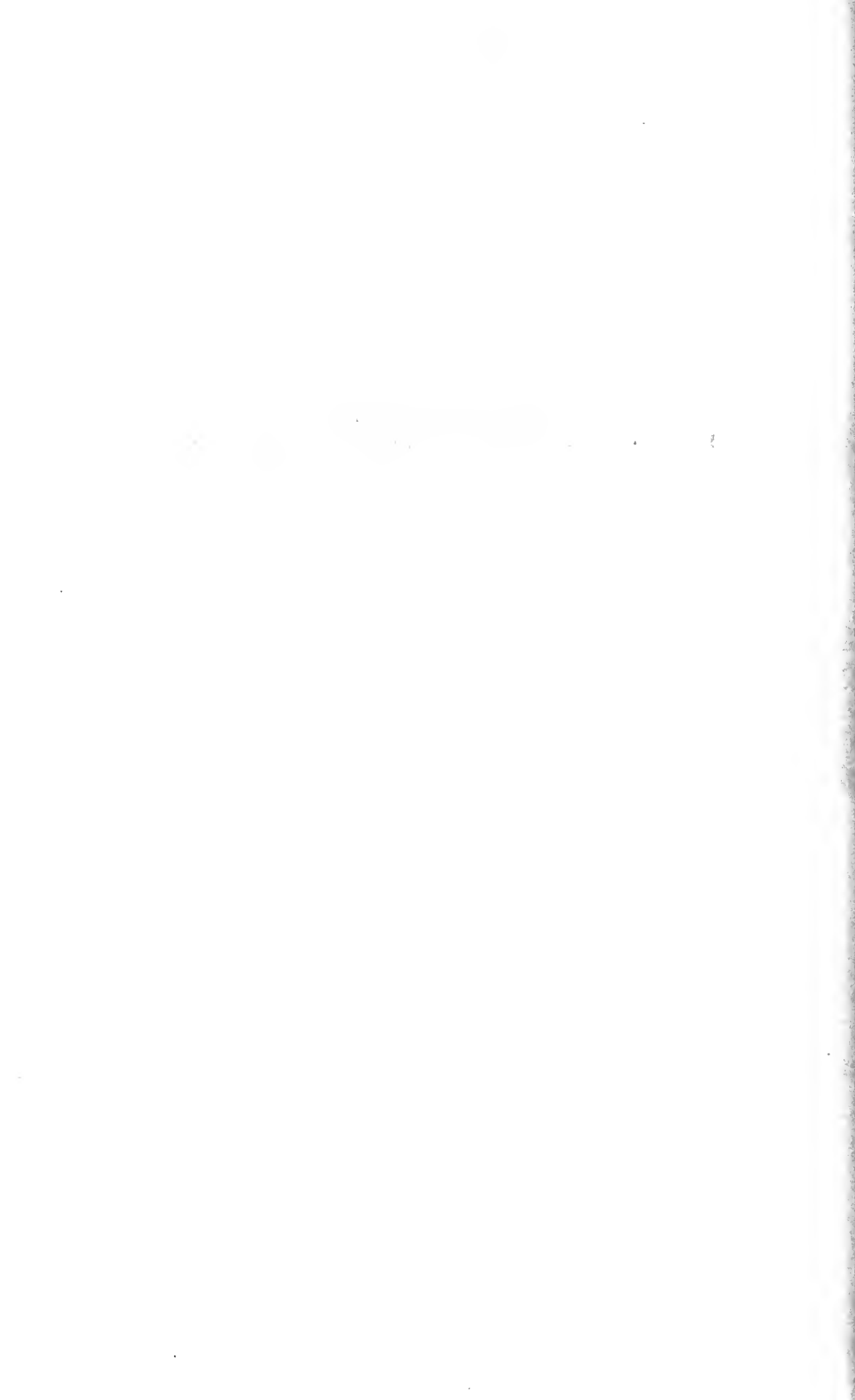
(Government Bill)

BILL 107

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ontario School Trustees' Council Act**

THE HON. T. L. WELLS
Minister of Education



**An Act to amend
The Ontario School Trustees' Council Act**

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

1. Subsection 1 of section 3 of *The Ontario School Trustees' Council Act*, being chapter 329 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 3(1),
re-enacted

(1) The Council shall be composed of seven representatives appointed by the Ontario Public School Trustees' Association and three representatives appointed by each of the following member associations: Composition
of Council

1. L'Association Francaise des Conseils Scolaires de l'Ontario.
2. Northern Ontario Public and Secondary School Trustees' Association.
3. Ontario Separate School Trustees' Association.

2. Section 9 of the said Act is amended by striking out "subject to the approval of the Minister" in the second and third lines. s. 9,
amended

3. Section 12 of the said Act is repealed. s. 12,
repealed

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

5. This Act may be cited as *The Ontario School Trustees' Council Amendment Act, 1974*. Short title

An Act to amend
The Ontario School Trustees'
Council Act

1st Reading

June 18th, 1974

2nd Reading

June 26th, 1974

3rd Reading

June 27th, 1974

THE HON. T. L. WELLS
Minister of Education

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Highway Traffic Act

THE HON. J. R. RHODES
Minister of Transportation and Communications

EXPLANATORY NOTES

SECTION 1. Part II of the Act relates to permits and number plates for motor vehicles and trailers. The Part, comprising sections 5a to 12 of the Act, is amended to provide for the validation of permits and number plates and to provide authority for prescribing the terms during which permits will be in force.

An Act to amend The Highway Traffic Act

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

1. Part II of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 2 to 7, is further amended by striking out the heading preceding section 6 and inserting in lieu thereof "PERMITS", and by adding thereto the following section:

5a. In this Part,

Interpre-
tation

- (a) "number", when used in relation to a permit or plate, means a number or a combination of letters and numbers, and "numbered", when so used, means bearing a number or a combination of letters and numbers;
- (b) "permit" means a permit issued under subsection 3 of section 6;
- (c) "validate" means render in force for the period of time prescribed by the regulations, and "validation" and "validated" have corresponding meanings.

- 2.—(1) Subsections 1 and 3 of section 6 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 2, are repealed and the following substituted therefor:

(1) The owner of a motor vehicle or trailer shall not,

Permit and
number
plates
required

- (a) drive the motor vehicle;
- (b) cause or permit the motor vehicle to be driven;
- (c) draw the trailer; or

(d) cause or permit the trailer to be drawn,

on a highway except under the authority of a permit for the motor vehicle or trailer issued or validated under subsection 3.

Issuance
or validation
of permits
and number
plates

(3) Upon the application of the owner of a motor vehicle or trailer and upon payment of the fee prescribed by the regulations, the Ministry or any person authorized by the Minister shall,

(a) issue for the motor vehicle or trailer a numbered permit and a number plate or number plates, in accordance with the regulations, bearing the number of the permit; or

(b) validate the permit issued for the motor vehicle or trailer and provide such evidence of the validation for display upon the motor vehicle or trailer as may be prescribed by the regulations.

Records

(3a) The Ministry shall maintain,

(a) a numerical index record of all permits issued and in force under this section; and

(b) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued.

Effective
term of
permit

(3b) A permit that is issued or validated is in force during the period of time prescribed by the regulations.

s. 6 (4),
amended

(2) Subsection 4 of the said section 6, as amended by the Statutes of Ontario, 1973, chapter 45, section 2, is further amended by striking out "accept the registration of, or" in the first and second lines and inserting in lieu thereof "issue or validate or may".

s. 6 (7),
re-enacted

(3) Subsection 7 of the said section 6 is repealed and the following substituted therefor:

Regulations
re permits
and number
plates

(7) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this Part with respect to permits and number plates and in particular,

(a) prescribing forms for the purposes of this section and requiring their use;

- (b) respecting the issuance and validation of permits and the issuance of number plates;
- (c) prescribing the period of time during which permits shall be in force that are issued or validated for motor vehicles or trailers or any class or type of either of them;
- (d) prescribing fees for the issuance, validation and replacement of permits and number plates and of evidence of validation of permits;
- (e) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the validation of permits on motor vehicles and trailers;
- (f) respecting permits and number plates for and the operation of motor vehicles or trailers owned by manufacturers or dealers and not kept by them for private use.

3.—(1) Subsection 2 of section 7 of the said Act is repealed ^{s. 7(2),} re-enacted and the following substituted therefor:

(2) Where an owner changes his address as stated in an application for a permit or for the validation of a permit or in a previous notice sent or filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address. ^{Change of address}

(2) Subsection 3 of the said section 7 is amended by striking out "registration of" in the eleventh line and inserting in lieu thereof "the issuance, validation or transfer of a permit for". ^{s. 7(3),} amended

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 3, is repealed and the following substituted therefor: ^{s. 8,} re-enacted

8.—(1) The owner of a motor vehicle shall not drive the motor vehicle or cause or permit it to be driven on a highway unless, ^{Number plates}

- (a) the number plate or number plates issued in accordance with the regulations and showing the number of a permit that is issued by the Ministry or a person authorized by the Minister and in force for the motor vehicle are displayed on the motor vehicle in the manner prescribed by the regulations; and

- (b) where the permit for the motor vehicle has been validated, there is affixed to the motor vehicle in the form and manner prescribed by the regulations evidence of the validation of the permit.

Number
plate on
trailer

(2) The owner of a trailer shall not draw the trailer or cause or permit it to be drawn on a highway unless,

- (a) there is attached to and exposed on the back thereof a number plate furnished by the Ministry or a person authorized by the Minister showing in plain figures the number of a permit issued and in force for the trailer; and

- (b) where the permit for the trailer has been validated, there is affixed to the trailer in the form and manner prescribed by the regulations evidence of the validation of the permit.

s. 9 (1),
amended

5. Subsection 1 of section 9 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 4, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

- (e) where the permit for a motor vehicle or trailer is validated or is required to be validated, fails to display on the motor vehicle or trailer in the form and manner prescribed by the regulations evidence of the validation of the permit,

.

s. 11,
re-enacted

6. Section 11 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 6, is repealed and the following substituted therefor:

Improper
number
plate

11. Where a peace officer has reason to believe that,

- (a) a number plate attached to a motor vehicle or trailer,
- (i) was not furnished by the Ministry or a person authorized by the Minister for the motor vehicle or trailer, or
- (ii) although furnished by the Ministry or a person authorized by the Minister for the motor vehicle or trailer, was obtained by false pretences; or



SECTION 8. The new section 152*a* permits a justice of the peace or a provincial judge to order that a lesser fine or no fine be imposed upon conviction of a person for a prescribed offence where the convicted person on the recommendation of the justice of the peace or provincial judge attends and successfully completes a driver improvement program conducted by the Ministry.

The offences to which the section is applicable may be prescribed by the regulations and the municipalities in which the driver improvement programs may be conducted may be designated by the regulations.

(b) evidence that is displayed on a motor vehicle or trailer of the validation of a permit,

- (i) was not furnished by the Ministry or a person authorized by the Minister in respect of the motor vehicle or trailer on which the evidence is displayed, or
- (ii) although furnished by the Ministry or a person authorized by the Minister in respect of the motor vehicle or trailer on which the evidence is displayed, was obtained by false pretences,

the peace officer may take possession of the number plate attached to the motor vehicle or trailer and retain it until the facts as to the use or furnishing of the number plate or the evidence of validation of the permit for the motor vehicle or trailer have been determined.

7.—(1) Subsection 1 of section 12 of the said Act is amended <sup>s. 12 (1),
amended</sup> by striking out "registered under the laws of and owned by residents of Ontario" in the ninth and tenth lines and inserting in lieu thereof "owned by residents of Ontario for which permits are issued and in force under this Act and the regulations".

(2) Subsection 2 of the said section 12 is amended by <sup>s. 12 (2),
amended</sup> striking out "registered under the laws of and owned by residents of Ontario" in the sixth line and inserting in lieu thereof "owned by residents of Ontario for which permits are issued and in force under this Act and the regulations".

(3) Subsection 3 of the said section 12 is amended by <sup>s. 12 (3),
amended</sup> striking out "registration" in the second line and inserting in lieu thereof "the provisions of sections 6 and 8".

8. The said Act is amended by adding thereto the following <sup>s. 152a,
enacted</sup> section:

152a.—(1) In this section,

Interpre-
tation

- (a) "designated" means designated by the regulations;
- (b) "driver improvement program" means a course of instruction for the improvement of the knowledge and attitudes as drivers of persons who hold licences to drive motor vehicles on a highway;
- (c) "justice" means a justice of the peace or a provincial judge;

- (d) "prescribed" means prescribed by the regulations ;
- (e) "regulations" means the regulations made under subsection 3.

Driver
improvement
program
R.S.O. 1970,
c. 450

(2) Notwithstanding anything in *The Summary Convictions Act*, where in a designated municipality a justice convicts a person of a prescribed offence and the person, on the recommendation of the justice, attends and successfully completes a driver improvement program conducted by the Ministry, the justice may impose a lesser fine than the fine otherwise provided for by this Act or may order that no fine shall be imposed upon the person in respect of the offence.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) designating municipalities as areas in which driver improvement programs may be conducted by the Ministry in conjunction with the adjudication of offences under this Act ;

(b) prescribing the offences under this Act in conjunction with the adjudication of which driver improvement programs may be conducted by the Ministry.

Commence-
ment

9.—(1) This Act, except sections 1 to 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 7 come into force on the 1st day of September, 1974.

Short title

10. This Act may be cited as *The Highway Traffic Amendment Act, 1974*.

An Act to amend
The Highway Traffic Act

1st Reading

June 18th, 1974

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

(Government Bill)

BILL 108

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Highway Traffic Act

THE HON. J. R. RHODES
Minister of Transportation and Communications



An Act to amend The Highway Traffic Act

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

1. Part II of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 2 to 7, is further amended ^{Part II (ss. 6-12), amended} by striking out the heading preceding section 6 and inserting in lieu thereof "PERMITS", and by adding thereto the following section:

5a. In this Part,

Interpre-
tation

- (a) "number", when used in relation to a permit or plate, means a number or a combination of letters and numbers, and "numbered", when so used, means bearing a number or a combination of letters and numbers;
- (b) "permit" means a permit issued under subsection 3 of section 6;
- (c) "validate" means render in force for the period of time prescribed by the regulations, and "validation" and "validated" have corresponding meanings.

- 2.—(1) Subsections 1 and 3 of section 6 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 2, are repealed and the following substituted therefor: ^{s. 6 (1.3), re-enacted}

(1) The owner of a motor vehicle or trailer shall not,

Permit and
number
plates
required

- (a) drive the motor vehicle;
- (b) cause or permit the motor vehicle to be driven;
- (c) draw the trailer; or

(d) cause or permit the trailer to be drawn,

on a highway except under the authority of a permit for the motor vehicle or trailer issued or validated under subsection 3.

Issuance
or validation
of permits
and number
plates

(3) Upon the application of the owner of a motor vehicle or trailer and upon payment of the fee prescribed by the regulations, the Ministry or any person authorized by the Minister shall,

- (a) issue for the motor vehicle or trailer a numbered permit and a number plate or number plates, in accordance with the regulations, bearing the number of the permit; or
- (b) validate the permit issued for the motor vehicle or trailer and provide such evidence of the validation for display upon the motor vehicle or trailer as may be prescribed by the regulations.

Records

(3a) The Ministry shall maintain,

- (a) a numerical index record of all permits issued and in force under this section; and
- (b) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued.

Effective
term of
permit

(3b) A permit that is issued or validated is in force during the period of time prescribed by the regulations.

s. 6(4),
amended

(2) Subsection 4 of the said section 6, as amended by the Statutes of Ontario, 1973, chapter 45, section 2, is further amended by striking out "accept the registration of, or" in the first and second lines and inserting in lieu thereof "issue or validate or may".

s. 6(7),
re-enacted

(3) Subsection 7 of the said section 6 is repealed and the following substituted therefor:

Regulations
re permits
and number
plates

(7) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this Part with respect to permits and number plates and in particular,

- (a) prescribing forms for the purposes of this section and requiring their use;

- (b) respecting the issuance and validation of permits and the issuance of number plates;
- (c) prescribing the period of time during which permits shall be in force that are issued or validated for motor vehicles or trailers or any class or type of either of them;
- (d) prescribing fees for the issuance, validation and replacement of permits and number plates and of evidence of validation of permits;
- (e) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the validation of permits on motor vehicles and trailers;
- (f) respecting permits and number plates for and the operation of motor vehicles or trailers owned by manufacturers or dealers and not kept by them for private use.

3.—(1) Subsection 2 of section 7 of the said Act is repealed ^{s. 7 (2),} re-enacted and the following substituted therefor:

(2) Where an owner changes his address as stated in an ^{Change} application for a permit or for the validation of a permit ^{of address} or in a previous notice sent or filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address.

(2) Subsection 3 of the said section 7 is amended by striking ^{s. 7 (3),} out "registration of" in the eleventh line and inserting ^{amended} in lieu thereof "the issuance, validation or transfer of a permit for".

4. Section 8 of the said Act, as amended by the Statutes of ^{s. 8,} Ontario, 1973, chapter 45, section 3, is repealed and the ^{re-enacted} following substituted therefor:

8.—(1) The owner of a motor vehicle shall not drive the ^{Number} motor vehicle or cause or permit it to be driven on a high- ^{plates} way unless,

- (a) the number plate or number plates issued in accordance with the regulations and showing the number of a permit that is issued by the Ministry or a person authorized by the Minister and in force for the motor vehicle are displayed on the motor vehicle in the manner prescribed by the regulations; and

- (b) where the permit for the motor vehicle has been validated, there is affixed to the motor vehicle in the form and manner prescribed by the regulations evidence of the validation of the permit.

Number
plate on
trailer

- (2) The owner of a trailer shall not draw the trailer or cause or permit it to be drawn on a highway unless,

- (a) there is attached to and exposed on the back thereof a number plate furnished by the Ministry or a person authorized by the Minister showing in plain figures the number of a permit issued and in force for the trailer; and

- (b) where the permit for the trailer has been validated, there is affixed to the trailer in the form and manner prescribed by the regulations evidence of the validation of the permit.

s. 9 (1),
amended

- 5. Subsection 1 of section 9 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 4, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

- (e) where the permit for a motor vehicle or trailer is validated or is required to be validated, fails to display on the motor vehicle or trailer in the form and manner prescribed by the regulations evidence of the validation of the permit,

.

s. 11,
re-enacted

- 6. Section 11 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 6, is repealed and the following substituted therefor:

11. Where a peace officer has reason to believe that,

- (a) a number plate attached to a motor vehicle or trailer,

- (i) was not furnished by the Ministry or a person authorized by the Minister for the motor vehicle or trailer, or

- (ii) although furnished by the Ministry or a person authorized by the Minister for the motor vehicle or trailer, was obtained by false pretences; or

Improper
number
plate

(b) evidence that is displayed on a motor vehicle or trailer of the validation of a permit,

- (i) was not furnished by the Ministry or a person authorized by the Minister in respect of the motor vehicle or trailer on which the evidence is displayed, or
- (ii) although furnished by the Ministry or a person authorized by the Minister in respect of the motor vehicle or trailer on which the evidence is displayed, was obtained by false pretences,

the peace officer may take possession of the number plate attached to the motor vehicle or trailer and retain it until the facts as to the use or furnishing of the number plate or the evidence of validation of the permit for the motor vehicle or trailer have been determined.

7.—(1) Subsection 1 of section 12 of the said Act is amended <sup>s. 12(1),
amended</sup> by striking out "registered under the laws of and owned by residents of Ontario" in the ninth and tenth lines and inserting in lieu thereof "owned by residents of Ontario for which permits are issued and in force under this Act and the regulations".

(2) Subsection 2 of the said section 12 is amended by <sup>s. 12(2),
amended</sup> striking out "registered under the laws of and owned by residents of Ontario" in the sixth line and inserting in lieu thereof "owned by residents of Ontario for which permits are issued and in force under this Act and the regulations".

(3) Subsection 3 of the said section 12 is amended by <sup>s. 12(3),
amended</sup> striking out "registration" in the second line and inserting in lieu thereof "the provisions of sections 6 and 8".

8. The said Act is amended by adding thereto the following <sup>s. 152i,
enacted</sup> section:

152a.—(1) In this section,

Interpre-
tation

- (a) "designated" means designated by the regulations;
- (b) "driver improvement program" means a course of instruction for the improvement of the knowledge and attitudes as drivers of persons who hold licences to drive motor vehicles on a highway;
- (c) "justice" means a justice of the peace or a provincial judge;

- (d) "prescribed" means prescribed by the regulations;
- (e) "regulations" means the regulations made under subsection 3.

Driver
improvement
program
R.S.O. 1970,
c. 450

(2) Notwithstanding anything in *The Summary Convictions Act*, where in a designated municipality a justice convicts a person of a prescribed offence and the person, on the recommendation of the justice, attends and successfully completes a driver improvement program conducted by the Ministry, the justice may impose a lesser fine than the fine otherwise provided for by this Act or may order that no fine shall be imposed upon the person in respect of the offence.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

- (a) designating municipalities as areas in which driver improvement programs may be conducted by the Ministry in conjunction with the adjudication of offences under this Act;
- (b) prescribing the offences under this Act in conjunction with the adjudication of which driver improvement programs may be conducted by the Ministry.

Commence-
ment

9.—(1) This Act, except sections 1 to 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 7 come into force on the 1st day of September, 1974.

Short title

10. This Act may be cited as *The Highway Traffic Amendment Act, 1974*.





An Act to amend
The Highway Traffic Act

1st Reading

June 18th, 1974

2nd Reading

June 25th, 1974

•
3rd Reading

June 25th, 1974

THE HON. J. R. RHODES
Minister of Transportation
and Communications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Regional Municipality of
Ottawa-Carleton Act**

THE HON. T. L. WELLS
Minister of Education

EXPLANATORY NOTE

The amendment provides for the division of the Ottawa school division into two parts for the purpose of the election of trustees by the public school electors. At present these trustees are elected by a general vote of the whole school division.

An Act to amend The Regional Municipality of Ottawa-Carleton Act

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

1. Subsection 3 of section 119 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(3) Twelve members of the Ottawa Board shall be elected by the public school electors of the school division as follows,

s. 119 (3).
re-enacted
Election of
members
by public
school
electors

- (a) six members by a general vote of the public school electors in the City of Vanier, the Village of Rockcliffe Park and such wards of the City of Ottawa as the Ottawa Board determines; and
- (b) six members by a general vote of the public school electors in the wards of the City of Ottawa not included in clause a,

and the Ottawa Board shall, by resolution, determine from time to time the wards of the City of Ottawa that shall be included with the City of Vanier and the Village of Rockcliffe Park for the purposes of clause a and such a resolution shall remain in force until repealed by the Ottawa Board.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1974*.

Commence-
ment

Short title

An Act to amend
The Regional Municipality of
Ottawa-Carleton Act

1st Reading

June 20th, 1974

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

BILL 109

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Regional Municipality of
Ottawa-Carleton Act**

THE HON. T. L. WELLS
Minister of Education



An Act to amend The Regional Municipality of Ottawa-Carleton Act

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

1. Subsection 3 of section 119 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(3) Twelve members of the Ottawa Board shall be elected by the public school electors of the school division as follows, Election of members by public school electors

- (a) six members by a general vote of the public school electors in the City of Vanier, the Village of Rockcliffe Park and such wards of the City of Ottawa as the Ottawa Board determines; and
- (b) six members by a general vote of the public school electors in the wards of the City of Ottawa not included in clause a,

and the Ottawa Board shall, by resolution, determine from time to time the wards of the City of Ottawa that shall be included with the City of Vanier and the Village of Rockcliffe Park for the purposes of clause a and such a resolution shall remain in force until repealed by the Ottawa Board.

2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1974*. Short title

An Act to amend
The Regional Municipality of
Ottawa-Carleton Act

1st Reading

June 20th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 27th, 1974

THE HON. T. L. WELLS
Minister of Education

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Lord's Day (Ontario) Act

THE HON. R. WELCH
Attorney General

EXPLANATORY NOTE

The present section 6 permits agricultural exhibitions on Sundays where the municipality has so decided by by-law but they can not be open for admission before 1.30 p.m.

The amendment permits such exhibitions to open at 12.00 noon.

BILL 110

1974

**An Act to amend
The Lord's Day (Ontario) Act**

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

1. Subsection 3 of section 6 of *The Lord's Day (Ontario) Act*, ^{s. 6 (3),} amended being chapter 259 of the Revised Statutes of Ontario, 1970, is amended by striking out "1.30 o'clock in the afternoon" in the second and third lines and inserting in lieu thereof "12.00 o'clock noon".
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment
3. This Act may be cited as *The Lord's Day (Ontario) Amendment* ^{Short title} Act, 1974.

An Act to amend
The Lord's Day (Ontario) Act

1st Reading

June 20th, 1974

2nd Reading

3rd Reading

THE HON. R. WELCH
Attorney General

(Government Bill)

BILL 110

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Lord's Day (Ontario) Act

THE HON. R. WELCH
Attorney General

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**An Act to amend
The Lord's Day (Ontario) Act**

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

1. Subsection 3 of section 6 of *The Lord's Day (Ontario) Act*, ^{s. 6 (3),} amended being chapter 259 of the Revised Statutes of Ontario, 1970, is amended by striking out "1.30 o'clock in the afternoon" in the second and third lines and inserting in lieu thereof "12.00 o'clock noon".
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment
3. This Act may be cited as *The Lord's Day (Ontario) Amendment* ^{Short title} Act, 1974.

An Act to amend
The Lord's Day (Ontario) Act

1st Reading

June 20th, 1974

2nd Reading

June 26th, 1974

3rd Reading

June 26th, 1974

THE HON. R. WELCH
Attorney General

**4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974**

An Act to amend The Mining Tax Act, 1972

THE HON. J. WHITE
**Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs**

EXPLANATORY NOTE

The main features of the Bill are as follows:

1. At present, tax is payable at the rate of 15 per cent of the total profit of a mine where the profit exceeds \$50,000 in a taxation year.

The proposed new tax structure is as follows:

Profit in Taxation Year	Tax (Per Cent)
\$100,000 or less	No tax
Above	Up to
\$	\$
100,000	1,000,000
1,000,000	10,000,000
10,000,000	20,000,000
20,000,000	30,000,000
30,000,000	40,000,000
Over \$40,000,000	40

2. The Act now provides that all mines operated by and the profits of which accrue to the same person shall be deemed to be one mine for the purpose of determining the amount of tax payable.

The Bill excepts from that provision a mine brought into operation for the first time after the 9th day of April, 1974.

3. The Bill authorizes the Minister to direct that two or more persons operating or controlling mines be deemed to be associated persons where he is satisfied that their separate existence is not solely for the purpose of the most effective conduct of their business and that one of the reasons therefor is to reduce the amount of tax payable.

All mines operated by associated persons shall be deemed to be one mine operated by one person for the purpose of determining tax.

Provision is made for an appeal to the courts from a direction of the Minister.

4. The Bill provides for a depreciation allowance of up to 30 per cent for new plant, equipment, machinery and buildings acquired after the 9th day of April, 1974.

Exploration and development expenditures incurred in Ontario after the 9th day of April, 1974 and prior to the commencement of production will now be permitted as a deduction in computing profit.

5. The Bill contains transitional provisions to provide for the determination of the amount of tax payable in respect of a taxation year that begins before the 9th day of April, 1974 but ends after that date.

An Act to amend The Mining Tax Act, 1972

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

1. Section 1 of *The Mining Tax Act, 1972*, being chapter 140, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "associated persons" means associated persons as determined under subsection 2*b* of section 3.

- 2.—(1) Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor:

(1) Every mine the profit of which as determined under this section exceeds \$100,000 in a taxation year, is liable for and the owner, holder, tenant, occupier or operator of the mine shall pay a tax of,

(a) 15 per cent on the excess of profit above \$100,000 and up to \$1,000,000; and

(b) 20 per cent on the excess of profit above \$1,000,000 and up to \$10,000,000; and

(c) 25 per cent on the excess of profit above \$10,000,000 and up to \$20,000,000; and

(d) 30 per cent on the excess of profit above \$20,000,000 and up to \$30,000,000; and

(e) 35 per cent on the excess of profit above \$30,000,000 and up to \$40,000,000; and

(f) 40 per cent on the excess of profit above \$40,000,000.

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

Mines
operated
together

(2) For the purpose of this section and section 6, all mines that are operated by, and the profits of which accrue to, the same person or associated persons shall, for the purpose of determining the amount of tax payable under this Act, be deemed to be and be dealt with as one and the same mine and not as separate mines.

Exception

(2a) Subsection 2 does not apply to a mine brought into active operation for the first time after the 9th day of April, 1974.

Associated
persons

(2b) Where two or more mines are worked, operated, managed, or controlled by two or more persons and the Minister is satisfied, notwithstanding the separate existence of such persons,

(a) that their separate existence in a taxation year is not solely for the purpose of carrying out the business of the different persons in the most effective manner; and

(b) that one of the reasons for their separate existence is to reduced the amount of taxes that would be otherwise payable under this section,

the two or more different persons shall, if the Minister so directs, be deemed to be associated persons for the purpose of subsection 2 and section 6.

Notice

(2c) Written notice of a direction by the Minister under subsection 2b shall be mailed or delivered forthwith to the persons deemed to be associated persons.

Appeal

(2d) Where two or more different persons are deemed to be associated persons by direction of the Minister under subsection 2b, any such person or persons may, within thirty days after the day on which notice of the making of the direction is mailed, appeal the direction to a judge of the Supreme Court in accordance with the practice and procedures of that Court and an appeal lies to the Court of Appeal from a decision of a judge of the Supreme Court, provided that notice of such appeal is delivered or served by the party appealing within fifteen days after the making of the decision that is appealed, and the procedure upon and governing such appeal to the Court of Appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal in any civil action, but leave to appeal is not necessary.

s. 3 (3) (1),
re-enacted

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

(l) notwithstanding clause k, an allowance for depreciation in each taxation year not exceeding 30 per cent of the cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings acquired after the 9th day of April, 1974 that has not been used previously in mining operations until the full cost thereof has been allowed as an expense under this clause, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of by the operator, the proceeds from such disposal shall be applied to reduce the cost to such person of any additions thereto made in the taxation year, and where such proceeds exceed the cost of such additions, the excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, the excess shall be applied to reduce deductions otherwise allowable under this subsection, and where any such disposal is made at any time after the close of mining operations, the tax for the last taxation year shall be reassessed for the purpose of depreciation recovery where applicable.

(4) Clause n of subsection 3 of the said section 3 is ^{s. 3 (3) (n),} repealed and the following substituted therefor: _{re-enacted}

(n) notwithstanding anything in this subsection, at least 15 per cent and up to 100 per cent of,

(i) the exploration and development expenditures incurred in Ontario after the 9th day of April, 1974 and prior to the date of commencement of production, with the object of finding, testing or opening up deposits of mineral substances, and

(ii) the exploration and development expenditures, incurred in Ontario on and after the date of commencement of production with the object of finding, testing or opening up deposits of mineral substances,

if the following conditions are met:

1. The expenditure has not at any time in a previous taxation year been allowed as an expense or deduction under this Act.

2. The expenditure is approved by the mine assessor.
3. The expenditure does not include money paid for the purchase or acquisition of an option to purchase or in the acquisition of the right to mine or an option on the right to mine such deposits.
4. The expenditure was made or borne by the operator of the mine liable to taxation.
5. Separate accounts of the expenditure are kept and furnished to the mine assessor in reasonable detail with the return required under section 6.

s. 3 (4) (e),
repealed

(5) Clause *e* of subsection 4 of the said section 3 is repealed.

Saving,
1972, c. 140

3. Notwithstanding the repeal and re-enactment of clause *n* of subsection 3 of section 3 and the repeal of clause *e* of subsection 4 of section 3 of *The Mining Tax Act, 1972*, by subsection 4 and subsection 5, respectively, of section 2 of this Act, the provisions of the said clauses as they existed on the 9th day of April, 1974, shall continue to apply to all mines which commenced production after the 1st day of January, 1965 and on or before the 9th day of April, 1974.

Determina-
tion of tax

4. Where a taxation year ends after the 9th day of April, 1974 but commences before that date, the amount of tax payable shall be calculated on a *pro rata* basis by,
 - (a) determining the tax payable for the entire taxation year under section 3 of *The Mining Tax Act, 1972*, as amended by section 2 of this Act;
 - (b) determining the proportion of the amount of tax payable under clause *a* that the number of days of the taxation year that follow the 9th day of April, 1974 bears to the total number of days of that taxation year;
 - (c) determining the tax payable for the entire said taxation year under section 3 of *The Mining Tax Act, 1972*, as it existed on the 9th day of April, 1974;
 - (d) determining the proportion of the amount of the tax payable under clause *c* that the number of

days of the taxation year that fall before the 10th day of April, 1974 bears to the total number of days of that taxation year;

- (c) determining the aggregate of the amounts determined under clauses *b* and *d* in respect of the tax payable for the taxation year.

- 5.** This Act shall be deemed to have come into force on the 10th day of April, 1974. ^{Commence-}_{ment}
- 6.** This Act may be cited as *The Mining Tax Amendment Act, 1974*. ^{Short title}

An Act to amend
The Mining Tax Act, 1972

1st Reading

June 20th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Mining Tax Act, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

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

EXPLANATORY NOTE

The main features of the Bill are as follows:

1. At present, tax is payable at the rate of 15 per cent of the total profit of a mine where the profit exceeds \$50,000 in a taxation year.

The proposed new tax structure is as follows:

Profit in Taxation Year	Tax (Per Cent)
\$100,000 or less	No tax
Above	Up to
\$	\$
100,000 —	1,000,000 15
1,000,000 —	10,000,000 20
10,000,000 —	20,000,000 25
20,000,000 —	30,000,000 30
30,000,000 —	40,000,000 35
Over \$40,000,000	40

2. The Act now provides that all mines operated by and the profits of which accrue to the same person shall be deemed to be one mine for the purpose of determining the amount of tax payable.

The Bill excepts from that provision a mine brought into operation for the first time after the 9th day of April, 1974.

3. The Bill authorizes the Minister to direct that two or more persons operating or controlling mines be deemed to be associated persons where he is satisfied that their separate existence is not solely for the purpose of the most effective conduct of their business and that one of the reasons therefor is to reduce the amount of tax payable.

All mines operated by associated persons shall be deemed to be one mine operated by one person for the purpose of determining tax.

Provision is made for an appeal to the courts from a direction of the Minister.

4. The Bill provides for a depreciation allowance of up to 30 per cent for new plant, equipment, machinery and buildings acquired after the 9th day of April, 1974.

Exploration and development expenditures incurred in Ontario after the 9th day of April, 1974 and prior to the commencement of production will now be permitted as a deduction in computing profit.

5. The Bill contains transitional provisions to provide for the determination of the amount of tax payable in respect of a taxation year that begins before the 9th day of April, 1974 but ends after that date.

An Act to amend The Mining Tax Act, 1972

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

- 1.—(1) Section 1 of *The Mining Tax Act, 1972*, being chapter 140, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: ^{s. 1, amended}
- (a) “associated persons” means associated persons as determined under subsection 2*b* of section 3.
- (2) Clause *h* of the said section 1 is repealed and the following substituted therefor: ^{s. 1 (h), re-enacted}
- (*h*) “output” when used in reference to a mine means the mineral substances raised, taken or obtained from any mine in Ontario, if those mineral substances,
- (i) are sold as such, or
- (ii) are not sold as such but are fed into a treatment plant at any mill, smelter or refinery and the product of their treatment or partial treatment is sold.
- (3) The said section 1 is further amended by adding thereto the following clause: ^{s. 1, amended}
- (*ia*) “processing” means, with respect to mineral substances, any form of beneficiation, concentrating, smelting, refining or semi-fabricating, or any combination thereof.

- 2.—(1) Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor: ^{s. 3 (1), re-enacted}

Profit
tax

(1) Every mine the profit of which as determined under this section exceeds \$100,000 in a taxation year, is liable for and the owner, holder, tenant, occupier or operator of the mine shall pay a tax of,

- (a) 15 per cent on the excess of profit above \$100,000 and up to \$1,000,000; and
- (b) 20 per cent on the excess of profit above \$1,000,000 and up to \$10,000,000; and
- (c) 25 per cent on the excess of profit above \$10,000,000 and up to \$20,000,000; and
- (d) 30 per cent on the excess of profit above \$20,000,000 and up to \$30,000,000; and
- (e) 35 per cent on the excess of profit above \$30,000,000 and up to \$40,000,000; and
- (f) 40 per cent on the excess of profit above \$40,000,000.

s. 3 (2),
re-enacted

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

Mines
operated
together

(2) For the purpose of this section and section 6, all mines that are operated by, and the profits of which accrue to, the same person or associated persons shall, for the purpose of determining the amount of tax payable under this Act, be deemed to be and be dealt with as one and the same mine and not as separate mines.

Exception

(2a) Subsection 2 does not apply to a mine brought into active operation for the first time after the 9th day of April, 1974.

Associated
persons

(2b) Where two or more mines are worked, operated, managed, or controlled by two or more persons and the Minister is satisfied, notwithstanding the separate existence of such persons,

- (a) that their separate existence in a taxation year is not solely for the purpose of carrying out the business of the different persons in the most effective manner; and
- (b) that one of the reasons for their separate existence is to reduce the amount of taxes that would be otherwise payable under this section,

the two or more different persons shall, if the Minister so directs, be deemed to be associated persons for the purpose of subsection 2 and section 6.

(2c) Written notice of a direction by the Minister under subsection 2b shall be mailed or delivered forthwith to the persons deemed to be associated persons. ^{Notice}

(2d) Where two or more different persons are deemed to be associated persons by direction of the Minister under subsection 2b, any such person or persons may, within thirty days after the day on which notice of the making of the direction is mailed or delivered, appeal the direction to a judge of the Supreme Court in accordance with the practice and procedures of that Court and an appeal lies to the Court of Appeal from a decision of a judge of the Supreme Court, provided that notice of such appeal is delivered or served by the party appealing within fifteen days after the making of the decision that is appealed, and the procedure upon and governing such appeal to the Court of Appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal in any civil action, but leave to appeal is not necessary. ^{Appeal}

(3) Clause b of subsection 3 of the said section 3 is repealed and the following substituted therefor: ^{s. 3 (3) (b), re-enacted}

(b) where the mineral substances or a part thereof are not sold as such, the amount of the actual market value at the pit's mouth of the mineral substances raised, taken or gained from the mine that are fed into a treatment plant at any mill, smelter or refinery and the product thereof is sold in the taxation year; or

(4) Clause c of subsection 3 of the said section 3 is repealed and the following substituted therefor: ^{s. 3 (3) (c), re-enacted}

(c) if there is no means of ascertaining the actual market value at the pit's mouth of the mineral substances referred to in clause b, the amount at which the mine assessor appraises the value of such mineral substances, provided that the mine assessor in appraising such value shall deduct,

(i) the processing costs incurred as prescribed or determined by the regulations, and

- (ii) an allowance for profit in respect of processing at a rate or rates prescribed by the regulations or determined by the mine assessor,

from the proceeds of the processed mineral substances sold during the taxation year,

s. 3 (3) (d),
re-enacted

- (5) Clause *d* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

- (d) the expenses incurred in respect of scientific research conducted in Canada and related to mining operations in Ontario.

s. 3 (3) (l),
re-enacted

- (6) Clause *l* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

- (l) notwithstanding clause *k*, an allowance for depreciation in each taxation year not exceeding 30 per cent of the cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings acquired after the 9th day of April, 1974 that has not been used previously in mining operations until the full cost thereof has been allowed as an expense under this clause, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of by the operator, the proceeds from such disposal shall be applied to reduce the cost to such person of any additions thereto made in the taxation year, and where such proceeds exceed the cost of such additions, the excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, the excess shall be applied to reduce deductions otherwise allowable under this subsection, and where any such disposal is made at any time after the close of mining operations, the tax for the last taxation year shall be reassessed for the purpose of depreciation recovery where applicable.

s. 3 (3) (n),
re-enacted

- (7) Clause *n* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

- (n) notwithstanding anything in this subsection, at least 15 per cent and up to 100 per cent of,

- (i) the exploration and development expenditures incurred in Ontario after the 9th day of April, 1974 and prior to the date of commencement of production, with the object of finding, testing or opening up deposits of mineral substances, and
- (ii) the exploration and development expenditures, incurred in Ontario on and after the date of commencement of production with the object of finding, testing or opening up deposits of mineral substances,

if the following conditions are met:

1. The expenditure has not at any time in a previous taxation year been allowed as an expense or deduction under this Act.
2. The expenditure is approved by the mine assessor.
3. The expenditure does not include money paid for the purchase or acquisition of an option to purchase or in the acquisition of the right to mine or an option on the right to mine such deposits.
4. The expenditure was made or borne by the operator of the mine liable to taxation.
5. Separate accounts of the expenditure are kept and furnished to the mine assessor in reasonable detail with the return required under section 6.

(8) Clause *e* of subsection 4 of the said section 3 is ^{s. 3(4)(e),} repealed.

3.—(1) Section 23 of the said Act is amended by adding thereto ^{s. 23,} the following clauses:

- (*ca*) prescribing what shall be taken into consideration in determining if and at what point in time a mine is brought into active operation and providing for the making of such determination;
- (*cb*) prescribing or determining anything that, by this Act, is to be prescribed or determined by the regulations.

s. 23,
amended

- (2) The said section 23 is further amended by adding thereto the following subsections:

Regulation
re value of
output at
pit's mouth

(2) A regulation under clause *c* of subsection 1 may provide that no amounts may be deducted for processing costs or that no allowance or different rates of allowance for profit in respect of processing may be deducted in calculating the value of output at the pit's mouth in different areas prescribed in the regulation.

Regulation
may be
retroactive

(3) A regulation made under subsection 1 may be made effective retroactively to a date not earlier than the 1st day of January, 1974.

Saving,
1972, c. 140

4. Notwithstanding the repeal and re-enactment of clause *n* of subsection 3 of section 3 and the repeal of clause *e* of subsection 4 of section 3 of *The Mining Tax Act, 1972*, by subsection 7 and subsection 8, respectively, of section 2 of this Act, the provisions of the said clauses as they existed on the 9th day of April, 1974, shall continue to apply to all mines which commenced production after the 1st day of January, 1965 and on or before the 9th day of April, 1974.

Determina-
tion of tax

5. Where a taxation year ends after the 9th day of April, 1974 but commences before that date, the amount of tax payable shall be calculated on a *pro rata* basis by,
- (a) determining the tax payable for the entire taxation year under section 3 of *The Mining Tax Act, 1972*, as amended by section 2 of this Act;
 - (b) determining the proportion of the amount of tax payable under clause *a* that the number of days of the taxation year that follow the 9th day of April, 1974 bears to the total number of days of that taxation year;
 - (c) determining the tax payable for the entire said taxation year under section 3 of *The Mining Tax Act, 1972*, as it existed on the 9th day of April, 1974;
 - (d) determining the proportion of the amount of the tax payable under clause *c* that the number of days of the taxation year that fall before the 10th day of April, 1974 bears to the total number of days of that taxation year;

(e) determining the aggregate of the amounts determined under clauses *b* and *d* in respect of the tax payable for the taxation year.

6. This Act shall be deemed to have come into force on the 10th day of April, 1974. Commence-
ment
7. This Act may be cited as *The Mining Tax Amendment Act, 1974*. Short title





An Act to amend
The Mining Tax Act, 1972

1st Reading

June 20th, 1974

2nd Reading

February 11th, 1975

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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

BILL 111

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Mining Tax Act, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



An Act to amend The Mining Tax Act, 1972

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

- 1.—(1) Section 1 of *The Mining Tax Act, 1972*, being chapter 140, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: ^{s. 1, amended}
- (a) "associated persons" means associated persons as determined under subsection 2*b* of section 3.
- (2) Clause *h* of the said section 1 is repealed and the following substituted therefor: ^{s. 1 (h), re-enacted}
- (h) "output" when used in reference to a mine means the mineral substances raised, taken or obtained from any mine in Ontario, if those mineral substances,
- (i) are sold as such, or
- (ii) are not sold as such but are fed into a treatment plant at any mill, smelter or refinery and the product of their treatment or partial treatment is sold.
- (3) The said section 1 is further amended by adding thereto the following clause: ^{s. 1, amended}
- (ia) "processing" means, with respect to mineral substances, any form of beneficiation, concentrating, smelting, refining or semi-fabricating, or any combination thereof.
- 2.—(1) Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor: ^{s. 3 (1), re-enacted}

Profit
tax

(1) Every mine the profit of which as determined under this section exceeds \$100,000 in a taxation year, is liable for and the owner, holder, tenant, occupier or operator of the mine shall pay a tax of,

- (a) 15 per cent on the excess of profit above \$100,000 and up to \$1,000,000; and
- (b) 20 per cent on the excess of profit above \$1,000,000 and up to \$10,000,000; and
- (c) 25 per cent on the excess of profit above \$10,000,000 and up to \$20,000,000; and
- (d) 30 per cent on the excess of profit above \$20,000,000 and up to \$30,000,000; and
- (e) 35 per cent on the excess of profit above \$30,000,000 and up to \$40,000,000; and
- (f) 40 per cent on the excess of profit above \$40,000,000.

s. 3 (2),
re-enacted

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

Mines
operated
together

(2) For the purpose of this section and section 6, all mines that are operated by, and the profits of which accrue to, the same person or associated persons shall, for the purpose of determining the amount of tax payable under this Act, be deemed to be and be dealt with as one and the same mine and not as separate mines.

Exception

(2a) Subsection 2 does not apply to a mine brought into active operation for the first time after the 9th day of April, 1974.

Associated
persons

(2b) Where two or more mines are worked, operated, managed, or controlled by two or more persons and the Minister is satisfied, notwithstanding the separate existence of such persons,

- (a) that their separate existence in a taxation year is not solely for the purpose of carrying out the business of the different persons in the most effective manner; and
- (b) that one of the reasons for their separate existence is to reduce the amount of taxes that would be otherwise payable under this section,

the two or more different persons shall, if the Minister so directs, be deemed to be associated persons for the purpose of subsection 2 and section 6.

(2c) Written notice of a direction by the Minister under subsection 2b shall be mailed or delivered forthwith to the persons deemed to be associated persons. ^{Notice}

(2d) Where two or more different persons are deemed to be associated persons by direction of the Minister under subsection 2b, any such person or persons may, within thirty days after the day on which notice of the making of the direction is mailed or delivered, appeal the direction to a judge of the Supreme Court in accordance with the practice and procedures of that Court and an appeal lies to the Court of Appeal from a decision of a judge of the Supreme Court, provided that notice of such appeal is delivered or served by the party appealing within fifteen days after the making of the decision that is appealed, and the procedure upon and governing such appeal to the Court of Appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal in any civil action, but leave to appeal is not necessary. ^{Appeal}

(3) Clause *b* of subsection 3 of the said section 3 is repealed and the following substituted therefor: ^{s. 3 (3) (b), re-enacted}

(b) where the mineral substances or a part thereof are not sold as such, the amount of the actual market value at the pit's mouth of the mineral substances raised, taken or gained from the mine that are fed into a treatment plant at any mill, smelter or refinery and the product thereof is sold in the taxation year; or

(4) Clause *c* of subsection 3 of the said section 3 is repealed and the following substituted therefor: ^{s. 3 (3) (c), re-enacted}

(c) if there is no means of ascertaining the actual market value at the pit's mouth of the mineral substances referred to in clause *b*, the amount at which the mine assessor appraises the value of such mineral substances, provided that the mine assessor in appraising such value shall deduct,

(i) the processing costs incurred as prescribed or determined by the regulations, and

- (ii) an allowance for profit in respect of processing at a rate or rates prescribed by the regulations or determined by the mine assessor,

from the proceeds of the processed mineral substances sold during the taxation year,

s. 3 (3) (d),
re-enacted

- (5) Clause *d* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

- (d) the expenses incurred in respect of scientific research conducted in Canada and related to mining operations in Ontario.

s. 3 (3) (l),
re-enacted

- (6) Clause *l* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

- (l) notwithstanding clause *k*, an allowance for depreciation in each taxation year not exceeding 30 per cent of the cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings acquired after the 9th day of April, 1974 that has not been used previously in mining operations until the full cost thereof has been allowed as an expense under this clause, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of by the operator, the proceeds from such disposal shall be applied to reduce the cost to such person of any additions thereto made in the taxation year, and where such proceeds exceed the cost of such additions, the excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, the excess shall be applied to reduce deductions otherwise allowable under this subsection, and where any such disposal is made at any time after the close of mining operations, the tax for the last taxation year shall be reassessed for the purpose of depreciation recovery where applicable.

s. 3 (3) (n),
re-enacted

- (7) Clause *n* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

- (n) notwithstanding anything in this subsection, at least 15 per cent and up to 100 per cent of,

- (i) the exploration and development expenditures incurred in Ontario after the 9th day of April, 1974 and prior to the date of commencement of production, with the object of finding, testing or opening up deposits of mineral substances, and
- (ii) the exploration and development expenditures, incurred in Ontario on and after the date of commencement of production with the object of finding, testing or opening up deposits of mineral substances,

if the following conditions are met:

1. The expenditure has not at any time in a previous taxation year been allowed as an expense or deduction under this Act.
2. The expenditure is approved by the mine assessor.
3. The expenditure does not include money paid for the purchase or acquisition of an option to purchase or in the acquisition of the right to mine or an option on the right to mine such deposits.
4. The expenditure was made or borne by the operator of the mine liable to taxation.
5. Separate accounts of the expenditure are kept and furnished to the mine assessor in reasonable detail with the return required under section 6.

(8) Clause *e* of subsection 4 of the said section 3 is ^{s. 3(4)(e).} repealed.

3.—(1) Section 23 of the said Act is amended by adding thereto ^{s. 23.} the following clauses:

- (*ca*) prescribing what shall be taken into consideration in determining if and at what point in time a mine is brought into active operation and providing for the making of such determination;
- (*cb*) prescribing or determining anything that, by this Act, is to be prescribed or determined by the regulations.

s. 23,
amended

- (2) The said section 23 is further amended by adding thereto the following subsections:

Regulation
re value of
output at
pit's mouth

(2) A regulation under clause *c* of subsection 1 may provide that no amounts may be deducted for processing costs or that no allowance or different rates of allowance for profit in respect of processing may be deducted in calculating the value of output at the pit's mouth in different areas prescribed in the regulation.

Regulation
may be
retroactive

(3) A regulation made under subsection 1 may be made effective retroactively to a date not earlier than the 1st day of January, 1974.

Saving,
1972, c. 140

4. Notwithstanding the repeal and re-enactment of clause *n* of subsection 3 of section 3 and the repeal of clause *e* of subsection 4 of section 3 of *The Mining Tax Act, 1972*, by subsection 7 and subsection 8, respectively, of section 2 of this Act, the provisions of the said clauses as they existed on the 9th day of April, 1974, shall continue to apply to all mines which commenced production after the 1st day of January, 1965 and on or before the 9th day of April, 1974.

Determina-
tion of tax

5. Where a taxation year ends after the 9th day of April, 1974 but commences before that date, the amount of tax payable shall be calculated on a *pro rata* basis by,
- (a) determining the tax payable for the entire taxation year under section 3 of *The Mining Tax Act, 1972*, as amended by section 2 of this Act;
 - (b) determining the proportion of the amount of tax payable under clause *a* that the number of days of the taxation year that follow the 9th day of April, 1974 bears to the total number of days of that taxation year;
 - (c) determining the tax payable for the entire said taxation year under section 3 of *The Mining Tax Act, 1972*, as it existed on the 9th day of April, 1974;
 - (d) determining the proportion of the amount of the tax payable under clause *c* that the number of days of the taxation year that fall before the 10th day of April, 1974 bears to the total number of days of that taxation year;

(e) determining the aggregate of the amounts determined under clauses *b* and *d* in respect of the tax payable for the taxation year.

6. This Act shall be deemed to have come into force on the 10th day of April, 1974. Commence-
ment
7. This Act may be cited as *The Mining Tax Amendment Act, 1974*. Short title

An Act to amend
The Mining Tax Act, 1972

1st Reading

June 20th, 1974

2nd Reading

February 11th, 1975

3rd Reading

February 14th, 1975

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to confirm Tax Sales

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTIONS 1 AND 2 of the Bill confirm tax sales and the registration of tax arrears certificates held or registered prior to the 1st day of July, 1973.

BILL 112

1974

An Act to confirm Tax Sales

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

1. All sales of land held prior to the 1st day of July, 1973, and purporting to have been made for arrears of taxes payable to a municipal corporation, or to the school board of a school section in an unorganized township or in unsurveyed territory, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* or *The Municipal Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Tax sales
and tax
deeds
confirmed

R.S.O. 1970.
c. 32, 284

2. Every tax arrears certificate that was registered prior to the 1st day of July, 1973, that purports to have been registered pursuant to *The Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of registration the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Registered
tax arrears
certificates
confirmed
R.S.O. 1970.
c. 118

Registered redemption certificates confirmed R.S.O. 1970, c. 118

3. Every redemption certificate registered prior to the day this Act comes into force and purporting to have been registered pursuant to *The Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered vacating certificates confirmed

4. Every vacating certificate registered prior to the day this Act comes into force and purporting to have been registered pursuant to *The Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

By-laws declaring lands required for municipal purposes confirmed

5. Where any land has become vested in a municipality as a result of tax arrears procedures under any Act and such land has been declared by by-law of the municipality to be required for municipal purposes, such by-law is hereby confirmed and declared to be legal, valid and binding.

Pending litigation not affected

6. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Saving as to rights of Crown

7. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Commencement

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

Short title

9. This Act may be cited as *The Tax Sales Confirmation Act, 1974*.

SECTIONS 3 AND 4 confirm redemption and vacating certificates registered prior to the day the Act comes into force.

SECTION 5 confirms by-laws passed by municipalities declaring lands vested in them as a result of tax arrears procedures to be required for municipal purposes.

SECTION 6 provides that pending actions are not affected and SECTION 7 preserves the rights of the Crown in the lands sold for taxes or against which a tax arrears certificate has been registered.



An Act to confirm Tax Sales

1st Reading

June 20th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 112

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to confirm Tax Sales

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



An Act to confirm Tax Sales

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

1. All sales of land held prior to the 1st day of July, 1973, and purporting to have been made for arrears of taxes payable to a municipal corporation, or to the school board of a school section in an unorganized township or in unsurveyed territory, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* or *The Municipal Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Tax sales
and tax
deeds
confirmed

R.S.O. 1970,
c. 32, 284

2. Every tax arrears certificate that was registered prior to the 1st day of July, 1973, that purports to have been registered pursuant to *The Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of registration the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Registered
tax arrears
certificates
confirmed
R.S.O. 1970,
c. 118

Registered redemption certificates confirmed R.S.O. 1970, c. 118

3. Every redemption certificate registered prior to the day this Act comes into force and purporting to have been registered pursuant to *The Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered vacating certificates confirmed

4. Every vacating certificate registered prior to the day this Act comes into force and purporting to have been registered pursuant to *The Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

By-laws declaring lands required for municipal purposes confirmed

5. Where any land has become vested in a municipality as a result of tax arrears procedures under any Act and such land has been declared by by-law of the municipality to be required for municipal purposes, such by-law is hereby confirmed and declared to be legal, valid and binding.

Pending litigation not affected

6. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Saving as to rights of Crown

7. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Commencement

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

Short title

9. This Act may be cited as *The Tax Sales Confirmation Act, 1974*.





An Act to confirm Tax Sales

1st Reading

June 20th, 1974

2nd Reading

December 3rd, 1974

3rd Reading

December 3rd, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Municipal Affairs Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The clause presently provides that when the tax arrears procedures of the Act apply to a municipality rather than the tax sales procedures of *The Municipal Act*, then the use or disposition of land vested in the municipality under the tax arrears procedures are subject to the approval of the Ministry; the amendment makes it clear the approval will be given if the municipality has complied with the procedural provisions of the Act.

SECTION 2. The subsection presently requires the treasurer of a municipality to mail notice of the registration of a tax arrears certificate to the assessed owner of the affected land and to other interested persons and to include in the notice the last day for redemption; the amendment specifies that if the land is not redeemed within the period for redemption, the municipality is free to sell or convey the land or declare it required for municipal purposes, without further notice to the owner.

SECTION 3. The sections being repealed permitted a municipality, in respect of lands against which a tax arrears certificate had been registered for ten or more years, to notify the owner and other interested persons that unless the lands were redeemed within six months, the right to do so would expire. The effect of the repeal is to permit lands to be redeemed at any time if the municipality has neither sold them nor declared them required for municipal purposes.

SECTION 4. Complementary to section 2 of the Bill by including in the notice of registration of a tax arrears certificate a statement that the lands may be sold, etc., by the municipality after the redemption period has expired, without further notice.

An Act to amend The Municipal Affairs Act

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

- 1. Clause *b* of section 12 of *The Municipal Affairs Act*, being ^{s. 12 (b),} amended chapter 118 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "which approval shall be granted if the Ministry is satisfied that the municipality has complied with the provisions of this Act".
- 2. Subsection 4 of section 47 of the said Act is amended by ^{s. 47 (4),} amended adding at the end thereof "and at the expiry of such period of redemption, the municipality may sell or convey the land or by by-law declare the land to be required for municipal purposes without further notice to any such party".
- 3. Subsections 2 and 3 of section 53 of the said Act are repealed. ^{s. 53 (2, 3),} repealed
- 4. Form 2 of the said Act is repealed and the following sub- ^{Form 2,} re-enacted stituted therefor:

FORM 2

(Section 47 (4))

NOTICE OF REGISTRATION OF TAX ARREARS CERTIFICATE

TAKE NOTICE, that, by virtue of *The Municipal Affairs Act*, section 47, a tax arrears certificate has been registered against the following lands, namely:

.....
.....

and by reason thereof the same are vested in and are the property of The Corporation of the of (*naming the municipality*) subject only to your right of redemption of the same on or before the day of, 19...., which is the last day for redemption.

AND TAKE FURTHER NOTICE, that, at the expiry of the redemption period, the municipality may sell or convey such land or by-law declare such land to be required for municipal purposes without further notice to you.

Dated at this day of
19...

.....
Treasurer

Commence-
ment

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

Short title

6. This Act may be cited as *The Municipal Affairs Amendment Act, 1974.*







An Act to amend
The Municipal Affairs Act

1st Reading

June 20th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

BILL 113

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Municipal Affairs Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



An Act to amend The Municipal Affairs Act

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

- 1. Clause *b* of section 12 of *The Municipal Affairs Act*, being ^{s. 12 (b),} amended chapter 118 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "which approval shall be granted if the Ministry is satisfied that the municipality has complied with the provisions of this Act".
- 2. Subsection 4 of section 47 of the said Act is amended by ^{s. 47 (4),} amended adding at the end thereof "and at the expiry of such period of redemption, the municipality may sell or convey the land or by by-law declare the land to be required for municipal purposes without further notice to any such party".
- 3. Subsections 2 and 3 of section 53 of the said Act are repealed. ^{s. 53 (2, 3),} repealed
- 4. Form 2 of the said Act is repealed and the following sub- ^{Form 2,} re-enacted stituted therefor:

FORM 2

(Section 47 (4))

NOTICE OF REGISTRATION OF TAX ARREARS CERTIFICATE

TAKE NOTICE, that, by virtue of *The Municipal Affairs Act*, section 47, a tax arrears certificate has been registered against the following lands, namely:

.....
.....

and by reason thereof the same are vested in and are the property of The Corporation of the of (*naming the municipality*) subject only to your right of redemption of the same on or before the day of, 19...., which is the last day for redemption.

AND TAKE FURTHER NOTICE, that, at the expiry of the redemption period, the municipality may sell or convey such land or by by-law declare such land to be required for municipal purposes without further notice to you.

Dated at this day of
19...

.....
Treasurer

Commence-
ment

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

Short title

6. This Act may be cited as *The Municipal Affairs Amendment Act, 1974*.







An Act to amend
The Municipal Affairs Act

1st Reading

June 20th, 1974

2nd Reading

December 3rd, 1974

3rd Reading

December 20th, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to establish Matrimonial Property Rights

MR. BOUNSALL

EXPLANATORY NOTE

The purpose of this Bill is to recognize that marriage is an equal partnership and upon a divorce or nullity, the total value of the combined assets of the husband and wife acquired during the marriage shall be divided equally between them.

An Act to establish Matrimonial Property Rights

WHEREAS marriage is a partnership in which both ^{Preamble} husband and wife work together as equals, and one spouse's contribution to the joint undertaking, in running the home and looking after the children is just as valuable as that of the other spouse in providing the home and supporting the family.

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

1. In this Act, "child" means any child of the hus- <sup>Interpre-
tation</sup> band or wife or of both of them whether or not the husband and wife are married and "children" has a corresponding meaning.

2.—(1) Subject to subsection 2, upon a divorce or a <sup>Community
of assets</sup> nullity of a marriage, the total value of the combined assets of the husband and wife acquired during the marriage shall be equally divided between them.

(2) Except for the income produced or the capital appreci- <sup>Gifts and
inheritances
not part of
assets</sup> ation from the gift or inheritance, the value of any gift or inheritance received by the husband or wife during the marriage shall not be included in their combined assets.

(3) Except where the husband and wife agree in writing <sup>Children
not to share</sup> no child shall share in a division of assets upon a divorce or a nullity of a marriage.

3.—(1) Where the individual increase in the assets of <sup>Claim
against
total assets</sup> a husband or wife is less than half of the total increase in assets of both the husband and wife during the marriage, the husband or wife, as the case may be, shall have a claim against the total assets of both of them acquired during the marriage.

Debts and liabilities deducted

(2) All unpaid debts and liabilities incurred during the marriage for the purpose of sustaining the marriage or any child shall be first deducted from the combined assets of the husband and wife when calculating a division of assets under subsection 1 of section 2.

Periodic payments

(3) Except where the immediate payment of a claim under subsection 1 would render impossible the successful continuation of a farm or business enterprise, provision for periodic payments may be made to a husband or wife, as the case may be, and such payments shall be equal in amount, at least yearly and over a period not to exceed three years from the date of the final decree of nullity or divorce.

Remarriage

(4) A payment under subsection 3 shall not be affected by the subsequent remarriage of the husband or wife.

Limitation on gifts

4.—(1) Except where a husband and wife agree, no husband or wife shall make a gift or gifts to another person or persons such that the total of the gift or gifts exceeds 3 per cent of the individual assets of the husband or wife, as the case may be.

Calculation of percentage

(2) For the purpose of calculating the percentage under subsection 1, the greatest value of the assets of the husband or wife during the one year period immediately prior to the commencement of the action for nullity or divorce shall be used.

Application to common-law union

5. Where a man and a woman hold themselves out as being man and wife and have lived together for a continuous period of at least six years without children or for a continuous period of at least two years where there are children, the provisions of this Act shall apply to the man and the woman as if they were husband and wife.

Commencement

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

Short title

7. This Act may be cited as *The Matrimonial Property Rights Act, 1974*.





An Act to establish
Matrimonial Property Rights

1st Reading

June 20th, 1974

2nd Reading

3rd Reading

MR. BOUNSAI

(Private Member's Bill)

**4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974**

**An Act to establish the
Toronto Area Transit Operating Authority**

**THE HON. J. R. RHODES
Minister of Transportation and Communications**

EXPLANATORY NOTE

The Bill establishes the Toronto Area Transit Operating Authority and sets out its objects, powers and duties.

The Authority will have jurisdiction in the regional municipalities of Durham, Peel and York and The Municipality of Metropolitan Toronto and will be composed of the chairmen of the three regional councils and of the Metropolitan Council and a member who will be chairman of the Authority appointed by the Lieutenant Governor in Council. Provision is made for the chairmen of the regional councils of Halton and Hamilton-Wentworth to attend and participate in discussions at meetings of the Authority when matters directly affecting the transportation of passengers between their respective regional municipalities and the area of jurisdiction of the Authority are discussed.

The Authority has as its objects the design, establishment and operation of an inter-regional transit system, the co-ordination of the operations of the inter-regional transit systems and regional transit systems, and the provision of information, advice, design assistance and co-ordinating services to inter-regional transit systems and regional transit systems.

The Authority will assume administration of the commuter services operated by GO Transit and, subject to prior review by the Minister and with the approval of the Lieutenant Governor in Council, may prescribe fares to be charged by any inter-regional transit system.

Provision is made for the exclusion by regulations made by the Lieutenant Governor in Council of any method of transportation or any type of vehicle from the application of the Bill.

Regional transit systems are required to file their service schedules and tariffs of fares with the Authority. They are also required to file with the Authority a statement of any proposed change in, addition to, or deletion from the schedules or tariffs.

The Authority is given various powers in order to carry out its objects, including the power to acquire land, to acquire transit vehicles and to enter into agreements with the Crown or any individual, corporation, partnership or association.

**An Act to establish the
Toronto Area Transit Operating Authority**

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

1. In this Act,

Interpre-
tation

- (a) "area of jurisdiction of the Authority" means the area composed of,
- (i) the Regional Area as defined in *The Regional Municipality of Durham Act, 1973*, 1973, c. 78
 - (ii) the Regional Area as defined in *The Regional Municipality of Peel Act, 1973*, 1973, c. 60
 - (iii) the Regional Area as defined in *The Regional Municipality of York Act*, and R.S.O. 1970, c. 408
 - (iv) the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*; R.S.O. 1970, c. 295
- (b) "Authority" means the Toronto Area Transit Operating Authority established under section 2;
- (c) "inter-regional transit system" means a transit system that is principally operated,
- (i) in more than one regional area, and
 - (ii) within the area of jurisdiction of the Authority;
- (d) "land" includes buildings or improvements on land, land covered with water, and any estate, interest, right or easement in, to, over or affecting any of them;
- (e) "Minister" means the Minister of Transportation and Communications;
- (f) "Ministry" means the Ministry of Transportation and Communications;

- (g) "regional area" means a regional area as defined in,
 1973, c. 78 (i) *The Regional Municipality of Durham Act, 1973,*
 1973, c. 60 (ii) *The Regional Municipality of Peel Act, 1973,*
or
 R.S.O. 1970, c. 408 (iii) *The Regional Municipality of York Act,*
 R.S.O. 1970, c. 295 or the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act;*
- (h) "regional transit system" means a transit system that is principally operated within a regional area;
- (i) "regulations" means the regulations made under this Act;
- (j) "transit system" means a system for the transportation of passengers.

Toronto
Area
Transit
Operating
Authority

2.—(1) There is hereby established a corporation without share capital under the name of "Toronto Area Transit Operating Authority".

Membership

(2) The Authority shall be composed of five members as follows,

- (a) one member appointed by the Lieutenant Governor in Council, who shall be the chairman of the Authority;
- (b) the chairmen of the regional councils of the regional municipalities of Durham, Peel and York; and
- (c) the chairman of the Metropolitan Council of The Municipality of Metropolitan Toronto.

Term of
office of
chairman

(3) The member appointed by the Lieutenant Governor in Council shall hold office for a term of five years and until his successor is appointed.

Quorum

(4) Three members of the Authority constitute a quorum.

Vacancy

(5) In the event of a vacancy caused by the death, resignation or incapacity of the member of the Authority appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may appoint a person to hold office for the remainder of the term of such member.

Absence of
chairman

(6) When the chairman is absent from any meeting of the Authority, the members present at the meeting shall appoint from among them an acting chairman who, for the purposes of the meeting, has all the powers and shall perform all the duties of the chairman.

(7) The Authority may pay those of its members who are not officers in the public service of the Province of Ontario such remuneration and expense allowance as may be from time to time fixed by the Lieutenant Governor in Council. ^{Remuneration}

(8) The fiscal year of the Authority begins on the 1st day of April and ends on the 31st day of March in the following year. ^{Fiscal year}

(9) The Authority is an agency of the Crown. ^{Agency}

3. The chairmen of the regional councils of the regional municipalities of Halton and Hamilton-Wentworth shall receive notice and the agenda of all meetings of the Authority and may attend and participate in the discussion at any meeting of the Authority of any matter directly affecting the transportation of passengers between their respective regional municipalities and the area of jurisdiction of the Authority. ^{Halton and Hamilton-Wentworth}

4.—(1) The Authority may make by-laws regulating its proceedings. ^{By-laws}

(2) Subject to the approval of the Minister, the Authority may make by-laws for the conduct and management of the affairs of the Authority. ^{Idem}

5.—(1) The Authority shall employ a Managing Director and may employ a Secretary, a Treasurer and such other persons and may retain such technical and professional consultants as are considered necessary to carry out the objects of the Authority at such remuneration and upon such terms as the Authority approves. ^{Staff}

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Authority. ^{Idem R.S.O. 1970, c. 387}

(3) Where the Authority employs a person heretofore employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits or vacation credits standing to the credit of such person as a civil servant shall continue to the credit of such person as an employee of the Authority. ^{Idem R.S.O. 1970, c. 386}

6. The objects of the Authority are, ^{Objects}

- (a) to design, establish and operate or cause to be operated an efficient and economical inter-regional transit system to serve the needs of persons requiring transportation as passengers across the bound-

aries of regional areas and within the area of jurisdiction of the Authority;

- (b) to co-ordinate the operations of inter-regional transit systems and regional transit systems;
- (c) to provide information, advice, design assistance and co-ordinating services to inter-regional transit systems and regional transit systems; and
- (d) to perform such other duties and exercise such other powers as are imposed or conferred on the Authority by or under any Act within the area of jurisdiction of the Authority,

in order that the public interest may be served.

Powers

7.—(1) For the purpose of carrying out its objects, the Authority shall study or cause to be studied and investigate or cause to be investigated,

- (a) the design and operation of inter-regional transit systems;
- (b) the fare structure and service schedules of inter-regional transit systems;
- (c) the use by municipalities of transit funds allocated by the Ministry;
- (d) applications for public vehicle operating licences under *The Public Vehicles Act* for the transportation across the boundaries of regional areas of passengers or passengers and express freight on a highway; and
- (e) the integration or co-ordination or both, of the facilities, equipment, personnel training, service schedules and fare structures of inter-regional transit systems and regional transit systems,

within the area of jurisdiction of the Authority.

Idem

- (2) In carrying out its objects the Authority may,
 - (a) design and construct and operate or cause to be operated an inter-regional transit system;
 - (b) for the establishment and operation, or either of them, of an inter-regional transit system,

- (i) acquire by purchase, lease or otherwise any transit vehicle, equipment or thing,
- (ii) acquire by purchase, lease, expropriation or otherwise any land;
- (c) sell, lease or otherwise dispose of any transit vehicle, equipment, thing or land no longer required by the Authority for the purpose of this Act;
- (d) enter into agreements with the Crown, any individual, corporation, partnership or association for any purpose related to the objects or powers of the Authority; and
- (e) subject to the approval of the Lieutenant Governor in Council, borrow moneys required for the carrying out of its objects.

(3) The Authority shall administer all of the commuter services operated immediately before the coming into force of this Act by the agency of the Province of Ontario known as Government of Ontario Transit.

(4) The Authority may, upon the request of the council of a regional municipality within the area of jurisdiction of the Authority, study or cause to be studied and investigate or cause to be investigated,

- (a) the design and operation of any regional transit system; and
- (b) the fare structure and service schedule of any regional transit system,

within the regional area administered by the council.

8. The moneys required for the purposes of the Authority shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter may be paid out of the moneys appropriated therefor by the Legislature.

9. The Minister is responsible for the administration of this Act.

10.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Authority may make regulations,

- (a) prescribing fares that shall be charged and collected by any inter-regional transit system operating in the area of jurisdiction of the Authority;
- (b) in respect of a transit system operated by or on behalf of the Authority,
 - (i) prohibiting or regulating the use of any land of the Authority and prohibiting or regulating vehicular traffic and pedestrian traffic on any such land,
 - (ii) requiring and providing for the issue of permits and licences and providing for the granting of rights in respect of the use of any land of the Authority and providing for the revocation of any such permit, licence or right,
 - (iii) prescribing the fees or rentals payable for any permit, licence or right issued or granted in respect of any land of the Authority,
 - (iv) prescribing fares that shall be charged and collected for any service,
 - (v) governing the terms and conditions upon which tickets may be sold,
 - (vi) governing the conduct of passengers and for refusing passage to persons who do not comply with the regulations or the terms and conditions upon which tickets are sold.

Offence

(2) Every person who contravenes any provision of a regulation made under clause *b* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Motor vehicle owner and driver liable to penalties

(3) The owner of a motor vehicle shall incur the fines imposed for any contravention of a regulation made under subsection 1 prohibiting or regulating the parking of motor vehicles unless at the time of the contravention the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent and the driver of the motor vehicle not being the owner shall also incur the fines imposed for any such contravention.

Appointment of officers to carry out regulations

(4) The Minister may appoint in writing one or more Crown employees as an officer or officers for the purposes of carrying out all or any of the provisions of the regulations made under

subsection 1, and any person so appointed is a constable for such purpose and for the purposes of section 14 of *The Highway Traffic Act*. R.S.O. 1970, c. 202

(5) A person appointed under subsection 4 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 4 and shall produce such certificate upon request. Certificate of appointment

11. The Lieutenant Governor in Council may make regulations exempting any method of transportation or any type of vehicle from the application of this Act. Regulations by Lieutenant Governor in Council

12.—(1) Every owner of a regional transit system shall file with the Authority the service schedules and tariff of fares of the system that are in force when this Act comes into force and any additional material and information related to the schedules and tariff that the Authority may require from the owner. Filing of tariffs and schedules

(2) An owner or operator of a regional transit system shall not make any change in, addition to or deletion from the service provided or the fares charged to the public on account of the system, other than a change in, addition to or deletion of service of a temporary nature required to meet an emergency, until the owner or operator has filed with the Authority a statement of the proposed change, addition or deletion. Changes in tariffs or schedules

13.—(1) Subject to the approval of the Minister, the Authority shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the books, records and accounts of the Authority and prepare an annual auditor's statement for the fiscal year last past. Auditor
R.S.O. 1970, c. 373

(2) The auditor's report and the working papers used in the preparation of the auditor's statement shall be made available to the Provincial Auditor. Provincial Auditor

14.—(1) The Authority shall make a report annually to the Minister in such form and containing such financial and other information as the Minister may require. Annual report

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

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

16. This Act may be cited as *The Toronto Area Transit Operating Authority Act, 1974*. Short title



An Act to establish the Toronto Area
Transit Operating Authority

1st Reading

June 21st, 1974

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation and
Communications

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to establish the
Toronto Area Transit Operating Authority**

THE HON. J. R. RHODES
Minister of Transportation and Communications

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

EXPLANATORY NOTE

The Bill establishes the Toronto Area Transit Operating Authority and sets out its objects, powers and duties.

The Authority will have jurisdiction in the regional municipalities of Peel and York and The Municipality of Metropolitan Toronto and will be composed of the chairmen of the two regional councils and of the Metropolitan Council and a member who will be chairman of the Authority appointed by the Lieutenant Governor in Council. Provision is made for the chairmen of the regional councils of Halton and Hamilton-Wentworth to attend and participate in discussions at meetings of the Authority when matters directly affecting the transportation of passengers between their respective regional municipalities and the area of jurisdiction of the Authority are discussed.

The Authority has as its objects the design, establishment and operation of an inter-regional transit system, the co-ordination of the operations of the inter-regional transit systems and regional transit systems, and the provision of information, advice, design assistance and co-ordinating services to inter-regional transit systems and regional transit systems.

The Authority will assume administration of the commuter services operated by GO Transit and, subject to prior review by the Minister and with the approval of the Lieutenant Governor in Council, may prescribe fares to be charged by any inter-regional transit system.

Provision is made for the exclusion by regulations made by the Lieutenant Governor in Council of any method of transportation or any type of vehicle from the application of the Bill.

Regional transit systems are required to file their service schedules and tariffs of fares with the Authority. They are also required to file with the Authority a statement of any proposed change in, addition to, or deletion from the schedules or tariffs.

The Authority is given various powers in order to carry out its objects, including the power to acquire land, to acquire transit vehicles and to enter into agreements with the Crown or any individual, corporation, partnership or association.

**An Act to establish the
Toronto Area Transit Operating Authority**

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

1. In this Act,

Interpre-
tation

- (a) "area of jurisdiction of the Authority" means the area composed of,
- | | |
|---|------------------------|
| (i) The Regional Area as defined in <i>The Regional Municipality of Peel Act, 1973</i> , | 1973, c. 60 |
| (ii) the Regional Area as defined in <i>The Regional Municipality of York Act</i> , and | R.S.O. 1970,
c. 408 |
| (iii) the Metropolitan Area as defined in <i>The Municipality of Metropolitan Toronto Act</i> ; | R.S.O. 1970,
c. 295 |
- (b) "Authority" means the Toronto Area Transit Operating Authority established under section 2;
- (c) "inter-regional transit system" means a transit system that is principally operated,
- | |
|--|
| (i) in more than one regional area, and |
| (ii) within the area of jurisdiction of the Authority; |
- (d) "land" includes buildings or improvements on land, land covered with water, and any estate, interest, right or easement in, to, over or affecting any of them;
- (e) "Minister" means the Minister of Transportation and Communications;
- (f) "Ministry" means the Ministry of Transportation and Communications;

(g) "regional area" means a regional area as defined in,

1973, c. 60

(i) *The Regional Municipality of Peel Act, 1973*,
or

R.S.O. 1970,
c. 408

(ii) *The Regional Municipality of York Act*,

R.S.O. 1970,
c. 295

or the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*;

(h) "regional transit system" means a transit system that is principally operated within a regional area;

(i) "regulations" means the regulations made under this Act;

(j) "transit system" means a system for the transportation of passengers.

Toronto
Area
Transit
Operating
Authority

2.—(1) There is hereby established a corporation without share capital under the name of "Toronto Area Transit Operating Authority".

Membership

(2) The Authority shall be composed of four members as follows,

(a) one member appointed by the Lieutenant Governor in Council, who shall be the chairman of the Authority;

(b) the chairmen of the regional councils of the regional municipalities of Peel and York; and

(c) the chairman of the Metropolitan Council of The Municipality of Metropolitan Toronto.

Term of
office of
chairman

(3) The member appointed by the Lieutenant Governor in Council shall hold office for a term of five years and until his successor is appointed.

Quorum

(4) Three members of the Authority constitute a quorum.

Vacancy

(5) In the event of a vacancy caused by the death, resignation or incapacity of the member of the Authority appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may appoint a person to hold office for the remainder of the term of such member.

Absence of
chairman

(6) When the chairman is absent from any meeting of the Authority, the members present at the meeting shall appoint from among them an acting chairman who, for the purposes of the meeting, has all the powers and shall perform all the duties of the chairman.

(7) The Authority may pay those of its members who are not officers in the public service of the Province of Ontario such remuneration and expense allowance as may be from time to time fixed by the Lieutenant Governor in Council. Remuneration

(8) The fiscal year of the Authority begins on the 1st day of April and ends on the 31st day of March in the following year. Fiscal year

(9) The Authority is an agency of the Crown. Agency

3. The chairmen of the regional councils of the regional municipalities of Halton and Hamilton-Wentworth shall receive notice and the agenda of all meetings of the Authority and may attend and participate in the discussion at any meeting of the Authority of any matter directly affecting the transportation of passengers between their respective regional municipalities and the area of jurisdiction of the Authority. Halton and Hamilton-Wentworth

4.—(1) The Authority may make by-laws regulating its proceedings. By-laws

(2) Subject to the approval of the Minister, the Authority may make by-laws for the conduct and management of the affairs of the Authority. Idem

5.—(1) The Authority shall employ a Managing Director and may employ a Secretary, a Treasurer and such other persons and may retain such technical and professional consultants as are considered necessary to carry out the objects of the Authority at such remuneration and upon such terms as the Authority approves. Staff

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Authority. Idem
R.S.O. 1970,
c. 387

(3) Where the Authority employs a person heretofore employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits or vacation credits standing to the credit of such person as a civil servant shall continue to the credit of such person as an employee of the Authority. Idem
R.S.O. 1970,
c. 386

6. The objects of the Authority are, Objects

- (a) to design, establish and operate or cause to be operated an efficient and economical surface and subsurface, or either of them, inter-regional transit system to serve the needs of persons requiring transportation as passengers across the boundaries of

regional areas and within the area of jurisdiction of the Authority;

- (b) to co-ordinate the operations of surface and sub-surface inter-regional transit systems and surface and subsurface regional transit systems;
- (c) to provide information, advice, design assistance and co-ordinating services to surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems; and
- (d) to perform such other duties and exercise such other powers as are imposed or conferred on the Authority by or under any Act within the area of jurisdiction of the Authority,

in order that the public interest may be served.

Powers

7.—(1) For the purpose of carrying out its objects, the Authority shall study or cause to be studied and investigate or cause to be investigated,

- (a) the design and operation of inter-regional transit systems;
- (b) the fare structure and service schedules of inter-regional transit systems;
- (c) the use by municipalities of transit funds allocated by the Ministry;
- (d) applications for public vehicle operating licences under *The Public Vehicles Act* for the transportation across the boundaries of regional areas of passengers or passengers and express freight on a highway; and
- (e) the integration or co-ordination or both, of the facilities, equipment, personnel training, service schedules and fare structures of inter-regional transit systems and regional transit systems,

R.S.O. 1970,
c. 392

within the area of jurisdiction of the Authority.

Idem

- (2) In carrying out its objects the Authority may,
 - (a) design and construct and operate or cause to be operated an inter-regional transit system;
 - (b) for the establishment and operation, or either of them, of an inter-regional transit system,

- (i) acquire by purchase, lease or otherwise any transit vehicle, equipment or thing,
- (ii) acquire by purchase, lease, expropriation or otherwise any land;
- (c) sell, lease or otherwise dispose of any transit vehicle, equipment, thing or land no longer required by the Authority for the purpose of this Act;
- (d) enter into agreements with the Crown, any individual, corporation, partnership or association for any purpose related to the objects or powers of the Authority; and
- (e) subject to the approval of the Lieutenant Governor in Council, borrow moneys required for the carrying out of its objects.

(3) The Authority shall administer all of the commuter services operated immediately before the coming into force of this Act by the agency of the Province of Ontario known as Government of Ontario Transit.

(4) The Authority may, upon the request of the council of a regional municipality within the area of jurisdiction of the Authority, study or cause to be studied and investigate or cause to be investigated,

- (a) the design and operation of any regional transit system; and
- (b) the fare structure and service schedule of any regional transit system,

within the regional area administered by the council.

8. The moneys required for the purposes of the Authority shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter may be paid out of the moneys appropriated therefor by the Legislature.

9. The Minister is responsible for the administration of this Act.

10.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Authority may make regulations,

- (a) prescribing fares that shall be charged and collected by any inter-regional transit system operating in the area of jurisdiction of the Authority;
- (b) in respect of a transit system operated by or on behalf of the Authority,
 - (i) prohibiting or regulating the use of any land of the Authority and prohibiting or regulating vehicular traffic and pedestrian traffic on any such land,
 - (ii) requiring and providing for the issue of permits and licences and providing for the granting of rights in respect of the use of any land of the Authority and providing for the revocation of any such permit, licence or right,
 - (iii) prescribing the fees or rentals payable for any permit, licence or right issued or granted in respect of any land of the Authority,
 - (iv) prescribing fares that shall be charged and collected for any service,
 - (v) governing the terms and conditions upon which tickets may be sold,
 - (vi) governing the conduct of passengers and for refusing passage to persons who do not comply with the regulations or the terms and conditions upon which tickets are sold.

Offence

(2) Every person who contravenes any provision of a regulation made under clause *b* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Motor vehicle owner and driver liable to penalties

(3) The owner of a motor vehicle shall incur the fines imposed for any contravention of a regulation made under subsection 1 prohibiting or regulating the parking of motor vehicles unless at the time of the contravention the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent and the driver of the motor vehicle not being the owner shall also incur the fines imposed for any such contravention.

Appointment of officers to carry out regulations

(4) The Minister may appoint in writing one or more Crown employees as an officer or officers for the purposes of carrying out all or any of the provisions of the regulations made under

subsection 1, and any person so appointed is a constable for such purpose and for the purposes of section 14 of *The Highway Traffic Act*. R.S.O. 1970. c. 202

(5) A person appointed under subsection 4 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 4 and shall produce such certificate upon request. Certificate of appointment

11. The Lieutenant Governor in Council may make regulations exempting any method of transportation or any type of vehicle from the application of this Act. Regulations by Lieutenant Governor in Council

12.—(1) Every owner of a regional transit system shall file with the Authority the service schedules and tariff of fares of the system that are in force when this Act comes into force and any additional material and information related to the schedules and tariff that the Authority may require from the owner. Filing of tariffs and schedules

(2) An owner or operator of a regional transit system shall not make any change in, addition to or deletion from the service provided or the fares charged to the public on account of the system, other than a change in, addition to or deletion of service of a temporary nature required to meet an emergency, until the owner or operator has filed with the Authority a statement of the proposed change, addition or deletion. Changes in tariffs or schedules

13.—(1) Subject to the approval of the Minister, the Authority shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the books, records and accounts of the Authority and prepare an annual auditor's statement for the fiscal year last past. Auditor

(2) The auditor's report and the working papers used in the preparation of the auditor's statement shall be made available to the Provincial Auditor. Provincial Auditor

14.—(1) The Authority shall make a report annually to the Minister in such form and containing such financial and other information as the Minister may require. Annual report

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

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

16. This Act may be cited as *The Toronto Area Transit Operating Authority Act, 1974*. Short title





An Act to establish the Toronto Area
Transit Operating Authority

1st Reading

June 21st, 1974

2nd Reading

June 27th, 1974

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation and
Communications

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

BILL 115

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to establish the
Toronto Area Transit Operating Authority**

THE HON. J. R. RHODES
Minister of Transportation and Communications



**An Act to establish the
Toronto Area Transit Operating Authority**

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

1. In this Act,

Interpre-
tation

- (a) "area of jurisdiction of the Authority" means the area composed of,
- (i) The Regional Area as defined in *The Regional Municipality of Peel Act, 1973*, 1973, c. 60
 - (ii) the Regional Area as defined in *The Regional Municipality of York Act*, and R.S.O. 1970, c. 408
 - (iii) the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*; R.S.O. 1970, c. 295
- (b) "Authority" means the Toronto Area Transit Operating Authority established under section 2;
- (c) "inter-regional transit system" means a transit system that is principally operated,
- (i) in more than one regional area, and
 - (ii) within the area of jurisdiction of the Authority;
- (d) "land" includes buildings or improvements on land, land covered with water, and any estate, interest, right or easement in, to, over or affecting any of them;
- (e) "Minister" means the Minister of Transportation and Communications;
- (f) "Ministry" means the Ministry of Transportation and Communications;

(g) "regional area" means a regional area as defined in,

1973, c. 60

(i) *The Regional Municipality of Peel Act, 1973,*
or

R.S.O. 1970,
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(ii) *The Regional Municipality of York Act,*

R.S.O. 1970,
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or the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*;

(h) "regional transit system" means a transit system that is principally operated within a regional area;

(i) "regulations" means the regulations made under this Act;

(j) "transit system" means a system for the transportation of passengers.

Toronto
Area
Transit
Operating
Authority

2.—(1) There is hereby established a corporation without share capital under the name of "Toronto Area Transit Operating Authority".

Membership

(2) The Authority shall be composed of four members as follows,

(a) one member appointed by the Lieutenant Governor in Council, who shall be the chairman of the Authority;

(b) the chairmen of the regional councils of the regional municipalities of Peel and York; and

(c) the chairman of the Metropolitan Council of The Municipality of Metropolitan Toronto.

Term of
office of
chairman

(3) The member appointed by the Lieutenant Governor in Council shall hold office for a term of five years and until his successor is appointed.

Quorum

(4) Three members of the Authority constitute a quorum.

Vacancy

(5) In the event of a vacancy caused by the death, resignation or incapacity of the member of the Authority appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may appoint a person to hold office for the remainder of the term of such member.

Absence of
chairman

(6) When the chairman is absent from any meeting of the Authority, the members present at the meeting shall appoint from among them an acting chairman who, for the purposes of the meeting, has all the powers and shall perform all the duties of the chairman.

(7) The Authority may pay those of its members who are not officers in the public service of the Province of Ontario such remuneration and expense allowance as may be from time to time fixed by the Lieutenant Governor in Council. Remuneration

(8) The fiscal year of the Authority begins on the 1st day of April and ends on the 31st day of March in the following year. Fiscal year

(9) The Authority is an agency of the Crown. Agency

3. The chairmen of the regional councils of the regional municipalities of Halton and Hamilton-Wentworth shall receive notice and the agenda of all meetings of the Authority and may attend and participate in the discussion at any meeting of the Authority of any matter directly affecting the transportation of passengers between their respective regional municipalities and the area of jurisdiction of the Authority. Halton and Hamilton-Wentworth

4.—(1) The Authority may make by-laws regulating its proceedings. By-laws

(2) Subject to the approval of the Minister, the Authority may make by-laws for the conduct and management of the affairs of the Authority. Idem

5.—(1) The Authority shall employ a Managing Director and may employ a Secretary, a Treasurer and such other persons and may retain such technical and professional consultants as are considered necessary to carry out the objects of the Authority at such remuneration and upon such terms as the Authority approves. Staff

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Authority. Idem
R.S.O. 1970,
c. 387

(3) Where the Authority employs a person heretofore employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits or vacation credits standing to the credit of such person as a civil servant shall continue to the credit of such person as an employee of the Authority. Idem
R.S.O. 1970,
c. 386

6. The objects of the Authority are, Objects

- (a) to design, establish and operate or cause to be operated an efficient and economical surface and subsurface, or either of them, inter-regional transit system to serve the needs of persons requiring transportation as passengers across the boundaries of

regional areas and within the area of jurisdiction of the Authority;

- (b) to co-ordinate the operations of surface and sub-surface inter-regional transit systems and surface and subsurface regional transit systems;
- (c) to provide information, advice, design assistance and co-ordinating services to surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems; and
- (d) to perform such other duties and exercise such other powers as are imposed or conferred on the Authority by or under any Act within the area of jurisdiction of the Authority,

in order that the public interest may be served.

Powers

7.—(1) For the purpose of carrying out its objects, the Authority shall study or cause to be studied and investigate or cause to be investigated,

- (a) the design and operation of inter-regional transit systems;
- (b) the fare structure and service schedules of inter-regional transit systems;
- (c) the use by municipalities of transit funds allocated by the Ministry;
- (d) applications for public vehicle operating licences under *The Public Vehicles Act* for the transportation across the boundaries of regional areas of passengers or passengers and express freight on a highway; and
- (e) the integration or co-ordination or both, of the facilities, equipment, personnel training, service schedules and fare structures of inter-regional transit systems and regional transit systems,

R.S.O. 1970,
c. 392

within the area of jurisdiction of the Authority.

Idem

- (2) In carrying out its objects the Authority may,
 - (a) design and construct and operate or cause to be operated an inter-regional transit system;
 - (b) for the establishment and operation, or either of them, of an inter-regional transit system,

- (i) acquire by purchase, lease or otherwise any transit vehicle, equipment or thing,
- (ii) acquire by purchase, lease, expropriation or otherwise any land;
- (c) sell, lease or otherwise dispose of any transit vehicle, equipment, thing or land no longer required by the Authority for the purpose of this Act;
- (d) enter into agreements with the Crown, any individual, corporation, partnership or association for any purpose related to the objects or powers of the Authority; and
- (e) subject to the approval of the Lieutenant Governor in Council, borrow moneys required for the carrying out of its objects.

(3) The Authority shall administer all of the commuter ^{GO} services operated immediately before the coming into force ^{Transit} of this Act by the agency of the Province of Ontario known as Government of Ontario Transit.

(4) The Authority may, upon the request of the council ^{Studies} of a regional municipality within the area of jurisdiction of the Authority, study or cause to be studied and investigate or cause to be investigated,

- (a) the design and operation of any regional transit system; and
- (b) the fare structure and service schedule of any regional transit system,

within the regional area administered by the council.

8. The moneys required for the purposes of the Authority ^{Moneys} shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter may be paid out of the moneys appropriated therefor by the Legislature.

9. The Minister is responsible for the administration of ^{Powers of} this Act. ^{Minister}

10.—(1) Subject to the approval of the Lieutenant ^{Regulations} Governor in Council and with prior review by the Minister, the Authority may make regulations,

- (a) prescribing fares that shall be charged and collected by any inter-regional transit system operating in the area of jurisdiction of the Authority;
- (b) in respect of a transit system operated by or on behalf of the Authority,
 - (i) prohibiting or regulating the use of any land of the Authority and prohibiting or regulating vehicular traffic and pedestrian traffic on any such land,
 - (ii) requiring and providing for the issue of permits and licences and providing for the granting of rights in respect of the use of any land of the Authority and providing for the revocation of any such permit, licence or right,
 - (iii) prescribing the fees or rentals payable for any permit, licence or right issued or granted in respect of any land of the Authority,
 - (iv) prescribing fares that shall be charged and collected for any service,
 - (v) governing the terms and conditions upon which tickets may be sold,
 - (vi) governing the conduct of passengers and for refusing passage to persons who do not comply with the regulations or the terms and conditions upon which tickets are sold.

Offence

(2) Every person who contravenes any provision of a regulation made under clause *b* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Motor vehicle owner and driver liable to penalties

(3) The owner of a motor vehicle shall incur the fines imposed for any contravention of a regulation made under subsection 1 prohibiting or regulating the parking of motor vehicles unless at the time of the contravention the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent and the driver of the motor vehicle not being the owner shall also incur the fines imposed for any such contravention.

Appointment of officers to carry out regulations

(4) The Minister may appoint in writing one or more Crown employees as an officer or officers for the purposes of carrying out all or any of the provisions of the regulations made under

subsection 1, and any person so appointed is a constable for such purpose and for the purposes of section 14 of *The Highway Traffic Act*. R.S.O. 1970, c. 202

(5) A person appointed under subsection 4 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 4 and shall produce such certificate upon request. Certificate of appointment

11. The Lieutenant Governor in Council may make regulations exempting any method of transportation or any type of vehicle from the application of this Act. Regulations by Lieutenant Governor in Council

12.—(1) Every owner of a regional transit system shall file with the Authority the service schedules and tariff of fares of the system that are in force when this Act comes into force and any additional material and information related to the schedules and tariff that the Authority may require from the owner. Filing of tariffs and schedules

(2) An owner or operator of a regional transit system shall not make any change in, addition to or deletion from the service provided or the fares charged to the public on account of the system, other than a change in, addition to or deletion of service of a temporary nature required to meet an emergency, until the owner or operator has filed with the Authority a statement of the proposed change, addition or deletion. Changes in tariffs or schedules

13.—(1) Subject to the approval of the Minister, the Authority shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the books, records and accounts of the Authority and prepare an annual auditor's statement for the fiscal year last past. Auditor

(2) The auditor's report and the working papers used in the preparation of the auditor's statement shall be made available to the Provincial Auditor. Provincial Auditor

14.—(1) The Authority shall make a report annually to the Minister in such form and containing such financial and other information as the Minister may require. Annual report

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

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2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. J. R. RHODES
Minister of Transportation and
Communications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Workmen's Compensation Act**

THE HON. J. MACBETH
Minister of Labour

EXPLANATORY NOTES

SECTION 1. Monthly payments are increased to \$260.

SECTION 2. Compensation payments are extended to the date of return to suitable employment.

An Act to amend The Workmen's Compensation Act

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

- 1.—(1) Clauses *c* and *d* as re-enacted by the Statutes of Ontario, 1973, chapter 173, section 5, and clause *f* as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:
- s. 36 (1)
(c, d, f),
re-enacted
- (c) where the widow or a widower is the sole dependant, a monthly payment of \$260;
- (d) where the dependants are a widow or a widower and one or more children, a monthly payment of \$260 with an additional monthly payment of \$70 to be increased upon the death of the widow or widower to \$80 for each child under the age of sixteen years;
-
- (f) where the dependants are persons other than those mentioned in clauses *c*, *d* and *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole \$260 per month.
- (2) Subsection 5 of the said section 36, as amended by the Statutes of Ontario, 1973, chapter 46, section 1, and 1973, chapter 173, section 1, is repealed.
- s. 36 (5),
repealed
2. Section 41 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is repealed and the following substituted therefor:
- s. 41,
re-enacted

Temporary
partial
disability

41.—(1) Where temporary partial disability results from the injury, the compensation shall be,

- (a) where the employee returns to employment, a weekly payment of 75 per cent of the difference between the average weekly earnings of the employee before the accident and an average amount that he is able to earn in some suitable employment or business after the accident; or
- (b) where the employee does not return to work, a weekly payment in the same amount as would be payable if he were temporarily totally disabled unless he,
 - (i) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting him back to work and in lessening or removing any handicap resulting from his injuries, or
 - (ii) fails to accept or is not available for employment which is available and which in the opinion of the Board is suitable for his capabilities.

Idem

(2) Where subclause i or ii of clause b of subsection applies, the compensation shall be a periodic amount proportionate to the degree of earnings impairment resulting from the accident as determined by the Board, and subsection of section 42 applies.

s. 42,
amended

3. Section 42 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by adding thereto the following subsections:

Entitlement
on death

(7) A dependant of an employee who was, at the time of his or her death, in receipt of an award for permanent disability which the Board has rated at 100 per cent or but for his or her death, would have been in receipt of an award for permanent disability at the rate of 100 per cent is entitled to compensation as if the death of the employee had resulted from the compensable disability for which he or she received or would have received the permanent disability award.

Substitution
of payment

(8) The amounts payable under this section shall be revalorized by substituting for the monthly amount payable under this section as of the 31st day of December, 1973, the product of such amount and the factor of 2 per cent for every

SECTION 3. Death benefits continue to be payable to dependants of a permanently totally disabled employee where death occurs from any cause.

The amendment provides for adjustment of disability pensions calculated from the year the employee became entitled thereto

SECTION 4. The total disability pension to an employee is to be not less than the pension payable to dependants.

SECTION 5. The earnings ceiling is increased to \$12,000.

SECTION 6. The clothing allowance is increased.

year in which a pension was payable for permanent disability up to and including 1971 in addition to a factor of 4 per cent for each of the years 1972 and 1973, provided that in no case shall the sum of such factors exceed 60 per cent.

(9) Subsection 8 does not apply to a commutation lump sum award, an award under subsection 6 of this section or an award under clause *b* of section 43, which the Board has made under this Part. Exception

4.—(1) Subclause *i* of clause *b* of section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 2, is repealed and the following substituted therefor: s. 43 (b) (i),
re-enacted

(i) for permanent total disability, \$260 a month, and

(2) The said section 43, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by adding "and" at the end of clause *b* and by adding thereto the following clause: s. 43,
amended

(c) for permanent total disability, not less than the benefits which would have been payable to his dependants under clauses *c*, *d* and *e* of subsection 1 of section 36, under subsections 2, 4 and 10 of section 36 and under section 38 as if he had died from the injury.

5. Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 46, section 4, and 1973, chapter 173, section 1, is further amended by striking out "\$10,000" in the amendment of 1973, chapter 46, section 4, and inserting in lieu thereof "\$12,000". s. 44 (1),
amended

6. Clause *b* of subsection 3 of section 51 of the said Act is repealed and the following substituted therefor: s. 51 (3), (b),
re-enacted

(b) on application, an allowance not exceeding \$168 per annum for replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis supplied by the Board, and not exceeding \$84 per annum in respect of an upper limb prosthesis supplied by the Board,

- Application** **7.**—(1) Sections 1, 2, 3, 4 and 6 apply to all payments accruing on and after the 1st day of July, 1974, but nothing therein entitles any person to claim additional compensation for any period prior to the 1st day of July, 1974.
- Idem** (2) Section 5 applies only for the purposes of computing average earnings in respect of accidents occurring on or after the 1st day of July, 1974.
- Commence-
ment** **8.** This Act comes into force on the 1st day of July, 1974.
- Short title** **9.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1974*.

SECTION 7. Self-explanatory.





An Act to amend
The Workmen's Compensation Act

1st Reading

June 21st, 1974

2nd Reading

3rd Reading

THE HON. J. MACBETH
Minister of Labour

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Workmen's Compensation Act**

THE HON. J. MACBETH
Minister of Labour

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

EXPLANATORY NOTES

SECTION 1. Monthly payments are increased to \$260.

SECTION 2. Compensation payments are extended to the date of return to suitable employment.

An Act to amend The Workmen's Compensation Act

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

- 1.—(1) Clauses *c* and *d* as re-enacted by the Statutes of Ontario, 1973, chapter 173, section 5, and clause *f* as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: ^{s. 36 (1) (c, d, f), re-enacted}
- (c) where the widow or a widower is the sole dependant, a monthly payment of \$260;
- (d) where the dependants are a widow or a widower and one or more children, a monthly payment of \$260 with an additional monthly payment of \$70 to be increased upon the death of the widow or widower to \$80 for each child under the age of sixteen years;
-
- (f) where the dependants are persons other than those mentioned in clauses *c*, *d* and *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole \$260 per month.
- (2) Subsection 5 of the said section 36, as amended by the Statutes of Ontario, 1973, chapter 46, section 1, and 1973, chapter 173, section 1, is repealed. ^{s. 36 (5), repealed}
2. Section 41 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is repealed and the following substituted therefor: ^{s. 41, re-enacted}

Temporary
partial
disability

41.—(1) Where temporary partial disability results from the injury, the compensation shall be,

- (a) where the employee returns to employment, a weekly payment of 75 per cent of the difference between the average weekly earnings of the employee before the accident and an average amount that he is able to earn in some suitable employment or business after the accident; or
- (b) where the employee does not return to work, a weekly payment in the same amount as would be payable if he were temporarily totally disabled, unless he,
 - (i) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting him back to work and in lessening or removing any handicap resulting from his injuries, or
 - (ii) fails to accept or is not available for employment which is available and which in the opinion of the Board is suitable for his capabilities.

Idem

(2) Where subclause i or ii of clause *b* of subsection 1 applies, the compensation shall be a periodic amount proportionate to the degree of earnings impairment resulting from the accident as determined by the Board, and subsection 4 of section 42 applies.

s. 42,
amended

3. Section 42 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by adding thereto the following subsections:

Entitlement
on death

(7) A dependant of an employee who was, at the time of his or her death, in receipt of an award for permanent disability which the Board has rated at 100 per cent or, but for his or her death, would have been in receipt of an award for permanent disability at the rate of 100 per cent is entitled to compensation as if the death of the employee had resulted from the compensable disability for which he or she received or would have received the permanent disability award.

Substitution
of payment

(8) The amounts payable under this section shall be revalorized by substituting for the monthly amount payable under this section as of the 31st day of December, 1973, the sum of such amount and the factor of 2 per cent for every

SECTION 3. Death benefits continue to be payable to dependants of a permanently totally disabled employee where death occurs from any cause.

The amendment provides for adjustment of disability pensions calculated from the year the employee became entitled thereto.

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SECTION 5. The earnings ceiling is increased to \$12,000.

SECTION 6. The clothing allowance is increased.

year in which a pension was payable for permanent disability up to and including 1971 in addition to a factor of 4 per cent for each of the years 1972 and 1973, provided that in no case shall the sum of such factors exceed 60 per cent.

(9) Subsection 8 does not apply to a commutation lump sum award, an award under subsection 6 of this section or an award under clause *b* of section 43, which the Board has made under this Part. Exception

4.—(1) Subclause *i* of clause *b* of section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 2, is repealed and the following substituted therefor: s. 43 (b) (1),
re-enacted

(i) for permanent total disability, \$260 a month, and

(2) The said section 43, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by adding "and" at the end of clause *b* and by adding thereto the following clause: s. 43,
amended

(c) for permanent total disability, not less than the benefits which would have been payable to his dependants under clauses *c*, *d* and *e* of subsection 1 of section 36, under subsections 2, 4 and 10 of section 36 and under section 38 as if he had died from the injury.

5. Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 46, section 4, and 1973, chapter 173, section 1, is further amended by striking out "\$10,000" in the amendment of 1973, chapter 46, section 4, and inserting in lieu thereof "\$12,000". s. 44 (1),
amended

6. Clause *b* of subsection 3 of section 51 of the said Act is repealed and the following substituted therefor: s. 51 (3), (b),
re-enacted

(b) on application, an allowance not exceeding \$168 per annum for replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis supplied by the Board, and not exceeding \$84 per annum in respect of an upper limb prosthesis supplied by the Board,

- Application** **7.**—(1) Sections 1, 2, 3, 4 and 6 apply to all payments accruing on and after the 1st day of July, 1974, but nothing therein entitles any person to claim additional compensation for any period prior to the 1st day of July, 1974.
- Idem** (2) Section 5 applies only for the purposes of computing average earnings in respect of accidents occurring on or after the 1st day of July, 1974.
- Commence-
ment** **8.** This Act comes into force on the 1st day of July, 1974.
- Short title** **9.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1974*.

SECTION 7. Self-explanatory.





An Act to amend
The Workmen's Compensation Act

1st Reading

June 21st, 1974

2nd Reading

June 28th, 1974

3rd Reading

THE HON. J. MACBETH
Minister of Labour

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

BILL 116

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Workmen's Compensation Act**

THE HON. J. MACBETH
Minister of Labour



**An Act to amend
The Workmen's Compensation Act**

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

1.—(1) Clauses *c* and *d* as re-enacted by the Statutes of Ontario, 1973, chapter 173, section 5, and clause *f* as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(c) where the widow or a widower is the sole dependant, a monthly payment of \$260;

(d) where the dependants are a widow or a widower and one or more children, a monthly payment of \$260 with an additional monthly payment of \$70 to be increased upon the death of the widow or widower to \$80 for each child under the age of sixteen years;

.

(f) where the dependants are persons other than those mentioned in clauses *c*, *d* and *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole \$260 per month.

(2) Subsection 5 of the said section 36, as amended by the Statutes of Ontario, 1973, chapter 46, section 1, and 1973, chapter 173, section 1, is repealed.

2. Section 41 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is repealed and the following substituted therefor:

Temporary
partial
disability

41.—(1) Where temporary partial disability results from the injury, the compensation shall be,

- (a) where the employee returns to employment, a weekly payment of 75 per cent of the difference between the average weekly earnings of the employee before the accident and an average amount that he is able to earn in some suitable employment or business after the accident; or
- (b) where the employee does not return to work, a weekly payment in the same amount as would be payable if he were temporarily totally disabled, unless he,
 - (i) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting him back to work and in lessening or removing any handicap resulting from his injuries, or
 - (ii) fails to accept or is not available for employment which is available and which in the opinion of the Board is suitable for his capabilities.

Idem

(2) Where subclause i or ii of clause *b* of subsection 1 applies, the compensation shall be a periodic amount proportionate to the degree of earnings impairment resulting from the accident as determined by the Board, and subsection 4 of section 42 applies.

s. 42,
amended

3. Section 42 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by adding thereto the following subsections:

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(7) A dependant of an employee who was, at the time of his or her death, in receipt of an award for permanent disability which the Board has rated at 100 per cent or, but for his or her death, would have been in receipt of an award for permanent disability at the rate of 100 per cent is entitled to compensation as if the death of the employee had resulted from the compensable disability for which he or she received or would have received the permanent disability award.

Substitution
of payment

(8) The amounts payable under this section shall be revalorized by substituting for the monthly amount payable under this section as of the 31st day of December, 1973, the sum of such amount and the factor of 2 per cent for every

year in which a pension was payable for permanent disability up to and including 1971 in addition to a factor of 4 per cent for each of the years 1972 and 1973, provided that in no case shall the sum of such factors exceed 60 per cent.

(9) Subsection 8 does not apply to a commutation lump sum award, an award under subsection 6 of this section or an award under clause *b* of section 43, which the Board has made under this Part. Exception

4.—(1) Subclause *i* of clause *b* of section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 2, is repealed and the following substituted therefor: s. 43 (b) (1),
re-enacted

(i) for permanent total disability, \$260 a month, and

(2) The said section 43, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by adding "and" at the end of clause *b* and by adding thereto the following clause: s. 43,
amended

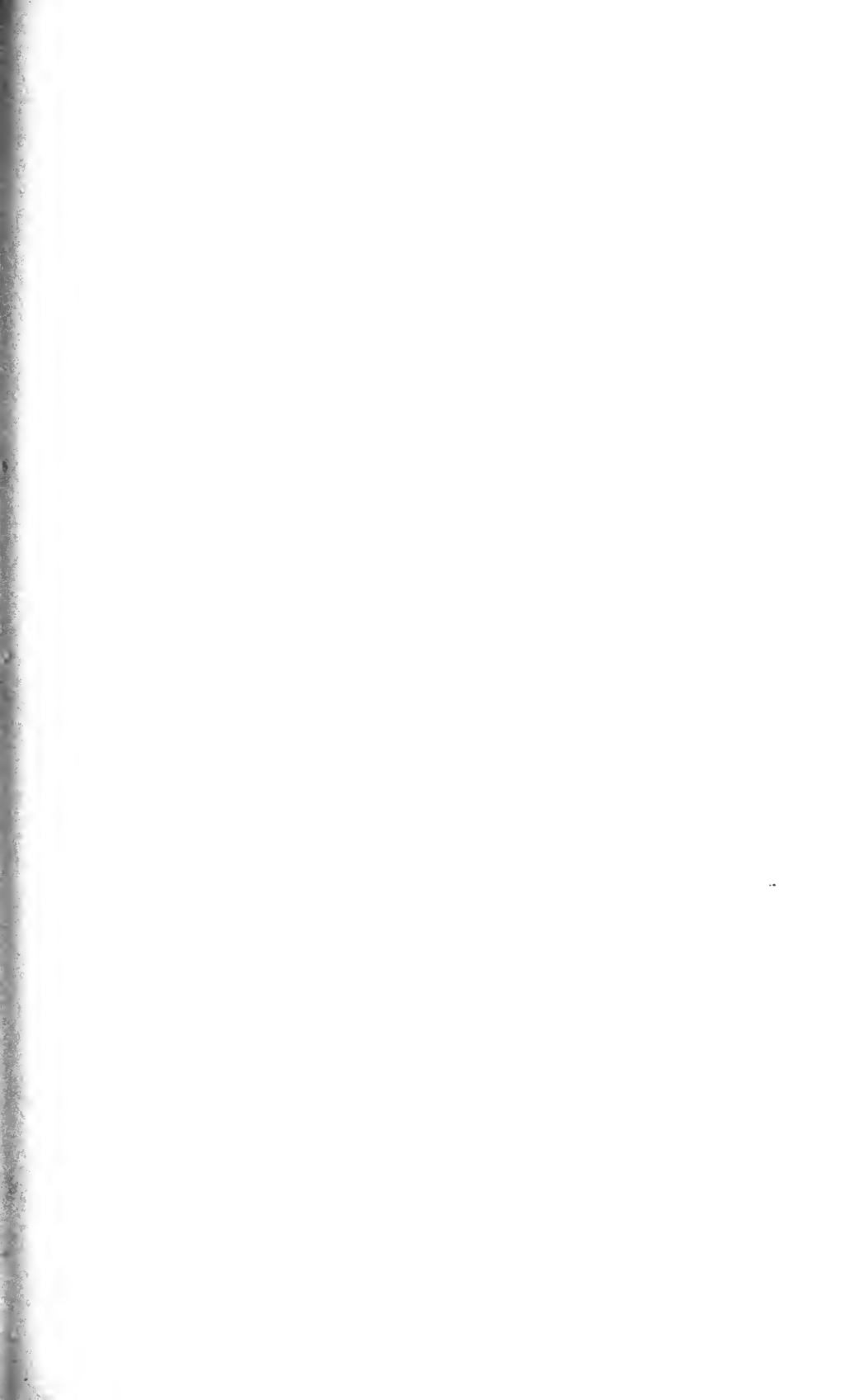
(c) for permanent total disability, not less than the benefits which would have been payable to his dependants under clauses *c*, *d* and *e* of subsection 1 of section 36, under subsections 2, 4 and 10 of section 36 and under section 38 as if he had died from the injury.

5. Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 46, section 4, and 1973, chapter 173, section 1, is further amended by striking out "\$10,000" in the amendment of 1973, chapter 46, section 4, and inserting in lieu thereof "\$12,000". s. 44 (1),
amended

6. Clause *b* of subsection 3 of section 51 of the said Act is repealed and the following substituted therefor: s. 51 (3), (b),
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(b) on application, an allowance not exceeding \$168 per annum for replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis supplied by the Board, and not exceeding \$84 per annum in respect of an upper limb prosthesis supplied by the Board,

- Application** **7.**—(1) Sections 1, 2, 3, 4 and 6 apply to all payments accruing on and after the 1st day of July, 1974, but nothing therein entitles any person to claim additional compensation for any period prior to the 1st day of July, 1974.
- Idem** (2) Section 5 applies only for the purposes of computing average earnings in respect of accidents occurring on or after the 1st day of July, 1974.
- Commence-
ment** **8.** This Act comes into force on the 1st day of July, 1974.
- Short title** **9.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1974*.



An Act to amend
The Workmen's Compensation Act

1st Reading

June 21st, 1974

2nd Reading

June 28th, 1974

3rd Reading

June 28th, 1974

THE HON. J. MACBETH
Minister of Labour

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to reform certain Laws founded
upon Marital or Family Relationships**

THE HON. R. WELCH
Attorney General

EXPLANATORY NOTES

The Bill removes remaining disabilities of a married woman under the common law and establishes the same law applying to married men and married women equally as if they were unmarried. This includes, among other things, the right to sue each other in tort and recognition of a wife's contribution to her husband's business to ameliorate the result of the recent case of *Murdoch v. Murdoch*.

An Act to reform certain Laws founded upon Marital or Family Relationships

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

1.—(1) For all purposes of the law of Ontario, a married man has a legal personality that is independent, separate and distinct from that of his wife and a married woman has a legal personality that is independent, separate and distinct from that of her husband. Unity of legal personality abolished

(2) A married person has and shall be accorded legal capacity for all purposes and in all respects as if such person were an unmarried person. Capacity of married person

(3) Without limiting the generality of subsections 1 and 2, Idem

(a) each of the parties to a marriage has the like right of action in tort against the other as if they were not married;

(b) a married woman is capable of acting as guardian *ad litem* or next friend as if she were an unmarried woman;

(c) except as agreed between them, where a husband or wife contributes work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of a business, including a farm, in which the other has a property interest, beyond such contribution as relates directly to the family residence, the husband or wife shall not be disentitled to any right to compensation or other interest flowing from such contribution by reason only of the relationship of husband and wife or that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances;

(d) where the legal title to property is in the name of a husband or wife or both jointly, the beneficial interest shall be deemed to accompany the legal title, in the absence of proof of a contrary intention;

R.S.O. 1970,
c. 85

(e) notwithstanding sections 13 and 14 of *The Conveyancing and Law of Property Act*, where any legal or equitable interest in real property is acquired or held by a husband and wife, they shall be deemed to hold such interest as joint tenants, unless an intention sufficiently appears that they are to hold as tenants in common.

Purpose of
subss. 1 and 2

(4) The purpose of subsections 1 and 2 is to make the same law apply, and apply equally, to married men and married women and to remove any difference therein resulting from any common law rule or doctrine, and subsections 1 and 2 shall be so construed.

Application
of s. 1:
restraint
upon alien-
ation or
anticipation

2.—(1) Section 1 does not apply to interfere with or render inoperative any restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of an instrument executed before this Act comes into force and for the purpose,

(a) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in that instrument only and not in the instrument by which the power was created; and

(b) the will of a testator shall be deemed to be an instrument executed on the day of his death.

Idem:
domicile

(2) Section 1 does not apply to affect the determination of domicile for any purpose.

Idem:
agency of
necessity

(3) Section 1 does not apply to affect the right of a wife to pledge her husband's credit for necessaries.

Actions
between
parent and
child

3. No person shall be disentitled from bringing an action or other proceeding against another for the reason only that they stand in the relationship of parent and child.

Recovery for
prenatal
injuries

4. No person shall be disentitled from recovering damages in respect of injuries incurred for the reason only that the injuries were incurred before his birth.

R.S.O. 1970,
c. 85, s. 13 (2),
repealed

5. Subsection 2 of section 13 of *The Conveyancing and Law of Property Act*, being chapter 85 of the Revised Statutes of Ontario, 1970, is repealed.

SECTION 2.—Subsection 1. The special rule permitting restraint on alienation of the property of a married woman is abolished by section 1 and this provision preserves the rule in respect of agreements previously entered into.

Subsection 2. The rule that the domicile of the husband is the domicile of the marriage is preserved.

Subsection 3. The right of a wife to pledge her husband's credit for necessities is preserved.

SECTIONS 3 and 4. Actions for prenatal injuries and suits between parent and child are made possible as recommended by Part I of the Ontario Law Reform Commission's Report on Family Law dealing with torts

SECTION 5. The provision repealed provides that where a husband and wife hold property in both names it is as tenants in common unless otherwise specified. This is inconsistent with section 1 (3) (e) of this Bill

SECTION 6. The provision repealed excludes the liability of an insurer for injury to a spouse or child of the insured who is a passenger. The exclusion is based upon the incapacity of married persons to sue each other in tort which is removed.

SECTION 7. The Bill enables the repeal of all *The Married Women's Property Act* except section 12 which provides a procedure for determining disputes as to division of property between husband and wife. The question of the interest of husband and wife in marital property is not dealt with in this Bill.

SECTION 8. The section repealed prevents the recovery by a married person of the part of damages for negligence attributable to the contributory negligence of the married person's spouse. The provision is based upon the incapacity of married persons to sue each other in tort, which incapacity is removed by section 1 (3) (a) of this Bill.

- 6.** Subclause i of clause b of section 214 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 224, s. 214(b)(1), repealed
- 7.** Sections 2 to 11 and section 13 of *The Married Women's Property Act*, being chapter 262 of the Revised Statutes of Ontario, 1970, are repealed. R.S.O. 1970, c. 262, ss. 2-11, 13, repealed
- 8.** Subsection 4 of section 2 of *The Negligence Act*, being chapter 296 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 296, s. 2(4), repealed
- 9.** Section 8 does not apply in respect of actions commenced before this Act comes into force. Application of s. 8
- 10.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement
- 11.** This Act may be cited as *The Family Law Reform Act*, 1974. Short title

An Act to reform certain Laws founded
upon Marital or Family Relationships

1st Reading

June 25th, 1974

2nd Reading

3rd Reading

THE HON. R. WELCH
Attorney General

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Condominium Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1. The amendment amends the consents required to the registration of a declaration.

An Act to amend The Condominium Act

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

1. Subsection 1 of section 1 of *The Condominium Act*, being ^{s 1 (1), amended} chapter 77 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(ha) "declarant" means the owner or owners in fee simple of the land described in the description at the time of the registration of a declaration and description of the land, and includes any successor or assignee of such owner or owners but does not include a *bona fide* purchaser of a unit who actually pays fair market value or a *bona fide* mortgagee in possession of a unit;

(na) "proposed unit" means land described in an agreement of purchase and sale that provides for delivery to the purchaser of a deed or transfer capable of registration after a declaration and description have been registered in respect of the land.

- 2.—(1) Clause *b* of subsection 1 of section 3 of the said Act ^{s 3 (1) (b), re-enacted} is repealed and the following substituted therefor:

(b) the consent, in the prescribed form, of every person having a registered charge, mortgage, lien, or other claim securing the payment of money against the land or interests appurtenant to the land described in the description, other than a municipality having a registered agreement with the owner of the land described in the description or with any predecessor in title of the owner.

s. 3,
amended

(2) The said section 3 is amended by adding thereto the following subsection:

Change of
address
for service

(5) Notwithstanding subsections 3 and 4, the corporation may by resolution of the board change its address for service and the change does not take effect until a notice thereof in the prescribed form is registered.

s. 5 (1),
amended

3.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “master of titles and every registrar of deeds” in the first line and inserting in lieu thereof “land registrar”.

s. 5 (3),
amended

(2) Subsection 3 of the said section 5 is amended by striking out “master of titles and every registrar of deeds” in the first line and inserting in lieu thereof “land registrar”.

s. 8a,
enacted

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

Easements
and leases
of common
elements

8a.—(1) The corporation may, by a vote of a majority of the members,

(a) lease any part of the common elements, except any part that the declaration specifies are to be used by the owners of one or more designated units and not by all the owners; and

(b) grant or transfer an easement through the common elements.

Binding on
all owners

(2) A lease or a grant or transfer of an easement mentioned in subsection 1, signed by the authorized officers of the corporation under its seal, affects the interest of every owner in the common elements as if the lease, grant or transfer had been executed by him, and shall have attached thereto an affidavit of one of the officers stating that the lease, grant or transfer was authorized by a vote of a majority of the members.

s. 9 (2),
re-enacted

5.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Name of
corporation

(2) The land registrar shall assign a name to each corporation or proposed corporation in accordance with the regulations.

s. 9 (7),
re-enacted

(2) Subsection 7 of the said section 9 is repealed and the following substituted therefor:

Subsection 2. The new subsection would allow the corporation to change its address for service by registering a notice in the prescribed form. At present the corporation can only change its address for service by amending the declaration, thus requiring the consent of all owners and all persons having registered encumbrances against the units and common elements.

SECTION 3. The titles of land registrars are made to accord with 1972 amendments to *The Land Titles Act* and *The Registry Act*.

SECTION 4. The new section allows the corporation, on behalf of every owner, to grant easements for the provision of services through the common elements and to lease any part of the common elements other than those parts designated as limited common elements.

SECTION 5.—Subsection 1. The new subsection 2 provides authority for the land registrar to assign a name to a corporation in accordance with the regulations.

Subsection 2. The new provisions provide for the filling of vacancies in the board of directors by appointment and the removal of directors.

SECTION 6. The new sections 9*a* and 9*b* provide for compulsory annual meetings, the giving of notice of such meetings and a record date for the giving of such notice. They also provide for the termination of the board of directors who are elected at a time when the developer is the owner of a majority of the units, and the election of a new board. They additionally deal with other meetings and allow for a stipulated percentage of the members of the corporation to compel the board to call a meeting.

(7) If a vacancy in the membership of the board occurs, ^{Vacancy} the majority of the remaining members of the board may appoint any person qualified to be a member of the board under the declaration or by-laws to fill the vacancy for the remainder of the term.

(7a) Any director may be removed before the expiration ^{Removal} of his term by a vote of members who together own a majority of the units and the members may elect any person qualified to be a member of the board under the declaration or by-laws for the remainder of the term of the director removed.

6. The said Act is further amended by adding thereto the ^{ss. 9a, 9b.} following sections: ^{enacted}

9a.—(1) A corporation shall hold an annual meeting of ^{Annual meetings} the members not more than three months after the registration of the declaration and description, and subsequently not more than fifteen months after the holding of the last preceding annual meeting, and at such meeting any member of the corporation or any mortgagee or chargee entitled to vote shall have an opportunity to raise any matter relevant to the affairs and business of the corporation.

(2) The board may at any time call a meeting of the ^{Other meetings} members of the corporation for the transaction of any business, the nature of which shall be specified in the notice calling the meeting.

(3) The board shall, upon receipt of a requisition in ^{Requisition for members' meeting} writing made by members of the corporation who together own at least 25 per cent of the common elements, call and hold a meeting of the members of the corporation and if the meeting is not called and held within thirty days of receipt of the requisition, any of the requisitionists may call the meeting, and in such case, the meeting shall be held within sixty days of receipt of the requisition.

(4) The requisition shall state the nature of the business ^{Requisition} to be presented at the meeting, and shall be signed by the requisitionists and deposited at the address for service of the corporation.

(5) At least ten days written notice of every meeting of ^{Notice} the members of the corporation specifying the place, the date and the hour thereof and the nature of the business to be presented shall be given to each member and to each mortgagee or chargee entitled to vote, personally or

by prepaid mail addressed to him at the address provided under subsection 6.

Record
for notice

(6) The corporation shall maintain a record upon which shall be entered each owner or mortgagee or chargee who notifies the corporation of his entitlement to vote and of his address for service and the notice of a meeting required by subsection 5 shall be deemed to be sufficiently given if given in accordance with subsection 5 to those persons entered on the record twelve days before the date of the meeting.

Right to
vote

(7) A mortgagee or chargee who receives a notice shall, in order to be entitled to exercise the right of the owner to vote or to consent, notify the corporation and the owner of his intention to exercise such right at least two days before the date specified in the notice for the meeting.

Election of
new board

9b.—(1) The board elected at a time when the declarant owns a majority of the units shall, not more than twenty-one days after the declarant ceases to be the registered owner of a majority of the units, call a meeting of the members of the corporation to elect a new board of directors, and such meeting shall be held within twenty-one days after the calling of the meeting.

Member, etc.,
may call
meeting

(2) If the meeting referred to in subsection 1 is not called within the time provided for by that subsection, any member of the corporation, or any mortgagee or chargee entitled to vote may call the meeting.

s. 10 (1),
amended

7. Subsection 1 of section 10 of the said Act is amended by adding thereto the following clause:

(*ha*) authorizing the borrowing of money to carry out the objects and duties of the corporation.

s. 11 (1),
amended

8. Subsection 1 of section 11 of the said Act is amended by inserting after "by" in the first line "a majority of".

s. 13 (4),
re-enacted

9. Subsection 4 of section 13 of the said Act is repealed and the following substituted therefor:

Lien

(4) Where an owner defaults in his obligation to contribute to the corporation towards the common expenses in the proportion allocated to his unit, the corporation has a lien for the unpaid amount against that unit and its appurtenant common interest.

SECTION 7. The amendment permits by-laws for borrowing purposes.

SECTION 8. The amendment ensures that the making of rules respecting the use of common elements requires a majority of owners.

SECTION 9. Provision is made to secure arrears of payments respecting common expenses by a lien against the unit.

SECTION 10. The amendment removes doubt as to whether a corporation has a dominant tenancy capable of supporting its rights as the grantor of an easement.

SECTION 11. The new section 15a provides for the termination of management agreements entered into before the owners outvote the declarant.

The new section 15b allows the corporation, or any unit owner, mortgagee or chargee to examine the records of every person in receipt of money for the payment of common expenses with respect to the disposition of such money. The section additionally allows the corporation or any unit owner or mortgagee or chargee to apply to the court for an investigation or audit of that person and requires that all such money be held as trust money in an approved banking depository.

(4a) The lien mentioned in subsection 4 expires three months after the default that gave rise to the lien first occurred unless the corporation within that time registers a notice of lien in the prescribed form. Expiration of lien

10. Section 14 of the said Act is amended by adding thereto the following subsection: s. 14. amended

(1a) A grant or transfer of an easement to the corporation is as effective as if the corporation owns land capable of being benefitted by the easement. Easement

11. The said Act is further amended by adding thereto the following sections: ss. 15a, 15b. enacted

MANAGEMENT AGREEMENT

15a. The corporation may, by a vote of members who own $66 \frac{2}{3}$ per cent of the common elements, terminate, on giving sixty days notice in writing, any agreement between the corporation and any person for the management of the property entered into at a time when the majority of the members of the board of directors were elected when the declarant was the registered owner of a majority of the units. Management agreement

INVESTIGATION OF RECORDS

15b.—(1) Every person in receipt of money paid by or on behalf of an owner for the payment of common expenses shall, upon reasonable notice and during normal business hours, make available for examination by the corporation or any owner, mortgagee or chargee, all records relating to the disposition of such money. Examination of records

(2) Upon application to a judge of a county or district court by the corporation or any owner, mortgagee or chargee, the judge, if satisfied that the application is made in good faith and that it is *prima facie* in the best interests of the applicant to do so, may make an order, upon such terms as to the costs of the investigation or audit or otherwise as he considers proper, appointing an inspector to make such investigation of the affairs of any person in receipt of money mentioned in subsection 1 and to make such audit of the accounts and records of such person as the judge considers necessary. Application to court

(3) An inspector appointed under subsection 2 has the powers of a commissioner under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation or audit as if it were an inquiry under that Act. Powers of inspector 1971, c. 49

Trust
money

(4) All money received for the payment of common expenses after the 1st day of January, 1975 shall be held by the person in receipt thereof in trust for the performance of the duties and obligations in respect of which the money is paid, and he shall pay such money into a separate account at a chartered bank or trust company or a loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office and shall designate the account as a trust account.

s. 23 (1),
amended

12.—(1) Subsection 1 of section 23 of the said Act is amended by striking out "Supreme Court" in the fourth line and inserting in lieu thereof "county or district court".

s. 23,
amended

(2) Section 23 of the said Act is amended by adding thereto the following subsection:

Application
to lessees

(2a) The lessee of a unit is subject to the duties imposed by this Act, the declaration and the by-laws, on an owner, except those duties respecting common expenses, and this section applies in the same manner as to an owner and where the lessee is in contravention of an order under this section, the court may terminate the lease.

ss. 24a, 24b,
enacted

13. The said Act is further amended by adding thereto the following sections:

SALE AND LEASE OF UNITS

Implied
covenants in
agreements
of purchase
and sale

24a.—(1) Every agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes shall be deemed to contain,

(a) a covenant by the vendor to take all reasonable steps to register a declaration and description in respect of the property in which the unit is included without delay;

(b) a covenant by the vendor to take all reasonable steps to sell the other units included in the property without delay other than any units mentioned in a statement under clause *c* of subsection 1 of section 24*d*; and

(c) a covenant by the vendor to take all reasonable steps to deliver to the purchaser a registrable deed or transfer of the unit without delay.

Failure to
register
declaration
within a
specified
period

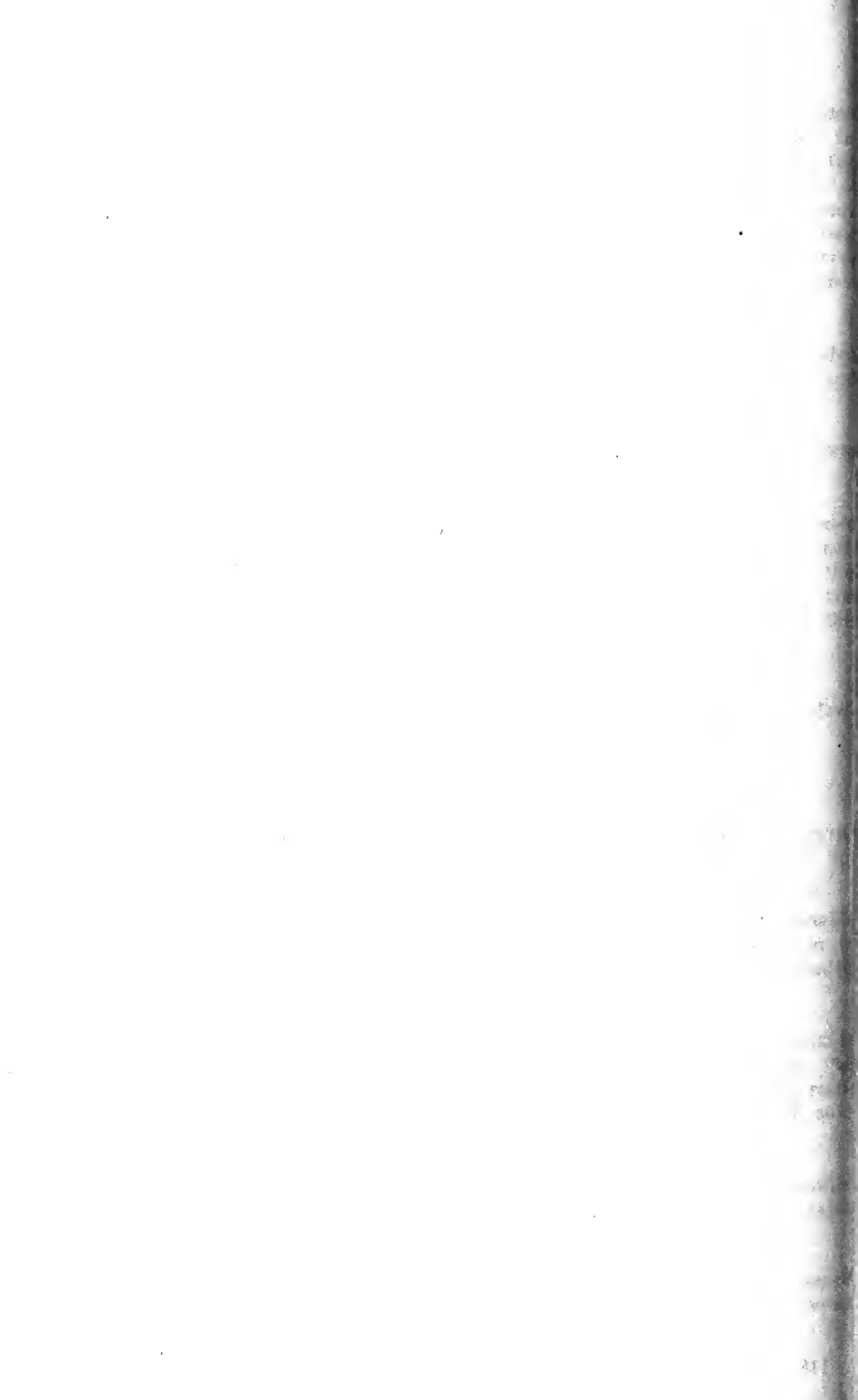
(2) Notwithstanding any provision to the contrary contained therein, an agreement of purchase and sale of a proposed

SECTION 12.—Subsection 1. The amendment provides for applications to compel owners to comply with the Act, declaration and by-laws to be made to the county court instead of the Supreme Court.

Subsection 2. The new provision makes lessees subject to the duties of owners and breach of an order of the court for compliance may result in termination of the lease.

SECTION 13. The new section 24a implies certain covenants in agreements of purchase and sale of proposed units. It also protects purchasers of units where the declaration and description are not registered within a period of time specified in the agreement of purchase and sale and where the purchaser is required or permitted to occupy the unit before the declaration and description are registered.

The new section 24b requires the declarant to disclose certain intentions to a proposed purchaser and to show any changes therein at the time the declaration and description is registered so the purchaser can assess his right to terminate because of material change. When the declarant understates the amount of common expenses he is required to pay the excess.



unit for residential purposes shall not be terminated by the proposed declarant only by reason of the failure to register the declaration and description within a period of time specified in the agreement, unless the purchaser consents to the termination in writing.

(3) Notwithstanding subsection 2, the proposed declarant may apply to a judge of a county or district court and the judge may by order terminate the agreement if he is satisfied that, ^{Application to court}

- (a) the proposed declarant has taken all reasonable steps to register a declaration and description;
- (b) a declaration and description cannot be registered within a reasonable period of time; and
- (c) the failure and inability to register a declaration and description is caused by circumstances beyond the control of the proposed declarant.

(4) The judge may, in an order under subsection 3, provide that a declaration and description shall not be registered in respect of the property in which the proposed unit is included during such period as he specifies in the order. ^{Subsequent registration under Act}

(5) An order under subsection 3 is ineffective until a certified copy thereof is registered. ^{Registration of order}

(6) Where an agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes permits or requires the purchaser to take possession of or occupy the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the money paid in respect of such right or obligation to the proposed declarant shall be credited as payments of the purchase price unless the agreement states that the money or any part of it will not be so credited. ^{Payments of purchase price}

24b.—(1) An agreement of purchase and sale entered into by a declarant of a unit for residential purposes is not binding on the purchaser unless the declarant has previously delivered to the purchaser a copy of, ^{Disclosure before sale}

- (a) the declaration;
- (b) those parts of the description showing,

- (i) the perimeter of the horizontal surface of the land and the perimeter of the buildings,
 - (ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the unit in relation to the other units and the buildings, and
 - (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) any by-law; and
- (d) any agreement for the management of the property or for the provision of services to or otherwise affecting the common elements.

Idem

(2) An agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes shall not be binding on the purchaser unless the proposed declarant has previously delivered to the purchaser a copy of,

- (a) the proposed declaration;
- (b) those parts of the proposed description showing,
 - (i) the perimeter of the horizontal surface of the land and perimeter of the buildings,
 - (ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the units in relation to the other units and the buildings, and
 - (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) any proposed by-law;
- (d) any agreement or proposed agreement for the management of the property or for the provision of services to or otherwise affecting the common elements; and
- (e) a statement setting out the monthly amount to be contributed to the common expenses by the purchaser for the twelve months immediately following the registration of the declaration and description.

SECTION 14. The new section 24c provides that any money received by a condominium developer on the sale of a unit is trust money and is to be held in approved banking depositories until completion of registration of the condominium corporation. Where the purchaser is entitled to the money on termination, interest thereon is payable.

(3) Where an agreement of purchase and sale to which subsection 2 applies has been entered into, the proposed declarant shall, at least ten days before delivering a deed or transfer for the unit to the purchaser, deliver to the purchaser a further copy of each document or instrument mentioned in subsection 1 or confirmation that the document or instrument is identical in all substantial or material respects to a corresponding document or instrument previously delivered to him under subsection 2.

(4) Where the common expenses for any month exceed the amount set out in the statement mentioned in clause *c* of subsection 2, the declarant shall forthwith pay to the corporation the amount in excess of the amount set out in the statement except where the amount to be contributed to the common expenses is fixed by a vote of $66\frac{2}{3}$ per cent of the owners of units, other than the declarant.

(5) This section does not apply to agreements of purchase and sale entered into before the 1st day of January, 1975.

14. The said Act is further amended by adding thereto the following section: s. 24c. enacted

24c.—(1) All money received by or on behalf of a proposed declarant on account of a sale or an agreement for the purchase and sale of a proposed unit for residential purposes before the registration of the declaration and description, other than money paid as rent or as an occupancy charge, shall be held in trust by that person for the person entitled thereto in respect of the agreement and such money shall be held in a separate account designated as a trust account at a chartered bank or trust company or loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office until,

(a) its disposition to the person entitled thereto under the terms of the agreement or after its termination; or

(b) delivery of prescribed security to the purchaser for repayment.

(2) Where an agreement of purchase and sale referred to in subsection 1 is terminated and the purchaser is entitled to the return of any money paid under the agreement, the proposed declarant shall pay to the purchaser interest at the prescribed rate.

(3) Subject to subsection 2, where a purchaser of a proposed unit under an agreement of purchase and sale

referred to in subsection 1 enters into possession or occupation of the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the proposed declarant shall pay interest at the prescribed rate on all money received by him on account of the purchase price.

Idem

(4) Subject to subsections 2 and 3, the proposed declarant is entitled to any interest earned on the money required to be held in trust under subsection 1.

Application of section

(5) This section does not apply in respect of money received before the day on which section 14 of *The Condominium Amendment Act, 1974* comes into force.

ss. 24d, 24e, enacted

15. The said Act is further amended by adding thereto the following sections:

Leases of units

24d.—(1) A declarant or proposed declarant shall not grant a lease of a unit or proposed unit for residential purposes unless,

- (a) the lessee has entered into a *bona fide* agreement to purchase the unit;
- (b) the lease grants to the lessee a *bona fide* option to purchase the unit;
- (c) every agreement of purchase and sale of a unit included in the property includes a statement that the unit to be included in the lease is or will be leased and specifies the uses that are or will be permitted by the lease; or
- (d) written notice of the lessor's intention to lease the unit has been given to every purchaser under an agreement of purchase and sale, registered owner and mortgagee and chargee entitled to vote, and the period referred to in subsection 2 has expired or, where an application is made under subsection 2, it is finally disposed of.

Application to court

(2) Any person notified under clause *d* of subsection 1 may, within twenty-one days after receiving the notice, apply to a judge of a county or district court, and the judge, if he is of the opinion that the declarant has not taken all reasonable steps to sell the unit, may by order prohibit the declarant from leasing the unit or grant such other relief as he considers proper.

SECTION 15. The new section 24*d* limits the developers right to lease a unit both before and after the registration of the declaration and description.

The new section 24*e* provides for penalties.

SECTION 16. The amendment authorizes regulations in respect of the matters contained in the clauses.

(3) The notice mentioned in clause *d* of subsection 1 shall specify the unit or units intended to be leased and the uses that will be permitted by the lease but need not set out any other terms or identify any proposed lessee. ^{Contents of notice}

(4) A declarant or proposed declarant shall not grant a lease of a unit or proposed unit for residential purposes for a period of more than four years, including renewals. ^{Term of lease}

(5) This section does not apply to the renewal of a lease of a unit or proposed unit entered into before any agreement of purchase and sale of any unit or proposed unit included in the property is entered into. ^{Exemption}

(6) In this section, "lease" includes a license to use or occupy and any agreement in the nature of a lease. ^{Lease, defined}

24e. Every person who knowingly contravenes subsection 1 or 4 of section 15*b*, or subsection 1 of section 24*c*, or knowingly purports to enter into a lease in contravention of subsection 1 or 4 of section 24*d*, is guilty of an offence and on summary conviction is liable to a fine of, ^{Offences}

- (a) not more than \$25,000, where the person is a corporation; or
- (b) not more than \$2,000, where the person is other than a corporation.

16. Clause *k* of subsection 1 of section 25 of the said Act is ^{s. 25 (1) (k), re-enacted} repealed and the following substituted therefor:

- (*k*) governing funds intended for the payment of common expenses;
- (*l*) requiring and governing the books, accounts and records that shall be kept by condominium corporations and requiring and governing the accounting to members of condominium corporations in such manner and at such times as are prescribed;
- (*m*) exempting any class of person from this Act or the regulations or any provision thereof;
- (*n*) prescribing security for the purposes of clause *c* of subsection 1 of section 24*a*;
- (*o*) prescribing rates of interest that shall be paid on moneys required to be held in trust under this Act.

s. 26,
enacted

17. The said Act is further amended by adding thereto the following section:

LEASEHOLD CONDOMINIUMS

Registration
of leasehold
condo-
minium

26.—(1) A person who is the lessee of land owned by and leased from the Crown or any agency of the Crown designated in the regulations for a term of not less than ninety-nine years may, with the consent of the Crown or the agency, register a declaration and description.

Registration
by Crown

(2) The Crown or agency may enter into a lease of land with itself for the purposes of this section, in which case the lease shall not merge in the fee by operation of law.

Application
of Act

(3) Upon the registration of a declaration and description under this section, the land and the interests appurtenant to the land described in the description are governed' by this Act which, subject to subsection 6, applies *mutatis mutandis* thereto.

Assignments
of units

(4) The lessee from the Crown or agency who registers a declaration and description under this section may assign or transfer the leasehold estate in respect of each unit designated in the description and for the purposes of this Act he shall be deemed to be the declarant and the assignee shall be deemed to be the owner of the unit.

Application
of
R.S.O. 1970,
c. 236

(5) Part IV of *The Landlord and Tenant Act* does not apply in respect of leases or assignments or transfers thereof that are subject to this section.

Regulations

(6) The Lieutenant Governor in Council may make regulations,

(a) designating provisions of this Act that do not apply to properties in respect of which this section applies;

(b) making such modifications to the application of the provisions of this Act, other than this section, that apply to properties under this section as are considered necessary to adapt their application *mutatis mutandis* to leasehold condominium projects;

(c) providing for such matters as are considered necessary for the purpose of effecting condominium projects in respect of leasehold land that are equivalent to those provided for by this Act in respect of freehold land.

SECTION 17. The new provision enables condominiums to be created on land under long-term lease from the Crown

- 18.**—(1) This Act, except sections 14 and 17, comes into force ^{Commence-} on the 1st day of January, 1975. _{ment}
- (2) Sections 14 and 17 come into force on a day to be ^{idem} named by proclamation of the Lieutenant Governor.
- 19.** This Act may be cited as *The Condominium Amendment Act*, ^{Short title} 1974.

An Act to amend
The Condominium Act

1st Reading

June 25th, 1974

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial
Relations

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Condominium Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Administration of Justice Committee)

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1. The amendment amends the consents required to the registration of a declaration.

An Act to amend The Condominium Act

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

1. Subsection 1 of section 1 of *The Condominium Act*, being ^{s 1(1),} chapter 77 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(ha) "declarant" means the owner or owners in fee simple of the land described in the description at the time of the registration of a declaration and description of the land, and includes any successor or assignee of such owner or owners but does not include a *bona fide* purchaser of a unit who actually pays fair market value or any successor or assignee of such purchaser;

(na) "proposed unit" means land described in an agreement of purchase and sale that provides for delivery to the purchaser of a deed or transfer capable of registration after a declaration and description have been registered in respect of the land.

- 2.—(1) Clause *b* of subsection 1 of section 3 of the said Act ^{s 3(1)(b),} is repealed and the following substituted therefor: ^{re-enacted}

(b) the consent, in the prescribed form, of every person having a registered charge, mortgage, lien, or other claim securing the payment of money against the land or interests appurtenant to the land described in the description, other than a municipality having a registered agreement with the owner of the land described in the description or with any predecessor in title of the owner.

s. 3,
amended

(2) The said section 3 is amended by adding thereto the following subsections:

Change of
address
for service

(5) Notwithstanding subsections 3 and 4, the corporation may by resolution of the board change its address for service and the change does not take effect until notice thereof in the prescribed form is registered.

Amendment
by judge

(6) The corporation on at least seven days notice to every owner, or an owner on at least seven days notice to the corporation and every other owner, may apply to a judge of the county or district court for an order amending the declaration or description and the judge, if he is satisfied that an amendment is necessary or desirable to correct a manifest error or inconsistency in the declaration or description or arising out of the carrying out of the intent and purpose of the declaration or description, may make the order.

Registration

(7) An amendment to a declaration or description made by an order under subsection 6 is ineffective until a certified copy of the order is registered.

s. 5 (1),
amended

3.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “master of titles and every registrar of deeds” in the first line and inserting in lieu thereof “land registrar”.

s. 5 (3),
amended

(2) Subsection 3 of the said section 5 is amended by striking out “master of titles and every registrar of deeds” in the first line and inserting in lieu thereof “land registrar”.

s. 8a,
enacted

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

Easements
and leases
of common
elements

8a.—(1) The corporation may, by by-law,

(a) lease any part of the common elements, except any part that the declaration specifies are to be used by the owners of one or more designated units and not by all the owners; and

(b) grant or transfer an easement or licence through the common elements.

Binding on
all owners

(2) A lease or a grant or transfer of an easement or licence mentioned in subsection 1, signed by the authorized officers of the corporation under its seal, affects the interest of every owner in the common elements as if the lease grant or transfer had been executed by him, and shall have attached thereto an affidavit of one of the officers stating that the lease, grant or transfer was authorized by a by-law of the corporation.

Subsection 2 The new subsection 5 would allow the corporation to change its address for service by registering a notice in the prescribed form. At present the corporation can only change its address for service by amending the declaration, thus requiring the consent of all owners and all persons having registered encumbrances against the units and common elements.

The amendment also enables a declaration or description to be amended by a judge to correct a manifest error or inconsistency.

SECTION 3 The titles of land registrars are made to accord with 1972 amendments to *The Land Titles Act* and *The Registry Act*.

SECTION 4 The new section allows the corporation, on behalf of every owner, to grant easements or licences for the provision of services through the common elements and to lease any part of the common elements other than those parts designated as limited common elements.

SECTION 5.—Subsection 1. The new subsection 2 provides authority for the land registrar to assign a name to a corporation in accordance with the regulations.

Subsection 2. The new provisions provide for the filling of vacancies in the board of directors by appointment and the removal of directors.

SECTION 6. The new sections 9*a* and 9*b* provide for compulsory annual meetings, the giving of notice of such meetings and a record date for the giving of such notice. They also provide for the termination of the board of directors who are elected at a time when the developer is the owner of a majority of the units, and the election of a new board. They additionally deal with other meetings and allow for a stipulated percentage of the members of the corporation to compel the board to call a meeting.

5.—(1) Subsection 2 of section 9 of the said Act is repealed s. 9 (2). re-enacted and the following substituted therefor:

(2) The land registrar shall assign a name to each Name of corporation corporation or proposed corporation in accordance with the regulations.

(2) Subsection 7 of the said section 9 is repealed and the s. 9 (7). re-enacted following substituted therefor:

(7) If a vacancy in the membership of the board occurs, Vacancy the majority of the remaining members of the board may appoint any person qualified to be a member of the board under the declaration or by-laws to fill the vacancy for the remainder of the term.

(7a) Any director may be removed before the expiration Removal of his term by a vote of members who together own a majority of the units and the members may elect any person qualified to be a member of the board under the declaration or by-laws for the remainder of the term of the director removed.

6. The said Act is further amended by adding thereto the ss. 9a, 9b. enacted following sections:

9a.—(1) A corporation shall hold an annual meeting of Annual meetings the members not more than three months after the registration of the declaration and description, and subsequently not more than fifteen months after the holding of the last preceding annual meeting, and at such meeting any member of the corporation or any mortgagee or chargee entitled to vote shall have an opportunity to raise any matter relevant to the affairs and business of the corporation.

(2) The board may at any time call a meeting of the Other meetings members of the corporation for the transaction of any business, the nature of which shall be specified in the notice calling the meeting.

(3) The board shall, upon receipt of a requisition in Requisition for members meeting writing made by members of the corporation who together own at least 25 per cent of the common elements, call and hold a meeting of the members of the corporation and if the meeting is not called and held within thirty days of receipt of the requisition, any of the requisitionists may call the meeting, and in such case, the meeting shall be held within sixty days of receipt of the requisition.

- Requisition (4) The requisition shall state the nature of the business to be presented at the meeting, and shall be signed by the requisitionists and deposited at the address for service of the corporation.
- Notice (5) At least ten days written notice of every meeting of the members of the corporation specifying the place, the date and the hour thereof and the nature of the business to be presented shall be given to each member and to each mortgagee or chargee entitled to vote, personally or by prepaid mail addressed to him at the address provided under subsection 6.
- Record for notice (6) The corporation shall maintain a record upon which shall be entered each owner or mortgagee or chargee who notifies the corporation of his entitlement to vote and of his address for service and the notice of a meeting required by subsection 5 shall be deemed to be sufficiently given if given in accordance with subsection 5 to those persons entered on the record twelve days before the date of the meeting.
- Right to vote (7) A mortgagee or chargee who receives a notice shall, in order to be entitled to exercise the right of the owner to vote or to consent, notify the corporation and the owner of his intention to exercise such right at least two days before the date specified in the notice for the meeting.
- Election of new board 9b.—(1) The board elected at a time when the declarant owns a majority of the units shall, not more than twenty-one days after the declarant ceases to be the registered owner of a majority of the units, call a meeting of the members of the corporation to elect a new board of directors, and such meeting shall be held within twenty-one days after the calling of the meeting.
- Member, etc., may call meeting (2) If the meeting referred to in subsection 1 is not called within the time provided for by that subsection, any member of the corporation, or any mortgagee or chargee entitled to vote may call the meeting.
- s. 10 (1), amended 7. Subsection 1 of section 10 of the said Act is amended by adding thereto the following clause:
- (ha) authorizing the borrowing of money to carry out the objects and duties of the corporation.
- s. 11 (1), amended 8. Subsection 1 of section 11 of the said Act is amended by striking out "owners" in the second line, and inserting in lieu

SECTION 7. The amendment permits by-laws for borrowing purposes.

SECTION 8. The amendment ensures that the making of rules respecting the use of common elements requires a majority of owners.

SECTION 9. The amendment ensures that political canvassers will not be denied entrance to condominium buildings.

SECTION 10. Provision is made to secure arrears of payments respecting common expenses by a lien against the unit.

SECTION 11. The amendment removes doubt as to whether a corporation has a dominant tenancy capable of supporting its rights as the grantor of an easement.

SECTION 12. The new section 15a provides for the termination of management agreements entered into before the owners outvote the declarant.

The new section 15b allows the corporation, or any unit owner, mortgagee or chargee to examine the records of every person in receipt of money for the payment of common expenses with respect to the disposition of such money. The section additionally allows the corporation or any unit owner or mortgagee or chargee to apply to the court for an investigation or audit of that person and requires that all such money be held as trust money in an approved banking depository.

thereof "members of the corporation who together own a majority of the units".

9. The said Act is further amended by adding thereto the following section: s. 11a
enacted

11a. No corporation or servant or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or school board for the purpose of canvassing or distributing election material. Entry
by
canvassers

10. Subsection 4 of section 13 of the said Act is repealed and the following substituted therefor: s. 13 (4),
re-enacted

(4) Where an owner defaults in his obligation to contribute to the corporation towards the common expenses in the proportion allocated to his unit, the corporation has a lien for the unpaid amount against that unit and its appurtenant common interest. Lien

(4a) The lien mentioned in subsection 4 expires three months after the default that gave rise to the lien first occurred unless the corporation within that time registers a notice of lien in the prescribed form. Expiration
of lien

(4b) Any person acquiring an interest in a unit from an owner may, with the consent of the owner, request the corporation to give a certificate in the prescribed form in respect of the common expenses of the owner and of default in payment thereof, if any, by the owner, and the certificate binds the corporation as against the person requesting the certificate in respect of any default or otherwise shown in the certificate, as of the day it is given. Certificate
of
lien

(4c) The corporation shall give the certificate requested under subsection 4b within seven days after its receipt of the request therefor and where the corporation fails to give the certificate within the time prescribed, the corporation shall be deemed, as against the person requesting the certificate, to have given a certificate stating no default. Idem

11. Section 14 of the said Act is amended by adding thereto the following subsection: s. 14,
amended

(1a) A grant or transfer of an easement to the corporation is as effective as if the corporation owns land capable of being benefited by the easement. Easement

12. The said Act is further amended by adding thereto the following sections: ss. 15a, 15b,
enacted

MANAGEMENT AGREEMENT

Management
agreement

15a. The corporation may, by a vote of members who own 66-2/3 per cent of the common elements, terminate, on giving sixty days notice in writing, any agreement between the corporation and any person for the management of the property entered into at a time when the majority of the members of the board of directors were elected when the declarant was the registered owner of a majority of the units.

INVESTIGATION OF RECORDS

Examination
of records

15b.—(1) Every person in receipt of money paid by or on behalf of an owner for the payment of common expenses shall, upon reasonable notice and during normal business hours, make available for examination by the corporation or any owner, mortgagee or chargee, all records relating to the disposition of such money.

Application
to court

(2) Upon application to a judge of a county or district court by the corporation or any owner, mortgagee or chargee, the judge, if satisfied that the application is made in good faith and that it is *prima facie* in the best interests of the applicant to do so, may make an order, upon such terms as to the costs of the investigation or audit or otherwise as he considers proper, appointing an inspector to make such investigation of the affairs of any person in receipt of money mentioned in subsection 1 and to make such audit of the accounts and records of such person as the judge considers necessary.

Powers of
inspector
1971, c. 49

(3) An inspector appointed under subsection 2 has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation or audit as if it were an inquiry under that Act.

Trust
money

(4) All money received for the payment of common expenses relating to a property after the 1st day of April, 1975 shall be held by the person in receipt thereof in trust for the performance of the duties and obligations in respect of which the money is paid, and he shall pay such money into a separate account at a chartered bank or trust company or a loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office and shall designate the account as a trust account.

s. 23 (1),
amended

13.—(1) Subsection 1 of section 23 of the said Act is amended by striking out "Supreme Court" in the fourth line and inserting in lieu thereof "county or district court".

SECTION 13—Subsection 1. The amendment provides for applications to compel owners to comply with the Act, declaration and by-laws to be made to the county court instead of the Supreme Court.

Subsection 2. The new provision makes lessees subject to the duties of owners and breach of an order of the court for compliance may result in termination of the lease.

SECTION 14. The new section 24*a* implies certain covenants in agreements of purchase and sale of proposed units. It also protects purchasers of units where the declaration and description are not registered within a period of time specified in the agreement of purchase and sale and where the purchaser is required or permitted to occupy the unit before the declaration and description are registered.

The new section 24*b* requires the declarant to disclose certain intentions to a proposed purchaser and to show any changes therein at the time the declaration and description is registered so the purchaser can assess his right to terminate because of material change. When the declarant understates the amount of common expenses he is required to pay the excess.

(2) Section 23 of the said Act is amended by adding thereto the following subsection: s. 23, amended

(2a) The lessee of a unit is subject to the duties imposed by this Act, the declaration and the by-laws, on an owner, except those duties respecting common expenses, and this section applies in the same manner as to an owner and where the lessee is in contravention of an order under this section, the court may terminate the lease. Application to lessees

14. The said Act is further amended by adding thereto the following sections: ss. 24a, 24b, enacted

SALE AND LEASE OF UNITS

24a.—(1) Every agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes shall be deemed to contain, Implied covenants in agreements of purchase and sale

- (a) a covenant by the vendor to take all reasonable steps to register a declaration and description in respect of the property in which the unit is included without delay;
- (b) a covenant by the vendor to take all reasonable steps to sell the other residential units included in the property without delay other than any units mentioned in a statement under clause *c* of subsection 1 of section 24*d*; and
- (c) a covenant by the vendor to take all reasonable steps to deliver to the purchaser a registrable deed or transfer of the unit without delay.

(2) Notwithstanding any provision to the contrary contained therein, an agreement of purchase and sale of a proposed unit for residential purposes shall not be terminated by the proposed declarant only by reason of the failure to register the declaration and description within a period of time specified in the agreement, unless the purchaser consents to the termination in writing. Failure to register declaration within a specified period

(3) Notwithstanding subsection 2, the proposed declarant may apply to a judge of a county or district court and the judge may by order terminate the agreement if he is satisfied that, Application to court

- (a) the proposed declarant has taken all reasonable steps to register a declaration and description;
- (b) a declaration and description cannot be registered within a reasonable period of time; and

- (c) the failure and inability to register a declaration and description is caused by circumstances beyond the control of the proposed declarant.

Subsequent
registration
under Act

(4) The judge may, in an order under subsection 3 provide that a declaration and description shall not be registered in respect of the property in which the proposed unit is included during such period as he specifies in the order.

Registration
of order

(5) An order under subsection 3 is ineffective until a certified copy thereof is registered.

Payments
of purchase
price

(6) Where an agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes permits or requires the purchaser to take possession of or occupy the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the money paid in respect of such right or obligation to the proposed declarant shall be credited as payments of the purchase price unless the agreement states that the money or any part of it will not be so credited.

Disclosure
before sale

24b.—(1) An agreement of purchase and sale entered into by a declarant of a unit for residential purposes is not binding on the purchaser unless the declarant has previously delivered to the purchaser a copy of,

- (a) the declaration;
- (b) those parts of the description showing,
 - (i) the perimeter of the horizontal surface of the land and the perimeter of the buildings,
 - (ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the unit in relation to the other units and the buildings, and
 - (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) a statement of the recreational or other amenities intended to be provided by the declarant for the enjoyment of the owners and of the conditions, if any, that apply to the provision of such amenities;

- (d) any by-laws or any rules governing the use of common elements;
- (e) any agreement for the management of the property or insurance trust agreement; and
- (f) a budget statement prepared by the declarant for the year immediately following the registration of the declaration and description setting out the common expenses, the proposed amount of each expense, particulars of the service to be provided and the amount to be contributed by the purchaser for the year.

(2) An agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes shall not be binding on the purchaser unless the proposed declarant has previously delivered to the purchaser a copy of,

- (a) the proposed declaration;
- (b) those parts of the proposed description showing,
 - (i) the perimeter of the horizontal surface of the land and perimeter of the buildings,
 - (ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the units in relation to the other units and the buildings, and
 - (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) a statement of the recreational or other amenities intended to be provided by the declarant for the enjoyment of the owners and of the conditions, if any, that apply to the provision of such amenities;
- (d) any proposed by-laws or any proposed rules governing the use of common elements;
- (e) any agreement or proposed agreement for the management of the property or insurance trust agreement; and
- (f) a budget statement prepared by the proposed declarant for the year immediately following the registration of the declaration and description setting

out the common expenses, the proposed amount of each expense, particulars of the service to be provided and the amount to be contributed by the purchaser for the year.

Further disclosure before transfer of title

(3) Where an agreement of purchase and sale to which subsection 2 applies has been entered into, the proposed declarant shall, at least ten days before delivering a deed or transfer for the unit to the purchaser, deliver to the purchaser a further copy of each document or instrument mentioned in subsection 1 or confirmation that the document or instrument is identical in all substantial or material respects to a corresponding document or instrument previously delivered to him under subsection 2.

Inaccurate statement of common expenses

(4) Where the total amount incurred for the common expenses provided for in the statement mentioned in clause *e* of subsection 2 exceeds the total of the proposed amounts set out in the statement, the declarant shall forthwith pay to the corporation the amount of the excess except in respect of increased expenses referable to the determination of an agreement under section 15*a*.

Application of section

(5) This section does not apply to agreements of purchase and sale entered into before the 1st day of April, 1975.

s. 24*c*, enacted

15. The said Act is further amended by adding thereto the following section:

Trust money

24*c*.—(1) All money received by or on behalf of a proposed declarant from a purchaser on account of a sale or an agreement for the purchase and sale of a proposed unit for residential purposes before the registration of the declaration and description, other than money paid as rent or as an occupancy charge, shall be held in trust by the person receiving such money for the person entitled thereto in respect of the agreement and such money shall be held in a separate account designated as a trust account at a chartered bank or trust company or loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office until,

- (a) its disposition to the person entitled thereto; or
- (b) delivery of prescribed security to the purchaser for repayment.

Interest

(2) Where an agreement of purchase and sale referred to in subsection 1 is terminated and the purchaser is entitled to the return of any money paid under the agreement, the proposed declarant shall pay to the purchaser interest on such money at the prescribed rate.

SECTION 15. The new section 24c provides that any money received by a condominium developer on the sale of a unit is trust money and is to be held in approved banking depositories until completion of registration of the condominium corporation and provides for the payment of interest thereon

SECTION 16. The new section 24*d* limits the developers right to lease a unit both before and after the registration of the declaration and description.

The new section 24*e* provides for penalties.

(3) Subject to subsection 2, where a purchaser of a ^{idem} proposed unit under an agreement of purchase and sale referred to in subsection 1 enters into possession or occupation of the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the proposed declarant shall pay interest at the prescribed rate on all money received by him on account of the purchase price from the day the purchaser enters into possession or occupation until the day a deed or transfer acceptable for registration is delivered to him.

(4) Subject to subsections 2 and 3, the proposed declarant ^{idem} is entitled to any interest earned on the money required to be held in trust under subsection 1.

(5) This section does not apply in respect of money ^{Application of section} received before the day on which section 15 of *The Condominium Amendment Act, 1974* comes into force.

16. The said Act is further amended by adding thereto the following sections: ^{ss. 24d, 24e. enacted}

24d.—(1) A declarant or proposed declarant shall not grant ^{Leases of units} a lease of a unit or proposed unit for residential purposes unless,

- (a) the lessee has entered into a *bona fide* agreement to purchase the unit;
- (b) the lease grants to the lessee a *bona fide* option to purchase the unit;
- (c) every agreement of purchase and sale of a unit included in the property includes a statement that the unit to be included in the lease is or will be leased and specifies the uses that are or will be permitted by the lease; or
- (d) written notice of the lessor's intention to lease the unit has been given to every purchaser under an agreement of purchase and sale, registered owner and mortgagee and chargee entitled to vote, and the period referred to in subsection 2 has expired or, where an application is made under subsection 2, it is finally disposed of.

(2) Any person notified under clause *d* of subsection 1 ^{Application to court} may, within twenty-one days after receiving the notice, and on written notice to the declarant, apply to a judge

of a county or district court, and the judge, if he is of the opinion that the declarant has not taken all reasonable steps to sell the unit, may by order prohibit the declarant from leasing the unit or grant such other relief as he considers proper.

Contents
of notice

(3) The notice mentioned in clause *d* of subsection 1 shall specify the unit or units intended to be leased and the uses that will be permitted by the lease but need not set out any other terms or identify any proposed lessee.

Terms of
leases

(4) A declarant or proposed declarant may grant leases of a unit or proposed unit for residential purposes for a period in each case not exceeding two years, including renewals, provided that subsection 1 is complied with in respect of each lease.

Exemption

(5) This section does not apply to the renewal of a lease of a unit or proposed unit entered into before any agreement of purchase and sale of any unit or proposed unit included in the property is entered into.

Lease,
defined

(6) In this section, "lease" includes a license to use or occupy and any agreement in the nature of a lease.

Offences

24*e*. Every person who knowingly contravenes section 11*a*, subsection 1 or 4 of section 15*b*, or subsection 1 of section 24*c*, or knowingly purports to enter into a lease in contravention of subsection 1 or 4 of section 24*d*, is guilty of an offence and on summary conviction is liable to a fine of,

(*a*) not more than \$25,000, where the person is a corporation; or

(*b*) not more than \$2,000, where the person is other than a corporation.

s. 25 (1) (*k*),
re-enacted

17. Clause *k* of subsection 1 of section 25 of the said Act is repealed and the following substituted therefor:

(*k*) governing funds intended for the payment of common expenses;

(*l*) requiring and governing the books, accounts and records that shall be kept by condominium corporations and requiring and governing the accounting to members of condominium corporations in such manner and at such times as are prescribed;

(*m*) exempting any class of person from this Act or the regulations or any provision thereof;

SECTION 17. The amendment authorizes regulations in respect of the matters contained in the clauses

SECTION 18. The new provision enables condominiums to be created on land under long-term lease from the Crown.

- (n) prescribing security for the purposes of clause c of subsection 1 of section 24a;
- (o) prescribing rates of interest that shall be paid on moneys required to be held in trust under this Act.

18. The said Act is further amended by adding thereto the following section: s. 26.
enacted

LEASEHOLD CONDOMINIUMS

26.—(1) A person who is the lessee of land owned by and leased from the Crown or any agency of the Crown designated in the regulations for a term of not less than ninety-nine years may, with the consent of the Crown or the agency, register a declaration and description. Registration
of leasehold
condo-
minium

(2) The Crown or agency may enter into a lease of land with itself for the purposes of this section, in which case the lease shall not merge in the fee by operation of law. Registration
by Crown

(3) Upon the registration of a declaration and description under this section, the land and the interests appurtenant to the land described in the description are governed by this Act which, subject to subsection 6, applies *mutatis mutandis* thereto. Application
of Act

(4) The lessee from the Crown or agency who registers a declaration and description under this section may assign or transfer the leasehold estate in respect of each unit designated in the description and for the purposes of this Act he shall be deemed to be the declarant and the assignee shall be deemed to be the owner of the unit. Assignments
of units

(5) Part IV of *The Landlord and Tenant Act* does not apply in respect of leases or assignments or transfers thereof that are subject to this section. Application
of
R.S.O. 1970.
c. 236

(6) The Lieutenant Governor in Council may make regulations, Regulations

- (a) designating provisions of this Act that do not apply to properties in respect of which this section applies;
- (b) making such modifications to the application of the provisions of this Act, other than this section, that apply to properties under this section as are considered necessary to adapt their application *mutatis mutandis* to leasehold condominium projects;

(c) providing for such matters as are considered necessary for the purpose of effecting condominium projects in respect of leasehold land that are equivalent to those provided for by this Act in respect of freehold land;

(d) designating agencies of the Crown for the purpose of subsection 1.

Commence-
ment

19.—(1) This Act, except sections 10, 15 and 18, comes into force on the 1st day of April, 1975.

Idem

(2) Sections 10, 15 and 18 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

20. This Act may be cited as *The Condominium Amendment Act, 1974*.



An Act to amend
The Condominium Act

1st Reading

June 25th, 1974

2nd Reading

December 5th, 1974

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial
Relations

*(Reprinted as amended by the
Administration of Justice Committee)*

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Condominium Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

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

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1. The amendment amends the consents required to the registration of a declaration.

An Act to amend The Condominium Act

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

1. Subsection 1 of section 1 of *The Condominium Act*, being ^{s. 1 (1),} amended chapter 77 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:
 - (ha) "declarant" means the owner or owners in fee simple of the land described in the description at the time of the registration of a declaration and description of the land, and includes any successor or assignee of such owner or owners but does not include a *bona fide* purchaser of a unit who actually pays fair market value or any successor or assignee of such purchaser;
 - (na) "proposed unit" means land described in an agreement of purchase and sale that provides for delivery to the purchaser of a deed or transfer capable of registration after a declaration and description have been registered in respect of the land.
- 2.—(1) Clause *b* of subsection 1 of section 3 of the said Act ^{s. 3 (1) (b),} re-enacted is repealed and the following substituted therefor:
 - (b) the consent, in the prescribed form, of every person having a registered charge, mortgage, lien, or other claim securing the payment of money against the land or interests appurtenant to the land described in the description, other than a municipality having a registered agreement with the owner of the land described in the description or with any predecessor in title of the owner.

s. 3,
amended

(2) The said section 3 is amended by adding thereto the following subsections:

Change of
address
for service

(5) Notwithstanding subsections 3 and 4, the corporation may by resolution of the board change its address for service and the change does not take effect until notice thereof in the prescribed form is registered.

Amendment
by judge

(6) The corporation on at least seven days notice to every owner, or an owner on at least seven days notice to the corporation and every other owner, may apply to a judge of the county or district court for an order amending the declaration or description and the judge, if he is satisfied that an amendment is necessary or desirable to correct a manifest error or inconsistency in the declaration or description or arising out of the carrying out of the intent and purpose of the declaration or description, may make the order.

Registration

(7) An amendment to a declaration or description made by an order under subsection 6 is ineffective until a certified copy of the order is registered.

s. 5 (1),
amended

3.—(1) Subsection 1 of section 5 of the said Act is amended by striking out "master of titles and every registrar of deeds" in the first line and inserting in lieu thereof "land registrar".

s. 5 (3),
amended

(2) Subsection 3 of the said section 5 is amended by striking out "master of titles and every registrar of deeds" in the first line and inserting in lieu thereof "land registrar".

s. 8a,
enacted

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

8a.—(1) The corporation may, by by-law,

(a) lease any part of the common elements, except any part that the declaration specifies are to be used by the owners of one or more designated units and not by all the owners; and

(b) grant or transfer an easement or licence through the common elements.

Binding on
all owners

(2) A lease or a grant or transfer of an easement or licence mentioned in subsection 1, signed by the authorized officer of the corporation under its seal, affects the interest of every owner in the common elements as if the lease, grant or transfer had been executed by him, and shall have attached thereto an affidavit of one of the officers stating that the lease, grant or transfer was authorized by a by-law of the corporation.

Subsection 2 The new subsection 5 would allow the corporation to change its address for service by registering a notice in the prescribed form. At present the corporation can only change its address for service by amending the declaration, thus requiring the consent of all owners and all persons having registered encumbrances against the units and common elements.

The amendment also enables a declaration or description to be amended by a judge to correct a manifest error or inconsistency.

SECTION 3. The titles of land registrars are made to accord with 1972 amendments to *The Land Titles Act* and *The Registry Act*.

SECTION 4. The new section allows the corporation, on behalf of every owner, to grant easements or licences for the provision of services through the common elements and to lease any part of the common elements other than those parts designated as limited common elements.

SECTION 5.—Subsection 1. The new subsection 2 provides authority for the land registrar to assign a name to a corporation in accordance with the regulations.

Subsection 2. The new provisions provide for the filling of vacancies in the board of directors by appointment and the removal of directors.

SECTION 6. The new sections 9*a* and 9*b* provide for compulsory annual meetings, the giving of notice of such meetings and a record date for the giving of such notice. They also provide for the termination of the board of directors who are elected at a time when the developer is the owner of a majority of the units, and the election of a new board. They additionally deal with other meetings and allow for a stipulated percentage of the members of the corporation to compel the board to call a meeting.

5.—(1) Subsection 2 of section 9 of the said Act is repealed ^{s. 9 (2).} and the following substituted therefor: _{re-enacted}

(2) The land registrar shall assign a name to each ^{Name of} corporation or proposed corporation in accordance with the _{corporation} regulations.

(2) Subsection 7 of the said section 9 is repealed and the ^{s. 9 (7).} following substituted therefor: _{re-enacted}

(7) If a vacancy in the membership of the board occurs, ^{Vacancy} the majority of the remaining members of the board may appoint any person qualified to be a member of the board under the declaration or by-laws to fill the vacancy for the remainder of the term.

(7a) Any director may be removed before the expiration ^{Removal} of his term by a vote of members who together own a majority of the units and the members may elect any person qualified to be a member of the board under the declaration or by-laws for the remainder of the term of the director removed.

6. The said Act is further amended by adding thereto the ^{ss. 9a, 9b.} following sections: _{enacted}

9a.—(1) A corporation shall hold an annual meeting of ^{Annual} the members not more than three months after the regis- _{meetings} tration of the declaration and description, and subsequently not more than fifteen months after the holding of the last preceding annual meeting, and at such meeting any member of the corporation or any mortgagee or chargee entitled to vote shall have an opportunity to raise any matter relevant to the affairs and business of the corporation.

(2) The board may at any time call a meeting of the ^{Other} members of the corporation for the transaction of any _{meetings} business, the nature of which shall be specified in the notice calling the meeting.

(3) The board shall, upon receipt of a requisition in ^{Requisition} writing made by members of the corporation who to- _{for members'} gether own at least 25 per cent of the common elements, call and hold a meeting of the members of the corporation and if the meeting is not called and held within thirty days of receipt of the requisition, any of the requisitionists may call the meeting, and in such case, the meeting shall be held within sixty days of receipt of the requisition.

- Requisition** (4) The requisition shall state the nature of the business to be presented at the meeting, and shall be signed by the requisitionists and deposited at the address for service of the corporation.
- Notice** (5) At least ten days written notice of every meeting of the members of the corporation specifying the place, the date and the hour thereof and the nature of the business to be presented shall be given to each member and to each mortgagee or chargee entitled to vote, personally or by prepaid mail addressed to him at the address provided under subsection 6.
- Record for notice** (6) The corporation shall maintain a record upon which shall be entered each owner or mortgagee or chargee who notifies the corporation of his entitlement to vote and of his address for service and the notice of a meeting required by subsection 5 shall be deemed to be sufficiently given if given in accordance with subsection 5 to those persons entered on the record twelve days before the date of the meeting.
- Right to vote** (7) A mortgagee or chargee who receives a notice shall, in order to be entitled to exercise the right of the owner to vote or to consent, notify the corporation and the owner of his intention to exercise such right at least two days before the date specified in the notice for the meeting.
- Election of new board** 9b.—(1) The board elected at a time when the declarant owns a majority of the units shall, not more than twenty-one days after the declarant ceases to be the registered owner of a majority of the units, call a meeting of the members of the corporation to elect a new board of directors, and such meeting shall be held within twenty-one days after the calling of the meeting.
- Member, etc., may call meeting** (2) If the meeting referred to in subsection 1 is not called within the time provided for by that subsection, any member of the corporation, or any mortgagee or chargee entitled to vote may call the meeting.
- s. 10 (1), amended** 7. Subsection 1 of section 10 of the said Act is amended by adding thereto the following clause:
- (ha) authorizing the borrowing of money to carry out the objects and duties of the corporation.
- s. 11 (1), amended** 8. Subsection 1 of section 11 of the said Act is amended by striking out "owners" in the second line, and inserting in lieu

SECTION 7. The amendment permits by-laws for borrowing purposes.

SECTION 8. The amendment ensures that the making of rules respecting the use of common elements requires a majority of owners.

SECTION 9. The amendment ensures that political canvassers will not be denied entrance to condominium buildings.

SECTION 10. Provision is made to secure arrears of payments respecting common expenses by a lien against the unit.

SECTION 11. The amendment removes doubt as to whether a corporation has a dominant tenancy capable of supporting its rights as the grantor of an easement.

SECTION 12. The new section 15a provides for the termination of management agreements entered into before the owners outvote the declarant.

The new section 15b allows the corporation, or any unit owner, mortgagee or chargee to examine the records of every person in receipt of money for the payment of common expenses with respect to the disposition of such money. The section additionally allows the corporation or any unit owner or mortgagee or chargee to apply to the court for an investigation or audit of that person and requires that all such money be held as trust money in an approved banking depository.

thereof "members of the corporation who together own a majority of the units".

9. The said Act is further amended by adding thereto the following section: s. 11a
enacted

11a. No corporation or servant or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or school board for the purpose of canvassing or distributing election material. Entry
by
canvassers

10. Subsection 4 of section 13 of the said Act is repealed and the following substituted therefor: s. 13 (4),
re-enacted

(4) Where an owner defaults in his obligation to contribute to the corporation towards the common expenses in the proportion allocated to his unit, the corporation has a lien for the unpaid amount against that unit and its appurtenant common interest. Lien

(4a) The lien mentioned in subsection 4 expires three months after the default that gave rise to the lien first occurred unless the corporation within that time registers a notice of lien in the prescribed form. Expiration
of lien

(4b) Any person acquiring an interest in a unit from an owner may, with the consent of the owner, request the corporation to give a certificate in the prescribed form in respect of the common expenses of the owner and of default in payment thereof, if any, by the owner, and the certificate binds the corporation as against the person requesting the certificate in respect of any default or otherwise shown in the certificate, as of the day it is given. Certificate
of
lien

(4c) The corporation shall give the certificate requested under subsection 4b within seven days after its receipt of the request therefor and where the corporation fails to give the certificate within the time prescribed, the corporation shall be deemed, as against the person requesting the certificate, to have given a certificate stating no default. Idem

11. Section 14 of the said Act is amended by adding thereto the following subsection: s. 14,
amended

(1a) A grant or transfer of an easement to the corporation is as effective as if the corporation owns land capable of being benefited by the easement. Easement

12. The said Act is further amended by adding thereto the following sections: ss. 15a, 15b,
enacted

MANAGEMENT AGREEMENT

Management
agreement

15a. The corporation may, by a vote of members who own 66-2/3 per cent of the common elements, terminate, on giving sixty days notice in writing, any agreement between the corporation and any person for the management of the property entered into at a time when the majority of the members of the board of directors were elected when the declarant was the registered owner of a majority of the units.

INVESTIGATION OF RECORDS

Examination
of records

15b.—(1) Every person in receipt of money paid by or on behalf of an owner for the payment of common expenses shall, upon reasonable notice and during normal business hours, make available for examination by the corporation or any owner, mortgagee or chargee, all records relating to the disposition of such money.

Application
to court

(2) Upon application to a judge of a county or district court by the corporation or any owner, mortgagee or chargee, the judge, if satisfied that the application is made in good faith and that it is *prima facie* in the best interests of the applicant to do so, may make an order, upon such terms as to the costs of the investigation or audit or otherwise as he considers proper, appointing an inspector to make such investigation of the affairs of any person in receipt of money mentioned in subsection 1 and to make such audit of the accounts and records of such person as the judge considers necessary.

Powers of
inspector
1971, c. 49

(3) An inspector appointed under subsection 2 has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation or audit as if it were an inquiry under that Act.

Trust
money

(4) All money received for the payment of common expenses relating to a property after the 1st day of April, 1975 shall be held by the person in receipt thereof in trust for the performance of the duties and obligations in respect of which the money is paid, and he shall pay such money into a separate account at a chartered bank or trust company or a loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office and shall designate the account as a trust account.

s. 23 (1),
amended

13. — (1) Subsection 1 of section 23 of the said Act is amended by striking out "Supreme Court" in the fourth line and inserting in lieu thereof "county or district court".

SECTION 13.—Subsection 1 The amendment provides for applications to compel owners to comply with the Act, declaration and by-laws to be made to the county court instead of the Supreme Court.

Subsection 2. The new provision makes lessees subject to the duties of owners and breach of an order of the court for compliance may result in termination of the lease.

SECTION 14. The new section 24*a* implies certain covenants in agreements of purchase and sale of proposed units. It also protects purchasers of units where the declaration and description are not registered within a period of time specified in the agreement of purchase and sale and where the purchaser is required or permitted to occupy the unit before the declaration and description are registered.

The new section 24*b* requires the declarant to disclose certain intentions to a proposed purchaser and to show any changes therein at the time the declaration and description is registered so the purchaser can assess his right to terminate because of material change. When the declarant understates the amount of common expenses he is required to pay the excess.

(2) Section 23 of the said Act is amended by adding thereto the following subsection: s. 23. amended

(2a) The lessee of a unit is subject to the duties imposed by this Act, the declaration and the by-laws, on an owner, except those duties respecting common expenses, and this section applies in the same manner as to an owner and where the lessee is in contravention of an order under this section, the court may terminate the lease. Application to lessees

14. The said Act is further amended by adding thereto the following sections: ss. 24a, 24b. enacted

SALE AND LEASE OF UNITS

24a.—(1) Every agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes shall be deemed to contain, Implied covenants in agreements of purchase and sale

- (a) a covenant by the vendor to take all reasonable steps to register a declaration and description in respect of the property in which the unit is included without delay;
- (b) a covenant by the vendor to take all reasonable steps to sell the other residential units included in the property without delay other than any units mentioned in a statement under clause *c* of subsection 1 of section 24*d*; and
- (c) a covenant by the vendor to take all reasonable steps to deliver to the purchaser a registrable deed or transfer of the unit without delay.

(2) Notwithstanding any provision to the contrary contained therein, an agreement of purchase and sale of a proposed unit for residential purposes shall not be terminated by the proposed declarant only by reason of the failure to register the declaration and description within a period of time specified in the agreement, unless the purchaser consents to the termination in writing. Failure to register declaration within a specified period

(3) Notwithstanding subsection 2, the proposed declarant may apply to a judge of a county or district court and the judge may by order terminate the agreement if he is satisfied that, Application to court

- (a) the proposed declarant has taken all reasonable steps to register a declaration and description;
- (b) a declaration and description cannot be registered within a reasonable period of time; and

- (c) the failure and inability to register a declaration and description is caused by circumstances beyond the control of the proposed declarant.

Subsequent
registration
under Act

(4) The judge may, in an order under subsection 3, provide that a declaration and description shall not be registered in respect of the property in which the proposed unit is included during such period as he specifies in the order.

Registration
of order

(5) An order under subsection 3 is ineffective until a certified copy thereof is registered.

Payments
of purchase
price

(6) Where an agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes permits or requires the purchaser to take possession of or occupy the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the money paid in respect of such right or obligation to the proposed declarant shall be credited as payments of the purchase price unless the agreement states that the money or any part of it will not be so credited.

Disclosure
before sale

24b.—(1) An agreement of purchase and sale entered into by a declarant of a unit for residential purposes is not binding on the purchaser unless the declarant has previously delivered to the purchaser a copy of,

- (a) the declaration;
- (b) those parts of the description showing,
- (i) the perimeter of the horizontal surface of the land and the perimeter of the buildings,
 - (ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the unit in relation to the other units and the buildings, and
 - (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) a statement of the recreational or other amenities intended to be provided by the declarant for the enjoyment of the owners and of the conditions, if any, that apply to the provision of such amenities;

- (d) any by-laws or any rules governing the use of common elements;
- (e) any agreement for the management of the property or insurance trust agreement; and
- (f) where the agreement for purchase and sale is entered into within the year immediately following the registration of the declaration and description, a budget statement prepared by the declarant for the year immediately following the registration of the declaration and description setting out the common expenses, the proposed amount of each expense, particulars of the service to be provided and the amount to be contributed by the purchaser for the year.

(2) An agreement of purchase and sale entered into by a ^{idem} proposed declarant for a proposed unit for residential purposes shall not be binding on the purchaser unless the proposed declarant has previously delivered to the purchaser a copy of,

- (a) the proposed declaration;
- (b) those parts of the proposed description showing,
 - (i) the perimeter of the horizontal surface of the land and perimeter of the buildings,
 - (ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the units in relation to the other units and the buildings, and
 - (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) a statement of the recreational or other amenities intended to be provided by the declarant for the enjoyment of the owners and of the conditions, if any, that apply to the provision of such amenities;
- (d) any proposed by-laws or any proposed rules governing the use of common elements;
- (e) any agreement or proposed agreement for the management of the property or insurance trust agreement; and
- (f) a budget statement prepared by the proposed declarant for the year immediately following the registration of the declaration and description setting

out the common expenses, the proposed amount of each expense, particulars of the service to be provided and the amount to be contributed by the purchaser for the year.

Further disclosure before transfer of title

(3) Where an agreement of purchase and sale to which subsection 2 applies has been entered into, the proposed declarant shall, at least ten days before delivering a deed or transfer for the unit to the purchaser, deliver to the purchaser a further copy of each document or instrument mentioned in subsection 1 or confirmation that the document or instrument is identical in all substantial or material respects to a corresponding document or instrument previously delivered to him under subsection 2.

Inaccurate statement of common expenses

(4) Where the total amount incurred for the common expenses provided for in the statement mentioned in clause f of subsection 1 or clause f of subsection 2 exceeds the total of the proposed amounts set out in the statement, the declarant shall forthwith pay to the corporation the amount of the excess except in respect of increased expenses attributable to the termination of an agreement under section 15a.

Application of section

(5) This section does not apply to agreements of purchase and sale entered into before the 1st day of April, 1975.

s. 24c, enacted

15. The said Act is further amended by adding thereto the following section:

Trust money

24c.—(1) All money received by or on behalf of a proposed declarant from a purchaser on account of a sale or an agreement for the purchase and sale of a proposed unit for residential purposes before the registration of the declaration and description, other than money paid as rent or as an occupancy charge, shall be held in trust by the person receiving such money for the person entitled thereto in respect of the agreement and such money shall be held in a separate account designated as a trust account at a chartered bank or trust company or loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office until,

(a) its disposition to the person entitled thereto; or

(b) delivery of prescribed security to the purchaser for repayment.

Interest

(2) Where an agreement of purchase and sale referred to in subsection 1 is terminated and the purchaser is entitled to the return of any money paid under the agreement, the proposed declarant shall pay to the purchaser interest on such money at the prescribed rate.

SECTION 15. The new section 24c provides that any money received by a condominium developer on the sale of a unit is trust money and is to be held in approved banking depositories until completion of registration of the condominium corporation and provides for the payment of interest thereon

SECTION 16. The new section 24*d* limits the developers right to lease a unit both before and after the registration of the declaration and description.

The new section 24*e* provides for penalties.

(3) Subject to subsection 2, where a purchaser of a ^{idem} proposed unit under an agreement of purchase and sale referred to in subsection 1 enters into possession or occupation of the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the proposed declarant shall pay interest at the prescribed rate on all money received by him on account of the purchase price from the day the purchaser enters into possession or occupation until the day a deed or transfer acceptable for registration is delivered to him.

(4) Subject to subsections 2 and 3, the proposed declarant ^{idem} is entitled to any interest earned on the money required to be held in trust under subsection 1.

(5) This section does not apply in respect of money ^{Application of section} received before the day on which section 15 of *The Condominium Amendment Act, 1974* comes into force.

16. The said Act is further amended by adding thereto the follow- ^{ss. 24d, 24e. enacted} ing sections:

24d.—(1) A declarant or proposed declarant shall not grant ^{Leases of units} a lease of a unit or proposed unit for residential purposes unless,

- (a) the lessee has entered into a *bona fide* agreement to purchase the unit;
- (b) the lease grants to the lessee a *bona fide* option to purchase the unit;
- (c) every agreement of purchase and sale of a unit included in the property includes a statement that the unit to be included in the lease is or will be leased and specifies the uses that are or will be permitted by the lease; or
- (d) written notice of the lessor's intention to lease the unit has been given to every purchaser under an agreement of purchase and sale, registered owner and mortgagee and chargee entitled to vote, and the period referred to in subsection 2 has expired or, where an application is made under subsection 2, it is finally disposed of.

(2) Any person notified under clause *d* of subsection 1 ^{Application to court} may, within twenty-one days after receiving the notice, and on written notice to the declarant, apply to a judge

of a county or district court, and the judge, if he is of the opinion that the declarant has not taken all reasonable steps to sell the unit, may by order prohibit the declarant from leasing the unit or grant such other relief as he considers proper.

Contents
of notice

(3) The notice mentioned in clause *d* of subsection 1 shall specify the unit or units intended to be leased and the uses that will be permitted by the lease but need not set out any other terms or identify any proposed lessee.

Terms of
leases

(4) A declarant or proposed declarant may grant leases of a unit or proposed unit for residential purposes for a period in each case not exceeding two years, including renewals, provided that subsection 1 is complied with in respect of each lease.

Exemption

(5) This section does not apply to the renewal of a lease of a unit or proposed unit entered into before any agreement of purchase and sale of any unit or proposed unit included in the property is entered into.

Lease,
defined

(6) In this section, "lease" includes a license to use or occupy and any agreement in the nature of a lease.

Offences

24*e*. Every person who knowingly contravenes section 11*a*, subsection 1 or 4 of section 15*b*, or subsection 1 of section 24*c*, or knowingly purports to enter into a lease in contravention of subsection 1 or 4 of section 24*d*, is guilty of an offence and on summary conviction is liable to a fine of,

(*a*) not more than \$25,000, where the person is a corporation; or

(*b*) not more than \$2,000, where the person is other than a corporation.

s. 25 (1) (*k*),
re-enacted

17. Clause *k* of subsection 1 of section 25 of the said Act is repealed and the following substituted therefor:

(*k*) governing funds intended for the payment of common expenses;

(*l*) requiring and governing the books, accounts and records that shall be kept by condominium corporations and requiring and governing the accounting to members of condominium corporations in such manner and at such times as are prescribed;

(*m*) exempting any class of person from this Act or the regulations or any provision thereof;

SECTION 17. The amendment authorizes regulations in respect of the matters contained in the clauses.

SECTION 18. The new provision enables condominiums to be created on land under long-term lease from the Crown.

(n) prescribing security for the purposes of clause *b* of subsection 1 of section 24c;

(o) prescribing rates of interest that shall be paid on moneys required to be held in trust under this Act.

18. The said Act is further amended by adding thereto the following section: s. 26.
enacted

LEASEHOLD CONDOMINIUMS

26.—(1) A person who is the lessee of land owned by and leased from the Crown or any agency of the Crown designated in the regulations for a term of not less than ninety-nine years may, with the consent of the Crown or the agency, register a declaration and description. Registration
of leasehold
condo-
minium

(2) The Crown or agency may enter into a lease of land with itself for the purposes of this section, in which case the lease shall not merge in the fee by operation of law. Registration
by Crown

(3) Upon the registration of a declaration and description under this section, the land and the interests appurtenant to the land described in the description are governed by this Act which, subject to subsection 6, applies *mutatis mutandis* thereto. Application
of Act

(4) The lessee from the Crown or agency who registers a declaration and description under this section may assign or transfer the leasehold estate in respect of each unit designated in the description and for the purposes of this Act he shall be deemed to be the declarant and the assignee shall be deemed to be the owner of the unit. Assignments
of units

(5) Part IV of *The Landlord and Tenant Act* does not apply in respect of leases or assignments or transfers thereof that are subject to this section. Application
of
R.S.O. 1970,
c. 236

(6) The Lieutenant Governor in Council may make regulations, Regulations

(a) designating provisions of this Act that do not apply to properties in respect of which this section applies;

(b) making such modifications to the application of the provisions of this Act, other than this section, that apply to properties under this section as are considered necessary to adapt their application *mutatis mutandis* to leasehold condominium projects;

(c) providing for such matters as are considered necessary for the purpose of effecting condominium projects in respect of leasehold land that are equivalent to those provided for by this Act in respect of freehold land;

(d) designating agencies of the Crown for the purpose of subsection 1.

Commence-
ment

19.—(1) This Act, except sections 10, 15 and 18, comes into force on the 1st day of April, 1975.

Idem

(2) Sections 10, 15 and 18 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

20. This Act may be cited as *The Condominium Amendment Act, 1974*.

An Act to amend
The Condominium Act

1st Reading

June 25th, 1974

2nd Reading

December 5th, 1974

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial
Relations

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

BILL 118

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Condominium Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



An Act to amend The Condominium Act

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

1. Subsection 1 of section 1 of *The Condominium Act*, being ^{s 1 (1),} amended chapter 77 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(ha) "declarant" means the owner or owners in fee simple of the land described in the description at the time of the registration of a declaration and description of the land, and includes any successor or assignee of such owner or owners but does not include a *bona fide* purchaser of a unit who actually pays fair market value or any successor or assignee of such purchaser;

(na) "proposed unit" means land described in an agreement of purchase and sale that provides for delivery to the purchaser of a deed or transfer capable of registration after a declaration and description have been registered in respect of the land.

- 2.—(1) Clause *b* of subsection 1 of section 3 of the said Act ^{s 3 (1) (b),} re-enacted is repealed and the following substituted therefor:

(b) the consent, in the prescribed form, of every person having a registered charge, mortgage, lien, or other claim securing the payment of money against the land or interests appurtenant to the land described in the description, other than a municipality having a registered agreement with the owner of the land described in the description or with any predecessor in title of the owner.

s. 3,
amended

(2) The said section 3 is amended by adding thereto the following subsections:

Change of
address
for service

(5) Notwithstanding subsections 3 and 4, the corporation may by resolution of the board change its address for service and the change does not take effect until a notice thereof in the prescribed form is registered.

Amendment
by judge

(6) The corporation on at least seven days notice, to every owner, or an owner on at least seven days notice to the corporation and every other owner, may apply to a judge of the county or district court for an order amending the declaration or description and the judge, if he is satisfied that an amendment is necessary or desirable to correct a manifest error or inconsistency in the declaration or description or arising out of the carrying out of the intent and purpose of the declaration or description, may make the order.

Registration

(7) An amendment to a declaration or description made by an order under subsection 6 is ineffective until a certified copy of the order is registered.

s. 5 (1),
amended

3.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “master of titles and every registrar of deeds” in the first line and inserting in lieu thereof “land registrar”.

s. 5 (3),
amended

(2) Subsection 3 of the said section 5 is amended by striking out “master of titles and every registrar of deeds” in the first line and inserting in lieu thereof “land registrar”.

s. 8a,
enacted

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

Easements
and leases
of common
elements

8a.—(1) The corporation may, by by-law,

(a) lease any part of the common elements, except any part that the declaration specifies are to be used by the owners of one or more designated units and not by all the owners; and

(b) grant or transfer an easement or licence through the common elements.

Binding on
all owners

(2) A lease or a grant or transfer of an easement or licence mentioned in subsection 1, signed by the authorized officers of the corporation under its seal, affects the interest of every owner in the common elements as if the lease, grant or transfer had been executed by him, and shall have attached thereto an affidavit of one of the officers stating that the lease, grant or transfer was authorized by a by-law of the corporation.

5.—(1) Subsection 2 of section 9 of the said Act is repealed ^{s. 9(2).} and the following substituted therefor: _{re-enacted}

(2) The land registrar shall assign a name to each ^{Name of corporation} corporation or proposed corporation in accordance with the regulations.

(2) Subsection 7 of the said section 9 is repealed and the ^{s. 9(7).} following substituted therefor: _{re-enacted}

(7) If a vacancy in the membership of the board occurs, ^{Vacancy} the majority of the remaining members of the board may appoint any person qualified to be a member of the board under the declaration or by-laws to fill the vacancy for the remainder of the term.

(7a) Any director may be removed before the expiration ^{Removal} of his term by a vote of members who together own a majority of the units and the members may elect any person qualified to be a member of the board under the declaration or by-laws for the remainder of the term of the director removed.

6. The said Act is further amended by adding thereto the ^{ss. 9a, 9b.} following sections: _{enacted}

9a.—(1) A corporation shall hold an annual meeting of ^{Annual meetings} the members not more than three months after the registration of the declaration and description, and subsequently not more than fifteen months after the holding of the last preceding annual meeting, and at such meeting any member of the corporation or any mortgagee or chargee entitled to vote shall have an opportunity to raise any matter relevant to the affairs and business of the corporation.

(2) The board may at any time call a meeting of the ^{Other meetings} members of the corporation for the transaction of any business, the nature of which shall be specified in the notice calling the meeting.

(3) The board shall, upon receipt of a requisition in ^{Requisition for members' meeting} writing made by members of the corporation who together own at least 25 per cent of the common elements, call and hold a meeting of the members of the corporation and if the meeting is not called and held within thirty days of receipt of the requisition, any of the requisitionists may call the meeting, and in such case, the meeting shall be held within sixty days of receipt of the requisition.

- Requisition (4) The requisition shall state the nature of the business to be presented at the meeting, and shall be signed by the requisitionists and deposited at the address for service of the corporation.
- Notice (5) At least ten days written notice of every meeting of the members of the corporation specifying the place, the date and the hour thereof and the nature of the business to be presented shall be given to each member and to each mortgagee or chargee entitled to vote, personally or by prepaid mail addressed to him at the address provided under subsection 6.
- Record for notice (6) The corporation shall maintain a record upon which shall be entered each owner or mortgagee or chargee who notifies the corporation of his entitlement to vote and of his address for service and the notice of a meeting required by subsection 5 shall be deemed to be sufficiently given if given in accordance with subsection 5 to those persons entered on the record twelve days before the date of the meeting.
- Right to vote (7) A mortgagee or chargee who receives a notice shall, in order to be entitled to exercise the right of the owner to vote or to consent, notify the corporation and the owner of his intention to exercise such right at least two days before the date specified in the notice for the meeting.
- Election of new board 9b.—(1) The board elected at a time when the declarant owns a majority of the units shall, not more than twenty-one days after the declarant ceases to be the registered owner of a majority of the units, call a meeting of the members of the corporation to elect a new board of directors, and such meeting shall be held within twenty-one days after the calling of the meeting.
- Member, etc., may call meeting (2) If the meeting referred to in subsection 1 is not called within the time provided for by that subsection, any member of the corporation, or any mortgagee or chargee entitled to vote may call the meeting.
- s. 10 (1), amended 7. Subsection 1 of section 10 of the said Act is amended by adding thereto the following clause:
- (ha) authorizing the borrowing of money to carry out the objects and duties of the corporation.
- s. 11 (1), amended 8. Subsection 1 of section 11 of the said Act is amended by striking out "owners" in the second line and inserting in lieu

thereof "members of the corporation who together own a majority of the units".

9. The said Act is further amended by adding thereto the following section: s. 11a enacted

11a. No corporation or servant or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or school board for the purpose of canvassing or distributing election material. Entry by canvassers

10. Subsection 4 of section 13 of the said Act is repealed and the following substituted therefor: s. 13(4), re-enacted

(4) Where an owner defaults in his obligation to contribute to the corporation towards the common expenses in the proportion allocated to his unit, the corporation has a lien for the unpaid amount against that unit and its appurtenant common interest. Lien

(4a) The lien mentioned in subsection 4 expires three months after the default that gave rise to the lien first occurred unless the corporation within that time registers a notice of lien in the prescribed form. Expiration of lien

(4b) Any person acquiring an interest in a unit from an owner may, with the consent of the owner, request the corporation to give a certificate in the prescribed form in respect of the common expenses of the owner and of default in payment thereof, if any, by the owner, and the certificate binds the corporation as against the person requesting the certificate in respect of any default or otherwise shown in the certificate, as of the day it is given. Certificate of lien

(4c) The corporation shall give the certificate requested under subsection 4b within seven days after its receipt of the request therefor and where the corporation fails to give the certificate within the time prescribed, the corporation shall be deemed, as against the person requesting the certificate, to have given a certificate stating no default. Idem

11. Section 14 of the said Act is amended by adding thereto the following subsection: s. 14, amended

(1a) A grant or transfer of an easement to the corporation is as effective as if the corporation owns land capable of being benefited by the easement. Easement

12. The said Act is further amended by adding thereto the following sections: ss. 15a, 15b, enacted

MANAGEMENT AGREEMENT

Management
agreement

15a. The corporation may, by a vote of members who own 66-2/3 per cent of the common elements, terminate, on giving sixty days notice in writing, any agreement between the corporation and any person for the management of the property entered into at a time when the majority of the members of the board of directors were elected when the declarant was the registered owner of a majority of the units.

INVESTIGATION OF RECORDS

Examination
of records

15b.—(1) Every person in receipt of money paid by or on behalf of an owner for the payment of common expenses shall, upon reasonable notice and during normal business hours, make available for examination by the corporation or any owner, mortgagee or chargee, all records relating to the disposition of such money.

Application
to court

(2) Upon application to a judge of a county or district court by the corporation or any owner, mortgagee or chargee, the judge, if satisfied that the application is made in good faith and that it is *prima facie* in the best interests of the applicant to do so, may make an order, upon such terms as to the costs of the investigation or audit or otherwise as he considers proper, appointing an inspector to make such investigation of the affairs of any person in receipt of money mentioned in subsection 1 and to make such audit of the accounts and records of such person as the judge considers necessary.

Powers of
inspector
1971, c. 49

(3) An inspector appointed under subsection 2 has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation or audit as if it were an inquiry under that Act.

Trust
money

(4) All money received for the payment of common expenses relating to a property after the 1st day of April, 1975 shall be held by the person in receipt thereof in trust for the performance of the duties and obligations in respect of which the money is paid, and he shall pay such money into a separate account at a chartered bank or trust company or a loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office and shall designate the account as a trust account.

s. 23 (1),
amended

13.—(1) Subsection 1 of section 23 of the said Act is amended by striking out "Supreme Court" in the fourth line and inserting in lieu thereof "county or district court".

(2) Section 23 of the said Act is amended by adding thereto ^{a 23.} the following subsection: ^{amended}

(2a) The lessee of a unit is subject to the duties imposed ^{Application} by this Act, the declaration and the by-laws, on an owner, ^{to lessees} except those duties respecting common expenses, and this section applies in the same manner as to an owner and where the lessee is in contravention of an order under this section, the court may terminate the lease.

14. The said Act is further amended by adding thereto the follow- ^{ss. 24a, 24b.} ing sections: ^{enacted}

SALE AND LEASE OF UNITS

24a.—(1) Every agreement of purchase and sale entered ^{Implied} into by a proposed declarant for a proposed unit for ^{covenants in} residential purposes shall be deemed to contain, ^{agreements} ^{of purchase} ^{and sale}

- (a) a covenant by the vendor to take all reasonable steps to register a declaration and description in respect of the property in which the unit is included without delay;
- (b) a covenant by the vendor to take all reasonable steps to sell the other residential units included in the property without delay other than any units mentioned in a statement under clause c of subsection 1 of section 24d; and
- (c) a covenant by the vendor to take all reasonable steps to deliver to the purchaser a registrable deed or transfer of the unit without delay.

(2) Notwithstanding any provision to the contrary contained therein, an agreement of purchase and sale of a proposed unit for residential purposes shall not be terminated by the proposed declarant only by reason of the failure to register the declaration and description within a period of time specified in the agreement, unless the purchaser consents to the termination in writing. ^{Failure to register declaration within a specified period}

(3) Notwithstanding subsection 2, the proposed declarant ^{Application} may apply to a judge of a county or district court and ^{to court} the judge may by order terminate the agreement if he is satisfied that,

- (a) the proposed declarant has taken all reasonable steps to register a declaration and description;
- (b) a declaration and description cannot be registered within a reasonable period of time; and

- (c) the failure and inability to register a declaration and description is caused by circumstances beyond the control of the proposed declarant.

Subsequent
registration
under Act

(4) The judge may, in an order under subsection 3, provide that a declaration and description shall not be registered in respect of the property in which the proposed unit is included during such period as he specifies in the order.

Registration
of order

(5) An order under subsection 3 is ineffective until a certified copy thereof is registered.

Payments
of purchase
price

(6) Where an agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes permits or requires the purchaser to take possession of or occupy the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the money paid in respect of such right or obligation to the proposed declarant shall be credited as payments of the purchase price unless the agreement states that the money or any part of it will not be so credited.

Disclosure
before sale

24*b*.—(1) An agreement of purchase and sale entered into by a declarant of a unit for residential purposes is not binding on the purchaser unless the declarant has previously delivered to the purchaser a copy of,

- (a) the declaration;
- (b) those parts of the description showing,
 - (i) the perimeter of the horizontal surface of the land and the perimeter of the buildings,
 - (ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the unit in relation to the other units and the buildings, and
 - (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) a statement of the recreational or other amenities intended to be provided by the declarant for the enjoyment of the owners and of the conditions, if any, that apply to the provision of such amenities;

- (d) any by-laws or any rules governing the use of common elements;
- (e) any agreement for the management of the property or insurance trust agreement; and
- (f) where the agreement for purchase and sale is entered into within the year immediately following the registration of the declaration and description, a budget statement prepared by the declarant for the year immediately following the registration of the declaration and description setting out the common expenses, the proposed amount of each expense, particulars of the service to be provided and the amount to be contributed by the purchaser for the year.

(2) An agreement of purchase and sale entered into by a ^{idem} proposed declarant for a proposed unit for residential purposes shall not be binding on the purchaser unless the proposed declarant has previously delivered to the purchaser a copy of,

- (a) the proposed declaration;
- (b) those parts of the proposed description showing,
 - (i) the perimeter of the horizontal surface of the land and perimeter of the buildings,
 - (ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the units in relation to the other units and the buildings, and
 - (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) a statement of the recreational or other amenities intended to be provided by the declarant for the enjoyment of the owners and of the conditions, if any, that apply to the provision of such amenities;
- (d) any proposed by-laws or any proposed rules governing the use of common elements;
- (e) any agreement or proposed agreement for the management of the property or insurance trust agreement; and
- (f) a budget statement prepared by the proposed declarant for the year immediately following the registration of the declaration and description setting

out the common expenses, the proposed amount of each expense, particulars of the service to be provided and the amount to be contributed by the purchaser for the year.

Further disclosure before transfer of title

(3) Where an agreement of purchase and sale to which subsection 2 applies has been entered into, the proposed declarant shall, at least ten days before delivering a deed or transfer for the unit to the purchaser, deliver to the purchaser a further copy of each document or instrument mentioned in subsection 1 or confirmation that the document or instrument is identical in all substantial or material respects to a corresponding document or instrument previously delivered to him under subsection 2.

Inaccurate statement of common expenses

(4) Where the total amount incurred for the common expenses provided for in the statement mentioned in clause of subsection 1 or clause *f* of subsection 2 exceeds the total of the proposed amounts set out in the statement, the declarant shall forthwith pay to the corporation the amount of the excess except in respect of increased expenses attributable to the termination of an agreement under section 15*a*.

Application of section

(5) This section does not apply to agreements of purchase and sale entered into before the 1st day of April, 1975.

s. 24c, enacted

15. The said Act is further amended by adding thereto the following section:

Trust money

24c.—(1) All money received by or on behalf of a proposed declarant from a purchaser on account of a sale or an agreement for the purchase and sale of a proposed unit for residential purposes before the registration of the declaration and description, other than money paid as rent or as an occupancy charge, shall be held in trust by the person receiving such money for the person entitled thereto in respect of the agreement and such money shall be held in a separate account designated as a trust account at a chartered bank or trust company or loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office until,

- (a) its disposition to the person entitled thereto; or
- (b) delivery of prescribed security to the purchaser for repayment.

Interest

(2) Where an agreement of purchase and sale referred to in subsection 1 is terminated and the purchaser is entitled to the return of any money paid under the agreement, the proposed declarant shall pay to the purchaser interest on such money at the prescribed rate.

(3) Subject to subsection 2, where a purchaser of a proposed unit under an agreement of purchase and sale referred to in subsection 1 enters into possession or occupation of the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the proposed declarant shall pay interest at the prescribed rate on all money received by him on account of the purchase price from the day the purchaser enters into possession or occupation until the day a deed or transfer acceptable for registration is delivered to him. ^{Idem}

(4) Subject to subsections 2 and 3, the proposed declarant is entitled to any interest earned on the money required to be held in trust under subsection 1. ^{Idem}

(5) This section does not apply in respect of money received before the day on which section 15 of *The Condominium Amendment Act, 1974* comes into force. ^{Application of section}

16. The said Act is further amended by adding thereto the following sections: ^{ss. 24d, 24e. enacted}

24d.—(1) A declarant or proposed declarant shall not grant a lease of a unit or proposed unit for residential purposes unless, ^{Leases of units}

- (a) the lessee has entered into a *bona fide* agreement to purchase the unit;
- (b) the lease grants to the lessee a *bona fide* option to purchase the unit;
- (c) every agreement of purchase and sale of a unit included in the property includes a statement that the unit to be included in the lease is or will be leased and specifies the uses that are or will be permitted by the lease; or
- (d) written notice of the lessor's intention to lease the unit has been given to every purchaser under an agreement of purchase and sale, registered owner and mortgagee and chargee entitled to vote, and the period referred to in subsection 2 has expired or, where an application is made under subsection 2, it is finally disposed of.

(2) Any person notified under clause *d* of subsection 1 may, within twenty-one days after receiving the notice, and on written notice to the declarant, apply to a judge ^{Application to court}

of a county or district court, and the judge, if he is of the opinion that the declarant has not taken all reasonable steps to sell the unit, may by order prohibit the declarant from leasing the unit or grant such other relief as he considers proper.

Contents
of notice

(3) The notice mentioned in clause *d* of subsection 1 shall specify the unit or units intended to be leased and the uses that will be permitted by the lease but need not set out any other terms or identify any proposed lessee.

Terms of
leases

(4) A declarant or proposed declarant may grant leases of a unit or proposed unit for residential purposes for a period in each case not exceeding two years, including renewals, provided that subsection 1 is complied with in respect of each lease.

Exemption

(5) This section does not apply to the renewal of a lease of a unit or proposed unit entered into before any agreement of purchase and sale of any unit or proposed unit included in the purchase is entered into.

Lease,
defined

(6) In this section, "lease" includes a license to use or occupy and any agreement in the nature of a lease.

Offences

24*e*. Every person who knowingly contravenes section 11*a* subsection 1 or 4 of section 15*b*, or subsection 1 of section 24*c* or knowingly purports to enter into a lease in contravention of subsection 1 or 4 of section 24*d*, is guilty of an offence and on summary conviction is liable to a fine of,

(*a*) not more than \$25,000, where the person is a corporation; or

(*b*) not more than \$2,000, where the person is other than a corporation.

s. 25 (1) (*k*),
re-enacted

17. Clause *k* of subsection 1 of section 25 of the said Act is repealed and the following substituted therefor:

(*k*) governing funds intended for the payment of common expenses;

(*l*) requiring and governing the books, accounts and records that shall be kept by condominium corporations and requiring and governing the accounting to members of condominium corporations in such manner and at such times as are prescribed;

(*m*) exempting any class of person from this Act or the regulations or any provision thereof;

(n) prescribing security for the purposes of clause *b* of subsection 1 of section 24c;

(o) prescribing rates of interest that shall be paid on moneys required to be held in trust under this Act.

18. The said Act is further amended by adding thereto the following section: s. 26,
enacted

LEASEHOLD CONDOMINIUMS

26.—(1) A person who is the lessee of land owned by and leased from the Crown or any agency of the Crown designated in the regulations for a term of not less than ninety-nine years may, with the consent of the Crown or the agency, register a declaration and description. Registration
of leasehold
condo-
minium

(2) The Crown or agency may enter into a lease of land with itself for the purposes of this section, in which case the lease shall not merge in the fee by operation of law. Registration
by Crown

(3) Upon the registration of a declaration and description under this section, the land and the interests appurtenant to the land described in the description are governed by this Act which, subject to subsection 6, applies *mutatis mutandis* thereto. Application
of Act

(4) The lessee from the Crown or agency who registers a declaration and description under this section may assign or transfer the leasehold estate in respect of each unit designated in the description and for the purposes of this Act he shall be deemed to be the declarant and the assignee shall be deemed to be the owner of the unit. Assignments
of units

(5) Part IV of *The Landlord and Tenant Act* does not apply in respect of leases or assignments or transfers thereof that are subject to this section. Application
of
R.S.O. 1970,
c. 236

(6) The Lieutenant Governor in Council may make regulations, Regulations

(a) designating provisions of this Act that do not apply to properties in respect of which this section applies;

(b) making such modifications to the application of the provisions of this Act, other than this section, that apply to properties under this section as are considered necessary to adapt their application *mutatis mutandis* to leasehold condominium projects;

(c) providing for such matters as are considered necessary for the purpose of effecting condominium projects in respect of leasehold land that are equivalent to those provided for by this Act in respect of freehold land;

(d) designating agencies of the Crown for the purpose of subsection 1.

Commence-
ment

19.—(1) This Act, except sections 10, 15 and 18, comes into force on the 1st day of April, 1975.

Idem

(2) Sections 10, 15 and 18 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

20. This Act may be cited as *The Condominium Amendment Act, 1974*.







An Act to amend
The Condominium Act

1st Reading

June 25th, 1974

2nd Reading

December 5th, 1974

3rd Reading

February 14th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial
Relations

**4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974**

**An Act respecting Labour Disputes between the
Toronto Transit Commission and Division 113,
Amalgamated Transit Union, Lodge 235, Inter-
national Association of Machinists and Aerospace
Workers and the Canadian Union of Public
Employees, Local No. 2**

THE HON. J. MACBETH
Minister of Labour

EXPLANATORY NOTE

The Bill provides for the settlement of all matters remaining in dispute between the Toronto Transit Commission and the three unions mentioned and requires the employees on whose behalf the unions bargain to resume their employment with the Toronto Transit Commission.

The Bill, without limiting the settlement, also makes provision for an increase in the hourly rates of wages of the employees effective from the day immediately following the expiry date of the collective agreement between the Toronto Transit Commission and each of the unions.

An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

WHEREAS the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas strikes by the unions against the employer have continued since the 12th day of August, 1974; and whereas conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1970.
c. 232

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

1.—(1) In this Act,

Inter-
pretation

- (a) "employer" means the Toronto Transit Commission;
- (b) "expiry date" means, in the case of the collective agreement between the Toronto Transit Commission and,
 - (i) Division 113, Amalgamated Transit Union, the 30th day of June, 1974,

(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1974, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1974;

(c) "Minister" means the Minister of Labour;

(d) "parties" means the employer and the unions;

(e) "unions" means Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

Idem

R.S.O. 1970,
c. 232

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application
of Act

2.—(1) This Act applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Application
of
R.S.O. 1970,
c. 232

(2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees mentioned in subsection 1.

Appointment
of
arbitrator

3.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine into and decide upon the matters referred to in section 4.

Replacement
of
arbitrator

(2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within a reasonable time after his appointment, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin *de novo*.

Procedure

(3) The arbitrator shall determine his own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

Powers of
arbitrator

(4) The arbitrator has all the powers of an arbitrator under *The Labour Relations Act*.

Duty of
arbitrator

4.—(1) The arbitrator shall examine into and decide all matters remaining in dispute between the employer and the

unions immediately before the coming into force of this Act, and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

(2) The arbitrator shall remain seized of and may deal with all matters within his jurisdiction until collective agreements between the employer and the unions are in effect.

Arbitrator to remain seized of matters in dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

Agreement upon some matters

(a) the matters not agreed upon between the employer and the unions; and

(b) such other matters as may be agreed upon by the employer and the unions or may appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

5.—(1) The decision of the arbitrator shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Decision binding

R.S.O. 1970. c. 232

(2) Within seven days of the date of the decision of the arbitrator or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the decision of the arbitrator and any agreement of the parties, and the documents thereupon constitute collective agreements.

Execution of agreement

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties within the period mentioned in subsection 2, the parties or any of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties and submit the documents to the parties for execution.

Preparation of agreement by board

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day of submission of the documents by the arbitrator to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under *The Labour Relations Act*.

Failure to execute agreement

R.S.O. 1970,
c. 25 not
to apply

6.—(1) *The Arbitrations Act* does not apply to the proceedings under this Act.

Idem
1971, c. 47

(2) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the proceedings under this Act.

Hourly
rates of
wages

7. The basic hourly rates of wages for employees to whom this Act applies are hereby increased by 12 per cent over the basic hourly wage rates in effect on the expiry date retroactive in each case to the day immediately following the expiry date and the decision of the arbitrator shall include such increase, but nothing in this section prevents the arbitrator from granting increases in the basic hourly wage rates in excess of those established in this section.

Strikes
terminated

8.—(1) Upon the coming into force of this Act, the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2.

R.S.O. 1970,
c. 232 not
to apply

(2) Notwithstanding any provision of *The Labour Relations Act*, upon the coming into force of this Act,

employees
to return
to work

(a) the employees mentioned in subsection 1 of section 2 shall report for work in accordance with the regular practices of the employer for the purpose of enabling the resumption of normal service, and shall not go on strike;

lock-out
prohibited

(b) the employer shall not cause a lock-out;

terms of
employment
not to be
altered

(c) the employer shall not, except with the consent of the unions, alter the rates of wages of the employees as increased by this Act, or any other term or condition of employment, or any right, privilege or duty of the unions or the employees, that were in operation on the expiry date; and

Idem

(d) the unions shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date.

Compliance
with sub-
section 2

(3) Any difference between the parties as to whether or not subsection 2 has been complied with may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and section 37 of *The Labour Relations Act* applies *mutatis mutandis* thereto.

9. Subsection 3 of section 63, sections 65 and 66, subsection 1 of section 67 and sections 82, 83, 84, 85, 86, 87, 88 and 90 of *The Labour Relations Act* apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act.

Application
of
R.S.O. 1970,
c. 232

10. The employer and the unions shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund.

Costs

11. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the last of the three collective agreements made under this Act comes into operation.

Commence-
ment and
repeal

12. This Act may be cited as *The Toronto Transit Commission Labour Disputes Settlement Act, 1974*.

Short title

An Act respecting
Labour Disputes between the
Toronto Transit Commission and
Division 113, Amalgamated Transit Union,
Lodge 235, International Association of
Machinists and Aerospace Workers and
the Canadian Union of Public Employees,
Local No. 2

1st Reading

August 30th, 1974

2nd Reading

3rd Reading

THE HON. J. МАСВЕТН
Minister of Labour

(Government Bill)

BILL 119

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act respecting Labour Disputes between the
Toronto Transit Commission and Division 113,
Amalgamated Transit Union, Lodge 235, Inter-
national Association of Machinists and Aerospace
Workers and the Canadian Union of Public
Employees, Local No. 2**

THE HON. J. MACBETH
Minister of Labour



An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

WHEREAS the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas strikes by the unions against the employer have continued since the 12th day of August, 1974; and whereas conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1970,
c. 232

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

1.—(1) In this Act,

Interpre-
tation

- (a) "employer" means the Toronto Transit Commission;
- (b) "expiry date" means, in the case of the collective agreement between the Toronto Transit Commission and,
 - (i) Division 113, Amalgamated Transit Union, the 30th day of June, 1974,

(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1974, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1974;

(c) "Minister" means the Minister of Labour;

(d) "parties" means the employer and the unions;

(e) "unions" means Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

Idem
R.S.O. 1970,
c. 232

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act

2.—(1) This Act applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Application of R.S.O. 1970, c. 232

(2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees mentioned in subsection 1.

Appointment of arbitrator

3.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine into and decide upon the matters referred to in section 4.

Replacement of arbitrator

(2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within a reasonable time after his appointment, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin *de novo*.

Procedure

(3) The arbitrator shall determine his own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

Powers of arbitrator

(4) The arbitrator has all the powers of an arbitrator under *The Labour Relations Act*.

Duty of arbitrator

4.—(1) The arbitrator shall examine into and decide all matters remaining in dispute between the employer and the

unions immediately before the coming into force of this Act, and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

(2) The arbitrator shall remain seized of and may deal with all matters within his jurisdiction until collective agreements between the employer and the unions are in effect.

Arbitrator to remain seized of matters in dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

Agreement upon some matters

(a) the matters not agreed upon between the employer and the unions; and

(b) such other matters as may be agreed upon by the employer and the unions or may appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

5.—(1) The decision of the arbitrator shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Decision binding

R.S.O. 1970, c. 232

(2) Within seven days of the date of the decision of the arbitrator or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the decision of the arbitrator and any agreement of the parties, and the documents thereupon constitute collective agreements.

Execution of agreement

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties within the period mentioned in subsection 2, the parties or any of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties and submit the documents to the parties for execution.

Preparation of agreement by board

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day of submission of the documents by the arbitrator to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under *The Labour Relations Act*.

Failure to execute agreement

R.S.O. 1970,
c. 25 not
to apply

6.—(1) *The Arbitrations Act* does not apply to the proceedings under this Act.

Idem
1971, c. 47

(2) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the proceedings under this Act.

Hourly
rates of
wages

7. The basic hourly rates of wages for employees to whom this Act applies are hereby increased by 12 per cent over the basic hourly wage rates in effect on the expiry date retroactive in each case to the day immediately following the expiry date and the decision of the arbitrator shall include such increase, but nothing in this section prevents the arbitrator from granting increases in the basic hourly wage rates in excess of those established in this section.

Strikes
terminated

8.—(1) Upon the coming into force of this Act, the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2.

R.S.O. 1970,
c. 232 not
to apply

(2) Notwithstanding any provision of *The Labour Relations Act*, upon the coming into force of this Act,

employees
to return
to work

(a) the employees mentioned in subsection 1 of section 2 shall report for work in accordance with the regular practices of the employer for the purpose of enabling the resumption of normal service, and shall not go on strike;

lock-out
prohibited

(b) the employer shall not cause a lock-out;

terms of
employment
not to be
altered

(c) the employer shall not, except with the consent of the unions, alter the rates of wages of the employees as increased by this Act, or any other term or condition of employment, or any right, privilege or duty of the unions or the employees, that were in operation on the expiry date; and

idem

(d) the unions shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date.

Compliance
with sub-
section 2

(3) Any difference between the parties as to whether or not subsection 2 has been complied with may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and section 37 of *The Labour Relations Act* applies *mutatis mutandis* thereto.

9. Subsection 3 of section 63, sections 65 and 66, subsection 1 of section 67 and sections 82, 83, 84, 85, 86, 87, 88 and 90 of *The Labour Relations Act* apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act. Application
of
R.S.O. 1970,
c. 232

10. The employer and the unions shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. Costs

11. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the last of the three collective agreements made under this Act comes into operation. Commence-
ment and
repeal

12. This Act may be cited as *The Toronto Transit Commission Labour Disputes Settlement Act, 1974*. Short title

An Act respecting
Labour Disputes between the
Toronto Transit Commission and
Division 113, Amalgamated Transit Union,
Lodge 235, International Association of
Machinists and Aerospace Workers and
the Canadian Union of Public Employees,
Local No. 2

1st Reading

August 30th, 1974

2nd Reading

August 31st, 1974

3rd Reading

August 31st, 1974

THE HON. J. MACBETH
Minister of Labour

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Legislative Assembly Act

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet

EXPLANATORY NOTES

SECTION 1. The section being repealed provides that no writ for the election of a member to the Assembly shall issue during a session of the Legislature where the vacancy is occasioned by the resignation of a member.

SECTION 2. Complementary to section 1.

BILL 120

1974

**An Act to amend
The Legislative Assembly Act**

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

1. Section 25 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is repealed. s. 25,
repealed
2. Subsection 1 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 101, section 1, is amended by striking out "Subject to section 25" in the first line. s. 28 (1),
amended
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Legislative Assembly Amendment Act, 1974*. Short title

An Act to amend
The Legislative Assembly Act

1st Reading

August 30th, 1974

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Chairman, Management Board of
Cabinet

(Government Bill)

BILL 120

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Legislative Assembly Act

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet



BILL 120

1974

**An Act to amend
The Legislative Assembly Act**

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

1. Section 25 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is repealed. s. 25.
repealed
2. Subsection 1 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 101, section 1, is amended by striking out "Subject to section 25" in the first line. s. 28 (1).
amended
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Legislative Assembly Amendment Act, 1974*. Short title

An Act to amend
The Legislative Assembly Act

1st Reading

August 30th, 1974

2nd Reading

August 31st, 1974

3rd Reading

August 31st, 1974

THE HON. E. A. WINKLER
Chairman, Management Board of
Cabinet

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Legislative Assembly Act

MR. NIXON (Brant)

EXPLANATORY NOTE

The purpose of the Bill is to provide for the calling of a by-election when the Legislature is in session but is not sitting.

BILL 121

1974

An Act to amend The Legislative Assembly Act

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

1. Section 25 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 25,
re-enacted

25. No writ shall issue under sections 18 to 24 during a session of the Legislature, except that the Legislature shall not be deemed to be in session for the purposes of sections 18 to 24 if it has been adjourned for a period of more than seven days.

Writ not
to issue
during
session
when
Legislature
sitting
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Legislative Assembly Amendment Act, 1974*.

Short title

An Act to amend
The Legislative Assembly Act

1st Reading

August 30th, 1974

2nd Reading

3rd Reading

MR. NIXON (Brant)

(Private Member's Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Employment Standards Act

MR. DREA

EXPLANATORY NOTE

Self-explanatory.

BILL 122

1974

**An Act to amend
The Employment Standards Act**

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

1. Clause *f* of subsection 1 of section 36 of *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 36(1) *f*,
re-enacted

f) exempting any class of employers or employees from the application of this Act or the regulations or any provision thereof, except for a superintendent, janitor or caretaker of a residential building who resides in the building.

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

3. This Act may be cited as *The Employment Standards Amendment Act, 1974*. Short title

An Act to amend
The Employment Standards Act

1st Reading

October 22nd, 1974

2nd Reading

3rd Reading

MR. DREA

(Private Member's Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Statutory Powers Procedure Act, 1971**

MR. LEWIS

EXPLANATORY NOTE

The amendment further extends the meaning of "person" to include "an unincorporated ratepayers' association".

BILL 123

1974

**An Act to amend
The Statutory Powers Procedure Act, 1971**

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

1. Subsection 2 of section 1 of *The Statutory Powers Procedure Act, 1971*, being chapter 47, is amended by inserting after "municipality" in the first line "an unincorporated rate-payers' association". s. 1 (2),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Statutory Powers Procedure Amendment Act, 1974*. Short title

An Act to amend
The Statutory Powers Procedure
Act, 1971

1st Reading

October 24th, 1974

2nd Reading

3rd Reading

MR. LEWIS

(Private Member's Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Planning Act

MR. LEWIS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The amendments further extend the meaning of "person" to include "an unincorporated ratepayers' association".

An Act to amend The Planning Act

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

1. Section 35 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 118, section 6, is further amended by adding thereto the following subsection:

(1b) For the purposes of subsections 11, 12, 18, 23, 24, 25, 26 and 27, "person" or "persons" shall include an unincorporated ratepayers' association.
2. Section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 5 and 1972, chapter 118, section 10, is further amended by adding thereto the following subsection:

(21) For the purposes of subsections 13 and 15, "person" or "persons" shall include an unincorporated ratepayers' association.
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Planning Amendment Act, 1974*.

An Act to amend
The Planning Act

1st Reading

October 24th, 1974

2nd Reading

3rd Reading

MR. LEWIS

(Private Member's Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Land Speculation Tax Act, 1974**

THE HON. A. K. MEEN
Minister of Revenue

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment is consequential on the addition of two new sub-subclauses.

Subsection 2. The re-enactment of sub-subclause B eliminates the reference to devolutions by will or on intestacy and gives an acquisition cost of fair market value to all persons taking designated land as the result of a death.

The addition of sub-subclause BA deals with persons disposing of designated land acquired through a trust, and gives them an acquisition cost equal to the fair market value of the land when it was transferred into the trust.

The addition of sub-subclause BB establishes the acquisition cost of a lessee disposing of his lease or subleasing portions of land that he has leased. The acquisition cost will only be applicable when the sale of the leased land or the subleasing of it is, itself, a disposition.

**An Act to amend
The Land Speculation Tax Act, 1974**

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

- 1.—(1) Sub-subclause A of subclause i of clause a of sub-section 1 of section 1 of *The Land Speculation Tax Act, 1974*, being chapter 17, is amended by inserting after "B" in the second line "BA, BB," s. 1 (1) (a)
(1) (A),
amended
- (2) Sub-subclause B of subclause i of clause a of sub-section 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) (a)
(1) (B),
re-enacted
- (B) as the result of a disposition described in subclause iv of clause d occurring on the death of a person dying after the 9th day of April, 1974, the fair market value of the designated land at the death of such person,
- (BA) as the result of the creation of a trust of which the transferor was or became a beneficiary, or as the result of the distribution of the designated land to the transferor under the terms of a trust of which the transferor was, at the time of such distribution, a beneficiary, the fair market value of the designated land at the time it first became subject to the trust if it first became subject to the trust after the 9th day of April, 1974, or where the designated land first became subject to the trust on or prior to that date, the fair market value of the designated land on that date, and the existence with respect to the designated land of

any limited beneficial interest, whether for the life of some person or otherwise, that affected the designated land after the creation of the trust shall not be taken into account to reduce the fair market value of the designated land for the purposes of this sub-clause,

(BB) as the result of a disposition to him the proceeds of which were required to be determined in accordance with sub-clause iv of clause *l*, an amount equal to the proceeds of disposition so determined or to the proportion thereof that is reasonably attributable to the designated land with respect to which a lease or similar arrangement is being entered into by the transferor or with respect to which rights under any lease or similar arrangement are being sold, assigned or transferred by the transferor in circumstances that constitute a disposition by him within the meaning of subclause iii of clause *d*.

s. 1(1)(a)
(1)(C),
amended

(3) Sub-subclause C of subclause i of clause *a* of subsection 1 of the said section 1 is amended by adding at the commencement thereof "subject to sub-subclauses B, BA, BB and D,".

s. 1(1)(a)
(1)(D),
re-enacted

(4) Sub-subclause D of subclause i of clause *a* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(D) as the result of a disposition exempt from tax by virtue of clause *h* of section 4, the fair market value applicable to the designated land on the earliest day of the period determined under sub-clause v during which compound interest may be calculated in accordance with that subclause by the transferor making the disposition to the calculation of the adjusted value of which that subclause is applicable.

s. 1(1)(a)(ii),
amended

(5) Subclause ii of clause *a* of subsection 1 of the said section 1 is amended by adding at the end thereof "or the cost to the transferor of its acquisition, whichever is the higher amount,".

Subsection 3. The words added at the beginning of sub-subclause C make it clear that the special rules for establishing the acquisition cost of designated land provided for in other sub-subclauses of subclause i take priority over the rules for establishing acquisition cost set out in sub-subclause C.

Subsection 4. This amendment clarifies the acquisition cost applicable on a disposition of farming land exempt by section 4 (h) of the Act. The determination of this acquisition cost will become relevant only when a disposition of the farming land is made that is not exempt under that clause. Such non-exempt dispositions will be those resulting from death and those in which the farming land is sold outside the family. In the first case, the effect of the amendment made to section 1 (1) (a) (i) (B) is that the land will be acquired at its fair market value at the date of death. In the second case, the transferor making the non-exempt disposition outside the family will be entitled to add compound interest, and the amendment to sub-subclause D provides that the compound interest will be based on the market value of the farming land at the beginning of the period during which compound interest can be calculated.

Subsection 5. This amendment provides that, where land acquired before April 9, 1974 is being disposed of, the transferor may use the higher of the fair market value of the designated land on that date or its actual cost of acquisition to him prior to that date. A person holding land at April 9, 1974 will not, therefore, be penalized by the fact that the land may have fallen in value between the date when he acquired it and April 9, 1974.

Subsection 6. The words added by this amendment allow the addition to farming land of costs of improvement made during the period when compound interest could be calculated with respect to a disposition of the farming land outside the family. For dispositions within the family, no calculations of adjusted value are required, since the dispositions will be exempt, and dispositions resulting from death will automatically take into account any value added to the land by improvements prior to death, since the person taking on death will take the land at its fair market value at death.

Subsection 7. The re-enactment of subclause iv makes two changes to the addition to adjusted value of net maintenance costs. The first change is that these costs may be averaged over the period of time the designated land was owned by the transferor subject to a limit of 10 per cent per annum of the acquisition cost of the designated land. The second change is that, in the case of a disposition of farming land, net maintenance costs may be added for the whole of the period during which compound interest can be added by the transferor under section 1 (1)(a)(v). This period will correspond to the time that the land was held by the family after April 9, 1974 or to the time at which the land was last revalued at market value as the result of the death of a person.

The addition of subclause *iva* will allow all costs of disposition to be added to the adjusted value on any disposition of designated land.

- (6) Subclause iii of clause *a* of subsection 1 of the said section 1 is amended by adding at the end thereof "and, in the case of a transferor making a disposition of designated land used in farming that is neither a disposition within the meaning of subclause iv of clause *d* nor a disposition exempt from tax by virtue of clause *h* of section 4, the cost of improvements made to the designated land since the earliest day of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor and up to the earliest date that an improvement was made to the designated land by the transferor the cost of which is included by virtue of this subclause in computing adjusted value,".
- (7) Subclause iv of clause *a* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

s. 1 (1) (a)
(iii),
amended

s. 1 (1) (a) (iv),
re-enacted

(iv) for that period that is not the shorter of,

- (A) the period of time commencing on the 9th day of April, 1974 or the date upon which the designated land was acquired by the transferor, whichever is the later date, and during which the transferor owned the designated land, or
- (B) the period of time commencing on the earliest day of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor and ending on the day of the disposition by the transferor,

the lesser of either,

- (C) five-sixths of 1 per cent times the number of full months in the period determined to be applicable under either sub-subclause A or B times the amount determined under either sub-clause i or ii, whichever is applicable, or
- (D) the total net maintenance costs incurred with respect to the designated land during the period determined to be applicable under either sub-sub-clause A or B,

(iva) the reasonable costs incurred by the transferor in connection with disposing of the designated land, but not including taxes however imposed that are payable as a result of the disposition, and

s. 1 (1) (a) (v),
re-enacted

(8) Subclause v of clause a of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(v) in the case of a disposition of designated land used in farming that is neither a disposition within the meaning of subclause iv of clause d nor a disposition exempt from tax by virtue of clause h of section 4, an amount equal to compound interest at the rate of 10 per cent per annum calculated with annual rests upon the amount determined under subclause i or ii, whichever is applicable to the transferor, for the number of years in the period of time preceding the disposition and commencing on the 9th day of April, 1974 or the date of the occurrence of any disposition of such designated land within the meaning of subclause iv of clause d or the date of the occurrence of any disposition of such designated land that was not exempt from tax by virtue of clause h of section 4, whichever is the later date throughout which farming was carried on or such designated land by the transferor or by any previous owner of such designated land or by a shareholder or member of the family of the transferor or such previous owner.

s. 1 (1) (d) (iii),
amended

(9) Subclause iii of clause d of subsection 1 of the said section 1 is amended by striking out "ten" in the fifth line and inserting in lieu thereof "fifty" and by adding at the end thereof "if at the time of the sale, assignment or transfer of such rights, the term remaining under such lease or arrangement, including any renewals or extensions thereof, may exceed fifty years,".

s. 1 (1) (d) (vi),
amended

(10) Subclause vi of clause d of subsection 1 of the said section 1 is amended by inserting after "issue" in the third line "(other than an allotment and issue of shares made to the holders of all shares to which are attached rights to vote ordinarily exercisable at meetings of the

Subsection 8. The re-enactment of subclause v clarifies the period for which a transferor disposing of farming land outside the family is entitled to add compound interest to the acquisition cost of the land. The period for which compound interest can be added is that period preceding the disposition and going back no further than the latest to occur of:

- (a) April 9, 1974,
- (b) the death of any person from whom the land devolved, or
- (c) the acquisition of the land through a disposition that was not exempt under section 4 (h), i.e., from a person outside the family.

Together with the amendment made to section 1 (1)(a)(i)(B), this amendment ensures that compound interest can be claimed throughout the period that farming was carried on by the family and in which no write-up of the market value of the land occurred as the result of death. During the period in which compound interest may be claimed, compound interest can only be added for the years during that period that farming was actually carried on on the designated land by the family operating the farm.

Subsection 9. The amendments made here provide that only leases over 50 years will constitute dispositions of designated land, and the sale or transfer of such a lease will only be a disposition where the remaining term exceeds 50 years.

Subsection 10. The amendment excludes from dispositions by the issue of shares those dispositions that have the effect only of proportionally increasing the number of voting shares held by each shareholder of a corporation. The intent is that, where the ratio of share ownership is not altered by an allotment and issue of shares, no disposition will result.

Subsection 11. The addition of clause *ea* adds to the Act a more comprehensive definition of "farming assets" than is contained in the present Act.

Subsection 12. The definition of "farming corporation" is expanded to clarify the family relationship required to exist among the shareholders of the corporation and the fact that the corporation must carry on farming in Ontario.

shareholders of the corporation and issued in proportion to their ownership of such shares immediately prior to such allotment and issue)".

- (11) Subsection 1 of the said section 1 is amended by adding ^{s. 1 (1),} amended thereto the following clause:

(ea) "farming assets" of a farming corporation means,

- (i) cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming carried on by the farming corporation of which they are assets,
- (ii) land, buildings, equipment, machinery and live stock that are used chiefly in the operation of the farm by the farming corporation,
- (iii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,
- (iv) the building in which a shareholder of the farming corporation or a member or members of his family reside who is or are engaged in the operation of the farm if that building is on land that is used, or that is contiguous to land that is used, by that shareholder or member or members of his family in the operation of the farm, and
- (v) shares in another farming corporation whose shareholders are members of the family of one or more of the shareholders of the farming corporation owning the shares of such other farming corporation.

- (12) Clause *f* of subsection 1 of the said section 1 is repealed ^{s. 1 (1) (f),} re-enacted and the following substituted therefor:

(*f*) "farming corporation" means a corporation,

- (i) each share of which that confers on the holder thereof the right to vote is, at the date of any disposition with respect to which the expression is being applied, owned by one individual ordinarily resident in

Canada, by an individual ordinarily resident in Canada who is a member of the family of every other shareholder of the corporation, or by an individual ordinarily resident in Canada of whose family every other shareholder of the corporation is a member ordinarily resident in Canada,

(ii) 95 per cent of the assets of which are farming assets, and

(iii) which carries on farming in Ontario.

s. 1 (1) (l),
amended

(13) Clause *l* of subsection 1 of the said section 1 is amended,

(a) by striking out "or" at the end of subclause ii;

(b) by adding "or" at the end of subclause iii;

(c) by adding thereto the following subclause:

(iv) an amount equal to the fair market value of the designated land with respect to which any lease or similar arrangement has been entered into, or with respect to which the rights under any lease or similar arrangement that have been sold, assigned or transferred are exercisable, where the entering into such lease or similar arrangement or the sale, assignment or transfer of rights thereunder is a disposition within the meaning of subclause iii of clause *d*,

and

(d) by striking out "under the last will and testament of any person or on the intestacy of any person" in the thirty-ninth and fortieth lines and inserting in lieu thereof "described in subclause iv of clause *d*".

s. 1 (6),
amended

(14) Subsection 6 of the said section 1 is amended by striking out ", 50 per cent or more of the assets of which consist of designated land," in the first, second and third lines.

s. 1 (8),
repealed

(15) Subsection 8 of the said section 1 is repealed.

s. 1 (9),
amended

(16) Subsection 9 of the said section 1 is amended by striking out "or of subsection 8," in the second line and by striking out "subsection 8 and" in the twentieth line.

Subsection 13. The changes made in clause 1 are consequential on changes made in earlier provisions of the Act. The addition of subclause iv provides that, on a disposition of designated land by entering into a lease or by selling the rights under a lease, the proceeds of disposition will be the fair market value of the underlying land. In view of earlier amendments, this valuation will only apply to leases of more than 50 years. Clause 1 is also amended to provide that no proceeds of disposition arise on any disposition resulting from death, and the reference to devolutions by will or on intestacy is removed.

Subsection 14. The change to subsection 6, together with a change later to be proposed for section 4 (c), will enable any corporation to distribute designated land to its shareholders without tax, but the shareholders will, for the purposes of a subsequent disposition by them of the designated land, be deemed to acquire it at the acquisition cost to the corporation.

Subsection 15. The present subsection 8 of the Act is no longer necessary because of changes made to section 1 (1) (a) (iv) of the Act dealing with the addition of net maintenance costs to adjusted value.

Subsection 16. The changes made to section 1 (9) are consequential on the repeal of subsection 8.

Subsection 17. The addition of subsection 10 provides rules applicable to organizations and corporations in determining when 50 per cent or more of their assets consist of designated land. The new provisions provide that the 50 per cent is to be computed by reference to the fair market value of all the assets of the corporation or organization, and that shares in other land-owning corporations will be treated as designated land in the hands of the corporation or organization owning such shares. Certain shares which do not entitle the holder thereof to participate in capital growth or appreciation are excluded from computation of the assets consisting of designated land.

SECTION 2.—Subsection 1. The amendment provides that interest is not to be calculated until the transaction of which the disposition is a part has been completed or until 90 days after the occurrence of the disposition, whichever is later.

Subsection 2. This provision provides that no tax is payable where, although a disposition may technically have taken place, the sale or transfer is never completed.

(17) Section 1 of the said Act is further amended by adding ^{s. 1,} thereto the following subsection:

(10) Where, for the purposes of this Act or the regulations, it is necessary to determine whether 50 per cent or more of the assets of any organization, syndicate, association of persons, partnership, joint venture or corporation with or without share capital consist of designated land, the following rules apply,

Determining assets consisting of designated land

(a) all assets shall be valued at their fair market value ascertained as at the time the determination is required to be made;

(b) assets consisting of designated land shall be deemed to include the shares of any corporation that is, or that in fact directly or indirectly controls, a corporation 50 per cent or more of the fair market value of all of the assets of which, determined in accordance with these rules, consist of designated land, unless such shares do not entitle the holder thereof ordinarily to vote at meetings of shareholders of the corporation and entitle the holder thereof only to dividends, to the return of capital paid to the corporation for the allotment and issue of such shares, or to a premium of not more than 10 per cent of such capital on the redemption of such shares, their purchase for cancellation by the corporation, or the winding-up or dissolution of the corporation; and

(c) the percentage of assets consisting of designated land shall be determined by reference to the fair market value of all assets of the organization, syndicate, association of persons, partnership, joint venture or corporation with or without share capital with respect to the assets of which the expression is being applied.

2.—(1) Subsection 3 of section 2 of the said Act is amended by inserting after "interest" in the fourth line "from the later of ninety days after the disposition or the date of completion of the transaction of which the disposition is a part".

s. 2 (3), amended

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

s. 2, amended

(5) Notwithstanding anything to the contrary in this Act, where a disposition of or with respect to designated

No tax on failure of disposition

land occurs and the transaction, sale or transfer of which the disposition is a part is not completed, and where, following such failure of completion, the transferor who made the disposition is in the same position with respect to the ownership of the designated land as he would have been had the disposition not occurred, no tax is payable with respect to such disposition.

s. 4 (b),
amended

3.—(1) Clause *b* of section 4 of the said Act is amended by adding at the end thereof “by Ontario Hydro or by a authority as defined in *The Conservation Authorities Act*”

s. 4 (c),
amended

(2) Clause *c* of the said section 4 is amended by striking out “, 50 per cent or more of the assets of which consist of designated land,” in the second and third lines.

s. 4 (e),
amended

(3) Clause *e* of the said section 4 is amended by striking out “ten” in the eighth line and inserting in lieu thereof “eleven”.

s. 4 (h),
amended

(4) Clause *h* of the said section 4 is amended by inserting after “of” in the first line “otherwise than as a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1,” and by inserting after “corporation” in the eighth line “or a shareholder or shareholders thereof”.

s. 4 (i),
amended

(5) Clause *i* of the said section 4 is amended by striking out “or” in the fourth line.

s. 4 (j),
amended

(6) Clause *j* of the said section 4 is amended by inserting after “Act,” in the third line “an authority as defined in *The Conservation Authorities Act*,”.

s. 4,
amended

(7) The said section 4 is amended by adding thereto the following clauses:

(*k*) when the designated land at the time of its disposition, as defined in this clause,

(i) has not previously been disposed of by disposition for which exemption was claimed under this clause or under section 21,

(ii) is included in a registered plan of subdivision or is the subject of a conserved area obtained under section 29 of *The Planning Act* and

(iii) has, at the expense of the transferor, been,

SECTION 3.—Subsection 1. This amendment exempts dispositions of designated land to Ontario Hydro and to conservation authorities.

Subsection 2. The amendment provides that distributions of designated land to the shareholders of a corporation that is being wound-up or dissolved are exempt from tax, but the earlier amendment to section 1 (6) of the Bill will provide that shareholders who take such land exempt from tax will take it at the acquisition cost applicable to the corporation.

Subsection 3. The amount of contiguous land exempt on the disposition of a principal residence is raised from ten to eleven acres.

Subsection 4. The amendments made here provide that dispositions resulting from death are not exempt from tax by virtue of section 4 (*h*), and a further amendment clarifies that dispositions by a farming corporation to its shareholders will be exempt from tax. Dispositions resulting from death are excluded from this exemption because they give rise to an automatic increase in the value of the designated land to its market value at the date of death, and because no proceeds of disposition arise on a disposition resulting from death. The amendment is consistent with those made earlier in the Bill with relation to dispositions of farming land.

Subsection 5. This amendment is consequential on the addition of clause *k* to section 4.

Subsection 6. This amendment exempts dispositions made by conservation authorities.

Subsection 7. This amendment adds clause *k* to section 4 of the Act. Clause *k* deals with the disposition of land that has been subdivided and serviced to the stage where building permits will be issued with respect to the land. Where building permits are not required, the exemption will be available when the land has been serviced in accordance with any requirements imposed under *The Planning Act*. This amendment is intended to replace section 21 of the present Act. The addition of clause *l* exempts dispositions of land in unorganized territory if the land is not located in a restricted area designated under *The Public Lands Act* for which permits are required to improve or build upon the land.



- (A) in the case where an agreement enforceable against the transferor has been entered into pursuant to clause *d* of subsection 5 of section 33 of *The Planning Act*, wholly or partly serviced for the purpose of complying with requirements for servicing contained in such agreement, or ^{R.S.O. 1970, c. 349}
- (B) in the case where the designated land disposed of is the subject of a consent obtained under section 29 of *The Planning Act*, wholly or partly serviced for the purpose of complying with any conditions respecting the servicing of the designated land that are imposed pursuant to subsection 12 of section 29 of that Act, and
- (C) in all cases, wholly or partly serviced to the extent that construction of a building on the designated land disposed of could lawfully be commenced and, where applicable, to the further extent that a permit authorized by a by-law passed pursuant to subsection 1 of section 38 of *The Planning Act* by the municipality within which the designated land disposed of is situated, or a permit authorized by section 17 of *The Public Lands Act*, would be available, ^{R.S.O. 1970, cc. 349, 380}

and for the purpose of determining the time at which a transferor making a disposition described in this clause is first entitled to the exemption conferred by this clause, the expression "time of its disposition" means the time when the person to whom the disposition is made is first entitled to call for delivery to him of a conveyance or transfer of the designated land disposed of or of some other document or evidence of title the agreement to give which was a disposition of the designated land, and no disposition of designated land that is exempt from tax by virtue of this clause shall be deemed to have occurred, for the purposes of this Act, until the time of its disposition, as defined in this clause; or

- (l) when the designated land disposed of is situated in territory without municipal organization that is not designated as a restricted area pursuant to section 17 of *The Public Lands Act*.

R.S.O. 1970,
c. 380

s. 5 (3),
amended

4. Subsection 3 of section 5 of the said Act is amended by striking out "in order to recognize or give effect to the disposition, it is necessary to register" in the first, second and third lines and inserting in lieu thereof "as a result of the disposition, there is registered" and by striking out "described in a clause and, where applicable, a subclause (which clause and subclause shall be expressly named in the affidavit) of section 4 of this Act" in the fourteenth, fifteenth and sixteenth lines and inserting in lieu thereof "not liable to the tax imposed by subsection 1 of section 2 by virtue of a provision of this Act or the regulations (which provision shall be expressly named in the affidavit)".

s. 20 (2),
re-enacted

5. Subsection 2 of section 20 of the said Act is repealed and the following substituted therefor:

Investment
property
reduction

(2) Where designated land that is an investment property is disposed of, the taxable value, computed as if this section was not applicable, of the investment property disposed of shall be reduced by an amount equal to one-tenth thereof for each full twelve-month period up to a maximum of ten such periods that is comprised in an uninterrupted period of time,

(a) that commenced prior to, and ended on, the day on which the disposition occurs; and

(b) throughout the whole of which the investment property disposed of was owned by the transferor, the transferor's spouse or the transferor and his spouse and was an investment property or the principal residence of the transferor or the transferor's spouse.

Farm
property
reduction

(3) Where designated land that is used in farming is disposed of and the disposition is neither a disposition within the meaning of subclause iv of clause d of subsection 1 of section 1 nor a disposition exempt from tax by virtue of clause h of section 4, the taxable value, computed as if this section was not applicable, of the designated land disposed of shall be reduced by an amount equal to one-tenth thereof for each full twelve-month period up to a maximum of ten such periods that is comprised in an uninterrupted period of time,

SECTION 4. This amendment clarifies the application of the use of the affidavit of exemption which will enable the purchaser of designated land to take it free from the lien imposed by the Act. The affidavit of exemption may now be used in any circumstances where tax is not imposed by section 2 (1) of the Act.

SECTION 5. The investment property reduction is expanded. The requirement that the property must be held until April 9, 1977 has been removed, and the period for which a reduction may be claimed is enlarged to include the time when the transferor or his spouse owned the property or used it as a principal residence; provided that, at the time of disposition, the property is an investment property. In addition, the reduction may be claimed for years earlier than April 9, 1974 if the property otherwise qualified for the reduction during those years.

The addition of subsection 3 provides a similar reduction for farm property so that, where farm property has been retained and farmed in the family for ten years, it can be disposed of exempt from tax. The ten year period includes years earlier than April 9, 1974.

SECTION 6. This amendment provides that section 21 of the Act will cease to be in force on March 1, 1975.

SECTION 7. The amendment authorizes the Lieutenant Governor in Council to make regulations for establishing formulae to reduce the percentages in relation to improvements, renovations and the investment property reduction required under the Act.

- (a) that commenced prior to, and ended on, the day on which the disposition occurs;
- (b) throughout the whole of which farming was carried on on the designated land by the transferor, by a person or persons who was or were members of the family of the transferor or, where the transferor is a farming corporation, was or were shareholders of that corporation, or by a farming corporation whose shareholders were the transferor or members of the family of the transferor; and
- (c) during which no previous disposition of or with respect to the designated land occurred, other than a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 or a disposition exempt from tax by virtue of clause *h* of section 4.

6. Section 21 of the said Act is amended by adding thereto the ^{s. 21, amended} following subsection:

(5) This section applies only to dispositions of designated ^{Application of section} land occurring prior to the 1st day of March, 1975.

7. Subsection 2 of section 23 of the said Act is amended by ^{s. 23 (2), amended} adding thereto the following clause:

(*m*) reducing the percentages or any of them mentioned in clause *d* or *g* of section 4 or in subsection 1 of section 20, or prescribing rules or formulae for determining the reduction in any percentage so mentioned that may be made without losing the benefit of the exemption or reduction described in clause *d* or *g* of section 4 or in section 20.

8.—(1) This Act, except subsections 7, 15 and 16 of section 1, ^{Commence-ment} and sections 2 and 4, comes into force on the day it receives Royal Assent.

(2) Subsections 7, 15 and 16 of section 1 and sections 2 and 4 ^{Idem} shall be deemed to have come into force on the 9th day of April, 1974.

9. This Act may be cited as *The Land Speculation Tax Amend-* ^{Short title}
ment Act, 1974.

An Act to amend
The Land Speculation Tax Act, 1974

1st Reading

October 25th, 1974

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Land Speculation Tax Act, 1974**

THE HON. A. K. MEEN
Minister of Revenue

(Reprinted as amended by the Administration of Justice Committee)

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment is consequential on the addition of two new sub-subclauses.

Subsection 2. The re-enactment of sub-subclause B eliminates the reference to devolutions by will or on intestacy and gives an acquisition cost of fair market value to all persons taking designated land as the result of a death.

The addition of sub-subclause BA deals with persons disposing of designated land acquired through a trust, and gives them an acquisition cost equal to the fair market value of the land when it was transferred into the trust.

The addition of sub-subclause BB establishes the acquisition cost of a lessee disposing of his lease or subleasing portions of land that he has leased. The acquisition cost will only be applicable when the sale of the leased land or the subleasing of it is, itself, a disposition.

**An Act to amend
The Land Speculation Tax Act, 1974**

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

- 1.—(1) Sub-subclause A of subclause i of clause a of sub-section 1 of section 1 of *The Land Speculation Tax Act, 1974*, being chapter 17, is amended by inserting after "B" in the second line "BA, BB," s. 1(1)(a)
(1)(A),
amended
- (2) Sub-subclause B of subclause i of clause a of sub-section 1 of the said section 1 is repealed and the following substituted therefor: s. 1(1)(a)
(1)(B),
re-enacted
- (B) as the result of a disposition described in subclause iv of clause d occurring on the death of a person dying after the 9th day of April, 1974, the fair market value of the designated land at the death of such person,
- (BA) as the result of the creation of a trust of which the transferor was or became a beneficiary, or as the result of the distribution of the designated land to the transferor under the terms of a trust of which the transferor was, at the time of such distribution, a beneficiary, the fair market value of the designated land at the time it first became subject to the trust if it first became subject to the trust after the 9th day of April, 1974, or where the designated land first became subject to the trust on or prior to that date, the fair market value of the designated land on that date, and the existence with respect to the designated land of

any limited beneficial interest, whether for the life of some person or otherwise, that affected the designated land after the creation of the trust shall not be taken into account to reduce the fair market value of the designated land for the purposes of this sub-subclause,

(BB) as the result of a disposition to him the proceeds of which were required to be determined in accordance with sub-clause iv of clause *l*, an amount equal to the proceeds of disposition so determined or to the proportion thereof that is reasonably attributable to the designated land with respect to which a lease or similar arrangement is being entered into by the transferor or with respect to which rights under any lease or similar arrangement are being sold, assigned or transferred by the transferor in circumstances that constitute a disposition by him within the meaning of subclause iii of clause *d*.

s. 1 (1) (a)
(i) (C),
amended

(3) Sub-subclause C of subclause i of clause *a* of subsection 1 of the said section 1 is amended by adding at the commencement thereof "subject to sub-subclauses B, BA, BB and D,".

s. 1 (1) (a)
(i) (D),
re-enacted

(4) Sub-subclause D of subclause i of clause *a* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(D) as the result of a disposition exempt from tax by virtue of clause *h* of section 4, the fair market value applicable to the designated land on the earliest day of the period determined under sub-clause v during which compound interest may be calculated in accordance with that subclause by the transferor making the disposition to the calculation of the adjusted value of which that subclause is applicable.

s. 1 (1) (a) (ii),
amended

(5) Subclause ii of clause *a* of subsection 1 of the said section 1 is amended by adding at the end thereof "or the cost to the transferor of its acquisition, whichever is the higher amount,".

Subsection 3. The words added at the beginning of sub-subclause C make it clear that the special rules for establishing the acquisition cost of designated land provided for in other sub-subclauses of subclause i take priority over the rules for establishing acquisition cost set out in sub-subclause C.

Subsection 4. This amendment clarifies the acquisition cost applicable on a disposition of farming land exempt by section 4 (h) of the Act. The determination of this acquisition cost will become relevant only when a disposition of the farming land is made that is not exempt under that clause. Such non-exempt dispositions will be those resulting from death and those in which the farming land is sold outside the family. In the first case, the effect of the amendment made to section 1 (1 (a) (i) (B) is that the land will be acquired at its fair market value at the date of death. In the second case, the transferor making the non-exempt disposition outside the family will be entitled to add compound interest, and the amendment to sub-subclause D provides that the compound interest will be based on the market value of the farming land at the beginning of the period during which compound interest can be calculated.

Subsection 5. This amendment provides that, where land acquired before April 9, 1974 is being disposed of, the transferor may use the higher of the fair market value of the designated land on that date or its actual cost of acquisition to him prior to that date. A person holding land at April 9, 1974 will not, therefore, be penalized by the fact that the land may have fallen in value between the date when he acquired it and April 9, 1974.

Subsection 6. The words added by this amendment allow the addition to farming land of costs of improvement made during the period when compound interest could be calculated with respect to a disposition of the farming land outside the family. For dispositions within the family, no calculations of adjusted value are required, since the dispositions will be exempt, and dispositions resulting from death will automatically take into account any value added to the land by improvements prior to death, since the person taking on death will take the land at its fair market value at death.

Subsection 7. The re-enactment of subclause iv makes two changes to the addition to adjusted value of net maintenance costs. The first change is that these costs may be averaged over the period of time the designated land was owned by the transferor subject to a limit of 10 per cent per annum of the acquisition cost of the designated land. The second change is that, in the case of a disposition of farming land, net maintenance costs may be added for the whole of the period during which compound interest can be added by the transferor under section 1 (1)(a)(v). This period will correspond to the time that the land was held by the family after April 9, 1974 or to the time at which the land was last revalued at market value as the result of the death of a person.

The addition of subclause *iva* will allow all costs of disposition to be added to the adjusted value on any disposition of designated land.

- (6) Subclause iii of clause *a* of subsection 1 of the said section 1 is amended by adding at the end thereof "and, ^{s. 1 (1) (a) (iii), amended} in the case of a transferor making a disposition of designated land used in farming that is neither a disposition within the meaning of subclause iv of clause *d* nor a disposition exempt from tax by virtue of clause *h* of section 4, the cost of improvements made to the designated land since the earliest day of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor and up to the earliest date that an improvement was made to the designated land by the transferor the cost of which is included by virtue of this subclause in computing adjusted value,".
- (7) Subclause iv of clause *a* of subsection 1 of the said section 1 is repealed and the following substituted therefor: ^{s. 1 (1) (a) (iv), re-enacted}

(iv) for that period that is not the shorter of,

- (A) the period of time commencing on the 9th day of April, 1974 or the date upon which the designated land was acquired by the transferor, whichever is the later date, and during which the transferor owned the designated land, or
- (B) the period of time commencing on the earliest day of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor and ending on the day of the disposition by the transferor,

the lesser of either,

- (C) five-sixths of 1 per cent times the number of full months in the period determined to be applicable under either sub-subclause A or B times the amount determined under either sub-clause i or ii, whichever is applicable, or
- (D) the total net maintenance costs incurred with respect to the designated land during the period determined to be applicable under either sub-sub-clause A or B,

(iva) the reasonable costs incurred by the transferor in connection with the acquisition of or the disposing of the designated land, but not including taxes however imposed that are payable as a result of the disposition or any costs of acquisition that have been included by virtue of any other provision of this Act and

s. 1 (1) (a) (v),
re-enacted

(8) Subclause v of clause a of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(v) in the case of a disposition of designated land used in farming that is neither a disposition within the meaning of subclause i of clause d nor a disposition exempt from tax by virtue of clause h of section 4, an amount equal to compound interest at the rate of 10 per cent per annum calculated with annual rests upon the amount determined under subclause i or ii, whichever is applicable to the transferor, for the number of years in the period of time preceding the disposition and commencing on the 9th day of April, 1974 or the date of the occurrence of any disposition of such designated land within the meaning of subclause iv of clause d or the date of the occurrence of any disposition of such designated land that was not exempt from tax by virtue of clause h of section 4, whichever is the later date throughout which farming was carried on on such designated land by the transferor or by any previous owner of such designated land or by a shareholder or member of the family of the transferor or such previous owner.

s. 1 (1) (d) (iii),
amended

(9) Subclause iii of clause d of subsection 1 of the said section 1 is amended by striking out "ten" in the fifth line and inserting in lieu thereof "fifty" and by adding at the end thereof "if at the time of the sale, assignment or transfer of such rights, the term remaining under such lease or arrangement, including any renewals or extensions thereof, may exceed fifty years,".

Subsection 8. The re-enactment of subclause v clarifies the period for which a transferor disposing of farming land outside the family is entitled to add compound interest to the acquisition cost of the land. The period for which compound interest can be added is that period preceding the disposition and going back no further than the latest to occur of:

(a) April 9, 1974,

(b) the death of any person from whom the land devolved, or

(c) the acquisition of the land through a disposition that was not exempt under section 4 (h), i.e., from a person outside the family.

Together with the amendment made to section 1 (1)(a)(i)(B), this amendment ensures that compound interest can be claimed throughout the period that farming was carried on by the family and in which no write-up of the market value of the land occurred as the result of death. During the period in which compound interest may be claimed, compound interest can only be added for the years during that period that farming was actually carried on on the designated land by the family operating the farm.

Subsection 9. The amendments made here provide that only leases over 50 years will constitute dispositions of designated land, and the sale or transfer of such a lease will only be a disposition where the remaining term exceeds 50 years.

Subsection 10. The amendment excludes from dispositions by the issue of shares those dispositions that have the effect only of proportionally increasing the number of voting shares held by each shareholder of a corporation. The intent is that, where the ratio of share ownership is not altered by an allotment and issue of shares, no disposition will result. The amendment also provides that certain transfers of shares on death are not dispositions to which the Act applies.

Subsection 11. The addition of clause *ea* adds to the Act a more comprehensive definition of "farming assets" than is contained in the present Act.

(10) Subclause vi of clause *d* of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1),
(d), (vi),
re-enacted

- (vi) the sale or transfer in any manner of the beneficial interest in, or the allotment and issue (other than an allotment and issue of shares made to the holders of all shares to which are attached rights to vote ordinarily exercisable at meetings of the shareholders of the corporation and issued in proportion to their ownership of such shares determined immediately prior to such allotment and issue) of, shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are shares in the capital stock of a corporation 50 per cent or more of the assets of which consist of designated land, but this subclause does not apply to any transfer of the beneficial interest in such shares that occurs by reason of the death of the owner of them and that is not provided for by an agreement enforceable against the corporation that issued such shares or enforceable by or against the person legally or beneficially entitled to such shares immediately following the death of the owner of them, or

(11) Subsection 1 of the said section 1 is amended by adding thereto the following clause: s. 1 (1),
amended

(*ea*) "farming assets" of a farming corporation means,

- (i) cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming carried on by the farming corporation of which they are assets,
- (ii) land, buildings, equipment, machinery and live stock that are used chiefly in the operation of the farm by the farming corporation,

- (iii) any right or licence granted or issued under any Act of the Legislature that permits, regulates the production or sale of any commodity or thing produced, raised or grown through farming, and
- (iv) the building in which a shareholder of the farming corporation or a member or member of his family reside who is or are engaged in the operation of the farm if that building is on land that is used, or that is contiguous to land that is used, by that shareholder or member or members of his family in the operation of the farm.

s. 1 (1) (f),
re-enacted

- (12) Clause *f* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(f) "farming corporation" means a corporation,

- (i) each share of which that confers on the holder thereof the right to vote is, at the date of any disposition with respect to which the expression is being applied, owned by one individual ordinarily resident in Canada, by an individual ordinarily resident in Canada who is a member of the family of every other shareholder of the corporation or by an individual ordinarily resident in Canada of whose family every other shareholder of the corporation is a member or ordinarily resident in Canada,
- (ii) 95 per cent of the assets of which are farming assets, and
- (iii) which carries on farming in Ontario.

s. 1 (1) (l),
amended

- (13) Clause *l* of subsection 1 of the said section 1 is amended,

- (a) by striking out "or" at the end of subclause ii;
- (b) by adding "or" at the end of subclause iii;
- (c) by adding thereto the following subclause:

- (iv) an amount equal to the fair market value of the designated land with respect to which any lease or similar arrangement has been entered into, or with respect to which the

Subsection 12. The definition of "farming corporation" is expanded to clarify the family relationship required to exist among the shareholders of the corporation and the fact that the corporation must carry on farming in Ontario.

Subsection 13. The changes made in clause 1 are consequential on changes made in earlier provisions of the Act. The addition of subclause iv provides that, on a disposition of designated land by entering into a lease or by selling the rights under a lease, the proceeds of disposition will be the fair market value of the underlying land. In view of earlier amendments, this valuation will only apply to leases of more than 50 years. Clause 1 is also amended to provide that no proceeds of disposition arise on any disposition resulting from death, and the reference to devolutions by will or on intestacy is removed.

Subsection 14. The repeal of subsection 6 is consequential on the new provisions of the Act contained in section 7 of the Bill.

Subsection 15. The present subsection 8 of the Act is no longer necessary because of changes made to section 1 (1) (a) (iv) of the Act dealing with the addition of net maintenance costs to adjusted value.

Subsection 16. The changes made in the re-enactment of subsection 9 of section 1 of the Act are consequential on the repeal of subsection 8 of section 1 of the Act and on the amendments made to section 4 (h) of the Act. The addition of subsections 10 and 11 provides rules for determining whether 50 per cent of the assets of a corporation or other organization consist of designated land. Generally, where an organization or corporation controls corporations that own designated land, that designated land will be counted in the assets of the controlling corporation or organization, but if the value of such land is already partly reflected in the value of shares of a subsidiary corporation owned by the controlling corporation, that value will be deleted so that the value of the designated land owned by a controlled corporation is not reflected twice in the assets of the controlling corporation. The sale or transfer of shares of the controlling corporation will be a disposition of all the designated land controlled by the corporation, and provision is made that *bona fide* purchasers and mortgagees dealing with land of a controlled corporation, where a disposition of the shares of the controlling corporation has occurred, will take such land free from any lien conferred by the Act.

The addition of subsection 12 provides that where the disposition of rights under a lease requires the valuation of the designated land subject to the lease at its fair market value, the transferor may determine his cost of acquisition on the basis of the fair market value of that designated land at the time it was leased to him.

rights under any lease or similar arrangement that have been sold, assigned or transferred are exercisable, where the entering into such lease or similar arrangement or the sale, assignment or transfer of rights thereunder is a disposition within the meaning of subclause iii of clause *d*,

and

- (*d*) by striking out "under the last will and testament of any person or on the intestacy of any person" in the thirty-ninth and fortieth lines and inserting in lieu thereof "described in subclause iv of clause *d*".

(14) Subsection 6 of the said section 1 is repealed.

s. 1 (6),
repealed

(15) Subsection 8 of the said section 1 is repealed.

s. 1 (8),
repealed

(16) Subsection 9 of the said section 1 is repealed and the following substituted therefor:

s. 1 (9),
re-enacted

(9) For the purpose of subsection 11 and of clause *a*, / or *o* of subsection 1, where, after the 9th day of April, 1974, a disposition that is not exempt from tax by virtue of clause *h* of section 4 and that is a disposition described in subclause v, vi or vii of clause *d* of subsection 1 occurs of or with respect to designated land, the person or persons who is or are immediately prior to the occurrence of such disposition beneficially interested in the designated land with respect to which such disposition has occurred shall be deemed to have disposed of it for proceeds of disposition equal to the amount of the fair market value of the designated land at the time of such disposition, and the person or persons who is or are immediately following the occurrence of such disposition beneficially interested in the designated land with respect to which such disposition has occurred shall be deemed to have acquired or reacquired the designated land for an amount equal to the amount of its fair market value at the time of such disposition, and for the purpose of determining the adjusted value of the designated land on the occurrence of the next subsequent disposition of the designated land that is not a disposition exempt from tax by virtue of clause *h* of section 4, subclauses iii, iv and, where applicable, v of clause *a* of subsection 1 apply only to the period ending at the time of the next subsequent disposition of the designated land that is not

Application
of Act to
certain
dispositions

exempt from tax by virtue of clause *h* of section 4 and commencing at the time when the transferor making such next subsequent disposition was last deemed to have acquired or reacquired the designated land pursuant to this subsection.

Determining
assets
consisting
of designated
land

(10) In determining, for the purposes of this Act or the regulations, whether 50 per cent or more of the assets of any organization, syndicate, association of persons, partnership, joint venture or corporation with or without share capital (which organization, syndicate, association of persons, partnership, joint venture or corporation with or without share capital is hereafter in this subsection referred to as the "disposing person") consist of designated land, the following rules apply,

- (a) assets consisting of designated land shall be deemed to include all designated land to the extent that it is beneficially owned by a corporation that is in fact directly or indirectly controlled by the disposing person;
- (b) where the assets of the disposing person (other than designated land owned by, or deemed by this subsection to be included in the assets of, the disposing person) derive all or part of their value from the value of designated land that is deemed by this subsection to be included in the disposing person's assets, there shall be deducted from the fair market value of those assets the value of which is so derived any amount reasonably attributable to the designated land deemed by this subsection to be included in the assets of the disposing person; and
- (c) the percentage of the assets of the disposing person consisting of designated land shall be determined on the basis of the fair market value of all assets owned by, or deemed by this subsection to be included in the assets of, the disposing person and after making any deduction required to be made by clause *b*.

Disposition
deemed to
occur

(11) Where a disposition described in subclause *v*, *vi* or *vii* of clause *d* of subsection 1 occurs, it is deemed to be a disposition of or with respect to any designated land that is, at the occurrence of the first-mentioned disposition, deemed by subsection 10 to be included in the assets of an organization, syndicate, association of persons, partnership, joint venture or corporation with or without share



SECTION 2.—Subsection 1. The amendment provides that interest is not to be calculated until the transaction of which the disposition is a part has been completed or until 90 days after the occurrence of the disposition, whichever is later.

Subsection 2. This provision provides that no tax is payable where, although a disposition may technically have taken place, the sale or transfer is never completed.

capital to the extent of the beneficial interest in such designated land that is deemed by subsection 10 to be included in such assets, and for the purposes of this Act or the regulations, such designated land shall be deemed to have been disposed of by a disposition described in subclause v, vi or vii, as the case may be, of clause *d* of subsection 1, but any purchaser or mortgagee of such designated land who acquires it for value or lends money on the security thereof, in good faith and without notice of the occurrence of a disposition deemed by this subsection to have occurred shall hold the designated land free from, and there shall not attach to such designated land, the special lien conferred by section 5 for the amount of any tax imposed by this Act as a result of a disposition deemed by this subsection to have occurred prior to the acquisition of such designated land by such purchaser or the taking of security thereon by such mortgagee.

(12) Where rights under any lease or similar arrangement are being sold, assigned or transferred in circumstances that constitute a disposition within the meaning of subclause iii of clause *d* of subsection 1 and where the proceeds of such disposition are required to be determined in accordance with subclause iv of clause *l* of subsection 1, the transferor making such disposition may, in lieu of the amount required by sub-subclause A, B, BA or C of subclause i of clause *a* of subsection 1 or by subclause ii of that clause to be added to the adjusted value applicable to such disposition, add an amount equal to the fair market value of the designated land with respect to which the rights under the lease or similar arrangement that are being sold, assigned or transferred are exercisable, such fair market value to be ascertained as at the 9th day of April, 1974 or the date on which the transferor acquired such rights, whichever is the later date.

Adjusted value on certain dispositions of rights under leases

2.—(1) Subsection 3 of section 2 of the said Act is amended by inserting after “interest” in the fourth line “from the later of ninety days after the disposition or the date of completion of the transaction of which the disposition is a part”.

s. 2 (3), amended

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

s. 2, amended

(5) Notwithstanding anything to the contrary in this Act, where a disposition of or with respect to designated

No tax on failure of disposition

land occurs and the transaction, sale or transfer of which the disposition is a part is not completed, and where, following such failure of completion, the transferor who made the disposition is in the same position with respect to the ownership of the designated land as he would have been had the disposition not occurred, no tax is payable with respect to such disposition.

s. 4 (b),
amended

3.—(1) Clause *b* of section 4 of the said Act is amended by adding at the end thereof “by Ontario Hydro or by an authority as defined in *The Conservation Authorities Act*”.

s. 4 (c),
repealed

(2) Clause *c* of section 4 of the said Act is repealed.

s. 4 (e),
amended

(3) Clause *e* of the said section 4 is amended by striking out “ten” in the eighth line and inserting in lieu thereof “eleven”.

s. 4 (h),
re-enacted

(4) Clause *h* of the said section 4 is repealed and the following substituted therefor:

(*h*) when the designated land,

(i) is disposed of otherwise than by a disposition described in subclause iv of clause *d* of subsection 1 of section 1,

(ii) is, at the time of its disposition, used in farming carried on by the transferor, by an individual ordinarily resident in Canada who is a member of the family of the transferor or by the transferor and any such individual,

(iii) is disposed of,

(A) to an individual ordinarily resident in Canada who is a member of the family of the transferor,

(B) to a corporation that, immediately following the disposition, is a farming corporation each share of which that confers on the holder thereof the right to vote is, at the date of such disposition, owned by the transferor making the disposition or by an individual ordinarily resident in Canada who is a member of the family of such transferor,

SECTION 3 Subsection 1 This amendment exempts dispositions of designated land to Ontario Hydro and to conservation authorities

Subsection 2 The repeal of clause *c* of section 4 is consequential on the new provisions of the Act contained in section 7 of the Bill.

Subsection 3 The amount of contiguous land exempt on the disposition of a principal residence is raised from ten to eleven acres.

Subsection 4 The amendments made here provide that dispositions resulting from death are not exempt from tax by virtue of section 4 (*h*), and a further amendment clarifies that dispositions by a farming corporation to its shareholders will be exempt from tax. Dispositions resulting from death are excluded from this exemption because they give rise to an automatic increase in the value of the designated land to its market value at the date of death, and because no proceeds of disposition arise on a disposition resulting from death. The amendment is consistent with those made earlier in the Bill with relation to dispositions of farming land.

Subsection 5. This amendment is consequential on the addition of clause *k* to section 4.

Subsection 6. This amendment exempts dispositions made by conservation authorities.

Subsection 7. This amendment adds clause *k* to section 4 of the Act. Clause *k* deals with the disposition of land that has been subdivided and serviced to the stage where building permits will be issued with respect to the land. Where building permits are not required, the exemption will be available when the land has been serviced in accordance with any requirements imposed under *The Planning Act*. This amendment is intended to replace section 21 of the present Act. The addition of clause *l* exempts dispositions of land in unorganized territory if the land is not located in a restricted area designated under *The Public Lands Act* for which permits are required to improve or build upon the land.

(C) by a disposition described in subclause vi of clause d of subsection 1 of section 1 that is the result of the sale or transfer in any manner of the beneficial interest in, or is the result of the allotment and issue of, shares in a farming corporation to an individual ordinarily resident in Canada who is a member of the family of every other shareholder of the farming corporation immediately prior to the sale, transfer or allotment and issue of such shares, or

(D) to a shareholder of a transferor that is a farming corporation, and

(iv) is disposed of for the purpose of enabling the person to whom the disposition is made to carry on farming on the designated land, or is disposed of with the intention that a farming corporation the shares of which are sold, transferred or allotted and issued as described in sub-subclause C of subclause iii will continue to carry on farming on the designated land.

(5) Clause i of the said section 4 is amended by striking ^{s. 4 (1),} out "or" in the fourth line. ^{amended}

(6) Clause j of the said section 4 is amended by inserting ^{s. 4 (j),} after "Act," in the third line "an authority as defined ^{amended} in *The Conservation Authorities Act*,".

(7) The said section 4 is amended by adding thereto the ^{s. 4,} following clauses: ^{amended}

(k) when the designated land at the time of its disposition, as defined in this clause,

(i) has not previously been disposed of by a disposition for which exemption was claimed under this clause or under section 21,

(ii) is included in a registered plan of subdivision, is the subject-matter of a consent obtained under section 29 of *The Planning Act*, or is owned by the transferor and immediately abuts on designated land that was owned by the transferor and that was the subject-matter of such a consent, and

R.S.O. 1970,
c. 349

(iii) has, at the expense of the transferor, been,

- (A) in the case where an agreement enforceable against the transferor has been entered into pursuant to clause *d* of subsection 5 of section 33 of *The Planning Act*, wholly or partly serviced for the purpose of complying with requirements for servicing contained in such agreement,
- (B) in the case where the designated land disposed of is the subject of a consent obtained under section 29 of *The Planning Act*, wholly or partly serviced for the purpose of complying with any conditions respecting the servicing of the designated land that are imposed pursuant to subsection 12 of section 29 of that Act, or
- (C) in the case where an agreement in writing enforceable against the transferor has been entered into with the municipality within which the designated land disposed of is situated wholly or partly serviced for the purpose of complying with requirements for servicing contained in such agreement, and
- (D) in all cases, wholly or partly serviced to the extent that construction of a building on the designated land disposed of could lawfully be commenced and, where applicable, to the further extent that a permit authorized by a by-law passed pursuant to subsection 1 of section 38 of *The Planning Act* by the municipality within which the designated land disposed of is situated or a permit authorized by section 11 of *The Public Lands Act*, would be available,

R.S.O. 1970,
c. 349

R.S.O. 1970,
cc. 349, 380

and for the purpose of determining the time at which a transferor making a disposition described in this clause is first entitled to the exemption conferred by this clause, the expression "time of its disposition" means

SECTION 4. This amendment clarifies the application of the use of the affidavit of exemption which will enable the purchaser of designated land to take it free from the lien imposed by the Act. The affidavit of exemption may now be used in any circumstances where tax is not imposed by section 2 (1) of the Act.

SECTION 5. The investment property reduction is expanded. The requirement that the property must be held until April 9, 1977 has been removed, and the period for which a reduction may be claimed is enlarged to include the time when the property was used as an investment property or a principal residence by the transferor or a predecessor in interest from whom the property was acquired on death or through on eligible disposition. In addition, the reduction may be claimed for years earlier than April 9, 1974 if the property otherwise qualified for the reduction during those years.

The addition of subsection 3 provides a similar reduction for farm property so that, where farm property has been retained and farmed in the family for ten years, it can be disposed of exempt from tax. The ten year period includes years earlier than April 9, 1974.

the time when the person to whom the disposition is made is first entitled to call for delivery to him of a conveyance or transfer of the designated land disposed of or of some other document or evidence of title the agreement to give which was a disposition of the designated land, and no disposition of designated land that is exempt from tax by virtue of this clause shall be deemed to have occurred, for the purposes of this Act, until the time of its disposition, as defined in this clause; or

- (l) when the designated land disposed of is situated in territory without municipal organization that is not designated as a restricted area pursuant to section 17 of *The Public Lands Act*.

R.S.O. 1970.
c. 380

4. Subsection 3 of section 5 of the said Act is amended by ^{s. 5 (3),} striking out "in order to recognize or give effect to the disposition, it is necessary to register" in the first, second and third lines and inserting in lieu thereof "as a result of the disposition, there is registered" and by striking out "described in a clause and, where applicable, a subclause (which clause and subclause shall be expressly named in the affidavit) of section 4 of this Act" in the fourteenth, fifteenth and sixteenth lines and inserting in lieu thereof "not liable to the tax imposed by subsection 1 of section 2 by virtue of a provision of this Act or the regulations (which provision shall be expressly named in the affidavit)". ^{amended}
5. Subsection 2 of section 20 of the said Act is repealed and the ^{s. 20 (2),} following substituted therefor: ^{re-enacted}

(2) Where designated land that is an investment property is disposed of, the taxable value, computed as if this section was not applicable, of the investment property disposed of shall be reduced by an amount equal to one-tenth thereof for each full twelve-month period up to a maximum of ten such periods that is comprised in an uninterrupted period of time, ^{Investment property reduction}

- (a) that commenced prior to, and ended on, the day on which the disposition occurs;

- (b) during which no previous disposition of or with respect to the designated land occurred, other than a disposition within the meaning of subclause iv of clause d of subsection 1 of section 1 or a dis-

position that is an eligible disposition within the meaning of section 22a; and

- (c) throughout the whole of which the designated land was an investment property or the principal residence of the transferor or of a person who disposed of the designated land within such uninterrupted period by a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 or by a disposition that is an eligible disposition within the meaning of section 22a.

Farm
property
reduction

(3) Where designated land that is used in farming is disposed of and the disposition is neither a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 nor a disposition exempt from tax by virtue of clause *h* of section 4, the taxable value, computed as if that section was not applicable, of the designated land disposed of shall be reduced by an amount equal to one-tenth thereof for each full twelve-month period up to a maximum of ten such periods that is comprised in an uninterrupted period of time,

- (a) that commenced prior to, and ended on, the day on which the disposition occurs;
- (b) throughout the whole of which farming was carried on on the designated land by the transferor, by a person or persons who was or were members of the family of the transferor or, where the transferor is a farming corporation, was or were shareholders of that corporation, or by a farming corporation whose shareholders were the transferor or members of the family of the transferor; and
- (c) during which no previous disposition of or with respect to the designated land occurred, other than a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 or a disposition exempt from tax by virtue of clause *h* of section 4.

s. 21,
amended

6. Section 21 of the said Act is amended by adding thereto the following subsection:

Application
of section

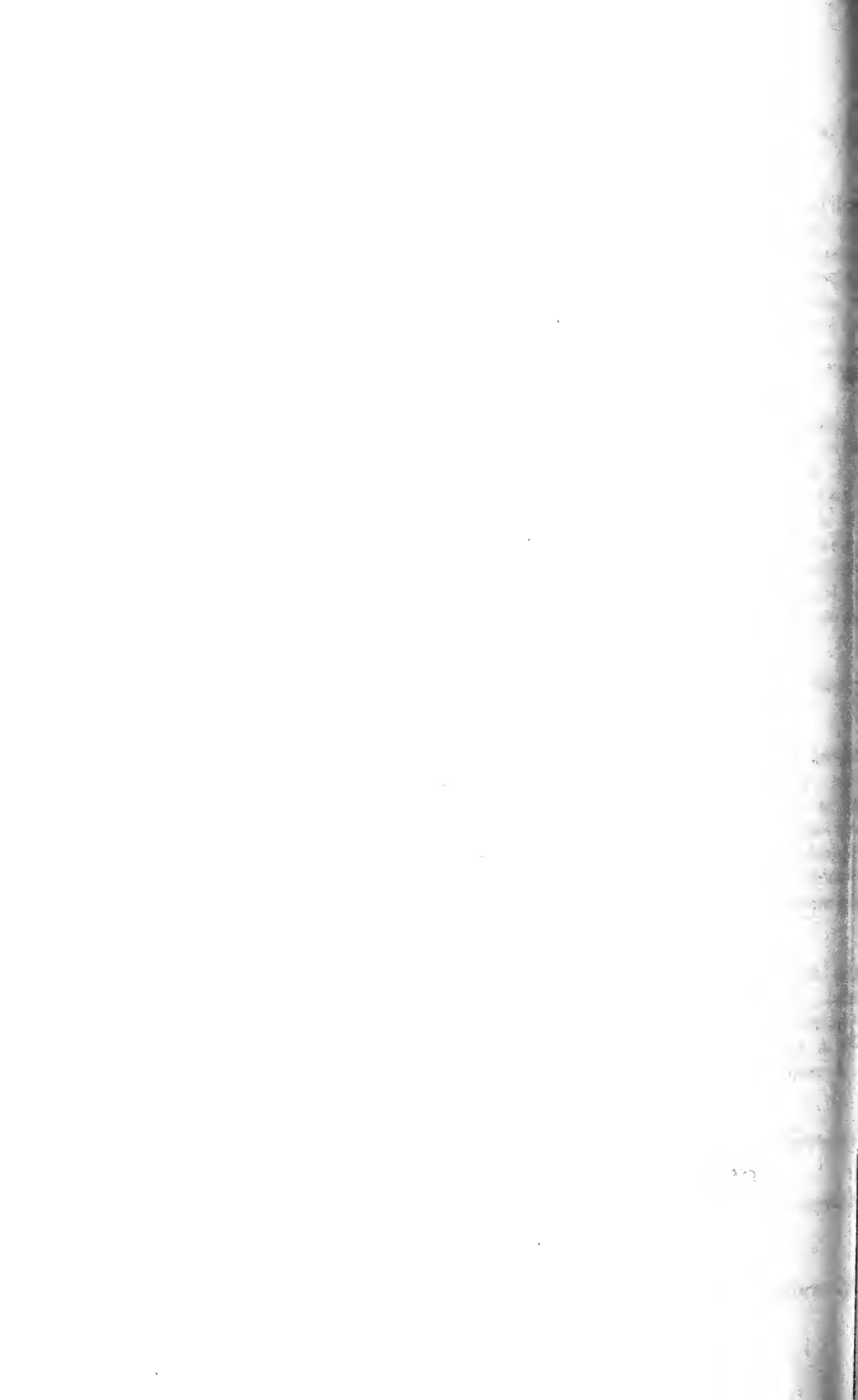
(5) This section applies only to dispositions of designated land occurring prior to the 1st day of April, 1975.

ss. 22a-22c,
enacted

7. The said Act is further amended by adding thereto the following sections:

SECTION 6. This amendment provides that section 21 of the Act will cease to be in force on April 1, 1975.

SECTION 7. Section 22a provides for roll-overs on dispositions between members of a family, from a settlor to a family trust, from an individual to a corporation in exchange for its shares, and for dispositions among subsidiary corporations controlled by the same company. Where such dispositions occur, the adjusted value of the transferor will be continued by the transferee, and no tax will result until the transferee disposes of the designated land in a taxable manner.



22a.—(1) In this section,

Interpre-
tation

“eligible disposition” means a disposition that is not exempt from tax by virtue of section 4, that is not a disposition described in subclause iv of clause *d* of subsection 1 of section 1, and that is a disposition that is the result of a transaction, arrangement or event whereby the beneficial interest in property of any kind is transferred or extinguished or whereby the control over the use of designated land or the proceeds of its disposition is changed, provided that such transfer or extinguishment of beneficial interest or such change of control is,

- (a) from an individual to a member or members of his family;
- (b) from an individual to a corporation all of the issued shares of which are, immediately following the disposition, beneficially owned by such individual or by a member or members of his family;
- (c) from an individual to the trustees of a trust (other than a trust created by will) under the terms of which the income and corpus of the trust can be beneficially enjoyed or possessed by, or are vested in, only such individual or a member or members of his family, and no other person contingently interested under the terms of the trust can become entitled to the enjoyment or possession of, or to a vested interest in, the income or corpus of the trust except as the result of the death of the individual or a member or members of his family having a prior beneficial interest in such income or corpus;
- (d) from individuals disposing of designated land, including designated land held by them as partnership property, that is owned by them as tenants in common or as joint tenants when the disposition is to a corporation in consideration for the allotment and issue to each such individual of shares of the corporation having a fair market value that is,
 - (i) where the designated land was owned immediately prior to the disposition as partnership property or in tenancy in common, not less than the fair market value of the individual's interest in the designated land immediately prior to the disposition, or
 - (ii) subject to subclause i, where the designated land was owned immediately prior to the

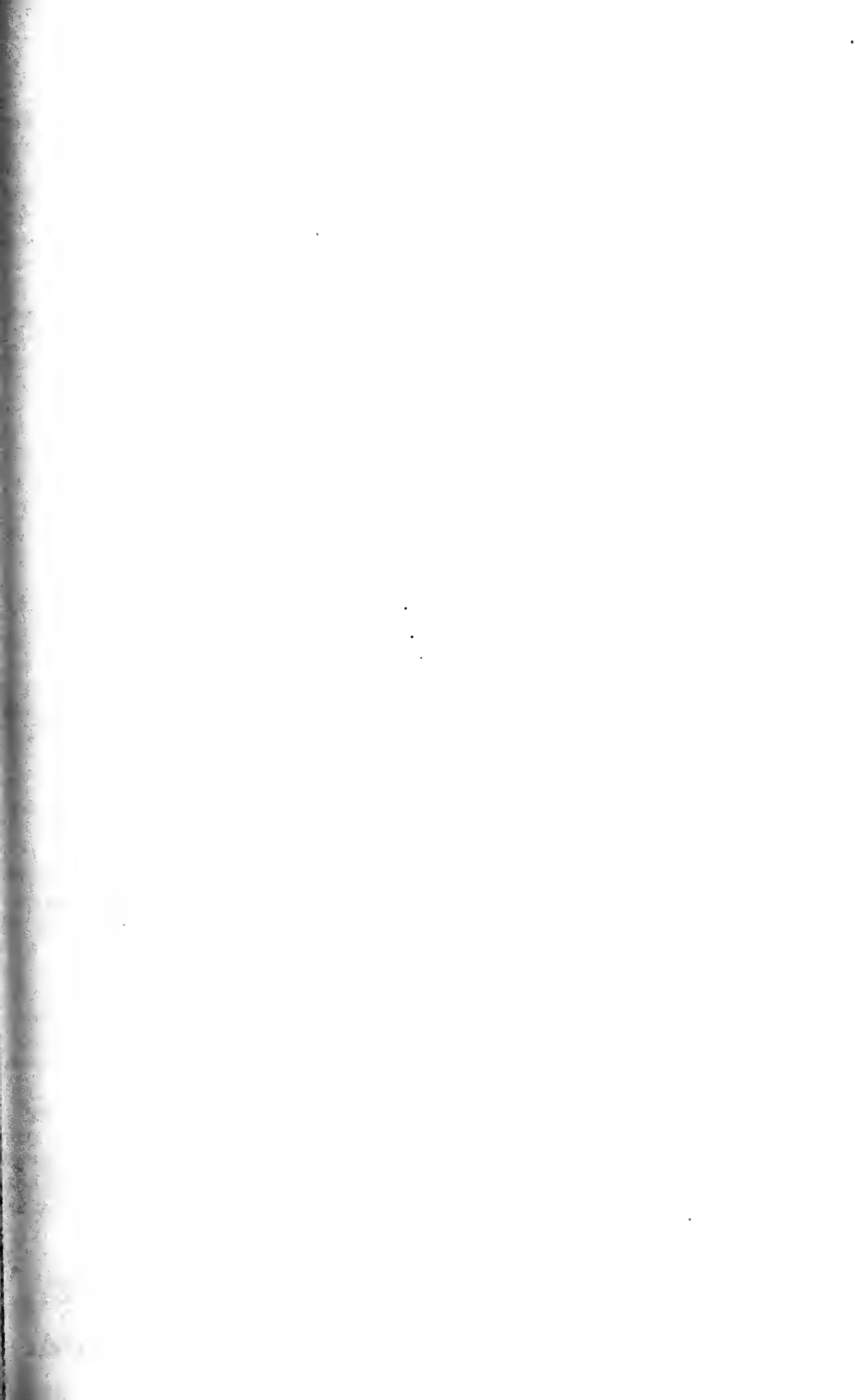
disposition in joint tenancy, not less than the amount that is in the same ratio to the total fair market value of the designated land so disposed of as the number one is to the number of such individuals who owned the designated land immediately prior to the disposition,

and provided that all of the issued shares of such corporation are, immediately following the disposition, owned only by the individuals who disposed of the designated land;

- (e) from a corporation to its shareholders as part of the winding-up or dissolution of the corporation; or
- (f) between or among any of the corporations related to each other in the following manner,
 - (i) the corporation owning all of the issued shares, except directors' qualifying shares, of a corporation described in subclause ii,
 - (ii) a corporation all of the issued shares of which, except directors' qualifying shares, are owned by the corporation described in subclause i,
 - (iii) a corporation all of the issued shares of which, except directors' qualifying shares, are owned by a corporation all of the issued shares of which, except directors' qualifying shares, are owned by the corporation described in subclause i, or
 - (iv) a corporation all of the issued shares of which, except directors' qualifying shares, are owned by one or more of the corporations that are related to each other in the manner described in subclause i, ii or iii.

Adjusted
value and
proceeds
of disposi-
tion on
eligible
disposition

(2) For the purposes only of determining the tax imposed by subsection 1 of section 2 and notwithstanding any provision of this Act or the regulations to the contrary, where an eligible disposition occurs of or with respect to designated land, the proceeds of such eligible disposition shall be that amount that is equal to the adjusted value therefor computed in accordance with section 1 and without reference to any other valuation required to be made by subsection



Section 22*b* deals with testamentary trusts and provides alternate dates of valuation where deaths occur between the setting up of the trust and the disposition of designated land held under the trust or received as a distribution from the trust to a beneficiary of the trust.

9 of that section, and the person or persons who is or are immediately following the occurrence of such eligible disposition beneficially interested in the designated land with respect to which such eligible disposition has occurred shall, for the purposes of a subsequent disposition thereof compute the adjusted value on such subsequent disposition in accordance with the following rules,

- (a) the cost of acquisition of the designated land shall be its cost of acquisition used in computing the adjusted value on the immediately preceding disposition if that disposition was an eligible disposition to which this section applied;
- (b) there may be added to the amount determined under clause *a* all amounts included by virtue of this clause or subclause iii, iv or *iva* of clause *a* of subsection 1 of section 1 in the computation of the adjusted value of the immediately preceding disposition if that disposition was an eligible disposition to which this section applied; and
- (c) there may be added to the aggregate of the amounts determined under clauses *a* and *b* any amounts that the transferor making such subsequent disposition is entitled to include by virtue of subclause iii, iv or *iva* of clause *a* of subsection 1 of section 1 in computing the adjusted value of such subsequent disposition.

22*b*. Notwithstanding any provision of this Act or the regulations to the contrary, where designated land that is being disposed of is, immediately prior to its disposition, held upon the terms of a trust created by the last will and testament of the person who therein devised such designated land, or where designated land being disposed of was acquired by the transferor making the disposition as the result of a distribution of the designated land to him under the terms of a trust created by the last will and testament of the person who therein devised the designated land or by the last will and testament of a beneficiary of a trust so created who had a vested interest in the designated land capable of being devised or bequeathed by him, the person disposing of such designated land so held or acquired may, in computing its adjusted value on such disposition, include as his cost of acquisition of such designated land the higher of either,

- (a) its fair market value on the date of death of the person by whose last will and testament such trust

Testa-
mentary
trusts

was created or its fair market value on the 9th day of April, 1974, whichever is the later date; or

- (b) its fair market value on the date of death, or other termination of the interest, of the last beneficiary under such trust to die, or to cease to have an interest therein, prior to the disposition and who was entitled under such trust to a vested interest in the designated land or to have the designated land held for his use and enjoyment or to have all or part of the income from such designated land held for, or paid to, him.

Additions
to
adjusted
value of
trust
property

22c. Where designated land being disposed of is held in trust, or where the transferor disposing of designated land acquired it as the result of the distribution of the designated land to him under the terms of a trust of which he was, at the time of such distribution, a beneficiary, there may be included in computing the adjusted value of the disposition,

- (a) the cost of improvements to the designated land made after the date as of which the acquisition cost of the designated land is required to be determined in computing the adjusted value of the disposition, provided that there shall not be included by virtue of this clause the cost of any improvement made prior to the 9th day of April, 1974 or the cost of any improvement that the transferor is entitled to include by virtue of subclause iii of clause *a* of subsection 1 of section 1 in computing the adjusted value of the disposition; and
- (b) net maintenance costs that have not been included by virtue of subclause iv of clause *a* of subsection 1 of section 1 in computing the adjusted value of the disposition, but such net maintenance costs may be included only to the extent that the amount thereof does not exceed the product of five-sixths of 1 per cent times the amount of the acquisition cost of the designated land included in computing the adjusted value of the disposition times the number of full months in the period commencing on the date as of which such acquisition cost is required to be determined and ending on the day (not later than the date on which the disposition occurs) immediately preceding the day on which the transferor making the disposition was first entitled under subclause iv of clause *a* of subsection 1 of section 1 to include net maintenance costs in computing the adjusted value of the disposition.

Section 22c makes it clear that, in the case of trust property, costs of improvements and net maintenance costs that may not be provided for under other provisions of the Act, may be taken into account in computing the adjusted value of the designated land on any disposition of it while it is held in trust or by a beneficiary to whom the designated land was distributed pursuant to the terms of the trust

SECTION 8. The amendment authorizes the Lieutenant Governor in Council to make regulations for establishing formulae to reduce the percentages in relation to improvements, renovations and the investment property reduction required under the Act.

8. Subsection 2 of section 23 of the said Act is amended by ^{s. 23 (2).} adding thereto the following clause: ^{amended}

(m) reducing the percentages or any of them mentioned in clause *d* or *g* of section 4 or in subsection 1 of section 20, or prescribing rules or formulae for determining the reduction in any percentage so mentioned that may be made without losing the benefit of the exemption or reduction described in clause *d* or *g* of section 4 or in section 20.

9.—(1) This Act, except subsections 7 and 15 of section 1, ^{Commence-} and sections 2 and 4, comes into force on the day it ^{ment} receives Royal Assent.

(2) Subsections 7 and 15 of section 1 and sections 2 and 4 ^{idem} shall be deemed to have come into force on the 9th day of April, 1974.

10. This Act may be cited as *The Land Speculation Tax Amend-* ^{Short title}
ment Act, 1974.

An Act to amend
The Land Speculation Tax Act, 1974

1st Reading

October 25th, 1974

2nd Reading

December 6th, 1974

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

*(Reprinted as amended by the
Administration of Justice Committee)*

BILL 125

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Land Speculation Tax Act, 1974**

THE HON. A. K. MEEN
Minister of Revenue



**An Act to amend
The Land Speculation Tax Act, 1974**

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

- 1.—(1) Sub-subclause A of subclause i of clause a of sub-^{s. 1 (1) (a)} section 1 of section 1 of *The Land Speculation Tax Act*,^{(1) (A),} amended 1974, being chapter 17, is amended by inserting after "B" in the second line "BA, BB,".
- (2) Sub-subclause B of subclause i of clause a of sub-^{s. 1 (1) (a)} section 1 of the said section 1 is repealed and the^{(1) (B),} re-enacted following substituted therefor:
- (B) as the result of a disposition described in subclause iv of clause d occurring on the death of a person dying after the 9th day of April, 1974, the fair market value of the designated land at the death of such person,
 - (BA) as the result of the creation of a trust of which the transferor was or became a beneficiary, or as the result of the distribution of the designated land to the transferor under the terms of a trust of which the transferor was, at the time of such distribution, a beneficiary, the fair market value of the designated land at the time it first became subject to the trust if it first became subject to the trust after the 9th day of April, 1974, or where the designated land first became subject to the trust on or prior to that date, the fair market value of the designated land on that date, and the existence with respect to the designated land of

any limited beneficial interest, whether for the life of some person or otherwise, that affected the designated land after the creation of the trust shall not be taken into account to reduce the fair market value of the designated land for the purposes of this subclause,

(BB) as the result of a disposition to him the proceeds of which were required to be determined in accordance with subclause iv of clause *l*, an amount equal to the proceeds of disposition so determined or to the proportion thereof that is reasonably attributable to the designated land with respect to which a lease or similar arrangement is being entered into by the transferor or with respect to which rights under any lease or similar arrangement are being sold, assigned or transferred by the transferor in circumstances that constitute a disposition by him within the meaning of subclause iii of clause *d*.

s. 1(1)(a)
(i)(C),
amended

(3) Sub-subclause C of subclause i of clause *a* of subsection 1 of the said section 1 is amended by adding at the commencement thereof "subject to sub-subclauses B BA, BB and D,".

s. 1(1)(a)
(i)(D),
re-enacted

(4) Sub-subclause D of subclause i of clause *a* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(D) as the result of a disposition exempt from tax by virtue of clause *h* of section 4, the fair market value applicable to the designated land on the earliest date of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor making the disposition to the calculation of the adjusted value of which that subclause is applicable.

s. 1(1)(a)(ii),
amended

(5) Subclause ii of clause *a* of subsection 1 of the said section 1 is amended by adding at the end thereof "or the cost to the transferor of its acquisition, whichever is the higher amount,".

- (6) Subclause iii of clause *a* of subsection 1 of the said section 1 is amended by adding at the end thereof "and, in the case of a transferor making a disposition of designated land used in farming that is neither a disposition within the meaning of subclause iv of clause *d* nor a disposition exempt from tax by virtue of clause *h* of section 4, the cost of improvements made to the designated land since the earliest day of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor and up to the earliest date that an improvement was made to the designated land by the transferor the cost of which is included by virtue of this subclause in computing adjusted value,". s. 1 (1) (a) (iii),
amended
- (7) Subclause iv of clause *a* of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) (a) (iv),
re-enacted

(iv) for that period that is not the shorter of,

- (A) the period of time commencing on the 9th day of April, 1974 or the date upon which the designated land was acquired by the transferor, whichever is the later date, and during which the transferor owned the designated land, or
- (B) the period of time commencing on the earliest day of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor and ending on the day of the disposition by the transferor,

the lesser of either,

- (C) five-sixths of 1 per cent times the number of full months in the period determined to be applicable under either sub-subclause A or B times the amount determined under either sub-clause i or ii, whichever is applicable, or
- (D) the total net maintenance costs incurred with respect to the designated land during the period determined to be applicable under either sub-sub-clause A or B,

- (iva) the reasonable costs incurred by the transferor in connection with the acquisition of or the disposing of the designated land, but not including taxes however imposed that are payable as a result of the disposition or any costs of acquisition that have been included by virtue of any other provision of this Act, and

s. 1 (1) (a) (v),
re-enacted

- (8) Subclause v of clause a of subsection 1 of the said section 1 is repealed and the following substituted therefor:

- (v) in the case of a disposition of designated land used in farming that is neither a disposition within the meaning of subclause iv of clause d nor a disposition exempt from tax by virtue of clause h of section 4, an amount equal to compound interest at the rate of 10 per cent per annum calculated with annual rests upon the amount determined under subclause i or ii, whichever is applicable to the transferor, for the number of years in the period of time preceding the disposition and commencing on the 9th day of April, 1974 or the date of the occurrence of any disposition of such designated land within the meaning of subclause iv of clause d or the date of the occurrence of any disposition of such designated land that was not exempt from tax by virtue of clause l of section 4, whichever is the later date throughout which farming was carried on on such designated land by the transferor or by any previous owner of such designated land or by a shareholder or member of the family of the transferor or such previous owner.

s. 1 (1) (d) (iii),
amended

- (9) Subclause iii of clause d of subsection 1 of the said section 1 is amended by striking out "ten" in the fifth line and inserting in lieu thereof "fifty" and by adding at the end thereof "if at the time of the sale, assignment or transfer of such rights, the term remaining under such lease or arrangement, including any renewals or extensions thereof, may exceed fifty years,".

- (10) Subclause vi of clause *d* of subsection 1 of the said section 1 is repealed and the following substituted therefor: §. 1 (1)
(d), (vi),
re-enacted

- (vi) the sale or transfer in any manner of the beneficial interest in, or the allotment and issue (other than an allotment and issue of shares made to the holders of all shares to which are attached rights to vote ordinarily exercisable at meetings of the shareholders of the corporation and issued in proportion to their ownership of such shares determined immediately prior to such allotment and issue) of, shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are shares in the capital stock of a corporation 50 per cent or more of the assets of which consist of designated land, but this subclause does not apply to any transfer of the beneficial interest in such shares that occurs by reason of the death of the owner of them and that is not provided for by an agreement enforceable against the corporation that issued such shares or enforceable by or against the person legally or beneficially entitled to such shares immediately following the death of the owner of them, or

- (11) Subsection 1 of the said section 1 is amended by adding thereto the following clause: §. 1 (1),
amended

(*ea*) "farming assets" of a farming corporation means,

- (i) cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming carried on by the farming corporation of which they are assets,
- (ii) land, buildings, equipment, machinery and live stock that are used chiefly in the operation of the farm by the farming corporation,

- (iii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming, and
- (iv) the building in which a shareholder of the farming corporation or a member or member of his family reside who is or are engaged in the operation of the farm if that building is on land that is used, or that is contiguous to land that is used, by that shareholder or member or members of his family in the operation of the farm.

s. 1 (1) (f),
re-enacted

- (12) Clause *f* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(f) "farming corporation" means a corporation,

- (i) each share of which that confers on the holder thereof the right to vote is, at the date of any disposition with respect to which the expression is being applied, owned by one individual ordinarily resident in Canada, by an individual ordinarily resident in Canada who is a member of the family of every other shareholder of the corporation or by an individual ordinarily resident in Canada of whose family every other shareholder of the corporation is a member ordinarily resident in Canada,
- (ii) 95 per cent of the assets of which are farming assets, and
- (iii) which carries on farming in Ontario.

s. 1 (1) (l),
amended

- (13) Clause *l* of subsection 1 of the said section 1 is amended

- (a) by striking out "or" at the end of subclause ii;
- (b) by adding "or" at the end of subclause iii;
- (c) by adding thereto the following subclause:

- (iv) an amount equal to the fair market value of the designated land with respect to which any lease or similar arrangement has been entered into, or with respect to which the

rights under any lease or similar arrangement that have been sold, assigned or transferred are exercisable, where the entering into such lease or similar arrangement or the sale, assignment or transfer of rights thereunder is a disposition within the meaning of subclause iii of clause *d*,

and

(*d*) by striking out "under the last will and testament of any person or on the intestacy of any person" in the thirty-ninth and fortieth lines and inserting in lieu thereof "described in subclause iv of clause *d*".

- (14) Subsection 6 of the said section 1 is repealed. s. 1 (6),
repealed
- (15) Subsection 8 of the said section 1 is repealed. s. 1 (8),
repealed
- (16) Subsection 9 of the said section 1 is repealed and the following substituted therefor: s. 1 (9),
re-enacted

(9) For the purpose of subsection 11 and of clause *a*, / Application of Act to certain dispositions or *o* of subsection 1, where, after the 9th day of April, 1974, a disposition that is not exempt from tax by virtue of clause *h* of section 4 and that is a disposition described in subclause v, vi or vii of clause *d* of subsection 1 occurs of or with respect to designated land, the person or persons who is or are immediately prior to the occurrence of such disposition beneficially interested in the designated land with respect to which such disposition has occurred shall be deemed to have disposed of it for proceeds of disposition equal to the amount of the fair market value of the designated land at the time of such disposition, and the person or persons who is or are immediately following the occurrence of such disposition beneficially interested in the designated land with respect to which such disposition has occurred shall be deemed to have acquired or reacquired the designated land for an amount equal to the amount of its fair market value at the time of such disposition, and for the purpose of determining the adjusted value of the designated land on the occurrence of the next subsequent disposition of the designated land that is not a disposition exempt from tax by virtue of clause *h* of section 4, subclauses iii, iv and, where applicable, v of clause *a* of subsection 1 apply only to the period ending at the time of the next subsequent disposition of the designated land that is not

exempt from tax by virtue of clause *h* of section 4 and commencing at the time when the transferor making such next subsequent disposition was last deemed to have acquired or reacquired the designated land pursuant to this subsection.

Determining
assets
consisting
of designated
land

(10) In determining, for the purposes of this Act or the regulations, whether 50 per cent or more of the assets of any organization, syndicate, association of persons, partnership, joint venture or corporation with or without share capital (which organization, syndicate, association of persons, partnership, joint venture or corporation with or without share capital is hereafter in this subsection referred to as the "disposing person") consist of designated land, the following rules apply,

- (a) assets consisting of designated land shall be deemed to include all designated land to the extent that it is beneficially owned by a corporation that is in fact directly or indirectly controlled by the disposing person;
- (b) where the assets of the disposing person (other than designated land owned by, or deemed by this subsection to be included in the assets of, the disposing person) derive all or part of their value from the value of designated land that is deemed by this subsection to be included in the disposing person's assets, there shall be deducted from the fair market value of those assets the value of which is so derived any amount reasonably attributable to the designated land deemed by this subsection to be included in the assets of the disposing person; and
- (c) the percentage of the assets of the disposing person consisting of designated land shall be determined on the basis of the fair market value of all assets owned by, or deemed by this subsection to be included in the assets of, the disposing person and after making any deduction required to be made by clause *b*.

Disposition
deemed to
occur

(11) Where a disposition described in subclause *v*, *vi* or *vii* of clause *d* of subsection 1 occurs, it is deemed to be a disposition of or with respect to any designated land that is, at the occurrence of the first-mentioned disposition, deemed by subsection 10 to be included in the assets of an organization, syndicate, association of persons, partnership, joint venture or corporation with or without share

capital to the extent of the beneficial interest in such designated land that is deemed by subsection 10 to be included in such assets, and for the purposes of this Act or the regulations, such designated land shall be deemed to have been disposed of by a disposition described in subclause v, vi or vii, as the case may be, of clause *d* of subsection 1, but any purchaser or mortgagee of such designated land who acquires it for value or lends money on the security thereof, in good faith and without notice of the occurrence of a disposition deemed by this subsection to have occurred shall hold the designated land free from, and there shall not attach to such designated land, the special lien conferred by section 5 for the amount of any tax imposed by this Act as a result of a disposition deemed by this subsection to have occurred prior to the acquisition of such designated land by such purchaser or the taking of security thereon by such mortgagee.

(12) Where rights under any lease or similar arrangement are being sold, assigned or transferred in circumstances that constitute a disposition within the meaning of subclause iii of clause *d* of subsection 1 and where the proceeds of such disposition are required to be determined in accordance with subclause iv of clause *l* of subsection 1, the transferor making such disposition may, in lieu of the amount required by sub-clause A, B, BA or C of subclause i of clause *a* of subsection 1 or by subclause ii of that clause to be added to the adjusted value applicable to such disposition, add an amount equal to the fair market value of the designated land with respect to which the rights under the lease or similar arrangement that are being sold, assigned or transferred are exercisable, such fair market value to be ascertained as at the 9th day of April, 1974 or the date on which the transferor acquired such rights, whichever is the later date.

Adjusted value on certain dispositions of rights under leases

2.—(1) Subsection 3 of section 2 of the said Act is amended by inserting after "interest" in the fourth line "from the later of ninety days after the disposition or the date of completion of the transaction of which the disposition is a part".

s. 2 (3). amended

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

s. 2. amended

(5) Notwithstanding anything to the contrary in this Act, where a disposition of or with respect to designated

No tax on failure of disposition

land occurs and the transaction, sale or transfer of which the disposition is a part is not completed, and where, following such failure of completion, the transferor who made the disposition is in the same position with respect to the ownership of the designated land as he would have been had the disposition not occurred, no tax is payable with respect to such disposition.

s. 4 (b),
amended

- 3.—(1) Clause *b* of section 4 of the said Act is amended by adding at the end thereof “by Ontario Hydro or by an authority as defined in *The Conservation Authorities Act*”.

s. 4 (c),
repealed

- (2) Clause *c* of section 4 of the said Act is repealed.

s. 4 (e),
amended

- (3) Clause *e* of the said section 4 is amended by striking out “ten” in the eighth line and inserting in lieu thereof “eleven”.

s. 4 (h),
re-enacted

- (4) Clause *h* of the said section 4 is repealed and the following substituted therefor:

(*h*) when the designated land,

(i) is disposed of otherwise than by a disposition described in subclause iv of clause *d* of subsection 1 of section 1,

(ii) is, at the time of its disposition, used in farming carried on by the transferor, by an individual ordinarily resident in Canada who is a member of the family of the transferor or by the transferor and any such individual,

(iii) is disposed of,

(A) to an individual ordinarily resident in Canada who is a member of the family of the transferor,

(B) to a corporation that, immediately following the disposition, is a farming corporation each share of which that confers on the holder thereof the right to vote is, at the date of such disposition, owned by the transferor making the disposition or by an individual ordinarily resident in Canada who is a member of the family of such transferor,

(C) by a disposition described in subclause vi of clause d of subsection 1 of section 1 that is the result of the sale or transfer in any manner of the beneficial interest in, or is the result of the allotment and issue of, shares in a farming corporation to an individual ordinarily resident in Canada who is a member of the family of every other shareholder of the farming corporation immediately prior to the sale, transfer or allotment and issue of such shares, or

(D) to a shareholder of a transferor that is a farming corporation, and

(iv) is disposed of for the purpose of enabling the person to whom the disposition is made to carry on farming on the designated land, or is disposed of with the intention that a farming corporation the shares of which are sold, transferred or allotted and issued as described in sub-subclause C of subclause iii will continue to carry on farming on the designated land.

(5) Clause *i* of the said section 4 is amended by striking ^{s. 4 (1),} _{amended} out "or" in the fourth line.

(6) Clause *j* of the said section 4 is amended by inserting ^{s. 4 (1),} _{amended} after "Act," in the third line "an authority as defined in *The Conservation Authorities Act*,".

(7) The said section 4 is amended by adding thereto the ^{s. 4,} _{amended} following clauses:

(k) when the designated land at the time of its disposition, as defined in this clause,

(i) has not previously been disposed of by a disposition for which exemption was claimed under this clause or under section 21,

(ii) is included in a registered plan of subdivision, is the subject-matter of a consent obtained under section 29 of *The Planning Act*, or is owned by the transferor and immediately abuts on designated land that was owned by the transferor and that was the subject-matter of such a consent, and

R.S.O. 1970,
c. 349

(iii) has, at the expense of the transferor, been,

- (A) in the case where an agreement enforceable against the transferor has been entered into pursuant to clause *d* of subsection 5 of section 33 of *The Planning Act*, wholly or partly serviced for the purpose of complying with requirements for servicing contained in such agreement,
- (B) in the case where the designated land disposed of is the subject of a consent obtained under section 29 of *The Planning Act*, wholly or partly serviced for the purpose of complying with any conditions respecting the servicing of the designated land that are imposed pursuant to subsection 12 of section 29 of that Act, or
- (C) in the case where an agreement in writing enforceable against the transferor has been entered into with the municipality within which the designated land disposed of is situated, wholly or partly serviced for the purpose of complying with requirements for servicing contained in such agreement, and
- (D) in all cases, wholly or partly serviced to the extent that construction of a building on the designated land disposed of could lawfully be commenced and, where applicable, to the further extent that a permit authorized by a by-law passed pursuant to subsection 1 of section 38 of *The Planning Act* by the municipality within which the designated land disposed of is situated or a permit authorized by section 17 of *The Public Lands Act*, would be available,

R.S.O. 1970,
c. 349

R.S.O. 1970,
cc. 349, 380

and for the purpose of determining the time at which a transferor making a disposition described in this clause is first entitled to the exemption conferred by this clause, the expression "time of its disposition" means

the time when the person to whom the disposition is made is first entitled to call for delivery to him of a conveyance or transfer of the designated land disposed of or of some other document or evidence of title the agreement to give which was a disposition of the designated land, and no disposition of designated land that is exempt from tax by virtue of this clause shall be deemed to have occurred, for the purposes of this Act, until the time of its disposition, as defined in this clause; or

- (l) when the designated land disposed of is situated in territory without municipal organization that is not designated as a restricted area pursuant to section 17 of *The Public Lands Act*.

R.S.O. 1970.
c. 380

4. Subsection 3 of section 5 of the said Act is amended by striking out "in order to recognize or give effect to the disposition, it is necessary to register" in the first, second and third lines and inserting in lieu thereof "as a result of the disposition, there is registered" and by striking out "described in a clause and, where applicable, a subclause (which clause and subclause shall be expressly named in the affidavit) of section 4 of this Act" in the fourteenth, fifteenth and sixteenth lines and inserting in lieu thereof "not liable to the tax imposed by subsection 1 of section 2 by virtue of a provision of this Act or the regulations (which provision shall be expressly named in the affidavit)". s. 5(3).
amended
5. Subsection 2 of section 20 of the said Act is repealed and the following substituted therefor: s. 20(2).
re-enacted

(2) Where designated land that is an investment property is disposed of, the taxable value, computed as if this section was not applicable, of the investment property disposed of shall be reduced by an amount equal to one-tenth thereof for each full twelve-month period up to a maximum of ten such periods that is comprised in an uninterrupted period of time. Investment
property
reduction

- (a) that commenced prior to, and ended on, the day on which the disposition occurs;
- (b) during which no previous disposition of or with respect to the designated land occurred, other than a disposition within the meaning of subclause iv of clause d of subsection 1 of section 1 or a dis-

position that is an eligible disposition within the meaning of section 22a; and

- (c) throughout the whole of which the designated land was an investment property or the principal residence of the transferor or of a person who disposed of the designated land within such uninterrupted period by a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 or by a disposition that is an eligible disposition within the meaning of section 22a.

Farm
property
reduction

(3) Where designated land that is used in farming is disposed of and the disposition is neither a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 nor a disposition exempt from tax by virtue of clause *h* of section 4, the taxable value, computed as if this section was not applicable, of the designated land disposed of shall be reduced by an amount equal to one-tenth thereof for each full twelve-month period up to a maximum of ten such periods that is comprised in an uninterrupted period of time,

- (a) that commenced prior to, and ended on, the day on which the disposition occurs;
- (b) throughout the whole of which farming was carried on on the designated land by the transferor, by a person or persons who was or were members of the family of the transferor or, where the transferor is a farming corporation, was or were shareholders of that corporation, or by a farming corporation whose shareholders were the transferor or members of the family of the transferor; and
- (c) during which no previous disposition of or with respect to the designated land occurred, other than a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 or a disposition exempt from tax by virtue of clause *h* of section 4.

s. 21,
amended

6. Section 21 of the said Act is amended by adding thereto the following subsection:

Application
of section

(5) This section applies only to dispositions of designated land occurring prior to the 1st day of April, 1975.

ss. 22a-22c,
enacted

7. The said Act is further amended by adding thereto the following sections:

22a.—(1) In this section,

Interpre-
tation

“eligible disposition” means a disposition that is not exempt from tax by virtue of section 4, that is not a disposition described in subclause iv of clause *d* of subsection 1 of section 1, and that is a disposition that is the result of a transaction, arrangement or event whereby the beneficial interest in property of any kind is transferred or extinguished or whereby the control over the use of designated land or the proceeds of its disposition is changed, provided that such transfer or extinguishment of beneficial interest or such change of control is,

- (a) from an individual to a member or members of his family;
- (b) from an individual to a corporation all of the issued shares of which are, immediately following the disposition, beneficially owned by such individual or by a member or members of his family;
- (c) from an individual to the trustees of a trust (other than a trust created by will) under the terms of which the income and corpus of the trust can be beneficially enjoyed or possessed by, or are vested in, only such individual or a member or members of his family, and no other person contingently interested under the terms of the trust can become entitled to the enjoyment or possession of, or to a vested interest in, the income or corpus of the trust except as the result of the death of the individual or a member or members of his family having a prior beneficial interest in such income or corpus;
- (d) from individuals disposing of designated land, including designated land held by them as partnership property, that is owned by them as tenants in common or as joint tenants when the disposition is to a corporation in consideration for the allotment and issue to each such individual of shares of the corporation having a fair market value that is,
 - (i) where the designated land was owned immediately prior to the disposition as partnership property or in tenancy in common, not less than the fair market value of the individual's interest in the designated land immediately prior to the disposition, or
 - (ii) subject to subclause i, where the designated land was owned immediately prior to the

disposition in joint tenancy, not less than the amount that is in the same ratio to the total fair market value of the designated land so disposed of as the number one is to the number of such individuals who owned the designated land immediately prior to the disposition,

and provided that all of the issued shares of such corporation are, immediately following the disposition, owned only by the individuals who disposed of the designated land;

- (e) from a corporation to its shareholders as part of the winding-up or dissolution of the corporation; or
- (f) between or among any of the corporations related to each other in the following manner,
 - (i) the corporation owning all of the issued shares, except directors' qualifying shares, of a corporation described in subclause ii,
 - (ii) a corporation all of the issued shares of which, except directors' qualifying shares, are owned by the corporation described in subclause i,
 - (iii) a corporation all of the issued shares of which, except directors' qualifying shares, are owned by a corporation all of the issued shares of which, except directors' qualifying shares, are owned by the corporation described in subclause i, or
 - (iv) a corporation all of the issued shares of which, except directors' qualifying shares, are owned by one or more of the corporations that are related to each other in the manner described in subclause i, ii or iii.

Adjusted value and proceeds of disposition on eligible disposition

(2) For the purposes only of determining the tax imposed by subsection 1 of section 2 and notwithstanding any provision of this Act or the regulations to the contrary, where an eligible disposition occurs of or with respect to designated land, the proceeds of such eligible disposition shall be that amount that is equal to the adjusted value therefor computed in accordance with section 1 and without reference to any other valuation required to be made by subsection

9 of that section, and the person or persons who is or are immediately following the occurrence of such eligible disposition beneficially interested in the designated land with respect to which such eligible disposition has occurred shall, for the purposes of a subsequent disposition thereof compute the adjusted value on such subsequent disposition in accordance with the following rules,

- (a) the cost of acquisition of the designated land shall be its cost of acquisition used in computing the adjusted value on the immediately preceding disposition if that disposition was an eligible disposition to which this section applied;
- (b) there may be added to the amount determined under clause *a* all amounts included by virtue of this clause or subclause iii, iv or *iva* of clause *a* of subsection 1 of section 1 in the computation of the adjusted value of the immediately preceding disposition if that disposition was an eligible disposition to which this section applied; and
- (c) there may be added to the aggregate of the amounts determined under clauses *a* and *b* any amounts that the transferor making such subsequent disposition is entitled to include by virtue of subclause iii, iv or *iva* of clause *a* of subsection 1 of section 1 in computing the adjusted value of such subsequent disposition.

22*b*. Notwithstanding any provision of this Act or the regulations to the contrary, where designated land that is being disposed of is, immediately prior to its disposition, held upon the terms of a trust created by the last will and testament of the person who therein devised such designated land, or where designated land being disposed of was acquired by the transferor making the disposition as the result of a distribution of the designated land to him under the terms of a trust created by the last will and testament of the person who therein devised the designated land or by the last will and testament of a beneficiary of a trust so created who had a vested interest in the designated land capable of being devised or bequeathed by him, the person disposing of such designated land so held or acquired may, in computing its adjusted value on such disposition, include as his cost of acquisition of such designated land the higher of either,

- (a) its fair market value on the date of death of the person by whose last will and testament such trust

Testamentary trusts

was created or its fair market value on the 9th day of April, 1974, whichever is the later date; or

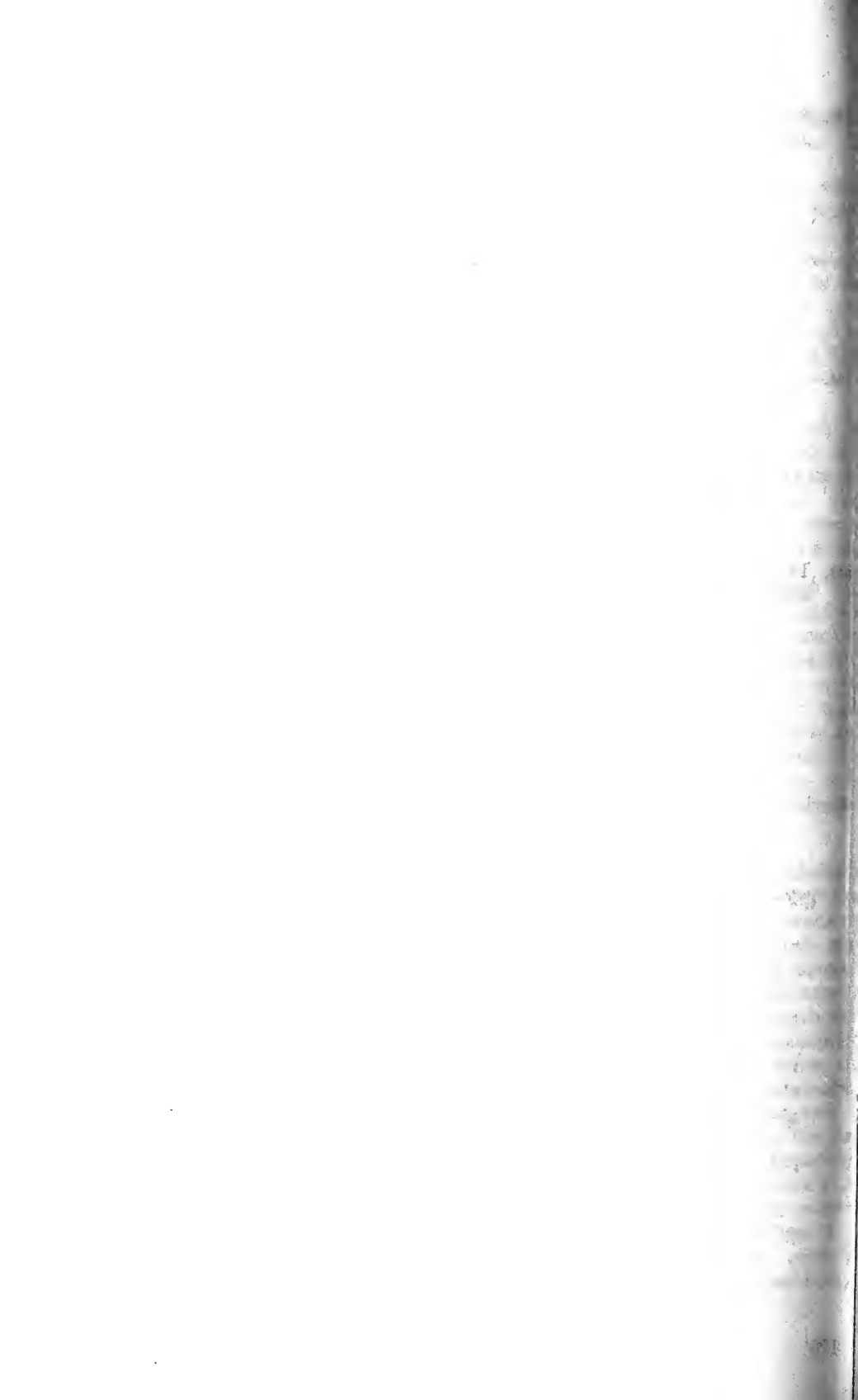
- (b) its fair market value on the date of death, or other termination of the interest, of the last beneficiary under such trust to die, or to cease to have an interest therein, prior to the disposition and who was entitled under such trust to a vested interest in the designated land or to have the designated land held for his use and enjoyment or to have all or part of the income from such designated land held for, or paid to, him.

Additions
to
adjusted
value of
trust
property

22c. Where designated land being disposed of is held in trust, or where the transferor disposing of designated land acquired it as the result of the distribution of the designated land to him under the terms of a trust of which he was, at the time of such distribution, a beneficiary, there may be included in computing the adjusted value of the disposition,

- (a) the cost of improvements to the designated land made after the date as of which the acquisition cost of the designated land is required to be determined in computing the adjusted value of the disposition, provided that there shall not be included by virtue of this clause the cost of any improvement made prior to the 9th day of April, 1974 or the cost of any improvement that the transferor is entitled to include by virtue of subclause iii of clause *a* of subsection 1 of section 1 in computing the adjusted value of the disposition; and
- (b) net maintenance costs that have not been included by virtue of subclause iv of clause *a* of subsection 1 of section 1 in computing the adjusted value of the disposition, but such net maintenance costs may be included only to the extent that the amount thereof does not exceed the product of five-sixths of 1 per cent times the amount of the acquisition cost of the designated land included in computing the adjusted value of the disposition times the number of full months in the period commencing on the date as of which such acquisition cost is required to be determined and ending on the day (not later than the date on which the disposition occurs) immediately preceding the day on which the transferor making the disposition was first entitled under subclause iv of clause *a* of subsection 1 of section 1 to include net maintenance costs in computing the adjusted value of the disposition.

8. Subsection 2 of section 23 of the said Act is amended by ^{a 23(2).} adding thereto the following clause: ^{amended}
- (m) reducing the percentages or any of them mentioned in clause *d* or *g* of section 4 or in subsection 1 of section 20, or prescribing rules or formulae for determining the reduction in any percentage so mentioned that may be made without losing the benefit of the exemption or reduction described in clause *d* or *g* of section 4 or in section 20.
- 9.—(1) This Act, except subsections 7 and 15 of section 1, ^{Commence-} and sections 2 and 4, comes into force on the day it ^{ment} receives Royal Assent.
- (2) Subsections 7 and 15 of section 1 and sections 2 and 4 ^{Idem} shall be deemed to have come into force on the 9th day of April, 1974.
10. This Act may be cited as *The Land Speculation Tax Amend-* ^{Short title} *ment Act, 1974.*





An Act to amend
The Land Speculation Tax Act, 1974

1st Reading

October 25th, 1974

2nd Reading

December 6th, 1974

3rd Reading

February 3rd, 1975

THE HON. A. K. MEEN
Minister of Revenue

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Moosonee Development Area Board Act**

MR. DEACON

EXPLANATORY NOTE

The Bill provides for the election of members to the Board by means of a general election rather than by designation by the Lieutenant Governor in Council.

**An Act to amend
The Moosonee Development Area Board Act**

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

- 1.—(1) Subsection 2 of section 2 of *The Moosonee Development Area Board Act*, being chapter 277 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 2 (2).
re-enacted
- (2) The Board shall consist of five members elected by a general vote of electors in the Development Area, such members to assume the offices of chairman, vice-chairman and members according to the number of votes received at that election. Composition
- (2a) The provisions of *The Municipal Elections Act, 1972* apply to an election under this Act. Application
of
1972, c. 95
- (2) Subsection 4 of the said section 2 is repealed and the following substituted therefor: s. 2 (4).
re-enacted
- (4) Where a vacancy occurs on the Board through death, resignation or otherwise, the vacancy shall be filled by a general vote of electors in the Development Area. vacancy
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Moosonee Development Area Board Amendment Act, 1974*. Short title

An Act to amend
The Moosonee Development
Area Board Act

1st Reading

October 25th, 1974

2nd Reading

3rd Reading

MR. DEACON

(Private Member's Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Election Act

MR. REID

EXPLANATORY NOTE

The Bill limits the amount that may be contributed to an election campaign and provides for disclosure where the amount is greater than \$500 or where services for longer than one week have been provided.

An Act to amend The Election Act

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

1. *The Election Act*, being chapter 142 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 158a, 161a, enacted

158a. Except for a candidate, no person or corporation shall contribute money or its equivalent or services in an amount greater than \$1,000 to the provincial election campaign of any candidate or party. Contributions limited to \$1,000

161a.—(1) Where the amount or equivalent value of a contribution to a provincial election campaign of any candidate or party is greater than \$500, the person or corporation making the contribution shall, within three months after the election, submit a detailed and itemized report of such contribution to the Chief Election Officer. Disclosure required where contribution \$500 or more

(2) Where a person or corporation provides services for consideration to a candidate or party for a provincial election campaign for a period of one week or longer, the person or corporation providing the service shall, within three months after the election, submit a detailed and itemized report of the services provided to the Chief Election Officer. Disclosure where services for one week or more

2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Election Amendment Act, 1974*. Short title

An Act to amend
The Election Act

1st Reading

November 1st, 1974

2nd Reading

3rd Reading

MR. REID

(Private Member's Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Income Tax Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

This Bill extends to 1975 the rate of personal income tax for Ontario residents that first became applicable in 1972. Amendments are also proposed to increase the property tax credit, the pensioner tax credit, the maximum aggregate deduction for tax credits, and the percentage of taxable income required to be deducted from the aggregate amount of tax credits.

New subsections are added by this Bill that will prevent a double claim for tax credits where, because of the provisions of the Federal Income Tax Act, two taxation years end in the same calendar year, and that will permit an individual to claim within four years any deduction that he was entitled to claim but for some reason failed to claim.

SECTION 1. The amendment provides that the rate of personal income tax for Ontario residents will remain at 30.5 per cent for the 1975 taxation year.

SECTION 2.—Subsection 1 of this section of the Bill makes four changes in the tax credits to which an Ontario resident is entitled:

- A. The maximum of tax credits that can be claimed in a taxation year is increased from \$400 to \$500.
- B. The reduction of an individual's tax credits by 1 per cent of his taxable income in the taxation year is being increased to 2 per cent of taxable income.
- C. The amount of occupancy cost that can be claimed in computing an individual's property tax credit is raised to the sum of 10 per cent of his occupancy cost plus the lesser of the actual amount of his occupancy cost or \$180.
- D. The pensioner tax credit is increased from \$100 to \$110.

These changes will apply to the 1974 taxation year, and were proposed in the Treasurer's Budget Speech last spring.

Subsection 2 amends section 6*b* of the Act because of the addition of subsection 10 to that section.

Subsection 3 adds subsections 10 and 11 to section 6*b* of the Act. The new subsection 10 deals with the situation where, under the *Income Tax Act* (Canada), an individual may have two taxation years ending in the same calendar year (in which case he may claim tax credits only for the first taxation year), or where his legal representatives may be entitled to file a separate income return for certain kinds of income in a taxation year for which the usual return has also been filed (in which case the tax credits must be claimed on the usual return). Where, because of bankruptcy, an individual has more than one taxation year in the same calendar year, he will be entitled to use his occupancy cost for the full calendar year in determining his property tax credit for the taxation year ending prior to his bankruptcy. The new subsection 11 allows an individual to claim within four years of a taxation year any deduction to which he was entitled in that taxation year and which he failed to claim.

An Act to amend The Income Tax Act

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

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, ^{s. 3 (3) (h), re-enacted} being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 153, section 1, is repealed and the following substituted therefor:
 - (h) 30.5 per cent in respect of the 1972, 1973, 1974 and 1975 taxation years.
- 2.—(1) Subsection 2 of section 6*b* of the said Act, as re-enacted ^{s. 6*b* (2), amended} by the Statutes of Ontario, 1973, chapter 153, section 2, is amended,
 - (a) by striking out "\$400" in the fourth line and inserting in lieu thereof "\$500";
 - (b) by striking out "1 per cent" in the sixth line and inserting in lieu thereof "2 per cent";
 - (c) by striking out "\$90" in the eleventh line and inserting in lieu thereof "\$180"; and
 - (d) by striking out "\$100" in the thirty-fourth line and inserting in lieu thereof "\$110".
- (2) Subsection 4 of the said section 6*b*, as re-enacted by the ^{s. 6*b* (4), amended} Statutes of Ontario, 1972, chapter 146, section 2, is amended by adding at the commencement thereof "Subject to subsection 10,".
- (3) The said section 6*b* is amended by adding thereto the ^{s. 6*b*, amended} following subsections:
 - (10) For the purposes of this section,

Where no deduction may be made

- (a) where an individual or someone on his behalf is entitled to file returns under the Federal Act in respect of the individual's income for more than one taxation year ending in the same calendar year, the deduction to which the individual may be entitled under subsection 2 may be claimed only with respect to that taxation year that ends first after the commencement of that calendar year;
- (b) no deduction under subsection 2 may be claimed in a return,
- (i) filed pursuant to an election made under the provisions of subsection 2 of section 70 of the Federal Act, or
- (ii) filed on behalf of an individual by a trustee in bankruptcy pursuant to the provisions of paragraph *e* or *h* of subsection 2 of section 128 of the Federal Act;

and

- (c) notwithstanding clause *a*, where an individual is entitled to file returns under the Federal Act in respect of more than one taxation year ending in the same calendar year, and where the taxation year that ends first after the commencement of that calendar year ends on the day immediately before the day on which the individual became a bankrupt within the meaning of the *Bankruptcy Act* (Canada), the individual may, in computing the amount of the tax credit described in clause *a* of subsection 2, determine his occupancy cost to be the amount that would be his occupancy cost for the whole of that calendar year excluding any portion of that occupancy cost so determined that has been taken into account by the spouse of that individual in computing the amount of the tax credit described in clause *a* of subsection 2 for that calendar year.

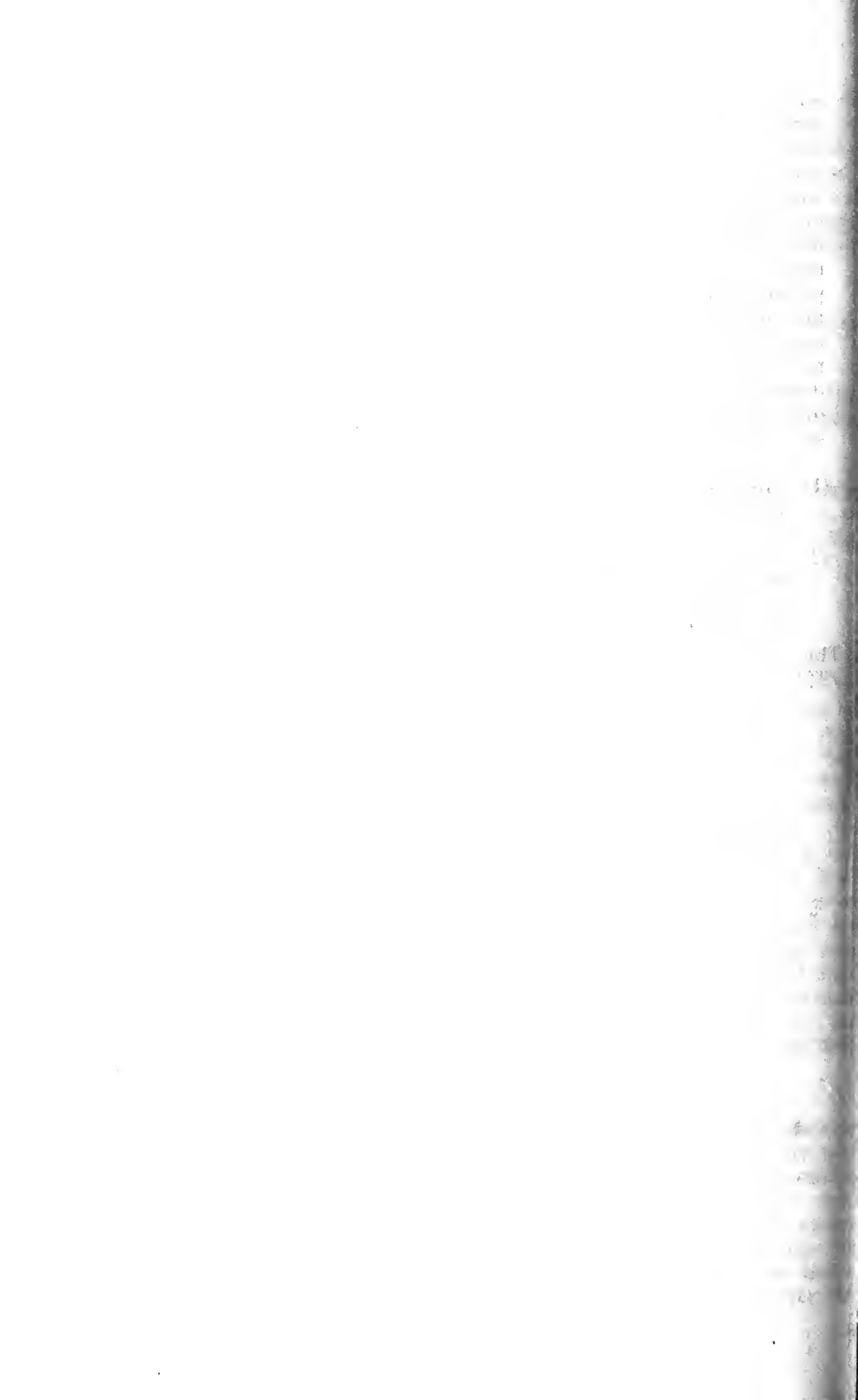
R.S.C. 1970,
c. B-3

Limitation
on unclaimed
deductions

(11) Where it is established to the Minister's satisfaction that, in respect of a particular taxation year, an individual was entitled to a deduction under subsection 2 exceeding the amount of the deduction allowed to him under subsection 2 for that taxation year, the amount of such excess (hereinafter called the "additional deduction") may be deducted from the individual's tax otherwise payable under this Act that is payable at the time of or next after the

establishing of the amount of the additional deduction, and if the amount of the additional deduction, together with the amount of any deduction under subsection 2 to which the individual is then entitled, exceeds the tax otherwise payable under this Act by the individual at the time of or next after the establishing of the amount of the additional deduction, the amount of such excess shall be paid to the individual by the Treasurer in accordance with subsection 5, provided that no claim to establish an additional deduction may be made after four years from the day of mailing of a notice of assessment of tax payable under this Act for the particular taxation year with respect to which the additional deduction is sought to be established or from the day of mailing of a notice that no tax under this Act is payable for such particular taxation year.

- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}
- (2) Section 2 shall be deemed to have come into force on ^{Idem} the 1st day of January, 1974 and applies to the 1974 and subsequent taxation years.
4. This Act may be cited as *The Income Tax Amendment Act, 1974*. ^{Short title}





1st Reading

November 5th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 128

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Income Tax Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

An Act to amend The Income Tax Act

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

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, ^{s. 3 (3) (h), re-enacted} being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 153, section 1, is repealed and the following substituted therefor:

(*h*) 30.5 per cent in respect of the 1972, 1973, 1974 and 1975 taxation years.

- 2.—(1) Subsection 2 of section 6*b* of the said Act, as re-enacted ^{s. 6*b* (2), amended} by the Statutes of Ontario, 1973, chapter 153, section 2, is amended,

(*a*) by striking out "\$400" in the fourth line and inserting in lieu thereof "\$500";

(*b*) by striking out "1 per cent" in the sixth line and inserting in lieu thereof "2 per cent";

(*c*) by striking out "\$90" in the eleventh line and inserting in lieu thereof "\$180"; and

(*d*) by striking out "\$100" in the thirty-fourth line and inserting in lieu thereof "\$110".

- (2) Subsection 4 of the said section 6*b*, as re-enacted by the ^{s. 6*b* (4), amended} Statutes of Ontario, 1972, chapter 146, section 2, is amended by adding at the commencement thereof "Subject to subsection 10,".

- (3) The said section 6*b* is amended by adding thereto the ^{s. 6*b*, amended} following subsections:

(10) For the purposes of this section,

Where no deduction may be made

- (a) where an individual or someone on his behalf is entitled to file returns under the Federal Act in respect of the individual's income for more than one taxation year ending in the same calendar year, the deduction to which the individual may be entitled under subsection 2 may be claimed only with respect to that taxation year that ends first after the commencement of that calendar year;
- (b) no deduction under subsection 2 may be claimed in a return,
- (i) filed pursuant to an election made under the provisions of subsection 2 of section 70 of the Federal Act, or
 - (ii) filed on behalf of an individual by a trustee in bankruptcy pursuant to the provisions of paragraph *e* or *h* of subsection 2 of section 128 of the Federal Act;

and

- (c) notwithstanding clause *a*, where an individual is entitled to file returns under the Federal Act in respect of more than one taxation year ending in the same calendar year, and where the taxation year that ends first after the commencement of that calendar year ends on the day immediately before the day on which the individual became a bankrupt within the meaning of the *Bankruptcy Act* (Canada), the individual may, in computing the amount of the tax credit described in clause *a* of subsection 2, determine his occupancy cost to be the amount that would be his occupancy cost for the whole of that calendar year excluding any portion of that occupancy cost so determined that has been taken into account by the spouse of that individual in computing the amount of the tax credit described in clause *a* of subsection 2 for that calendar year.

R.S.C. 1970,
c. B-3

Limitation
on unclaimed
deductions

(11) Where it is established to the Minister's satisfaction that, in respect of a particular taxation year, an individual was entitled to a deduction under subsection 2 exceeding the amount of the deduction allowed to him under subsection 2 for that taxation year, the amount of such excess (hereinafter called the "additional deduction") may be deducted from the individual's tax otherwise payable under this Act that is payable at the time of or next after the

establishing of the amount of the additional deduction, and if the amount of the additional deduction, together with the amount of any deduction under subsection 2 to which the individual is then entitled, exceeds the tax otherwise payable under this Act by the individual at the time of or next after the establishing of the amount of the additional deduction, the amount of such excess shall be paid to the individual by the Treasurer in accordance with subsection 5, provided that no claim to establish an additional deduction may be made after four years from the day of mailing of a notice of assessment of tax payable under this Act for the particular taxation year with respect to which the additional deduction is sought to be established or from the day of mailing of a notice that no tax under this Act is payable for such particular taxation year.

- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}
- (2) Section 2 shall be deemed to have come into force on the 1st day of January, 1974 and applies to the 1974 and subsequent taxation years. ^{Idem}
4. This Act may be cited as *The Income Tax Amendment Act, 1974*. ^{Short title}



An Act to amend
The Income Tax Act

1st Reading

November 5th, 1974

2nd Reading

December 3rd, 1974

3rd Reading

December 3rd, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Moosonee Development Area Board Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

The Bill increases the number of members of The Moosonee Development Area Board from five to seven and provides that four members of the Board, rather than three, constitute a quorum.

**An Act to amend
The Moosonee Development Area Board Act**

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

- 1.—(1) Subsection 2 of section 2 of *The Moosonee Development Area Board Act*, being chapter 277 of the Revised Statutes of Ontario, 1970, is amended by striking out "five" in the first line and inserting in lieu thereof "seven".
s. 2 (2),
amended
- (2) Subsection 3 of the said section 2 is amended by striking out "Three" and inserting in lieu thereof "Four".
s. 2 (3),
amended
2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
Commence-
ment
3. This Act may be cited as *The Moosonee Development Area Board Amendment Act, 1974*.
Short title

An Act to amend
The Moosonee Development
Area Board Act

1st Reading

November 5th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 129

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Moosonee Development Area Board Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

**An Act to amend
The Moosonee Development Area Board Act**

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

- 1.—(1) Subsection 2 of section 2 of *The Moosonee Development Area Board Act*, being chapter 277 of the Revised Statutes of Ontario, 1970, is amended by striking out "five" in the first line and inserting in lieu thereof "seven". s. 2 (2),
amended

- (2) Subsection 3 of the said section 2 is amended by striking out "Three" and inserting in lieu thereof "Four". s. 2 (3),
amended

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

3. This Act may be cited as *The Moosonee Development Area Board Amendment Act, 1974*. Short title

An Act to amend
The Moosonee Development
Area Board Act

1st Reading

November 5th, 1974

2nd Reading

November 26th, 1974

3rd Reading

November 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ontario Municipal Improvement Corporation Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The amendment will permit The Ontario Municipal Improvement Corporation to purchase municipal debentures issued for the purpose of constructing or altering stadia. Only municipalities having a population in excess of 100,000 will be eligible, and metropolitan, regional and district municipalities are included.

The purchase of municipal debentures by the Corporation is conditional upon the approval of the Lieutenant Governor in Council and the effective rate of interest at which the Corporation may purchase debentures is determined from time to time by the Lieutenant Governor in Council.

These debentures may be purchased only after the Ontario Municipal Board has approved the issue of the debentures. The debentures of the municipality purchased by the Corporation rank *pari passu* with all other debentures of the municipality.

SECTION 2. Complementary to section 1 of the Bill, in relation to metropolitan, regional and district municipalities.

**An Act to amend
The Ontario Municipal Improvement
Corporation Act**

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

1. Subsection 1 of section 3 of *The Ontario Municipal Improvement Corporation Act*, being chapter 325 of the Revised Statutes of Ontario, 1970, is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

s. 3 (1),
amended

(c) to purchase from any municipality in Ontario, including a metropolitan, regional or district municipality, having a population of 100,000 or more, debentures issued by it for the erection or alteration of stadia.
2. Subsection 1 of section 9 of the said Act is amended by inserting after "Ontario" in the third line "in a category mentioned in section 3".

s. 9 (1),
amended
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1974*.

Short title

An Act to amend
The Ontario Municipal
Improvement Corporation Act

1st Reading

November 5th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 130

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ontario Municipal Improvement Corporation Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



**An Act to amend
The Ontario Municipal Improvement
Corporation Act**

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

1. Subsection 1 of section 3 of *The Ontario Municipal Improvement Corporation Act*, being chapter 325 of the Revised Statutes of Ontario, 1970, is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

s. 3 (1),
amended

(c) to purchase from any municipality in Ontario, including a metropolitan, regional or district municipality, having a population of 100,000 or more, debentures issued by it for the erection or alteration of stadia.
2. Subsection 1 of section 9 of the said Act is amended by inserting after "Ontario" in the third line "in a category mentioned in section 3".

s. 9 (1),
amended
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1974*.

Short title

An Act to amend
The Ontario Municipal
Improvement Corporation Act

1st Reading

November 5th, 1974

2nd Reading

November 26th, 1974

3rd Reading

November 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to repeal
The Ontario Pensioners Assistance Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

The Act being repealed provides for an annual payment of \$50 to each Ontario resident who is entitled to a monthly guaranteed income supplement under the Canada *Old Age Security Act*.

**An Act to repeal
The Ontario Pensioners Assistance Act, 1973**

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

1. *The Ontario Pensioners Assistance Act, 1973*, being chapter 122, is repealed. Act repealed
2. This Act shall be deemed to have come into force on the 1st day of January, 1974. Commencement
3. This Act may be cited as *The Ontario Pensioners Assistance Repeal Act, 1974*. Short title

An Act to repeal
The Ontario Pensioners
Assistance Act, 1973

1st Reading

November 5th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 131

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to repeal
The Ontario Pensioners Assistance Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

1875

**An Act to repeal
The Ontario Pensioners Assistance Act, 1973**

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

1. *The Ontario Pensioners Assistance Act, 1973*, being chapter 122, is repealed. Act repealed
2. This Act shall be deemed to have come into force on the 1st day of January, 1974. Commencement
3. This Act may be cited as *The Ontario Pensioners Assistance Repeal Act, 1974*. Short title

An Act to repeal
The Ontario Pensioners
Assistance Act, 1973

1st Reading

November 5th, 1974

2nd Reading

November 28th, 1974

3rd Reading

November 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ontario Universities Capital Aid Corporation Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to add the Ontario College of Art as an institution whose bonds or debentures, issued for capital construction projects, may be purchased by The Ontario Universities Capital Aid Corporation.

SECTIONS 2, 3 AND 4. The re-enactments contained in these three sections are complementary to section 1 of the Bill; in each instance, the Ontario College of Art is added to the other institutions named.

**An Act to amend
The Ontario Universities
Capital Aid Corporation Act**

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

1. Clause *c* of section 2 of *The Ontario Universities Capital Aid Corporation Act*, being chapter 331 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 39, section 1 and amended by 1973, chapter 65, section 2, is repealed and the following substituted therefor:

(c) to the Art Gallery of Ontario, The Royal Ontario Museum and the Ontario College of Art; and

2. Clause *c* of section 4 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 39, section 2 and amended by 1973, chapter 65, section 3, is repealed and the following substituted therefor:

(c) to purchase from the Art Gallery of Ontario, The Royal Ontario Museum and the Ontario College of Art bonds or debentures issued by them for capital construction projects that have been approved by the Lieutenant Governor in Council; and

3. Subsection 3 of section 11 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 39, section 3, is repealed and the following substituted therefor:

(3) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from the Art Gallery of Ontario, The Royal Ontario Museum or the

Purchase of debentures of the Art Gallery of Ontario, The Royal Ontario Museum or the Ontario College of Art

Ontario College of Art, bonds or debentures issued by such institutions for capital construction projects approved by the Lieutenant Governor in Council.

s. 15 (c).
re-enacted

4. Clause *c* of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 39, section 4 and amended by 1973, chapter 65, section 5, is repealed and the following substituted therefor:

(c) the manner in which colleges, universities, municipalities, the Art Gallery of Ontario, The Royal Ontario Museum and the Ontario College of Art may apply to the Corporation for its purchase of their bonds or debentures, and the forms, records and proofs to be furnished with such applications.

Commence-
ment

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

Short title

6. This Act may be cited as *The Ontario Universities Capital Aid Corporation Amendment Act, 1974*.





An Act to amend
The Ontario Universities
Capital Aid Corporation Act

1st Reading

November 7th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 132

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ontario Universities Capital Aid Corporation Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



**An Act to amend
The Ontario Universities
Capital Aid Corporation Act**

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

1. Clause *c* of section 2 of *The Ontario Universities Capital Aid Corporation Act*, being chapter 331 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 39, section 1 and amended by 1973, chapter 65, section 2, is repealed and the following substituted therefor:

(c) to the Art Gallery of Ontario, The Royal Ontario Museum and the Ontario College of Art; and

2. Clause *c* of section 4 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 39, section 2 and amended by 1973, chapter 65, section 3, is repealed and the following substituted therefor:

(c) to purchase from the Art Gallery of Ontario, The Royal Ontario Museum and the Ontario College of Art bonds or debentures issued by them for capital construction projects that have been approved by the Lieutenant Governor in Council, and

3. Subsection 3 of section 11 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 39, section 3, is repealed and the following substituted therefor:

(3) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from the Art Gallery of Ontario, The Royal Ontario Museum or the

§ 2 (c),
re-enacted

§ 4 (c),
re-enacted

§ 11 (3),
re-enacted

Purchase of
debentures
of the Art
Gallery of
Ontario, The
Royal Ontario
Museum or
the Ontario
College of Art

Ontario College of Art, bonds or debentures issued by such institutions for capital construction projects approved by the Lieutenant Governor in Council.

s. 15 (c),
re-enacted

4. Clause *c* of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 39, section 4 and amended by 1973, chapter 65, section 5, is repealed and the following substituted therefor:

(c) the manner in which colleges, universities, municipalities, the Art Gallery of Ontario, The Royal Ontario Museum and the Ontario College of Art may apply to the Corporation for its purchase of their bonds or debentures, and the forms, records and proofs to be furnished with such applications.

Commence-
ment

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

Short title

6. This Act may be cited as *The Ontario Universities Capital Aid Corporation Amendment Act, 1974*.





An Act to amend
The Ontario Universities
Capital Aid Corporation Act

1st Reading

November 7th, 1974

2nd Reading

December 3rd, 1974

3rd Reading

December 3rd, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to establish the Ontario Land Corporation

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTES

The Bill establishes the Ontario Land Corporation as a corporation without share capital having as its objects the promotion of community and industrial development of land in Ontario by the acquisition of land and the disposal of it to persons in the private and government sectors for residential, community, industrial, governmental and commercial development. Among the principal features of the Bill are the following:

1. As well as being empowered to purchase and dispose of land in furtherance of community and industrial development, the Corporation is given investment powers to purchase the securities of any government, municipal or land oriented corporations, the purchase of which will further the development of land in Ontario.
2. Subject to the provisions of *The Expropriations Act*, the Corporation is given power to expropriate land.
3. The Board of Directors of the Corporation, to consist of its chairman and eleven other directors to be appointed by the Lieutenant Governor in Council, will be subject to a conflict of interest rule similar to that contained in *The Business Corporations Act* of Ontario.
4. With the approval of the Lieutenant Governor in Council, the Corporation may borrow money for its purposes and may issue notes, bonds, debentures and other securities to that end; such securities of the Corporation are made authorized investments under *The Pension Benefits Act* and *The Trustee Act* as well as for the funds of a corporation to which *The Loan and Trust Corporations Act* and *The Insurance Act* apply.
5. The Lieutenant Governor in Council is empowered to raise by way of loan in the manner provided by *The Financial Administration Act* such sums as are considered requisite, and such sums may be either advanced to the Corporation or applied by the Treasurer of Ontario in the purchase of securities issued by the Corporation.
6. Temporary loans may be made by the Corporation from any Canadian chartered bank or any other bank that is supervised by a central bank or other government authority in the jurisdiction where the bank carries on business.
7. Moneys may be appropriated by the Legislature for the purposes of the Corporation, and in certain circumstances a special warrant may be ordered in the event the appropriation for any project of the Corporation becomes exhausted in a fiscal year.
8. The Corporation is to deliver an annual report to the Minister who will lay the report before the Assembly and provision is made for auditing the accounts of the Corporation at least once in every year by a firm of auditors appointed by the Provincial Auditor. The audited accounts will be delivered by the Corporation to the Minister who will lay the accounts before the Assembly.

**An Act to establish
the Ontario Land Corporation**

HER 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) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Ontario Land Corporation;
- (c) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (d) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Inter-governmental Affairs.

2. Except as herein otherwise provided, *The Corporations Act*, *The Loan and Trust Corporations Act* and *The Mortgage Brokers Act* do not apply to the Corporation.

Application
of
R.S.O 1970,
cc. 89, 254, 278

INCORPORATION

3. There is hereby established a corporation without share capital under the name of "Ontario Land Corporation".

Incorporation

BOARD OF DIRECTORS

4.—(1) There shall be a Board of Directors of the Corporation consisting of twelve members who shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding three years.

Board of
Directors

Chairman (2) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board.

Reappointment (3) Each of the directors is eligible for reappointment upon the expiration of his term of office.

Remuneration (4) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.

Seat in Assembly not vacated R.S.O. 1970, c. 240 (5) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

Removal from office (6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term.

CONFLICT

Disclosure by director of interest in contracts R.S.O. 1970, c. 100 5.—(1) Every director of the Corporation who has, directly or indirectly, any interest in any contract or transaction to which the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act* is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the Corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act*, the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum.

Interest to be material (2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest and the contract or transaction are both material.

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the Corporation's business, would not require approval by the directors, at the first meeting of the directors held after the director becomes aware of it.

When
declaration
of interest
to be made

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the Corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the Corporation for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the Corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

Effect of
declaration

(5) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of, or has a material interest in the person that is a party to a contract or proposed contract with the Corporation is a sufficient declaration of interest in relation to any contracts so made.

General
notice

OATH OF OFFICE AND SECRECY

6. Every director, officer or employee of the Corporation and every agent and adviser whose services are engaged by the Corporation shall before entering upon his duties take, before a commissioner of oaths, the following oath or affirmation:

Oath of
office and
secrecy

I.....
do solemnly swear (or affirm) that I will faithfully, honestly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me by *The Ontario Land Corporation Act, 1974* and all rules, directions and instructions thereunder as a director (officer, employee or agent, as the case may be) of the Ontario Land Corporation and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of the Corporation.

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Chairman
to preside

7.—(1) The chairman shall preside at all meetings of the Board and, in his absence, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and may exercise the powers of the chairman.

Quorum

(2) A majority of the directors constitutes a quorum for the transaction of business at meetings of the Board.

By-laws

(3) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

By-laws
and
resolutions

8. Any by-law or resolution consented to by the signatures of all of the directors is as valid and effective as if it had been passed at a meeting of the Board held for that purpose.

Management

9. The Board shall manage or supervise the management of the business and affairs of the Corporation, provided that, in accordance with the policy of the Government of Ontario relating to the acquisition, use and development of land, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the exercise of its powers.

Matters
not to be
asserted by
Corporation

10. The Corporation may not assert against a person dealing with the Corporation or with any person who has acquired rights from the Corporation that,

- (a) the provisions of this Act have not been complied with;
- (b) a direction referred to in section 9 has not been complied with;
- (c) a person held out by the Corporation as a director, an officer or an agent of the Corporation has not been duly appointed or has no authority to exercise the powers and perform the duties that are customary in the business of the Corporation or usual for such director, officer or agent; or

- (d) a document issued by any director, officer or agent of the Corporation with actual or usual authority to issue the document is not valid or not genuine,

except where the person has or ought to have by virtue of his position with or relationship to the Corporation knowledge to the contrary.

11. Each director and each officer of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses, shall be part of the administration expense of the Corporation.

Indemnification of officers and directors

12.—(1) The Board shall elect from amongst their number an executive committee consisting of not fewer than three directors, one of whom shall be the chairman of the Board, and may delegate to the executive committee any powers of the Board subject to any restrictions which may be imposed by the Board.

Executive committee

(2) A majority of the number of members of the executive committee, or such greater number as the Board by by-law prescribes, constitutes a quorum.

Quorum of executive committee

OBJECTS AND POWERS OF THE CORPORATION

13.—(1) The objects of the Corporation are to assist in the promotion of community and industrial development of land in Ontario by the acquisition of land and the disposal of it to persons in the private and government sectors for residential, community, industrial, governmental and commercial development and, without limiting the generality thereof, in the carrying out of those objects the Corporation has power to,

Objects and powers of the Corporation

- (a) purchase, lease, take in exchange or otherwise acquire lands or interests therein, together with any buildings or structures on the lands;
- (b) sell, lease, exchange, mortgage or otherwise dispose of the whole or any portion of the lands and all or any of the buildings or structures that are

then or may after be erected upon the lands and to take such payment or security therefor as may be necessary or desirable;

- (c) lend and invest money on security of real estate and to sell, mortgage, or otherwise dispose of mortgages;
- (d) subscribe for, purchase, invest in, sell, assign or otherwise deal in shares, stocks, bonds, debentures, notes and other securities of any government or municipal corporation, or of any corporation whose objects include the buying and selling of land; and
- (e) do anything that, in the opinion of the Board, can be done advantageously by the Corporation in connection with or ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b*, *c* and *d*.

Limitation
on
investments

R.S.O. 1970,
c. 100

(2) The Corporation shall not invest in any of the securities mentioned in clause *d* of subsection 1 of a corporation that is a Crown agency within the meaning of *The Crown Agency Act* unless the board of directors of such corporation includes at least one person who is also a member of the Board.

Incidental
powers

R.S.O. 1970,
c. 89

14. The Corporation possesses as incidental and ancillary to its objects those powers contained in subsection 1 of section 24 of *The Corporations Act* except clauses *c*, *j*, *p*, *q*, *r* and *t* of that subsection.

Expropria-
tion

R.S.O. 1970,
c. 154

15. Subject to *The Expropriations Act*, the Corporation, for and in its own name, may, without the consent of the owner thereof, enter upon, take and expropriate any land or interest therein that it considers necessary for its use or purposes.

Use of
services and
facilities of
ministries,
etc.

16.—(1) In exercising its powers under this Act, the Corporation shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario.

Staff

R.S.O. 1970,
c. 386

(2) The Corporation may engage persons under contract or otherwise or obtain the appointment under *The Public Service Act* of such persons as are considered necessary from time to time for the proper conduct of the affairs of the Corporation.

HEAD OFFICE AND CORPORATE SEAL

17. The Corporation shall have a head office at such ^{Head office} place within Ontario as the Lieutenant Governor in Council shall, from time to time, designate.

18. The Corporation shall have a seal which shall be ^{Seal} adopted by resolution or by-law of the Board.

FISCAL YEAR

19. The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of ^{Fiscal year} March in the following year.

LOANS AND ADVANCES

20.—(1) Subject to the approval of the Lieutenant ^{General borrowing powers} Governor in Council, the Corporation may borrow from time to time such sums of money as it may consider requisite for any of its purposes and, for the purpose of such borrowing, may issue notes, bonds, debentures and other securities bearing interest at such rate or rates, and payable as to principal, interest and premium, if any, at such time or times and in such manner and in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the Corporation may determine, and such notes, bonds, debentures and other securities may be made redeemable in advance of maturity, at such time or times, and at such price or prices, and in such manner, and either with or without premium, as the Corporation may determine at the time of issue thereof.

(2) Where, pursuant to subsection 1, the Board, with the ^{idem} approval of the Lieutenant Governor in Council, has passed a resolution authorizing the borrowing of money by the issue from time to time of notes, bonds, debentures or other securities maturing not later than five years from the respective dates thereof and bearing interest at a rate or rates not exceeding the maximum rate of interest specified in the resolution, the Board without any further approval of the Lieutenant Governor in Council may subsequently and from time to time authorize the issue of such notes, bonds, debentures or other securities, within the maximum principal amount prescribed by such resolution, bearing such respective dates, maturing not later than

five years from such respective dates, and bearing interest at such respective rates not exceeding the said maximum interest rate, as the Board, in its discretion, may from time to time determine.

Purposes of Corporation

(3) The purposes of the Corporation, mentioned in subsection 1, without limiting the generality thereof, include,

- (a) repayment on account of the advances by the Province of Ontario to the Corporation;
- (b) payment in whole or in part of any notes, bonds, debentures or other securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances from the Province of Ontario to the Corporation;
- (c) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued by the Corporation under this or any other Act;
- (d) payment of the whole or any part of any loan or of any liability or of any notes, bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Corporation;
- (e) payment of the whole or any part of any other liability or indebtedness of the Corporation; and
- (f) carrying out any of the objects and powers of the Corporation referred to in section 13.

Resolution conclusive

(4) Where a resolution of the Board authorizing the issue of securities contains a recital or declaration that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the Corporation, the recital or declaration is conclusive evidence of the facts stated therein.

Corporation may sell or pledge

(5) The Corporation may sell or otherwise dispose of any such notes, bonds, debentures and other securities at such price or prices, and on such terms and conditions, as it considers advisable, and either at the face amount thereof or at less or more than the face amount thereof, and may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security.

(6) Any such securities dealt with as collateral security when redelivered to the Corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Corporation again becomes entitled to such securities, may be treated by the Corporation as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Board considers advisable, or at its option, may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences and upon such issue or reissue any person entitled thereto has the same rights and remedies as if the same had not been previously issued.

Reissue of securities

(7) The Corporation on such terms and conditions as it considers advisable may charge, pledge, hypothecate, deposit or otherwise deal with, as collateral security, any notes, bonds, debentures or other securities purchased by it under section 13.

Corporation may pledge securities

(8) The notes, bonds, debentures and other securities of the Corporation shall be in such form or forms and in such denomination or denominations and shall be executed in such manner and by such persons as the Board may determine.

Form and execution of securities

(9) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and any signatures upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Reproduction of seal and signatures

(10) The seal of the Corporation when so mechanically reproduced has the same force and effect as if manually affixed and such mechanically reproduced signatures are for all purposes valid and binding upon the Corporation notwithstanding that a person whose signature is so reproduced has ceased to hold office before the date of the security or before its issue.

Effect of mechanical reproduction of seal and signatures

21. The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold as evidence thereof bonds, debentures, notes or other evidences of indebtedness of the Corporation.

Authority to loan money to the Corporation

Government
authorized
to raise
funds for
purposes of
Corporation
R.S.O. 1970,
c. 166

22. The Lieutenant Governor in Council may raise by way of loan in the manner provided by *The Financial Administration Act* such sums as he considers requisite for the purposes of this Act, and the sums so raised may either be advanced to the Corporation or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Corporation issued by the Corporation under this Act.

Advances
may be made
on terms and
conditions
agreed upon

23. All advances made by the Province of Ontario to the Corporation shall be made on such terms and conditions as are agreed upon between the Corporation and the Treasurer of Ontario, and without limiting the generality of the foregoing, the Corporation, in consideration of any advance, may,

- (a) issue and deliver to the Treasurer of Ontario notes, bonds, debentures or other securities of the Corporation for the same principal amount, maturing on the same date or dates, bearing interest at the same rate or rates, and payable as to both principal and interest in the same currency or currencies as the debentures or other securities of the Province of Ontario issued for the purpose of raising the money advanced by the Province of Ontario to the Corporation, and containing such other terms and conditions, if any, as to redemption in advance of maturity or otherwise as the Treasurer of Ontario approves; and
- (b) agree to reimburse the Province of Ontario for all charges and expenses incurred or to be incurred by the Province of Ontario in connection with the creation and issue of such debentures or other securities of the Province of Ontario and the payment from time to time of the interest thereon and the principal thereof whether at maturity or on redemption before maturity and of the amount of the premium, if any, on the redemption, and such other charges and expenses as the Province of Ontario incurs.

Temporary
loans

24.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation, borrow by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) applies, from any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business or from

R.S.C. 1970,
c. B-1

any person such sums as the Corporation considered requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

(2) For the purposes of subsection 1, the Corporation may pledge as security, notes, bonds, debentures or other securities of the Corporation pending the sale thereof or in lieu of selling the same, or may pledge as security, bonds, debentures or other securities owned by the Corporation, or otherwise give such security as the Corporation determines, and any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Corporation determines.

Security for temporary loans

25. Where the Legislature has appropriated money for the purposes of the Corporation, such money is payable out of such appropriation to the Corporation from time to time upon the requisition of the chairman of the Corporation and the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Corporation to the Province of Ontario and notwithstanding anything in *The Financial Administration Act*.

Payment over to Corporation of moneys appropriated

R.S.O. 1970, c. 166

26. Where the appropriation made by the Legislature for any project of the Corporation becomes exhausted in a fiscal year and the chairman of the Corporation reports to the Lieutenant Governor in Council that it is necessary and expedient that such project be proceeded with and that an additional amount is required for that purpose, the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor for the issue of the amount estimated to be required in such fiscal year, and, when issued, such amount shall be placed by the Treasurer of Ontario to the credit of a special account against which cheques may be issued in favour of the Corporation for such sums as are required.

Where appropriation is exhausted, special warrant may issue

GENERAL

27. The notes, bonds, debentures and other securities issued by the Corporation are authorized investments for the funds of a corporation to which *The Loan and Trust Corporations Act* or *The Insurance Act* apply and are authorized investments under *The Pension Benefits Act* and *The Trustee Act*.

Corporation securities authorized investments
R.S.O. 1970, cc. 254, 224, 342, 470

28.—(1) The Corporation may from time to time, for the sound and efficient management of its funds, in its

Management of funds

discretion and on such terms and conditions as it may consider advisable, purchase, acquire, hold and sell or otherwise dispose of any of the following securities:

1. The bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or Ontario or any other province of Canada.
2. The bonds, debentures or other evidences of indebtedness of corporations referred to in clauses *c, e, f, g, i* and *k* of subsection 1 of section 383 of *The Insurance Act* and in which joint stock insurance companies may invest their funds.
3. The deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, or by any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business.
4. The guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1970,
c. 224

R.S.C. 1970,
c. B-1

R.S.O. 1970,
c. 254

Deposit of
funds

(2) The Corporation may deposit from time to time any part of its funds in any chartered bank to which the *Bank Act* (Canada) applies or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* or with the Province of Ontario Savings Office, upon such terms and conditions and for such periods as the Corporation may consider expedient.

ANNUAL REPORT

Annual
report

29.—(1) The Corporation shall, after the close of each fiscal year, deliver to the Minister an annual report upon the affairs of the Corporation signed by the chairman and one other director of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Additional
reports

(2) In addition to making an annual report under subsection 1, the Corporation shall make to the Minister such other report on its affairs as the Minister from time to time may require.

AUDIT OF ACCOUNTS

30.—(1) The accounts of the Corporation shall be from time to time, and at least once every year, audited and reported upon by an auditor or firm of auditors appointed by the Provincial Auditor. ^{Audit of accounts}

(2) The expenses of such audits shall be fixed by the Corporation, with the approval of the Lieutenant Governor in Council, and are payable by the Corporation as part of the costs of administration of the Corporation. ^{Expenses of audits}

(3) Within thirty days of receipt thereof, the Corporation shall deliver to the Minister the audited accounts of the Corporation, and the Minister shall submit them to the Lieutenant Governor in Council and shall then lay the audited accounts before the Assembly if it is in session or, if not, at the next ensuing session. ^{Tabling of audited accounts}

31. The moneys required for the purpose of defraying the operating expenses of the Corporation shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. ^{Moneys}

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

33. This Act may be cited as *The Ontario Land Corporation Act, 1974*. ^{Short title}

An Act to establish
the Ontario Land Corporation

1st Reading

November 7th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to establish the Ontario Land Corporation

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Administration of Justice Committee)

EXPLANATORY NOTES

The Bill establishes the Ontario Land Corporation as a corporation without share capital having as its objects the promotion of community and industrial development of land in Ontario by the acquisition of land and the disposal of it to persons in the private and government sectors for residential, community, industrial, governmental and commercial development. Among the principal features of the Bill are the following:

1. As well as being empowered to purchase and dispose of land in furtherance of community and industrial development, the Corporation is given investment powers to purchase the securities of any government, municipal or land oriented corporations, the purchase of which will further the development of land in Ontario.
2. Subject to the provisions of *The Expropriations Act*, the Corporation is given power to expropriate land.
3. The Board of Directors of the Corporation, to consist of its chairman and from five to eleven other directors to be appointed by the Lieutenant Governor in Council, will be subject to a conflict of interest rule similar to that contained in *The Business Corporations Act of Ontario*.
4. With the approval of the Lieutenant Governor in Council, the Corporation may borrow money for its purposes and may issue notes, bonds, debentures and other securities to that end; such securities of the Corporation are made authorized investments under *The Pension Benefits Act* and *The Trustee Act* as well as for the funds of a corporation to which *The Loan and Trust Corporations Act* and *The Insurance Act* apply.
5. The Lieutenant Governor in Council is empowered to raise by way of loan in the manner provided by *The Financial Administration Act* such sums as are considered requisite, and such sums may be either advanced to the Corporation or applied by the Treasurer of Ontario in the purchase of securities issued by the Corporation.
6. Temporary loans may be made by the Corporation from any Canadian chartered bank or any other bank that is supervised by a central bank or other government authority in the jurisdiction where the bank carries on business.
7. Moneys may be appropriated by the Legislature for the purposes of the Corporation.
8. The Corporation is to deliver an annual report to the Minister who will lay the report before the Assembly and provision is made for auditing the accounts of the Corporation at least once in every year by a firm of auditors appointed by the Corporation who will be under the direction of and report to the Provincial Auditor. The audited accounts will form part of the annual report of the Corporation.

An Act to establish the Ontario Land Corporation

HER 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) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Ontario Land Corporation;
- (c) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (d) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Inter-governmental Affairs.

2. Except as herein otherwise provided, *The Corporations Act*, *The Loan and Trust Corporations Act* and *The Mortgage Brokers Act* do not apply to the Corporation.

Application
of
R.S.O. 1970,
cc. 89, 254, 278

INCORPORATION

3. There is hereby established a corporation without share capital under the name of "Ontario Land Corporation".

Incorporation

BOARD OF DIRECTORS

4.—(1) There shall be a Board of Directors of the Corporation consisting of not fewer than six and not more than twelve members who shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding three years.

Board of
Directors

- Chairman (2) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board.
- Reappointment (3) Each of the directors is eligible for reappointment upon the expiration of his term of office.
- Remuneration (4) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.
- Seat in Assembly not vacated R.S.O. 1970, c. 240 (5) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.
- Removal from office (6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term.

CONFLICT

Disclosure by director of interest in contracts R.S.O. 1970, c. 100

5.—(1) Every director of the Corporation who has, directly or indirectly, any interest in any contract or transaction to which the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act* is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the Corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act*, the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum.

Interest to be material (2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest and the contract or transaction are both material.

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the Corporation's business, would not require approval by the directors, at the first meeting of the directors held after the director becomes aware of it.

When
declaration
of interest
to be made

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the Corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the Corporation for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the Corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

Effect of
declaration

(5) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of, or has a material interest in the person that is a party to a contract or proposed contract with the Corporation is a sufficient declaration of interest in relation to any contracts so made.

General
notice

OATH OF OFFICE AND SECRECY

6. Every director, officer or employee of the Corporation and every agent and adviser whose services are engaged by the Corporation shall before entering upon his duties take, before a commissioner of oaths, the following oath or affirmation:

Oath of
office and
secrecy

I.....
do solemnly swear (or affirm) that I will faithfully, honestly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me by *The Ontario Land Corporation Act, 1974* and all rules, directions and instructions thereunder as a director (officer, employee or agent, as the case may be) of the Ontario Land Corporation and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of the Corporation.

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Chairman
to preside

7.—(1) The chairman shall preside at all meetings of the Board and, in his absence, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and may exercise the powers of the chairman.

Quorum

(2) A majority of the directors constitutes a quorum for the transaction of business at meetings of the Board.

By-laws

(3) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

By-laws
and
resolutions

8. Any by-law or resolution consented to by the signatures of all of the directors is as valid and effective as if it had been passed at a meeting of the Board held for that purpose.

Management

9. The Board shall manage or supervise the management of the business and affairs of the Corporation, provided that, in accordance with the policy of the Government of Ontario relating to the acquisition, use and development of land, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the exercise of its powers.

Matters
not to be
asserted by
Corporation

10. The Corporation may not assert against a person dealing with the Corporation or with any person who has acquired rights from the Corporation that,

- (a) the provisions of this Act have not been complied with;
- (b) a direction referred to in section 9 has not been complied with;
- (c) a person held out by the Corporation as a director, an officer or an agent of the Corporation has not been duly appointed or has no authority to exercise the powers and perform the duties that are customary in the business of the Corporation or usual for such director, officer or agent; or

- (d) a document issued by any director, officer or agent of the Corporation with actual or usual authority to issue the document is not valid or not genuine,

except where the person has or ought to have by virtue of his position with or relationship to the Corporation knowledge to the contrary.

11. Each director and each officer of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses, shall be part of the administration expense of the Corporation.

Indemnification of officers and directors

12.—(1) The Board shall elect from amongst their number an executive committee consisting of not fewer than three directors, one of whom shall be the chairman of the Board, and may delegate to the executive committee any powers of the Board subject to any restrictions which may be imposed by the Board.

Executive committee

(2) A majority of the number of members of the executive committee, or such greater number as the Board by by-law prescribes, constitutes a quorum.

Quorum of executive committee

OBJECTS AND POWERS OF THE CORPORATION

13.—(1) The objects of the Corporation are to assist in the promotion of community and industrial development of land in Ontario by the acquisition of land and the disposal of it to persons in the private and government sectors for residential, community, industrial, governmental and commercial development and, without limiting the generality thereof, in the carrying out of those objects the Corporation has power to,

Objects and powers of the Corporation

- (a) purchase, lease, take in exchange or otherwise acquire lands or interests therein, together with any buildings or structures on the lands;
- (b) sell, lease, exchange, mortgage or otherwise dispose of the whole or any portion of the lands and all or any of the buildings or structures that are

then or may after be erected upon the lands and to take such payment or security therefor as may be necessary or desirable;

- (c) lend and invest money on security of real estate and to sell, mortgage, or otherwise dispose of mortgages;
- (d) subscribe for, purchase, invest in, sell, assign or otherwise deal in shares, stocks, bonds, debentures, notes and other securities of any government or municipal corporation, or of any corporation whose objects include the buying and selling of land; and
- (e) do anything that, in the opinion of the Board, can be done advantageously by the Corporation in connection with or ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b*, *c* and *d*.

Limitation
on
investments

R.S.O. 1970,
c. 100

(2) The Corporation shall not invest in any of the securities mentioned in clause *d* of subsection 1 of a corporation that is a Crown agency within the meaning of *The Crown Agency Act* unless the board of directors of such corporation includes at least one person who is also a member of the Board.

Incidental
powers

R.S.O. 1970,
c. 89

14. The Corporation possesses as incidental and ancillary to its objects those powers contained in subsection 1 of section 24 of *The Corporations Act* except clauses *c*, *j*, *q*, *r* and *t* of that subsection.

Expropria-
tion

R.S.O. 1970,
c. 154

15. Subject to *The Expropriations Act*, the Corporation, for and in its own name, may, without the consent of the owner thereof, enter upon, take and expropriate any land or interest therein that it considers necessary for its use or purposes.

Use of
services and
facilities of
ministries,
etc.

16.—(1) In exercising its powers under this Act, the Corporation shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario.

Staff

R.S.O. 1970,
c. 386

(2) The Corporation may engage persons under contract or otherwise or obtain the appointment under *The Public Service Act* of such persons as are considered necessary from time to time for the proper conduct of the affairs of the Corporation.

HEAD OFFICE AND CORPORATE SEAL.

17. The Corporation shall have a head office at such ^{Head office} place within Ontario as the Lieutenant Governor in Council shall, from time to time, designate.

18. The Corporation shall have a seal which shall be ^{Seal} adopted by resolution or by-law of the Board.

FISCAL YEAR

19. The fiscal year of the Corporation commences on the ^{Fiscal year} 1st day of April in each year and ends on the 31st day of March in the following year.

LOANS AND ADVANCES

20.—(1) Subject to the approval of the Lieutenant ^{General borrowing powers} Governor in Council, the Corporation may borrow from time to time such sums of money as it may consider requisite for any of its purposes and, for the purpose of such borrowing, may issue notes, bonds, debentures and other securities bearing interest at such rate or rates, and payable as to principal, interest and premium, if any, at such time or times and in such manner and in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the Corporation may determine, and such notes, bonds, debentures and other securities may be made redeemable in advance of maturity, at such time or times, and at such price or prices, and in such manner, and either with or without premium, as the Corporation may determine at the time of issue thereof.

(2) Where, pursuant to subsection 1, the Board, with the ^{Idem} approval of the Lieutenant Governor in Council, has passed a resolution authorizing the borrowing of money by the issue from time to time of notes, bonds, debentures or other securities maturing not later than five years from the respective dates thereof and bearing interest at a rate or rates not exceeding the maximum rate of interest specified in the resolution, the Board without any further approval of the Lieutenant Governor in Council may subsequently and from time to time authorize the issue of such notes, bonds, debentures or other securities, within the maximum principal amount prescribed by such resolution, bearing such respective dates, maturing not later than

five years from such respective dates, and bearing interest at such respective rates not exceeding the said maximum interest rate, as the Board, in its discretion, may from time to time determine.

Purposes of Corporation

(3) The purposes of the Corporation, mentioned in subsection 1, without limiting the generality thereof, include,

- (a) repayment on account of the advances by the Province of Ontario to the Corporation;
- (b) payment in whole or in part of any notes, bonds, debentures or other securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances from the Province of Ontario to the Corporation;
- (c) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued by the Corporation under this or any other Act;
- (d) payment of the whole or any part of any loan or of any liability or of any notes, bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Corporation;
- (e) payment of the whole or any part of any other liability or indebtedness of the Corporation; and
- (f) carrying out any of the objects and powers of the Corporation referred to in section 13.

Resolution conclusive

(4) Where a resolution of the Board authorizing the issue of securities contains a recital or declaration that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the Corporation, the recital or declaration is conclusive evidence of the facts stated therein.

Corporation may sell or pledge

(5) The Corporation may sell or otherwise dispose of any such notes, bonds, debentures and other securities at such price or prices, and on such terms and conditions, as it considers advisable, and either at the face amount thereof or at less or more than the face amount thereof, and may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security.

(6) Any such securities dealt with as collateral security when redelivered to the Corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Corporation again becomes entitled to such securities, may be treated by the Corporation as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Board considers advisable, or at its option, may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences and upon such issue or reissue any person entitled thereto has the same rights and remedies as if the same had not been previously issued.

(7) The Corporation on such terms and conditions as it considers advisable may charge, pledge, hypothecate, deposit or otherwise deal with, as collateral security, any notes, bonds, debentures or other securities purchased by it under section 13.

(8) The notes, bonds, debentures and other securities of the Corporation shall be in such form or forms and in such denomination or denominations and shall be executed in such manner and by such persons as the Board may determine.

(9) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and any signatures upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(10) The seal of the Corporation when so mechanically reproduced has the same force and effect as if manually affixed and such mechanically reproduced signatures are for all purposes valid and binding upon the Corporation notwithstanding that a person whose signature is so reproduced has ceased to hold office before the date of the security or before its issue.

21.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold as evidence thereof bonds, debentures, notes or other evidences of indebtedness of the Corporation

Moneys

(2) Notwithstanding the provisions of section 30, the moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Government authorized to raise funds for purposes of Corporation R.S.O. 1970, c. 166

22. The Lieutenant Governor in Council may raise by way of loan in the manner provided by *The Financial Administration Act* such sums as he considers requisite for the purposes of this Act, and the sums so raised may either be advanced to the Corporation or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Corporation issued by the Corporation under this Act.

Advances may be made on terms and conditions agreed upon

23. All advances made by the Province of Ontario to the Corporation shall be made on such terms and conditions as are agreed upon between the Corporation and the Treasurer of Ontario, and without limiting the generality of the foregoing, the Corporation, in consideration of any advance, may,

- (a) issue and deliver to the Treasurer of Ontario notes, bonds, debentures or other securities of the Corporation for the same principal amount, maturing on the same date or dates, bearing interest at the same rate or rates, and payable as to both principal and interest in the same currency or currencies as the debentures or other securities of the Province of Ontario issued for the purpose of raising the money advanced by the Province of Ontario to the Corporation, and containing such other terms and conditions, if any, as to redemption in advance of maturity or otherwise as the Treasurer of Ontario approves; and
- (b) agree to reimburse the Province of Ontario for all charges and expenses incurred or to be incurred by the Province of Ontario in connection with the creation and issue of such debentures or other securities of the Province of Ontario and the payment from time to time of the interest thereon and the principal thereof whether at maturity or on redemption before maturity and of the amount of the premium, if any, on the redemption, and such other charges and expenses as the Province of Ontario incurs.

24.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation, borrow by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) applies, from any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business or from any person such sums as the Corporation considered requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Temporary
loans

R.S.C. 1970.
c. B-1

(2) For the purposes of subsection 1, the Corporation may pledge as security, notes, bonds, debentures or other securities of the Corporation pending the sale thereof or in lieu of selling the same, or may pledge as security, bonds, debentures or other securities owned by the Corporation, or otherwise give such security as the Corporation determines, and any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Corporation determines.

Security for
temporary
loans

25. Where the Legislature has appropriated money for the purposes of the Corporation, such money is payable out of such appropriation to the Corporation from time to time upon the requisition of the chairman of the Corporation and the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Corporation to the Province of Ontario and notwithstanding anything in *The Financial Administration Act*.

Payment
over to
Corporation
of moneys
appropriated

R.S.O. 1970.
c. 166

GENERAL

26. The notes, bonds, debentures and other securities issued by the Corporation are authorized investments for the funds of a corporation to which *The Loan and Trust Corporations Act* or *The Insurance Act* apply and are authorized investments under *The Pension Benefits Act* and *The Trustee Act*.

Corporation
securities
authorized
investments
R.S.O. 1970,
cc. 254, 224,
342, 470

27.—(1) The Corporation may from time to time, for the sound and efficient management of its funds, in its discretion and on such terms and conditions as it may consider advisable, purchase, acquire, hold and sell or otherwise dispose of any of the following securities:

Management
of funds

1. The bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or Ontario or any other province of Canada.
2. The bonds, debentures or other evidences of indebtedness of corporations referred to in clauses *c, e, f, g, i* and *k* of subsection 1 of section 383 of *The Insurance Act* and in which joint stock insurance companies may invest their funds.
3. The deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, or by any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business.
4. The guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1970,
c. 224

R.S.C. 1970,
c. B-1

R.S.O. 1970,
c. 254

Deposit of
funds

(2) The Corporation may deposit from time to time any part of its funds in any chartered bank to which the *Bank Act* (Canada) applies or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* or with the Province of Ontario Savings Office, upon such terms and conditions and for such periods as the Corporation may consider expedient.

ANNUAL REPORT

Annual
report

28.—(1) The Corporation shall, after the close of each fiscal year, deliver to the Minister an annual report upon the affairs of the Corporation signed by the chairman and one other director of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Additional
reports

(2) In addition to making an annual report under subsection 1, the Corporation shall make to the Minister such other report on its affairs as the Minister from time to time may require.

AUDIT OF ACCOUNTS

Audit
of
accounts

29.—(1) The accounts and financial transactions of the Corporation shall be audited annually by an auditor or firm of auditors appointed by the Corporation and such auditor

or firm of auditors, so appointed, shall be under the direction of and report to the Provincial Auditor.

(2) A report on the audit shall be made by the Provincial Auditor to the Corporation and to the Minister. Report

(3) The expenses of such audits shall be fixed by the Corporation, with the approval of the Lieutenant Governor in Council, and are payable by the Corporation as part of the costs of administration of the Corporation. Expenses of audits

(4) The audited accounts of the Corporation shall form part of the annual report of the Corporation. Audit to form part of annual report

30. The moneys required for the purpose of defraying the operating expenses of the Corporation shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

31. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

32. This Act may be cited as *The Ontario Land Corporation Act, 1974*. Short title

An Act to establish
the Ontario Land Corporation

1st Reading

November 7th, 1974

2nd Reading

December 13th, 1974

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Administration of Justice Committee)*

BILL 133

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to establish the Ontario Land Corporation

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

T O R O N T O

PRINTED BY J. C. THAICHER, QUEEN'S PRINTER FOR ONTARIO



An Act to establish the Ontario Land Corporation

HER 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) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Ontario Land Corporation;
- (c) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (d) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Inter-governmental Affairs.

2. Except as herein otherwise provided, *The Corporations Act*, *The Loan and Trust Corporations Act* and *The Mortgage Brokers Act* do not apply to the Corporation.

Application
of
R.S.O. 1970,
cc. 89, 254, 278

INCORPORATION

3. There is hereby established a corporation without share capital under the name of "Ontario Land Corporation".

Incorporation

BOARD OF DIRECTORS

4.—(1) There shall be a Board of Directors of the Corporation consisting of not fewer than six and not more than twelve members who shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding three years.

Board of
Directors

- Chairman (2) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board.
- Reappointment (3) Each of the directors is eligible for reappointment upon the expiration of his term of office.
- Remuneration (4) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.
- Seat in Assembly not vacated R.S.O. 1970, c. 240 (5) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.
- Removal from office (6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term.

CONFLICT

- Disclosure by director of interest in contracts R.S.O. 1970, c. 100 5.—(1) Every director of the Corporation who has, directly or indirectly, any interest in any contract or transaction to which the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act* is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the Corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act*, the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum.

- Interest to be material (2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest and the contract or transaction are both material.

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the Corporation's business, would not require approval by the directors, at the first meeting of the directors held after the director becomes aware of it.

When
declaration
of interest
to be made

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the Corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the Corporation for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the Corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

Effect of
declaration

(5) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of, or has a material interest in the person that is a party to a contract or proposed contract with the Corporation is a sufficient declaration of interest in relation to any contracts so made.

General
notice

OATH OF OFFICE AND SECRECY

6. Every director, officer or employee of the Corporation and every agent and adviser whose services are engaged by the Corporation shall before entering upon his duties take, before a commissioner of oaths, the following oath or affirmation:

Oath of
office and
secrecy

I.....
do solemnly swear (or affirm) that I will faithfully, honestly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me by *The Ontario Land Corporation Act, 1974* and all rules, directions and instructions thereunder as a director (officer, employee or agent, as the case may be) of the Ontario Land Corporation and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of the Corporation

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Chairman
to preside

7.—(1) The chairman shall preside at all meetings of the Board and, in his absence, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and may exercise the powers of the chairman.

Quorum

(2) A majority of the directors constitutes a quorum for the transaction of business at meetings of the Board.

By-laws

(3) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

By-laws
and
resolutions

8. Any by-law or resolution consented to by the signatures of all of the directors is as valid and effective as if it had been passed at a meeting of the Board held for that purpose.

Management

9. The Board shall manage or supervise the management of the business and affairs of the Corporation, provided that, in accordance with the policy of the Government of Ontario relating to the acquisition, use and development of land, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the exercise of its powers.

Matters
not to be
asserted by
Corporation

10. The Corporation may not assert against a person dealing with the Corporation or with any person who has acquired rights from the Corporation that,

- (a) the provisions of this Act have not been complied with;
- (b) a direction referred to in section 9 has not been complied with;
- (c) a person held out by the Corporation as a director, an officer or an agent of the Corporation has not been duly appointed or has no authority to exercise the powers and perform the duties that are customary in the business of the Corporation or usual for such director, officer or agent; or

- (d) a document issued by any director, officer or agent of the Corporation with actual or usual authority to issue the document is not valid or not genuine,

except where the person has or ought to have by virtue of his position with or relationship to the Corporation knowledge to the contrary.

11. Each director and each officer of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses, shall be part of the administration expense of the Corporation.

Indemnification of officers and directors

12.—(1) The Board shall elect from amongst their number an executive committee consisting of not fewer than three directors, one of whom shall be the chairman of the Board, and may delegate to the executive committee any powers of the Board subject to any restrictions which may be imposed by the Board.

Executive committee

(2) A majority of the number of members of the executive committee, or such greater number as the Board by by-law prescribes, constitutes a quorum.

Quorum of executive committee

OBJECTS AND POWERS OF THE CORPORATION

13.—(1) The objects of the Corporation are to assist in the promotion of community and industrial development of land in Ontario by the acquisition of land and the disposal of it to persons in the private and government sectors for residential, community, industrial, governmental and commercial development and, without limiting the generality thereof, in the carrying out of those objects the Corporation has power to,

Objects and powers of the Corporation

- (a) purchase, lease, take in exchange or otherwise acquire lands or interests therein, together with any buildings or structures on the lands;
- (b) sell, lease, exchange, mortgage or otherwise dispose of the whole or any portion of the lands and all or any of the buildings or structures that are

then or may after be erected upon the lands and to take such payment or security therefor as may be necessary or desirable;

- (c) lend and invest money on security of real estate and to sell, mortgage, or otherwise dispose of mortgages;
- (d) subscribe for, purchase, invest in, sell, assign or otherwise deal in shares, stocks, bonds, debentures, notes and other securities of any government or municipal corporation, or of any corporation whose objects include the buying and selling of land; and
- (e) do anything that, in the opinion of the Board, can be done advantageously by the Corporation in connection with or ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b*, *c* and *d*.

Limitation
on
investments

R.S.O. 1970.
c. 100

(2) The Corporation shall not invest in any of the securities mentioned in clause *d* of subsection 1 of a corporation that is a Crown agency within the meaning of *The Crown Agency Act* unless the board of directors of such corporation includes at least one person who is also a member of the Board.

Incidental
powers

R.S.O. 1970.
c. 89

14. The Corporation possesses as incidental and ancillary to its objects those powers contained in subsection 1 of section 24 of *The Corporations Act* except clauses *c*, *j*, *q*, *r* and *t* of that subsection.

Expropria-
tion
R.S.O. 1970.
c. 154

15. Subject to *The Expropriations Act*, the Corporation, for and in its own name, may, without the consent of the owner thereof, enter upon, take and expropriate any land or interest therein that it considers necessary for its use or purposes.

Use of
services and
facilities of
ministries,
etc.

16.—(1) In exercising its powers under this Act, the Corporation shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario.

Staff
R.S.O. 1970.
c. 386

(2) The Corporation may engage persons under contract or otherwise or obtain the appointment under *The Public Service Act* of such persons as are considered necessary from time to time for the proper conduct of the affairs of the Corporation.

HEAD OFFICE AND CORPORATE SEAL

17. The Corporation shall have a head office at such ^{Head office} place within Ontario as the Lieutenant Governor in Council shall, from time to time, designate.

18. The Corporation shall have a seal which shall be ^{Seal} adopted by resolution or by-law of the Board

FISCAL YEAR

19. The fiscal year of the Corporation commences on the ^{Fiscal year} 1st day of April in each year and ends on the 31st day of March in the following year.

LOANS AND ADVANCES

20.—(1) Subject to the approval of the Lieutenant ^{General borrowing powers} Governor in Council, the Corporation may borrow from time to time such sums of money as it may consider requisite for any of its purposes and, for the purpose of such borrowing, may issue notes, bonds, debentures and other securities bearing interest at such rate or rates, and payable as to principal, interest and premium, if any, at such time or times and in such manner and in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the Corporation may determine, and such notes, bonds, debentures and other securities may be made redeemable in advance of maturity, at such time or times, and at such price or prices, and in such manner, and either with or without premium, as the Corporation may determine at the time of issue thereof

(2) Where, pursuant to subsection 1, the Board, with the ^{Idem} approval of the Lieutenant Governor in Council, has passed a resolution authorizing the borrowing of money by the issue from time to time of notes, bonds, debentures or other securities maturing not later than five years from the respective dates thereof and bearing interest at a rate or rates not exceeding the maximum rate of interest specified in the resolution, the Board without any further approval of the Lieutenant Governor in Council may subsequently and from time to time authorize the issue of such notes, bonds, debentures or other securities, within the maximum principal amount prescribed by such resolution, bearing such respective dates, maturing not later than

five years from such respective dates, and bearing interest at such respective rates not exceeding the said maximum interest rate, as the Board, in its discretion, may from time to time determine.

Purposes of Corporation

(3) The purposes of the Corporation, mentioned in subsection 1, without limiting the generality thereof, include,

- (a) repayment on account of the advances by the Province of Ontario to the Corporation;
- (b) payment in whole or in part of any notes, bonds, debentures or other securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances from the Province of Ontario to the Corporation;
- (c) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued by the Corporation under this or any other Act;
- (d) payment of the whole or any part of any loan or of any liability or of any notes, bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Corporation;
- (e) payment of the whole or any part of any other liability or indebtedness of the Corporation; and
- (f) carrying out any of the objects and powers of the Corporation referred to in section 13.

Resolution conclusive

(4) Where a resolution of the Board authorizing the issue of securities contains a recital or declaration that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the Corporation, the recital or declaration is conclusive evidence of the facts stated therein.

Corporation may sell or pledge

(5) The Corporation may sell or otherwise dispose of any such notes, bonds, debentures and other securities at such price or prices, and on such terms and conditions, as it considers advisable, and either at the face amount thereof or at less or more than the face amount thereof, and may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security.

(6) Any such securities dealt with as collateral security when redelivered to the Corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Corporation again becomes entitled to such securities, may be treated by the Corporation as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Board considers advisable, or at its option, may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences and upon such issue or reissue any person entitled thereto has the same rights and remedies as if the same had not been previously issued.

Reissue of securities

(7) The Corporation on such terms and conditions as it considers advisable may charge, pledge, hypothecate, deposit or otherwise deal with, as collateral security, any notes, bonds, debentures or other securities purchased by it under section 13.

Corporation may pledge securities

(8) The notes, bonds, debentures and other securities of the Corporation shall be in such form or forms and in such denomination or denominations and shall be executed in such manner and by such persons as the Board may determine.

Form and execution of securities

(9) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and any signatures upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Reproduction of seal and signatures

(10) The seal of the Corporation when so mechanically reproduced has the same force and effect as if manually affixed and such mechanically reproduced signatures are for all purposes valid and binding upon the Corporation notwithstanding that a person whose signature is so reproduced has ceased to hold office before the date of the security or before its issue.

Effect of mechanical reproduction of seal and signatures

21.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold as evidence thereof bonds, debentures, notes or other evidences of indebtedness of the Corporation.

Authority to loan money to the Corporation

Moneys

(2) Notwithstanding the provisions of section 30, the moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Government
authorized
to raise
funds for
purposes of
Corporation
R.S.O. 1970,
c. 166

22. The Lieutenant Governor in Council may raise by way of loan in the manner provided by *The Financial Administration Act* such sums as he considers requisite for the purposes of this Act, and the sums so raised may either be advanced to the Corporation or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Corporation issued by the Corporation under this Act.

Advances
may be made
on terms and
conditions
agreed upon

23. All advances made by the Province of Ontario to the Corporation shall be made on such terms and conditions as are agreed upon between the Corporation and the Treasurer of Ontario, and without limiting the generality of the foregoing, the Corporation, in consideration of any advance, may,

- (a) issue and deliver to the Treasurer of Ontario notes, bonds, debentures or other securities of the Corporation for the same principal amount, maturing on the same date or dates, bearing interest at the same rate or rates, and payable as to both principal and interest in the same currency or currencies as the debentures or other securities of the Province of Ontario issued for the purpose of raising the money advanced by the Province of Ontario to the Corporation, and containing such other terms and conditions, if any, as to redemption in advance of maturity or otherwise as the Treasurer of Ontario approves; and
- (b) agree to reimburse the Province of Ontario for all charges and expenses incurred or to be incurred by the Province of Ontario in connection with the creation and issue of such debentures or other securities of the Province of Ontario and the payment from time to time of the interest thereon and the principal thereof whether at maturity or on redemption before maturity and of the amount of the premium, if any, on the redemption, and such other charges and expenses as the Province of Ontario incurs.

24.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation, borrow by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) applies, from any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business or from any person such sums as the Corporation considered requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Temporary
loans

R S C 1970,
c. B-1

(2) For the purposes of subsection 1, the Corporation may pledge as security, notes, bonds, debentures or other securities of the Corporation pending the sale thereof or in lieu of selling the same, or may pledge as security, bonds, debentures or other securities owned by the Corporation, or otherwise give such security as the Corporation determines, and any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Corporation determines.

Security for
temporary
loans

25. Where the Legislature has appropriated money for the purposes of the Corporation, such money is payable out of such appropriation to the Corporation from time to time upon the requisition of the chairman of the Corporation and the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Corporation to the Province of Ontario and notwithstanding anything in *The Financial Administration Act*.

Payment
over to
Corporation
of moneys
appropriated

R S O 1970,
c. 166

GENERAL

26. The notes, bonds, debentures and other securities issued by the Corporation are authorized investments for the funds of a corporation to which *The Loan and Trust Corporations Act* or *The Insurance Act* apply and are authorized investments under *The Pension Benefits Act* and *The Trustee Act*.

Corporation
securities
authorized
investments
R S O 1970,
cc. 254, 224,
342, 470

27.—(1) The Corporation may from time to time, for the sound and efficient management of its funds, in its discretion and on such terms and conditions as it may consider advisable, purchase, acquire, hold and sell or otherwise dispose of any of the following securities:

Management
of funds

1. The bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or Ontario or any other province of Canada.
2. The bonds, debentures or other evidences of indebtedness of corporations referred to in clauses *c, e, f, g, i* and *k* of subsection 1 of section 383 of *The Insurance Act* and in which joint stock insurance companies may invest their funds.
3. The deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, or by any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business.
4. The guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1970,
c. 224

R.S.C. 1970,
c. B-1

R.S.O. 1970,
c. 254

Deposit of
funds

(2) The Corporation may deposit from time to time any part of its funds in any chartered bank to which the *Bank Act* (Canada) applies or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* or with the Province of Ontario Savings Office, upon such terms and conditions and for such periods as the Corporation may consider expedient.

ANNUAL REPORT

Annual
report

28.—(1) The Corporation shall, after the close of each fiscal year, deliver to the Minister an annual report upon the affairs of the Corporation signed by the chairman and one other director of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Additional
reports

(2) In addition to making an annual report under subsection 1, the Corporation shall make to the Minister such other report on its affairs as the Minister from time to time may require.

AUDIT OF ACCOUNTS

Audit
of
accounts

29.—(1) The accounts and financial transactions of the Corporation shall be audited annually by an auditor or firm of auditors appointed by the Corporation and such auditor

or firm of auditors, so appointed, shall be under the direction of and report to the Provincial Auditor.

(2) A report on the audit shall be made by the Provincial Auditor to the Corporation and to the Minister. Report

(3) The expenses of such audits shall be fixed by the Corporation, with the approval of the Lieutenant Governor in Council, and are payable by the Corporation as part of the costs of administration of the Corporation. Expenses of audits

(4) The audited accounts of the Corporation shall form part of the annual report of the Corporation. Audit to form part of annual report

30. The moneys required for the purpose of defraying the operating expenses of the Corporation shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

31. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

32. This Act may be cited as *The Ontario Land Corporation Act, 1974*. Short title

An Act to establish
the Ontario Land Corporation

1st Reading

November 7th, 1974

2nd Reading

December 13th, 1974

3rd Reading

February 7th, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

The Employment Standards Act, 1974

THE HON. J. MACBETH
Minister of Labour

EXPLANATORY NOTES

The Bill updates, revises and consolidates the present law governing standards of employment and accords with the practices of the Employment Standards Branch of the Ministry of Labour.

The principal features of the Bill are as follows:

SECTION 1 — DEFINITIONS

1. The term "employment standard" is defined.
2. The definition of "wages" is more particularly set out.
3. The definition of "week" and "work week" is introduced to assist in administration.

PART I

SECTIONS 2-6 — GENERAL APPLICATION

1. The provisions respecting termination, pregnancy leave, equal pay and equal benefits will apply to the Crown, its agencies and boards.
2. Section 2 (3) provides that the exercise of certain powers do not require hearings under *The Statutory Powers Procedure Act, 1971*.
3. Section 5 (2) confers upon the Director the same power with respect to individual contractual benefits for vacations and holidays as he has with respect to collective agreements.
4. Section 6 provides that civil remedies are not affected by the Act.

PART II

SECTIONS 7-15 — GENERAL PROVISIONS

1. Section 7 provides for payment of all wages by cash or cheque, and the time and place of payment. The present Act deals only with the payment of minimum wages in cash or by cheque.
2. Section 10 (2) requires an employer to furnish a statement of the make-up of vacation pay which was not previously required.

PART III

SECTION 16 — HOMEWORKERS

This Part is unchanged.

PART IV

SECTIONS 17-22 — HOURS OF WORK

There are no changes except for housekeeping amendments.

PART V

SECTIONS 23-24 — MINIMUM WAGES

This Part is unchanged.

PART VI

SECTION 25 — OVERTIME PAY

- 1 The hours of work per week after which overtime is payable are reduced from forty-eight to forty-four
- 2 Subsection 3 permits an employment standards officer to determine weekly hours and regular rate in cases where no proper records are kept

PART VII

SECTIONS 26-28 — PUBLIC HOLIDAYS

- 1 The provisions permitting a substituted day as a holiday in lieu of a public holiday are expanded
- 2 Section 26 (5) adds a provision giving an option to an employer in the hotel, etc., industry, in the case of a hospital, and where there is a continuous operation, to either pay holiday pay for work on the holiday, or pay regular pay and give another day as a holiday with pay.
- 3 Section 27 (2) provides that overtime hours and hours worked on a public holiday are not to be stacked. An employee will not be entitled to receive three times his regular pay for the week in which a public holiday occurs.

PART VIII

SECTIONS 29-32 — VACATIONS WITH PAY

There are no changes except for housekeeping amendments.

PART IX

SECTION 33 — EQUAL PAY FOR EQUAL WORK

The present principle is equal pay for the same work that requires equal skill, effort and responsibility. The new principle is equal pay for work that is substantially the same and that requires substantially the same skill, effort and responsibility.

PART X

SECTION 34 — EQUAL BENEFITS

The section prohibits distinctions, exclusions or preferences between employees because of age, sex or marital status under pension, life insurance, sickness, medical or hospital plans available to employees

The section authorizes the Lieutenant Governor in Council to make regulations providing for exceptions to this general principle.

PART XI

SECTIONS 35-39 — PREGNANCY LEAVE

1. The previous exemption of an employer of twenty-four employees or less is repealed.
2. Section 36 grants a seventeen-week leave of absence (instead of the present twelve weeks) and permits the pregnant employee to choose the day leave commences.

The section makes further provision for shortening the length of leave.

3. Section 37 enables a pregnant employee to obtain a leave of absence in case of a medical condition that was not anticipated.
4. Section 39 enables an employment standards officer to require an employer to reinstate and pay compensation to an employee who wishes to return to work after the leave expires.

PART XII

SECTION 40 — TERMINATION OF EMPLOYMENT

1. There is no change in substance.
2. Subsection 6 of section 13 of the present Act is replaced by subsection 7 of section 40 which provides that where an employee is dismissed improperly and without notice, the employer is obliged to pay an amount equal to the wages the employee would have received during the notice period if the required notice had been given.

PART XIII

SECTIONS 41-56 — ADMINISTRATION

1. Section 42 (1) permits the Minister to appoint persons as referees to hear appeals from employment standards officers and difficult cases of wage claims.
2. Section 47 enables an employment standards officer to arrange for direct payment, settle a claim for or, in default of either, issue an order for payment by an employer of wages owed an employee up to \$4,000 plus a 10 per cent penalty. The present limit is \$2,000 plus the penalty.
3. Section 48 prevents an employer from retaining wages owed to employees who cannot conveniently be located. Such wages are to be paid to the Director in trust to be held for the employee or his estate or other person entitled thereto.
4. Section 49 enables an employee to request a review by the Director where an employment standards officer refuses to issue an order.
5. Section 50 permits an employer to appeal to a referee an order compelling payment to an employee.

- 6 Section 51 permits the Director to have a hearing by a referee of difficult questions or into alleged schemes to avoid this Act
- 7 Section 54 permits the Director to issue a certificate of non-compliance with an order to pay and to enforce the order in the courts instead of having to prosecute and obtain an order for payment from a provincial court judge.

PART XIV

SECTIONS 57-64 — OFFENCES AND PENALTIES

1. Section 57 defines in detail and prohibits unfair employer practices against an employee.
2. Section 58 makes it an offence for an employer to make, keep or produce false employment records
3. Section 59 increases the general penalty for a contravention of the Act to \$10,000 or six months in jail, or both. The present maximum is \$2,000 for an offence for which no other penalty is provided and there is no provision for imprisonment.
4. Section 60 (1) makes an officer, director or agent of an employer who participates in an offence guilty of the offence.

Section 60 (2) shifts to an officer, director or agent the onus of disproving his participation in a contravention of the Act or the regulations.

Section 60 (3) permits a judge to issue an order for payment of wages against an officer, director or agent who was a participant in the offence.

5. Sections 61 and 62 deal with matters of evidence.
6. Section 63 clarifies the limitation period of two years for recovery of wages.
7. Section 64 permits the Director to require an employee to use the arbitration process under collective agreements.

PART XV

SECTION 65 — REGULATIONS

There are no changes except for housekeeping amendments to conform with the new Act.

TRANSITIONAL SECTION

Section 66 brings into line with the forty-four hour work week all existing approvals for averaging hours over a period of more than one week. Existing approvals will be cancelled three months after the Act comes into force.



The Employment Standards Act, 1974

HER 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) "Deputy Minister" means the Deputy Minister of Labour;
- (b) "Director" means the person appointed by the Minister as Director of Employment Standards for the purposes of this Act;
- (c) "employee" includes a person who,
 - (i) performs any work for or supplies any services to an employer for wages,
 - (ii) does homework for an employer, or
 - (iii) receives any instruction or training in the activity, business, work, trade, occupation or profession of the employer,
 and includes a person who was an employee;
- (d) "employer" includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control or direction of, or is directly or indirectly responsible for, the employment of a person therein, and includes a person who was an employer;
- (e) "employment standard" means a requirement imposed upon an employer in favour of an employee by this Act or the regulations;

- (f) "employment standards officer" means a person appointed for the purposes of this Act, and includes the Director;
- (g) "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof in premises occupied primarily as living accommodation, and "home-worker" has a corresponding meaning;
- (h) "Minister" means the Minister of Labour;
- (i) "Ministry" means the Ministry of Labour;
- (j) "overtime rate" means the hourly rate of pay that an employee is entitled to receive for hours of work in excess of,
- (i) the hours of work in a week prescribed in section 25 or the regulations, or
 - (ii) the regular hours of work in a day or a week under a contract of employment that under subsection 2 of section 4 prevails over the provisions of section 25,
- and "overtime pay" has a corresponding meaning;
- (k) "premium rate" means the rate of pay to which an employee is entitled for each hour of employment on a public holiday, or a day that is deemed to be a public holiday, and "premium pay" has a corresponding meaning;
- (l) "public holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day and Christmas Day;
- (m) "regular rate" means,
- (i) the wage rate of an employee for an hour of work in a regular non-overtime work week,
 - (ii) where subclause i does not apply, the average hourly rate calculated by dividing the wages of an employee earned in a week by the number of hours the employee worked in that week where the employer has made and kept in accordance with this Act complete and accurate records thereof, or

- (iii) where subclauses i and ii do not apply, the hourly rate determined by an employment standards officer;
- (n) "regulations" means the regulations made under this Act;
- (o) "termination pay" means the amount of pay to which an employee is entitled under section 40;
- (p) "wages" means any monetary remuneration payable by an employer to an employee under the terms of a contract of employment, oral or written, express or implied, any payment to be made by an employer to an employee under this Act, and any allowances for room or board as prescribed in the regulations or under an agreement or arrangement therefor but does not include,
- (i) tips and other gratuities,
 - (ii) any sums paid as gifts or bonuses that are dependent on the discretion of the employer and are not related to hours, production or efficiency,
 - (iii) travelling allowances or expenses,
 - (iv) contributions made by an employer to a medical, dental, hospital, accident, life, pension or welfare plan or fund or other similar benefits;
- (q) "week" means a period of seven consecutive days;
- (r) "work week" means a week of work established by the practice of the employer or determined by an employment standards officer. R.S.O. 1970, c. 147, s. 1, *amended*.

PART I

GENERAL APPLICATION

2.—(1) Parts IX, X, XI and XII apply to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown. R.S.O. 1970, c. 147, ss. 12, 25 (6); 1972, c. 120, s. 1, *part, amended*. ^{Application of Act}

idem

(2) This Act applies to every contract of employment, oral or written, express or implied,

(a) where the employment is for work or services to be performed in Ontario; or

(b) where the employment is for work or services to be performed both in and out of Ontario and the work or services out of Ontario are a continuation of the work or services in Ontario.

Non-application of 1971, c. 47

(3) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the exercise of any power conferred by section 5, 12, 16, 18, 19, 24, subsection 3 of section 25 or section 30, 32, subsection 4 of section 34 or section 39, 47 or 49 of this Act. *New.*

Waiver, etc., to be null and void

3. Subject to section 4, no employer, employee, employers' organization or employees' organization shall contract out of or waive an employment standard, and any such contracting out or waiver is null and void. R.S.O. 1970, c. 147, s. 3, *amended.*

Employment standard deemed minimum

4.—(1) An employment standard shall be deemed a minimum requirement only. *New.*

Greater benefit to prevail

(2) A right, benefit, term or condition of employment under a contract, oral or written, express or implied, or under any other Act or any schedule, order or regulation made thereunder that provides in favour of an employee a higher remuneration in money, a greater right or benefit or lesser hours of work than the requirement imposed by an employment standard shall prevail over an employment standard. R.S.O. 1970, c. 147, s. 9, *amended.*

Provisions of collective agreements R.S.O. 1970, c. 232

5.—(1) Where terms or conditions of employment in a collective agreement as defined in *The Labour Relations Act* confer a higher remuneration in money or a greater right or benefit for an employee respecting holidays than the provisions of Part VII, the terms or conditions of employment shall prevail. 1973, c. 172, s. 1, *amended.*

Terms and conditions that are not in collective agreements

(2) Where the Director finds that terms or conditions of employment in a contract of employment oral or written, express or implied, that are not in a collective agreement confer a higher remuneration in money or a greater right or benefit for an employee respecting holidays than the provisions of Part VII, the terms or conditions of employment shall prevail. *New.*

Civil remedy not suspended or affected

6. No civil remedy of an employee against his employer is suspended or affected by this Act. *New.*

PART II

GENERAL PROVISIONS

7.—(1) An employer shall pay to an employee all wages Payment of wages to which an employee is entitled under,

- (a) an employment standard; or
- (b) a right, benefit, term or condition of employment under a contract of employment, oral or written, express or implied, that prevails over an employment standard,

in cash or by cheque.

(2) All wages shall be paid at the work place of the employee, or at a place agreed upon by the employer and the employee. Place of payment of wages

(3) All wages due and owing to an employee shall be paid by an employer on the regular pay day of the employee as established by the practice of the employer. Time of payment of wages

(4) Any payment to which an employee is entitled upon termination of employment shall be paid by the employer to the employee not later than seven days after termination of employment. Payment on termination *New.*

8. Except as permitted by the regulations, no employer shall claim a set-off against wages, make a claim against wages for liquidated or unliquidated damages or retain, cause to be returned to himself, or accept, directly or indirectly, any wages payable to an employee. R.S.O. 1970, c. 147, s. 4, *amended.* No set-off, etc., to be claimed against wages

9. No employer shall dismiss or suspend an employee upon the ground that garnishment proceedings are or may be taken against the employee. R.S.O. 1970, c. 147, s. 5. Garnishment not grounds for dismissal

10.—(1) An employer shall furnish to an employee at the time wages are paid to the employee a statement in writing, which can be retained by the employee, setting forth, Statement of wages

- (a) the period of time or the work for which the wages are being paid;
- (b) the rate of wages to which the employee is entitled unless such information is furnished to the employee in some other manner;

- (c) the amount of the wages to which the employee is entitled;
- (d) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made;
- (e) any living allowance or other payment to which the employee is entitled; and
- (f) the net amount of money being paid to the employee. R.S.O. 1970, c. 147, s. 33, *amended*.

Statement
of vacation
pay

(2) Unless the information is given to an employee in some other manner, an employer shall furnish to an employee at the time vacation pay is paid to the employee a statement in writing which can be retained by the employee setting forth,

- (a) the period of time or the work for which the vacation pay is being paid;
- (b) the amount of the wages upon which the vacation pay is being paid;
- (c) the amount of each deduction from the vacation pay and its purpose; and
- (d) the net amount of vacation pay being paid to the employee. *New*.

Records

11.—(1) An employer shall,

- (a) make and keep in Ontario or in a place out of Ontario authorized by the Director for a period of twenty-four months after work is performed or services are supplied by an employee complete and accurate records in respect of the employee showing,
 - (i) the employee's name and address,
 - (ii) the employee's date of birth, if the employee is a student under eighteen years of age,
 - (iii) the number of hours worked by the employee in each day and week,
 - (iv) the employee's wage rate and gross earnings,

- (v) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made,
 - (vi) any living allowance or other payment to which the employee is entitled,
 - (vii) the net amount of money being paid to the employee, and
 - (viii) any documents or certificates relating to pregnancy leave under Part XI; and
- (b) make and keep in Ontario or in a place out of Ontario authorized by the Director for a period of five years after work is performed by an employee complete and accurate records in respect of the employee showing,
- (i) the employee's name and address,
 - (ii) the date of commencement of employment and the anniversary date thereof, and
 - (iii) the employee's wages during each pay period and the vacations with pay or payment under section 31. R.S.O. 1970, c. 147, s. 38 (1), *amended*.

(2) Subclause iii of clause *a* of subsection 1 does not apply ^{Exception} in respect of the salaried employees of an employer who perform work of a clerical or administrative nature where the employer makes and keeps a record showing the number of hours worked by such employees in excess of eight hours a day and forty-four hours a week. R.S.O. 1970, c. 147, s. 38 (2), *amended*.

12.—(1) Where before or after this Act comes into force associated or related activities, businesses, trades or undertakings are or were carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, and a person is or was an employee of such corporations, individuals, firms, syndicates or associations, or any combination thereof, an employment standards officer may treat the corporations, individuals, firms, syndicates or associations as one employer for the purposes of this Act. R.S.O. 1970, c. 147, s. 6, *amended*.

Related activities, etc., may be treated as one employer

Individual liability (2) The corporations, individuals, firms, syndicates or associations treated as one employer shall be individually liable for any contravention of this Act and the regulations.
New.

Interpretation **13.**—(1) In this section,
 (a) “business” includes an activity, trade or undertaking, or a part or parts thereof;
 (b) “sells” includes leases, transfers or any other manner of disposition and “sale” has a corresponding meaning.

Continuity of employment (2) Where an employer sells his business to a purchaser who employs an employee of the employer, the employment of the employee shall not be terminated by the sale, and the period of employment of the employee with the employer shall be deemed to have been employment with the purchaser for the purposes of Parts VII, VIII, XI and XII.

Part XII to be complied with (3) Where an employer sells his business to a purchaser who does not employ an employee of the employer, the employer shall comply with Part XII. R.S.O. 1970, c. 147, s. 7, *amended.*

Priority of claims R.S.C. 1970, c. B-4 **14.** Notwithstanding the provisions of any other Act and except upon a distribution made by a trustee under the *Bankruptcy Act* (Canada), wages shall have priority to the claims or rights and be paid in priority to the claims or rights, including the claims or rights of the Crown, of all preferred, ordinary or general creditors of the employer to the extent of \$2,000 for each employee. R.S.O. 1970, c. 147, s. 8 (1), *amended.*

Vacation pay deemed to be held in trust **15.** Every employer shall be deemed to hold vacation pay accruing due to an employee in trust for the employee whether or not the amount therefor has in fact been kept separate and apart by the employer and the vacation pay becomes a lien and charge upon the assets of the employer that in the ordinary course of business would be entered in books of account whether so entered or not. R.S.O. 1970, c. 147, s. 8 (2), *amended.*

PART III

HOMEWORKERS

Application for permit **16.**—(1) An application for a permit to employ homeworkers shall be made by the employer to the Director.

(2) No person shall employ a homeworker without a permit therefor issued by the Director.

(3) The Director may,

(a) issue a permit on such terms and conditions as he considers advisable;

Terms,
conditions,
revocation
and
suspension
of permit

(b) revoke or suspend a permit for a breach of a term or condition thereof, or where the holder is liable for a nuisance within the meaning of *The Public Health Act*, or for a contravention of any Act.

R.S.O. 1970,
c. 377

(4) Every employer shall keep a register and enter therein the name and address of every homeworker to whom the employer gives homework, and the wages paid therefor. R.S.O. 1970, c. 147, s. 32, *amended*.

Register of
homeworkers

PART IV

HOURS OF WORK

17. Except as otherwise provided in this Part, and subject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight in the day and forty-eight in the week. R.S.O. 1970, c. 147, s. 14 (1), *amended*.

Maximum
working
hours
R.S.O. 1970,
c. 221

18. An employer may, with the approval of the Director, and upon such terms and conditions as the Director prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee shall not exceed forty-eight hours in a week. R.S.O. 1970, c. 147, s. 15 (1), *amended*.

Variation
of working
day

19. In case of an accident or in case of work urgently required to be done to machinery or plant, the employer may require the limit of hours of work prescribed by section 17 or approved under section 18 to be exceeded but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment. R.S.O. 1970, c. 147, s. 16 (4), *amended*.

Exceeding
maximum
in case of
accident

20.—(1) The Director may issue a permit authorizing hours of work in excess of those prescribed by section 17 or approved under section 18, but the excess hours of work shall not exceed,

Permits
for excess
hours

- (a) in the case of an engineer, fireman, full-time maintenance man, receiver, shipper, delivery truck driver or his helper, watchman or other person who, in the opinion of the Director, is engaged in a similar occupation, twelve hours in each week for each employee; and
- (b) in the case of all other employees, 100 hours in each year for each employee. R.S.O. 1970, c. 147, s. 16 (1), *amended*.

Idem

(2) Where the Director is satisfied that the work or the perishable nature of raw material being processed requires hours of work in excess of those permitted under subsection 1, he may issue a permit therefor. R.S.O. 1970, c. 147, s. 16 (2), *amended*.

Permit does not obligate employee

(3) The issuance of a permit under this section does not require an employee to work any hours in excess of those prescribed by section 17 or approved under section 18 without the consent or agreement of the employee or his agent. R.S.O. 1970, c. 147, s. 18 (2), *amended*.

Terms and conditions of permit

(4) A permit issued under this section shall contain such terms, conditions and limitations as the Director prescribes. R.S.O. 1970, c. 147, s. 17, *amended*.

Agreements subject to maximums

21. Except as otherwise provided in this Part, no employer may require or permit work, and no employee may work or agree to work, any hours that exceed the maximum hours established under this Act. R.S.O. 1970, c. 147, s. 18 (1), *amended*.

Eating periods

22. Every employer shall provide eating periods of at least one-half hour, or such shorter period as is approved by the Director, at such intervals as will result in no employee working longer than five consecutive hours without an eating period. R.S.O. 1970, c. 147, s. 20, *amended*.

PART V

MINIMUM WAGES

Statutory agreement for minimum wage

23. Every employer who permits any employee to perform work or supply any services in respect of which a minimum wage is established shall be deemed to have agreed to pay to the employee at least the minimum wage established under this Act. R.S.O. 1970, c. 147, s. 22, *amended*.

24. For the purpose of enabling a handicapped person to be gainfully employed, the Director may, upon the application of the handicapped person or his employer and with the consent of the handicapped person, his parent or guardian, authorize the employment of such handicapped person to perform such work as is authorized at a wage lower than the minimum wage prescribed under this Act. R.S.O. 1970, c. 147, s. 23, *amended*. Handicapped employees

PART VI

OVERTIME PAY

25.—(1) Except as otherwise provided in the regulations, where an employee works for an employer in excess of forty-four hours in any week, he shall be paid for each hour worked in excess of forty-four hours overtime pay at an amount not less than one and one-half times the regular rate of the employee. Overtime pay

(2) In complying with subsection 1, no employer shall reduce the regular rate of wages payable to an employee. 1973, c. 172, s. 3, *amended*. Idem

(3) Where an employer has not made and kept complete and accurate records in respect of an employee pursuant to clause *a* of subsection 1 of section 11, an employment standards officer may determine the regular rate of and the number of hours worked by the employee in each day and week. *New*. Employment standards officer may determine regular rate

PART VII

PUBLIC HOLIDAYS

26.—(1) This section does not apply to an employee who, Application

- (a) is employed for less than three months;
- (b) has not earned wages on at least twelve days during the four work weeks immediately preceding a public holiday;
- (c) fails to work his scheduled regular day of work preceding or his scheduled regular day of work following a public holiday;

(d) has agreed to work on a public holiday and who, without reasonable cause, fails to report for and perform the work; or

(e) is employed under an arrangement whereby the employee may elect to work or not when requested so to do. 1973, c. 172, s. 7, *part, amended*.

Holiday
with pay

(2) Subject to subsections 3, 4 and 5, an employer shall give to an employee a holiday on and pay to the employee his regular wages for each public holiday.

Working day
substituted
for holiday

(3) Where a public holiday falls upon a working day for an employee, an employer may with the agreement of the employee or his agent substitute another working day for the public holiday which day shall not be later than the next annual vacation of the employee, and the day so substituted shall be deemed to be the public holiday.

Holiday
that is a
non-working
day

(4) Where a public holiday falls on a non-working day for an employee or in his vacation an employer shall,

(a) with the agreement of the employee or his agent pay the employee his regular wages for the public holiday; or

(b) designate a working day that is not later than the next annual vacation of the employee and the day so designated shall be deemed to be the public holiday. 1973, c. 172, s. 7, *part, amended*.

Holiday
pay

(5) Notwithstanding subsection 3, where an employee is employed in a hotel, motel, tourist resort, restaurant, tavern, continuous operation or a hospital, and the employee is required to work and works on a public holiday, the employer shall,

(a) pay the employee in accordance with subsection 1 of section 27; or

(b) pay the employee for each hour worked on a public holiday an amount not less than his regular wages and give to the employee a holiday on his first working day immediately following his next annual vacation or on a working day agreed upon and pay him his regular wages for that day.

Interpre-
tation

(6) For the purposes of subsection 5,

(a) "continuous operation" means that part of an establishment, industry or service in which in each seven day period operations once commenced

normally continue day and night without cessation until the completion of the regularly scheduled operations for that period;

- (b) "hospital" means a hospital as defined in *The Hospital Labour Disputes Arbitration Act. New.* R.S.O. 1970.
c. 208

27.—(1) Subject to subsection 5 of section 26, where an employee works on a public holiday, the employer shall pay to the employee for each hour worked a premium rate of not less than one and one-half times his regular rate and, where the employee is entitled to the holiday with pay, his regular wages in addition thereto. 1973, c. 172, s. 7, *part, amended.* Premium
rate for
holiday

(2) Where an employee works on a public holiday, the hours the employee works on the public holiday shall not be taken into consideration in calculating any overtime pay to which the employee is entitled for the work week in which the public holiday occurs. *New.* Work on
holiday not
overtime

28. Where the employment of an employee ceases before the day that is substituted, designated or given for the public holiday under subsection 3, clause *b* of subsection 4, or clause *b* of subsection 5, of section 26, the employer shall pay to the employee in addition to any other payment to which the employee is entitled upon the ceasing of employment his regular wages for that day. *New.* Payment
for holiday
where
employment
ceases

PART VIII

VACATION WITH PAY

29.—(1) Every employer shall give to each employee a vacation with pay of at least two weeks upon the completion of each twelve months of employment. Vacations

(2) The amount of pay for such vacation shall be not less than an amount equal to 4 per cent of the wages of the employee in the twelve months of employment for which the vacation is given and in calculating wages no account shall be taken of any vacation pay previously paid. 1973, c. 172, s. 5, *part, amended.* Idem

30.—(1) The employer shall determine the period when an employee may take the vacation to which he is entitled to under section 29, which may be a two week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the twelve month period for which the vacation was given. When
vacation
to be taken

Director
may require
employer
to pay

(2) Notwithstanding subsection 1, the Director may require an employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 29. 1973, c. 172, s. 7, *part, amended*.

Idem

(3) Subsection 2 applies notwithstanding that there is a strike or lock-out as a result of a labour dispute. *New*.

Vacation
pay

31. Where the employment of an employee ceases before the completion of a twelve month period of employment or the employee has not been given a vacation with pay pursuant to section 29, the employer shall pay to the employee an amount equal to 4 per cent of the wages of the employee in any twelve month period or periods or part thereof and in calculating wages no account shall be taken of any vacation pay previously paid. 1973, c. 172, s. 5, *part, amended*.

Agreements
respecting
vacation or
vacation
pay

32. Any agreement between an employer and an employee or employees or his or their agent respecting the method of providing funds for paying vacation pay, or payment in lieu of vacation, or of any arrangements for the taking of vacation, is subject to the approval of the Director. 1973, c. 172, s. 5, *part*.

PART IX

EQUAL PAY FOR EQUAL WORK

Equal pay
for equal
work

33.—(1) No employer or person acting on behalf of an employer shall differentiate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or *vice versa*, for substantially the same kind of work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility and which is performed under similar working conditions, except where such payment is made pursuant to,

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Pay not to
be reduced

(2) No employer shall reduce the rate of pay of an employee in order to comply with subsection 1.

(3) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree to or to pay to his employees rates of pay that are in contravention of subsection 1.

Employer not to be requested to contravene sub 1

(4) Where an employment standards officer finds that an employer has failed to comply with subsection 1, the employment standards officer may determine the amount of moneys owing to an employee because of such non-compliance, and such amount shall be deemed to be unpaid wages. R.S.O. 1970, c. 147, s. 25 (1-4), *amended*.

Determination by employment standards officer

PART X

EQUAL BENEFITS

34.—(1) In this Part, "benefits" include any retirement, pension, life insurance, income, disability, sickness, medical or hospital payments of a monetary kind to which an employee, his survivors or dependants are or may be entitled, directly or indirectly, under a plan, fund or arrangement provided, furnished or offered by an employer,

Interpretation

- (a) in accordance with a term or condition of employment; or
- (b) as a privilege of employment and in which benefits an employee may elect to participate whether the employer is or is not required to contribute to or under the plan, fund or arrangement.

(2) Except as provided in the regulations, no employer or person acting on behalf of an employer shall differentiate or make any distinction, exclusion or preference between his employees or any class or classes of his employees because of their age, sex or marital status in respect of any benefits or contributions.

No differentiation because of age, etc.

(3) No organization of employers or employees or their agents shall cause or attempt to cause an employer, directly or indirectly, to act contrary to subsection 2.

Employer not to be requested to contravene sub 2

(4) Where, in the opinion of the Director, an employer, a person acting on behalf of an employer or an organization of employers or employees or their agents may have acted contrary to this section, the Director may exercise the power conferred by subsection 1 of section 51, and section 51 applies *mutatis mutandis*.

Powers of Director

Regulations

(5) The Lieutenant Governor in Council may make regulations respecting any matter or thing necessary or advisable to carry out the intent and purpose of this Part, and, without restricting the generality of the foregoing, may make regulations,

- (a) exempting any fund, plan or arrangement or any part thereof that provides any benefits to an employee, his survivors or dependants or any employer or employee or a class thereof from the application of this Part or any provision thereof;
- (b) permitting an employer to provide a benefit that differentiates or makes a distinction, exclusion or preference between employees or a class thereof or their survivors or dependants in respect of the terms, conditions, exclusions or privileges of a benefit or contribution because of the age, sex or marital status of an employee;
- (c) providing the terms or conditions under which an employee shall be entitled to a benefit, direct or indirect, under any plan, fund or arrangement;
- (d) defining any expression, other than "benefits", used in this Part or in the regulations under this Part.
New.

PART XI

PREGNANCY LEAVE

Pregnancy
leave

35. No employer shall terminate the employment of or lay off an employee who is entitled to a leave of absence under section 36, but the employer may require the employee to commence a leave of absence pursuant to section 36 at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of her work is materially affected by the pregnancy. 1972, c. 120, s. 1, *part, amended.*

When leave
to be taken

36.—(1) An employee who has been employed by her employer for a period of at least twelve months, whether such employment commenced before or after the coming into force of this Act, and is pregnant shall be entitled upon her application therefor to a leave of absence of at least seventeen weeks from her employment or such shorter leave of absence as the employee may request commencing during the period of eleven weeks immediately preceding the estimated day of her delivery.

(2) Notwithstanding subsection 1 and subject to subsection 5, where the actual date of her delivery is later than the estimated day of her delivery, the leave of absence shall not end before the expiration of six weeks following the actual date of her delivery. ^{Leave after delivery}

(3) The employee shall give her employer two weeks notice in writing of the day upon which she intends to commence her leave of absence and furnish her employer with the certificate of a legally qualified medical practitioner stating that she is pregnant and giving the estimated day upon which delivery will occur in his opinion. ^{Notice}

(4) Subject to subsection 5, an employee may, with the consent of her employer, shorten the duration of the leave of absence requested under subsection 1. ^{Leave may be shortened}

(5) An employee may shorten the duration of the six week period mentioned in subsection 2 upon giving her employer one week's notice of her intention so to do and furnishing her employer with the certificate of a legally qualified medical practitioner stating that she is able to resume her work. 1972, c. 120, s. 1, *part, amended*. ^{Furnishing of certificate}

37. An employee who does not apply for leave of absence under section 36, and who is otherwise entitled to pregnancy leave thereunder, shall be entitled to and shall be granted leave of absence in accordance with section 36 upon providing her employer before the expiry of two weeks after she ceased to work with a certificate of a legally qualified medical practitioner stating that she was not able to perform the duties of her employment because of a medical condition arising from her pregnancy, and giving the estimated day upon which, in his opinion, delivery will occur or the actual date of her delivery. *New*. ^{Leave where employee ceases work}

38.—(1) An employee who intends to resume her employment on the expiration of a leave of absence granted to her under this Part shall so advise her employer and on her return to work her employer shall reinstate the employee to her position or provide her with alternative work of a comparable nature at not less than her wages at the time her leave of absence began and without loss of seniority or benefits accrued to the commencement of her leave of absence. 1972, c. 120, s. 1, *part, amended*. ^{Reinstatement and preservation of seniority}

(2) Where the employer has suspended or discontinued operations during the leave of absence and has not resumed operations upon the expiry thereof, the employer shall, upon resumption of operations, reinstate the employee to her ^{idem}

employment or to alternate work in accordance with an established seniority system or practice of the employer in existence at the time her leave of absence began with no loss of seniority or benefits accrued to the commencement of her leave of absence, and in the absence of such a system or practice shall reinstate the employee in accordance with subsection 1. *New.*

Employment
standards
officer may
make order

39. Where an employer fails to comply with the provisions of this Part, an employment standards officer may order what action, if any, the employer shall take or what he shall refrain from doing in order to constitute compliance with this Part and may order what compensation shall be paid by the employer to the Director in trust for the employee. *New.*

PART XII

TERMINATION OF EMPLOYMENT

Notice of
termination

40.—(1) No employer shall terminate the employment of an employee who has been employed for three months or more unless he gives,

- (a) one week's notice in writing to the employee if his period of employment is less than two years;
- (b) two weeks notice in writing to the employee if his period of employment is two years or more but less than five years;
- (c) four weeks notice in writing to the employee if his period of employment is five years or more but less than ten years; and
- (d) eight weeks notice in writing to the employee if his period of employment is ten years or more,

and such notice has expired. R.S.O. 1970, c. 147, s. 13 (1), *amended.*

Idem

(2) Notwithstanding subsection 1, the notice required by an employer to terminate the employment of fifty or more employees in any period of four weeks or less shall be given in the manner and for the period prescribed in the regulations, and until the expiry of such notice the termination shall not take effect. R.S.O. 1970, c. 147, s. 13 (2).

(3) Subsections 1 and 2 do not apply to,

Exceptions

- (a) an employee employed for a definite term or task;
- (b) an employee who is temporarily laid off, as defined in the regulations;
- (c) an employee who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer;
- (d) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance; or
- (e) an employee employed in an activity, business, work, trade, occupation or profession, or any part thereof, that is exempted by the regulations. R.S.O. 1970, c. 147, s. 13 (3).

(4) Notwithstanding clause *d* of subsection 3, subsections 1 and 2 shall apply to an employee whose contract of employment is or has become impossible of performance or frustrated by an order, direction or notice made, given or issued against an employer under *The Environmental Protection Act, 1971*. 1973, c. 172, s. 2. Application of subss. 1, 2
1971. c. 86

(5) Where an employer is required to give the notice referred to in subsection 2 he shall co-operate with the Minister during the period of the notice in any action or program intended to facilitate the re-establishment in employment of the employees whose employment is to be terminated. R.S.O. 1970, c. 147, s. 13 (4). Employer to co-operate with Minister

(6) Where the notice referred to in subsection 1 or 2 has been given, Rate of wages, etc., not to be altered

- (a) no employer shall alter the rates of wages or any other term or condition of employment of any employee to whom notice has been given;
- (b) an employer shall pay to the employee during the period of notice the wages the employee is entitled to receive which in no case shall be less than his regular wages for a regular non-overtime work week; and
- (c) upon the expiry of the notice, the employer shall pay to the employee any wages or vacation pay to which he is entitled. R.S.O. 1970, c. 147, s. 13 (5), *amended*.

Where
employment
terminated
contrary
to section

(7) Where the employment of an employee is terminated contrary to this section, the employer shall pay the employee termination pay of an amount equal to the wages that the employee would have been entitled to receive at his regular rate for a regular non-overtime work week for the period of notice prescribed by subsection 1 or 2, and any wages to which he is entitled. *New.*

Notice by
employee

(8) An employee to whom notice has been given under subsection 2 shall not terminate his employment until after the expiry of,

(a) one week's notice in writing to the employer if the period of employment is less than two years; or

(b) two weeks notice in writing to the employer if the period of employment is two years or more,

unless his employer has been guilty of a breach of the terms and conditions of employment. R.S.O. 1970, c. 147, s. 13 (9, 10), *amended.*

PART XIII

ADMINISTRATION

Minister
responsible
for adminis-
tration

41.—(1) The Minister is responsible for the administration of this Act. R.S.O. 1970, c. 147, s. 2 (1).

Director
to be
appointed

(2) The Minister shall appoint a person to be the Director of Employment Standards for the purposes of the general administration of this Act and the regulations including the supervision and direction of employment standards officers. R.S.O. 1970, c. 147, s. 2 (2), *amended.*

Appointment
of
employment
standards
officers
R.S.O. 1970,
c. 386

(3) Such persons as are considered necessary to enforce this Act and the regulations may be appointed as employment standards officers under *The Public Service Act*. *New.*

Acting
Director

(4) Where the Director is absent or unable to act or where the office is vacant, the powers and duties of the Director shall be exercised and performed by an employee of the Ministry designated by the Minister. R.S.O. 1970, c. 147, s. 11, *amended.*

Appointment
of referees

42.—(1) The Minister shall appoint during his pleasure such persons to a panel of referees as he considers necessary for the purposes of this Act.

(2) A referee shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. *New.* Remuneration

43.—(1) The Director may exercise the powers conferred and shall perform the duties imposed upon him under this Act. Powers and duties of Director

(2) The Director may authorize an employment standards officer orally or in writing to exercise a power conferred upon the Director under this Act. Authority to exercise power

(3) An employment standards officer may exercise the powers conferred and shall perform the duties imposed upon him under this Act. *New.* Powers and duties of employment standards officer

44.—(1) The Deputy Minister shall issue a certificate of appointment bearing his signature or a facsimile thereof to every employment standards officer. Certificate of appointment

(2) Every employment standards officer, in the exercise of any of his powers or the performance of any of his duties under this Act, shall produce his certificate of appointment upon request. *New.* Production of certificate

45.—(1) An employment standards officer may, for the purpose of ensuring that the provisions of this Act and the regulations are being complied with, Powers of employment standards officer

- (a) subject to subsection 2, enter in or upon the lands or premises of a person at any reasonable time or times without a warrant for the purpose of carrying out an inspection, audit or examination;
- (b) require the production for inspection, audit or examination of all books of account, documents, vouchers, payrolls, records, letters patent, by-laws, minutes of directors' meetings, or documents that are or may be relevant to the inspection, audit or examination;
- (c) upon giving a receipt therefor, remove any books, papers, records or documents examined under clause *b* for the purpose of making copies or extracts of such books, papers, documents, or things; but such copying shall be carried out with reasonable dispatch and the books, papers, records or documents shall be promptly returned thereafter to the person who produced or furnished them;

- (d) make any inquiries of any person separate or apart from another person that are or may be relevant to the inspection, audit or examination.

Entry into dwelling

(2) No employment standards officer shall enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. R.S.O. 1970, c. 147, s. 40, *amended*.

R.S.O. 1970, c. 450

Employment standards officer not competent or compellable as witness

(3) No employment standards officer is a competent or compellable witness in a civil suit or proceeding respecting any information, material or statements acquired, furnished, obtained, made or received under the powers conferred under this Act except for the purposes of carrying out his duties under this Act.

Production of documents

(4) No employment standards officer shall be compelled or required to produce in a civil suit or proceeding any document, extract, report, material or statement acquired, furnished, obtained, made or received under the powers conferred under this Act except for the purposes of carrying out his duties under this Act. *New*.

Obstruction

46.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an employment standards officer in the exercise of a power or the performance of a duty under this Act.

Assistance to officer

(2) Every person shall furnish all necessary means in his power to facilitate any entry, production, inspection, audit, examination or inquiry by an employment standards officer in the exercise of a power or the performance of a duty under this Act.

Production of records

(3) No person shall neglect or refuse to produce all books, ledgers, vouchers, payrolls, records, letters patent, minutes of directors' meetings, or documents that are or may be relevant to an inspection, audit or examination. *New*.

Powers

47.—(1) Where an employment standards officer finds that an employee is entitled to any wages from an employer, he may,

- (a) arrange with the employer that the employer pay directly to the employee the wages to which the employee is entitled;
- (b) receive from the employer on behalf of the employee any wages to be paid to the employee as the result of a compromise or settlement; or

- (c) issue an order in writing to the employer to pay forthwith to the Director in trust any wages to which an employee is entitled and such order shall provide in addition for payment by the employer to the Director of a penalty of 10 per cent of the wages or the sum of \$25, whichever is the greater, provided that the order shall not order the employer to pay a sum exceeding \$4,000 for an employee.

(2) Where an employment standards officer issues an order under subsection 1, the order shall contain or have attached thereto information indicating the nature of the amount to be paid to an employee. Contents of order

(3) An order issued under subsection 1 may order an employer to pay wages to one or more than one employee to which one or more than one employee is entitled for one or more than one failure to comply with a contract or more than one contract of employment or with this Act and the regulations. Idem

(4) An order issued under subsection 1 shall be delivered to the employer by registered mail addressed to the employer at his or its last known place of business or served personally in the case of an individual and if the employer is a corporation upon the president, vice-president, secretary, treasurer, director, manager or person in charge of any branch of the corporation. Delivery or service of order

(5) A certificate of the Director certifying that the order was served upon or sent by registered mail to the employer and accompanied by a true copy of the order is admissible as evidence of the issue, service, mailing and receipt of the order. Certificate of service

(6) Every employer to whom an order is issued under subsection 1 shall comply with it in accordance with its terms. R.S.O. 1970, c. 147, s. 34, *amended*. Compliance with order

48.—(1) Where an employer has made an arrangement with an employment standards officer for the payment of wages to an employee under clause *a* of subsection 1 of section 47, or an employment standards officer has received wages from an employer for or on behalf of an employee under clause *b* of subsection 1 of section 47, and the employee cannot be conveniently located, the employer shall pay the wages to the Director in trust. Payment to Director in trust

(2) Where wages have been received or collected for or on behalf of an employee by the Director in trust and the Wages to be held in trust

employee cannot be located, the wages shall be vested in and held in trust for Her Majesty and paid into the Consolidated Revenue Fund but may without interest thereon be paid out to the employee, his estate, or such other person as the Director considers is entitled thereto. *New.*

Order
may be
refused

49.—(1) Where, following a complaint in writing by an employee, an employment standards officer finds that an employer has paid the wages to which an employee is entitled under this Act he may refuse to issue an order to an employer and upon refusing to do so shall advise the employee of the refusal by prepaid letter addressed to the employee at his last known address.

Review of
refusal to
issue order

(2) An employee who considers himself aggrieved by the refusal to issue an order to an employer may apply to the Director in writing within fifteen days of the date of the mailing of the letter mentioned in subsection 1 for a review of the refusal and the Director shall cause the complaint to be reviewed by an employment standards officer who may exercise any power conferred under subsection 1 of section 47 or may refuse to issue an order, in which case he shall advise the employee of the refusal in accordance with subsection 1. *New.*

Review
of order

50.—(1) An employer who considers himself aggrieved by an order made under section 39 or 47, upon paying the wages ordered to be paid and the penalty thereon, if any, may, within a period of fifteen days after the date of delivery or service of the order, or such longer period as the Director may for special reasons allow and provided that the wages have not been paid out pursuant to subsection 2 of section 53, apply for a review of the order by way of a hearing.

Application
for review

(2) An application for review shall be made in writing to the Director and shall specify the grounds for the application.

Hearing

(3) The review shall be heard as soon as is practicable by a referee selected by the Director from the panel of referees.

Parties

(4) The employer, the employment standards officer from whose order the application for review is taken and such other persons as the referee may specify are parties to an application for review under this section and on the review the employer shall be the applicant and the employment standards officer and such other persons specified by the referee, if any, shall be the respondents.

Persons to
represent
groups

(5) Where a group or groups of persons having the same or substantially the same interest may be affected by the find-

ings or opinions of the referee, the referee may specify one or more of the persons comprising the group or groups to represent the group or groups and the one or more so specified are parties to the review.

(6) On a review under this section, the referee may substitute his findings or opinions for those of the employment standards officer who issued the order being reviewed and may amend, rescind or affirm the order. Powers of referee

(7) A decision of the referee under this section is final and binding upon the parties thereto and such other parties as the referee may specify. R.S.O. 1970, c. 147, s. 34, *part, amended.* Decision final and binding

51.—(1) Where an employment standards officer reports to the Director that an employer may have failed to pay the wages owing to an employee under this Act or to comply with this Act and the regulations, or is of the opinion that an act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act and the regulations, the Director may appoint a referee selected by him from the panel of referees who shall hold a hearing. Appointment of referee

(2) The referee holding the hearing under subsection 1, may, *mutatis mutandis*, exercise the powers conferred upon an employment standards officer under this Act and in addition thereto or substitution therefor, where the referee determines that an act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act and the regulations, he shall state his findings of fact and issue to and cause to be served upon such person as he may direct an order requiring such person to cease and desist from the act, agreement, arrangement or scheme and may order what action, if any, the person shall take or what he shall refrain from doing in order to comply with this Act and the regulations. Powers of referee

(3) Every employer or person to whom an order is given under subsection 2 shall comply with it in accordance with its terms. Compliance with order

(4) The order of the referee is final and not subject to review under section 50. R.S.O. 1970, c. 147, ss. 10, 34, *amended.* Decision final and binding

52.—(1) Where the Director has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to an employer who is liable to make Payment to Director

any payment under this Act, he may, by registered letter or by a letter served personally, demand that the person pay the moneys otherwise payable to the employer in whole or in part to the Director in trust on account of the liability under this Act. R.S.O. 1970, c. 147, s. 35 (1), *amended*.

Receipt of
Director

(2) The receipt of the Director for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. R.S.O. 1970, c. 147, s. 35 (2).

Liability
to pay

(3) Every person who has discharged any liability to an employer who is liable to make a payment under this Act without complying with a demand under this section is liable to pay an amount equal to the liability discharged or the amount that he was required under this section to pay, whichever is the lesser. *New*.

Payment to
employee

53.—(1) Where wages are received under clause *b* of subsection 1 of section 47, the Director shall pay to the employee or employees the wages received on his or their behalf.

Idem

(2) Where wages have been paid by an employer under an order issued under clause *c* of subsection 1 of section 47, and no application for review has been made to the Director under section 50 within a period of fifteen days from the date of delivery of the order or such longer period as the Director has allowed, the Director shall pay to the employee or employees the wages obtained on his or their behalf.

Payment
after review

(3) Where an application for review under section 50 has been made to the Director, the Director shall pay to the employee or the employees the wages owing, if any, in accordance with the decision of the referee and shall pay to the employer any moneys to which the employer is entitled under the decision.

Moneys to be
distributed
rateably

(4) Where the moneys received by the Director under this Act are insufficient to pay the wages due employees of an employer in full, the Director shall distribute the moneys received by him, including any penalty, rateably among those employees on whose behalf the moneys were received.

No action
to lie

(5) No action or proceeding lies or shall be instituted against the Director for acting in compliance with this section.

Certificate
of order

54.—(1) Where an order has been made under this Act requiring an employer to pay any moneys to the Director for or on behalf of an employee or employees, the Director may issue a certificate thereof and cause the same to be filed

in a court of competent jurisdiction and thereupon the certificate shall be enforceable as a judgment or order of the court at the instance and in favour of the Director in the same manner as a judgment or order of the court.

(2) The Director shall send a copy of the certificate to the employer by registered mail and advise the employer of the date the certificate was filed. *New.*

55.—(1) The Director, for any purpose relating to the administration or enforcement of this Act and the regulations, may, by registered letter addressed to an employer at his or its last known place of business or by demand served personally in the case of an individual and if the employer is a corporation upon the president, vice-president, secretary, treasurer or a director or the manager or person in charge of any branch of the corporation require the production for inspection, audit or examination of such books, papers, records or documents within such time and at such place as are stipulated in such letter or demand. R.S.O. 1970, c. 147, s. 41 (1), *amended.*

(2) No employer shall neglect or refuse to produce the books, papers, records or documents at the time and place stipulated in the letter or demand. *New.*

(3) A certificate of the Director certifying that the letter or demand was served upon or sent by registered letter to the employer to whom it was addressed, accompanied by a true copy of the letter or demand, is admissible as evidence of the service, mailing and receipt of the notice. R.S.O. 1970, c. 147, s. 41 (2), *amended.*

56. The Director may require an employer to post and keep posted a notice relating to the administration or enforcement of this Act or the regulations in a conspicuous place where it is most likely to come to the attention of his employees, and the employer shall post and keep posted any such notice. R.S.O. 1970, c. 147, s. 37, *amended.*

PART XIV

OFFENCES AND PENALTIES

57.—(1) No Employer shall,

(a) dismiss or threaten to dismiss an employee;

(b) discipline or suspend an employee;

- (c) impose any penalty upon an employee; or
- (d) intimidate or coerce an employee,

because the employee,

- (e) has sought the enforcement of this Act or the regulations;
- (f) has given information to an employment standards officer;
- (g) has participated in or is about to participate in a proceeding or hearing under this Act; or
- (h) testifies or is required to testify in a proceeding or hearing under this Act. R.S.O. 1970, c. 147, s. 42 (1), *amended*.

Penalty for
offence

(2) Where an employer is convicted of an offence under subsection 1, the provincial judge making the conviction shall, in addition to the penalty, order what action the employer shall take or what the employer shall refrain from doing and such order may include the reinstatement in employment of the employee with or without compensation or compensation in lieu of reinstatement for loss of wages and other benefits to be assessed against the employer. R.S.O. 1970, c. 147, s. 42 (2), *amended*.

Offence,
penalty

(3) An employer who fails to comply with an order made under subsection 2 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$100 for each day during which the failure continues. R.S.O. 1970, c. 147, s. 42 (3), *amended*.

Offence to
keep false
records, etc.

58. No person shall make, keep or produce or participate in, assent to or acquiesce in the making, keeping or producing of a false or deceptive book of account, payroll, record or other document required to be made, kept or produced under this Act or the regulations. R.S.O. 1970, c. 147, s. 43 (1), *part, amended*.

Offence

59.—(1) Every person who contravenes any provision of this Act or the regulations or a decision, requirement or order made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 147, s. 43 (1), *part, amended*.

(2) Where an employer is convicted of an offence under subsection 1, the provincial judge making the conviction shall, in addition to any other penalty, assess the amount unpaid in respect of an employee or employees and shall order the employer to pay the amount so assessed to the Director who shall collect and distribute to the employee or employees the amount ordered to be paid. R.S.O. 1970, c. 147, s. 43 (3), *amended*. Order for payment

(3) An order for payment under subsection 2 may be filed by the Director in a court of competent jurisdiction and thereupon the order shall be deemed to be an order of that court for the purposes of enforcement. R.S.O. 1970, c. 147, s. 43 (4), *amended*. Enforcement of order

60.—(1) Where a corporation contravenes any provision of this Act or the regulations, an officer, director or agent of the corporation or a person purporting to act in any such capacity who authorizes, permits or acquiesces in the contravention is a party to and guilty of the offence and is liable on conviction to the penalty provided for the offence whether or not the corporation has been prosecuted or convicted. Officers, etc., liable

(2) In determining whether for the purposes of subsection 1 an officer, director or agent of the corporation or a person purporting to act in any such capacity authorized, permitted or acquiesced in the contravention of any provisions of this Act or the regulations, it shall be for the officer, director or agent or person purporting to act in any such capacity to prove that he did not authorize, permit or acquiesce in the contravention. Onus of proof

(3) Where an officer, director or agent of the corporation or a person purporting to act in any such capacity is convicted of an offence under subsection 1, the provincial judge making the conviction may, in addition to any other penalty, assess the amount unpaid by the corporation in respect of the employee and shall order the officer, director or agent to pay the amount so assessed to the Director who shall collect and distribute to the employee the amount ordered to be paid. Additional penalty

(4) No prosecution under this section shall be instituted without the consent of the Director and the production of a consent purporting to be signed by the Director is admissible in evidence as *prima facie* proof of his consent. *New*. No prosecution without consent

61.—(1) In any proceeding or prosecution under this Act, Copies constitute evidence

(a) a copy of an order purporting to have been made under this Act or the regulations and purporting to

have been signed by an employment standards officer or a referee; or

- (b) a document purporting to be a copy of a book, payroll, record or other document, or any extract therefrom, and purporting to be certified by an employment standards officer,

is evidence of the order or document, and the facts appearing in the order or document without proof of the signature or official character of the person appearing to have signed the order or the certificate and without further proof.

Certificate
constitutes
evidence

(2) In any proceeding or prosecution under this Act, a certificate purporting to be signed by the Director certifying that an employer has failed to make any payment under an order issued under this Act is evidence of the failure to pay without further proof. *New.*

Where
information
may be heard

62. An information in respect of an offence under this Act or the regulations may, at the election of the informant, be heard, tried and determined by the Provincial Court (Criminal Division) having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. *New.*

Limitation

63.—(1) No proceeding or prosecution under this Act shall be commenced more than two years after the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director. R.S.O. 1970, c. 147, s. 43 (5), *amended.*

Idem

(2) In a proceeding or prosecution under this Act, no employee shall be entitled to recover any moneys due to him more than two years before the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director.

Evidence

(3) A statement as to the time when the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director purporting to be certified by the Director, is, without proof of the office or signature of the Director, evidence of the facts stated therein. *New.*

Director
may
exercise
discretion

64. Notwithstanding anything contained in this Act, the Director may in his discretion refuse to institute any proceeding or prosecution for the failure of an employer to comply with this Act where a remedy therefor is available to an employee under the terms of a collective agreement. *New.*

PART XV

REGULATIONS

65.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations for carrying out the purposes of this Act and, without restricting the generality of the foregoing, may make regulations,

- (a) establishing minimum rates of wages for employees or classes of employees;
- (b) designating or defining any establishment or part thereof to which this Act, a Part of this Act, or the regulations or any provision thereof, is applicable;
- (c) designating or defining the zone or zones within Ontario in which this Act, a Part of this Act, or the regulations or any provision thereof, is applicable;
- (d) exempting any class of employers or employees from the application of this Act, a Part of this Act, or the regulations or any provision thereof;
- (e) prescribing what constitutes the performance of work in respect of which minimum wages shall be paid;
- (f) prescribing the deductions that may be made from wages or any other payment or allowance to an employee;
- (g) prescribing the maximum number of hours that may elapse between the commencement and the termination of the daily work period or periods of an employee;
- (h) prescribing the particulars of employment that shall be given to an employee;
- (i) prescribing rates of pay and hours of work for the whole or part of any industry, business or trade in a designated part or parts of Ontario;
- (j) providing for the averaging of daily hours of work for a work week or daily or weekly hours of work over a longer period of time than a work week;
- (k) providing for the averaging of wages over a longer period of time than a work week;

- (l) providing for the setting up of committees to advise the Minister on any matters arising in relation to the administration of this Act;
- (m) prescribing the manner of giving notice of termination and the period and the form and content of such notice;
- (n) prescribing what constitutes termination of employment;
- (o) prescribing what constitutes "a definite term or task", "lay-off", "temporary lay-off", "indefinite lay-off", and a "period of employment";
- (p) providing that any payments to an employee by way of pension, insurance, workman's compensation, bonus, severance, supplementary unemployment benefits, or similar arrangements shall or shall not be taken into account on termination of employment;
- (q) notwithstanding Part VI, prescribing the hours of work after which overtime pay shall be paid in a work week by a class of employers or an industry, business or trade to employees or a class of employees, and designating or defining the class of employers or employees or the industry, business or trade;
- (r) prescribing the hours of work after which overtime is payable in a work week to an employee who does two or more kinds of work for which different hours of work in a work week upon which overtime is payable are prescribed under this Act;
- (s) prescribing maximum allowances for room or board to be taken into account in calculating minimum wages;
- (t) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 147, s. 36 (1), *amended*.

Application

(2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer, employee or establishment defined in the regulation. R.S.O. 1970, c. 147, s. 36 (2).

Averaging of hours of work

66.—(1) Every agreement or arrangement between an employee and his employer for the averaging of hours over

an extended period for the purpose of determining overtime hours of work heretofore approved by the Director under *The Employment Standards Act, 1968* or *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, shall, on and after the 1st day of January, 1975, be deemed to provide for overtime pay for any hours worked in the extended period in excess of forty-four hours multiplied by the number of weeks in the extended period. ^{1968, c. 35}

(2) Notwithstanding subsection 1, any agreement or arrangement between an employee and his employer for the averaging of hours of work over an extended period for the purpose of determining overtime hours of work heretofore approved by the Director under *The Employment Standards Act, 1968* or *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is null and void three months after the date this Act comes into force. ^{Idem}

67. The following are repealed:

Repeals

1. *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970.
2. *The Employment Standards Amendment Act, 1972*, being chapter 120.
3. *The Employment Standards Amendment Act, 1973*, being chapter 172.
4. Section 37 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

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

69. This Act may be cited as *The Employment Standards Act, 1974*. ^{Short title}

The Employment Standards Act, 1974

1st Reading

November 7th, 1974

2nd Reading

3rd Reading

THE HON. J. MACBETH
Minister of Labour

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

The Employment Standards Act, 1974

THE HON. J. MACBETH
Minister of Labour

(Reprinted as amended by the Resources Development Committee)



EXPLANATORY NOTES

The Bill updates, revises and consolidates the present law governing standards of employment and accords with the practices of the Employment Standards Branch of the Ministry of Labour.

The principal features of the Bill are as follows:

SECTION 1 — DEFINITIONS

1. The term "employment standard" is defined.
2. The definition of "wages" is more particularly set out.
3. The definition of "week" and "work week" is introduced to assist in administration.

PART I

SECTIONS 2-6 — GENERAL APPLICATION

1. The provisions respecting termination, pregnancy leave, equal pay and equal benefits will apply to the Crown, its agencies and boards.
2. Section 2 (3) provides that the exercise of certain powers do not require hearings under *The Statutory Powers Procedure Act, 1971*.
3. Section 5 (2) confers upon the Director the same power with respect to individual contractual benefits for vacations and holidays as he has with respect to collective agreements.
4. Section 6 provides that civil remedies are not affected by the Act.

PART II

SECTIONS 7-15 — GENERAL PROVISIONS

1. Section 7 provides for payment of all wages by cash or cheque, and the time and place of payment. The present Act deals only with the payment of minimum wages in cash or by cheque.
2. Section 10 (2) requires an employer to furnish a statement of the make-up of vacation pay which was not previously required.

PART III

SECTION 16 — HOMEWORKERS

This Part is unchanged.

PART IV

SECTIONS 17-22 — HOURS OF WORK

There are no changes except for housekeeping amendments.

PART V

SECTIONS 23-24 — MINIMUM WAGES

This Part is unchanged.

PART VI

SECTION 25 — OVERTIME PAY

1. The hours of work per week after which overtime is payable are reduced from forty-eight to forty-four.
2. Subsection 3 permits an employment standards officer to determine weekly hours and regular rate in cases where no proper records are kept.

PART VII

SECTIONS 26-28 — PUBLIC HOLIDAYS

1. The provisions permitting a substituted day as a holiday in lieu of a public holiday are expanded.
2. Section 26 (5) adds a provision giving an option to an employer in the hotel, etc., industry, in the case of a hospital, and where there is a continuous operation, to either pay holiday pay for work on the holiday, or pay regular pay and give another day as a holiday with pay.
3. Section 27 (2) provides that overtime hours and hours worked on a public holiday are not to be stacked. An employee will not be entitled to receive three times his regular pay for the week in which a public holiday occurs.

PART VIII

SECTIONS 29-32 — VACATIONS WITH PAY

There are no changes except for housekeeping amendments.

PART IX

SECTION 33 — EQUAL PAY FOR EQUAL WORK

The present principle is equal pay for the same work that requires equal skill, effort and responsibility. The new principle is equal pay for work that is substantially the same and that requires substantially the same skill, effort and responsibility.

PART X

SECTION 34 — EQUAL BENEFITS

The section prohibits distinctions, exclusions or preferences between employees because of age, sex or marital status under pension, life insurance, sickness, medical or hospital plans available to employees.

The section authorizes the Lieutenant Governor in Council to make regulations providing for exceptions to this general principle.

PART XI

SECTIONS 35-39 PREGNANCY LEAVE

1. The previous exemption of an employer of twenty-four employees or less is repealed.
2. Section 36 grants a seventeen-week leave of absence (instead of the present twelve weeks) and permits the pregnant employee to choose the day leave commences.

The section makes further provision for shortening the length of leave.

3. Section 37 enables a pregnant employee to obtain a leave of absence in case of a medical condition that was not anticipated.
4. Section 39 enables an employment standards officer to require an employer to reinstate and pay compensation to an employee who wishes to return to work after the leave expires.

PART XII

SECTION 40 TERMINATION OF EMPLOYMENT

1. There is no change in substance.
2. Subsection 6 of section 13 of the present Act is replaced by subsection 7 of section 40 which provides that where an employee is dismissed improperly and without notice, the employer is obliged to pay an amount equal to the wages the employee would have received during the notice period if the required notice had been given.

PART XIII

SECTIONS 41-56 — ADMINISTRATION

1. Section 42 (1) permits the Minister to appoint persons as referees to hear appeals from employment standards officers and difficult cases of wage claims.
2. Section 47 enables an employment standards officer to arrange for direct payment, settle a claim for or, in default of either, issue an order for payment by an employer of wages owed an employee up to \$4,000 plus a 10 per cent penalty. The present limit is \$2,000 plus the penalty.
3. Section 48 prevents an employer from retaining wages owed to employees who cannot conveniently be located. Such wages are to be paid to the Director in trust to be held for the employee or his estate or other person entitled thereto.
4. Section 49 enables an employee to request a review by the Director where an employment standards officer refuses to issue an order.
5. Section 50 permits an employer to appeal to a referee an order compelling payment to an employee.

6. Section 51 permits the Director to have a hearing by a referee of difficult questions or into alleged schemes to avoid this Act.
7. Section 54 permits the Director to issue a certificate of non-compliance with an order to pay and to enforce the order in the courts instead of having to prosecute and obtain an order for payment from a provincial court judge.

PART XIV

SECTIONS 57-64 — OFFENCES AND PENALTIES

1. Section 57 defines in detail and prohibits unfair employer practices against an employee.
2. Section 58 makes it an offence for an employer to make, keep or produce false employment records.
3. Section 59 increases the general penalty for a contravention of the Act to \$10,000 or six months in jail, or both. The present maximum is \$2,000 for an offence for which no other penalty is provided and there is no provision for imprisonment.
4. Section 60 (1) makes an officer, director or agent of an employer who participates in an offence guilty of the offence.

Section 60 (2) shifts to an officer, director or agent the onus of disproving his participation in a contravention of the Act or the regulations.

Section 60 (3) permits a judge to issue an order for payment of wages against an officer, director or agent who was a participant in the offence.

5. Sections 61 and 62 deal with matters of evidence.
6. Section 63 clarifies the limitation period of two years for recovery of wages.
7. Section 64 permits the Director to require an employee to use the arbitration process under collective agreements.

PART XV

SECTION 65 — REGULATIONS

There are no changes except for housekeeping amendments to conform with the new Act.

TRANSITIONAL SECTION

Section 66 brings into line with the forty-four hour work week all existing approvals for averaging hours over a period of more than one week. Existing approvals will be cancelled three months after the Act comes into force.

The Employment Standards Act, 1974

HER 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) "Deputy Minister" means the Deputy Minister of Labour;
- (b) "Director" means the person appointed by the Minister as Director of Employment Standards for the purposes of this Act;
- (c) "employee" includes a person who,
- (i) performs any work for or supplies any services to an employer for wages,
 - (ii) does homework for an employer, or
 - (iii) receives any instruction or training in the activity, business, work, trade, occupation or profession of the employer,
- and includes a person who was an employee;
- (d) "employer" includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control or direction of, or is directly or indirectly responsible for, the employment of a person therein, and includes a person who was an employer;
- (e) "employment standard" means a requirement imposed upon an employer in favour of an employee by this Act or the regulations,

- (f) “employment standards officer” means a person appointed for the purposes of this Act, and includes the Director;
- (g) “homework” means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof in premises occupied primarily as living accommodation, and “home-worker” has a corresponding meaning;
- (h) “Minister” means the Minister of Labour;
- (i) “Ministry” means the Ministry of Labour;
- (j) “overtime rate” means the hourly rate of pay that an employee is entitled to receive for hours of work in excess of,
- (i) the hours of work in a week prescribed in section 25 or the regulations, or
 - (ii) the regular hours of work in a day or a week under a contract of employment that under subsection 2 of section 4 prevails over the provisions of section 25,
- and “overtime pay” has a corresponding meaning;
- (k) “premium rate” means the rate of pay to which an employee is entitled for each hour of employment on a public holiday, or a day that is deemed to be a public holiday, and “premium pay” has a corresponding meaning;
- (l) “public holiday” means New Year’s Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day and Christmas Day;
- (m) “regular rate” means,
- (i) the wage rate of an employee for an hour of work in a regular non-overtime work week,
 - (ii) where subclause i does not apply, the average hourly rate calculated by dividing the wages of an employee earned in a week by the number of hours the employee worked in that week where the employer has made and kept in accordance with this Act complete and accurate records thereof, or

- (iii) where subclauses i and ii do not apply, the hourly rate determined by an employment standards officer;
- (n) "regulations" means the regulations made under this Act;
- (o) "termination pay" means the amount of pay to which an employee is entitled under section 40;
- (p) "wages" means any monetary remuneration payable by an employer to an employee under the terms of a contract of employment, oral or written, express or implied, any payment to be made by an employer to an employee under this Act, and any allowances for room or board as prescribed in the regulations or under an agreement or arrangement therefor but does not include,
- (i) tips and other gratuities,
 - (ii) any sums paid as gifts or bonuses that are dependent on the discretion of the employer and are not related to hours, production or efficiency,
 - (iii) travelling allowances or expenses,
 - (iv) contributions made by an employer to a fund, plan or arrangement to which Part X of this Act applies;
- (q) "week" means a period of seven consecutive days;
- (r) "work week" means a week of work established by the practice of the employer or determined by an employment standards officer. R.S.O. 1970, c. 147, s. 1, *amended*.

PART I

GENERAL APPLICATION

2.—(1) Parts IX, X, XI and XII apply to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown. R.S.O. 1970, c. 147, ss. 12, 25 (6); 1972, c. 120, s. 1, *part, amended*. Application
of Act

Idem

(2) This Act applies to every contract of employment, oral or written, express or implied,

(a) where the employment is for work or services to be performed in Ontario; or

(b) where the employment is for work or services to be performed both in and out of Ontario and the work or services out of Ontario are a continuation of the work or services in Ontario.

Non-application of 1971, c. 47

(3) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the exercise of any power conferred by section 5, 12, 16, 18, 20, 24, subsection 3 of section 25 or section 30, 32, subsection 4 of section 34 or section 39, 47 or 49 of this Act. *New.*

Waiver, etc. to be null and void

3. Subject to section 4, no employer, employee, employers' organization or employees' organization shall contract out or waive an employment standard, and any such contracting out or waiver is null and void. R.S.O. 1970, c. 147, s. 3, *amended.*

Employment standard deemed minimum

4.—(1) An employment standard shall be deemed a minimum requirement only. *New.*

Greater benefit to prevail

(2) A right, benefit, term or condition of employment under a contract, oral or written, express or implied, or under any other Act or any schedule, order or regulation made thereunder that provides in favour of an employee a higher remuneration in money, a greater right or benefit or lesser hours of work than the requirement imposed by an employment standard shall prevail over an employment standard. R.S.O. 1970, c. 147, s. 9, *amended.*

Provisions of collective agreements R.S.O. 1970, c. 232

5.—(1) Where terms or conditions of employment in a collective agreement as defined in *The Labour Relations Act* confer a higher remuneration in money or a greater right or benefit for an employee respecting holidays than the provisions of Part VII, the terms or conditions of employment shall prevail. 1973, c. 172, s. 1, *amended.*

Terms and conditions that are not in collective agreements

(2) Where the Director finds that terms or conditions of employment in a contract of employment oral or written, express or implied, that are not in a collective agreement confer a higher remuneration in money or a greater right or benefit for an employee respecting holidays than the provisions of Part VII, the terms or conditions of employment shall prevail. *New.*

Civil remedy not suspended or affected

6. No civil remedy of an employee against his employer is suspended or affected by this Act. *New.*

PART II

GENERAL PROVISIONS

7.—(1) An employer shall pay to an employee all wages Payment of wages to which an employee is entitled under,

- (a) an employment standard; or
- (b) a right, benefit, term or condition of employment under a contract of employment, oral or written, express or implied, that prevails over an employment standard,

in cash or by cheque.

(2) All wages shall be paid at the work place of the Place of payment of wages employee, or at a place agreed upon by the employer and the employee.

(3) All wages due and owing to an employee shall be paid Time of payment of wages by an employer on the regular pay day of the employee as established by the practice of the employer.

(4) Any payment to which an employee is entitled upon Payment on termination termination of employment shall be paid by the employer to the employee not later than seven days after termination of employment. *New.*

8. Except as permitted by the regulations, no employer shall claim a set-off against wages, make a claim against No set-off, etc., to be claimed against wages wages for liquidated or unliquidated damages or retain, cause to be returned to himself, or accept, directly or indirectly, any wages payable to an employee. R.S.O. 1970, c. 147, s. 4, *amended.*

9. No employer shall dismiss or suspend an employee Garnishment not grounds for dismissal upon the ground that garnishment proceedings are or may be taken against the employee. R.S.O. 1970, c. 147, s. 5.

10.—(1) An employer shall furnish to an employee at the Statement of wages time wages are paid to the employee a statement in writing, which can be retained by the employee, setting forth,

- (a) the period of time or the work for which the wages are being paid;
- (b) the rate of wages to which the employee is entitled unless such information is furnished to the employee in some other manner;

- (c) the amount of the wages to which the employee is entitled;
- (d) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made;
- (e) any living allowance or other payment to which the employee is entitled; and
- (f) the net amount of money being paid to the employee. R.S.O. 1970, c. 147, s. 33, *amended*.

Statement
of vacation
pay

(2) Unless the information is given to an employee in some other manner, an employer shall furnish to an employee at the time vacation pay is paid to the employee a statement in writing which can be retained by the employee setting forth,

- (a) the period of time or the work for which the vacation pay is being paid;
- (b) the amount of the wages upon which the vacation pay is being paid;
- (c) the amount of each deduction from the vacation pay and its purpose; and
- (d) the net amount of vacation pay being paid to the employee. *New*.

Records

11.—(1) An employer shall,

- (a) make and keep in Ontario or in a place out of Ontario authorized by the Director for a period of twenty-four months after work is performed or services are supplied by an employee complete and accurate records in respect of the employee showing,
 - (i) the employee's name and address,
 - (ii) the employee's date of birth, if the employee is a student under eighteen years of age,
 - (iii) the number of hours worked by the employee in each day and week,
 - (iv) the employee's wage rate and gross earnings,

- (v) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made,
 - (vi) any living allowance or other payment to which the employee is entitled,
 - (vii) the net amount of money being paid to the employee, and
 - (viii) any documents or certificates relating to pregnancy leave under Part XI; and
- (b) make and keep in Ontario or in a place out of Ontario authorized by the Director for a period of five years after work is performed by an employee complete and accurate records in respect of the employee showing,
- (i) the employee's name and address,
 - (ii) the date of commencement of employment and the anniversary date thereof, and
 - (iii) the employee's wages during each pay period and the vacations with pay or payment under section 31. R.S.O. 1970, c. 147, s. 38 (1), *amended*.

(2) Subclause iii of clause *a* of subsection 1 does not apply Exception in respect of the salaried employees of an employer who perform work of a clerical or administrative nature where the employer makes and keeps a record showing the number of hours worked by such employees in excess of eight hours a day and forty-four hours a week. R.S.O. 1970, c. 147, s. 38 (2), *amended*.

12.—(1) Where before or after this Act comes into force associated or related activities, businesses, trades or undertakings are or were carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, and a person is or was an employee of such corporations, individuals, firms, syndicates or associations, or any combination thereof, an employment standards officer may treat the corporations, individuals, firms, syndicates or associations as one employer for the purposes of this Act. Related activities, etc., may be treated as one employer R.S.O. 1970, c. 147, s. 6, *amended*.

Individual liability

(2) The corporations, individuals, firms, syndicates or associations treated as one employer shall be individually liable for any contravention of this Act and the regulations. *New.*

Interpretation

13.—(1) In this section,

- (a) “business” includes an activity, trade or undertaking, or a part or parts thereof;
- (b) “sells” includes leases, transfers or any other manner of disposition and “sale” has a corresponding meaning.

Continuity of employment

(2) Where an employer sells his business to a purchaser who employs an employee of the employer, the employment of the employee shall not be terminated by the sale, and the period of employment of the employee with the employer shall be deemed to have been employment with the purchaser for the purposes of Parts VII, VIII, XI and XII.

Part XII to be complied with

(3) Where an employer sells his business to a purchaser who does not employ an employee of the employer, the employer shall comply with Part XII. R.S.O. 1970, c. 147, s. 7, *amended.*

Priority of claims
R.S.C. 1970,
c. B-4

14. Notwithstanding the provisions of any other Act and except upon a distribution made by a trustee under the *Bankruptcy Act* (Canada), wages shall have priority to the claims or rights and be paid in priority to the claims or rights, including the claims or rights of the Crown, of all preferred, ordinary or general creditors of the employer to the extent of \$2,000 for each employee. R.S.O. 1970, c. 147, s. 8 (1), *amended.*

Vacation pay deemed to be held in trust

15. Every employer shall be deemed to hold vacation pay accruing due to an employee in trust for the employee whether or not the amount therefor has in fact been kept separate and apart by the employer and the vacation pay becomes a lien and charge upon the assets of the employer that in the ordinary course of business would be entered in books of account whether so entered or not. R.S.O. 1970, c. 147, s. 8 (2), *amended.*

PART III

HOMEWORKERS

Application for permit

16.—(1) An application for a permit to employ homeworkers shall be made by the employer to the Director.

(2) No person shall employ a homeworker without a permit therefor issued by the Director.

(3) The Director may,

(a) issue a permit on such terms and conditions as he considers advisable;

Terms, conditions, revocation and suspension of permit

(b) revoke or suspend a permit for a breach of a term or condition thereof, or where the holder is liable for a nuisance within the meaning of *The Public Health Act*, or for a contravention of any Act.

R.S.O. 1970, c. 377

(4) Every employer shall keep a register and enter therein the name and address of every homeworker to whom the employer gives homework, and the wages paid therefor. R.S.O. 1970, c. 147, s. 32, *amended*.

Register of homeworkers

PART IV

HOURS OF WORK

17. Except as otherwise provided in this Part, and subject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight in the day and forty-eight in the week. R.S.O. 1970, c. 147, s. 14 (1), *amended*.

Maximum working hours
R.S.O. 1970, c. 221

18. An employer may, with the approval of the Director, and upon such terms and conditions as the Director prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee shall not exceed forty-eight hours in a week. R.S.O. 1970, c. 147, s. 15 (1), *amended*.

Variation of working day

19. In case of an accident or in case of work urgently required to be done to machinery or plant, the employer may require the limit of hours of work prescribed by section 17 or approved under section 18 to be exceeded but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment. R.S.O. 1970, c. 147, s. 16 (4), *amended*.

Exceeding maximum in case of accident

20.—(1) The Director may issue a permit authorizing hours of work in excess of those prescribed by section 17 or approved under section 18, but the excess hours of work shall not exceed,

Permits for excess hours

- (a) in the case of an engineer, fireman, full-time maintenance man, receiver, shipper, delivery truck driver or his helper, watchman or other person who, in the opinion of the Director, is engaged in a similar occupation, twelve hours in each week for each employee; and
- (b) in the case of all other employees, 100 hours in each year for each employee. R.S.O. 1970, c. 147, s. 16 (1), *amended*.

Idem

(2) Where the Director is satisfied that the work or the perishable nature of raw material being processed requires hours of work in excess of those permitted under subsection 1, he may issue a permit therefor. R.S.O. 1970, c. 147, s. 16 (2), *amended*.

Permit does not obligate employee

(3) The issuance of a permit under this section does not require an employee to work any hours in excess of those prescribed by section 17 or approved under section 18 without the consent or agreement of the employee or his agent to hours in excess of eight in the day or forty-eight in the week. R.S.O. 1970, c. 147, s. 18 (2), *amended*.

Terms and conditions of permit

(4) A permit issued under this section shall contain such terms, conditions and limitations as the Director prescribes. R.S.O. 1970, c. 147, s. 17, *amended*.

Agreements subject to maximums

21. Except as otherwise provided in this Part, no employer may require or permit work, and no employee may work or agree to work, any hours that exceed the maximum hours established under this Act. R.S.O. 1970, c. 147, s. 18 (1), *amended*.

Eating periods

22. Every employer shall provide eating periods of at least one-half hour, or such shorter period as is approved by the Director, at such intervals as will result in no employee working longer than five consecutive hours without an eating period. R.S.O. 1970, c. 147, s. 20, *amended*.

PART V

MINIMUM WAGES

Statutory agreement for minimum wage

23. Every employer who permits any employee to perform work or supply any services in respect of which a minimum wage is established shall be deemed to have agreed to pay to the employee at least the minimum wage established under this Act. R.S.O. 1970, c. 147, s. 22, *amended*.

24. For the purpose of enabling a handicapped person to be gainfully employed, the Director may, upon the application of the handicapped person or his employer and with the consent of the handicapped person, his parent or guardian, authorize the employment of such handicapped person to perform such work as is authorized at a wage lower than the minimum wage prescribed under this Act. R.S.O. 1970, c. 147, s. 23, *amended*.

Handicapped
employees

PART VI

OVERTIME PAY

25.—(1) Except as otherwise provided in the regulations, where an employee works for an employer in excess of forty-four hours in any week, he shall be paid for each hour worked in excess of forty-four hours overtime pay at an amount not less than one and one-half times the regular rate of the employee.

Overtime
pay

(2) In complying with subsection 1, no employer shall reduce the regular rate of wages payable to an employee. 1973, c. 172, s. 3, *amended*.

idem

(3) Where an employer has not made and kept complete and accurate records in respect of an employee pursuant to clause *a* of subsection 1 of section 11, an employment standards officer may determine the regular rate of and the number of hours worked by the employee in each day and week. *New*.

Employment
standards
officer may
determine
regular rate

PART VII

PUBLIC HOLIDAYS

26.—(1) This section does not apply to an employee who,

Application

- (a) is employed for less than three months;
- (b) has not earned wages on at least twelve days during the four work weeks immediately preceding a public holiday;
- (c) fails to work his scheduled regular day of work preceding or his scheduled regular day of work following a public holiday;

(d) has agreed to work on a public holiday and who, without reasonable cause, fails to report for and perform the work; or

(e) is employed under an arrangement whereby the employee may elect to work or not when requested so to do. 1973, c. 172, s. 7, *part, amended*.

Holiday
with pay

(2) Subject to subsections 3, 4 and 5, an employer shall give to an employee a holiday on and pay to the employee his regular wages for each public holiday.

Working day
substituted
for holiday

(3) Where a public holiday falls upon a working day for an employee, an employer may with the agreement of the employee or his agent substitute another working day for the public holiday which day shall not be later than the next annual vacation of the employee, and the day so substituted shall be deemed to be the public holiday.

Holiday
that is a
non-working
day

(4) Where a public holiday falls on a non-working day for an employee or in his vacation an employer shall,

(a) with the agreement of the employee or his agent pay the employee his regular wages for the public holiday; or

(b) designate a working day that is not later than the next annual vacation of the employee and the day so designated shall be deemed to be the public holiday. 1973, c. 172, s. 7, *part, amended*.

Holiday
pay

(5) Notwithstanding subsection 3, where an employee is employed in a hotel, motel, tourist resort, restaurant, tavern, continuous operation or a hospital, and the employee is required to work and works on a public holiday, the employer shall,

(a) pay the employee in accordance with subsection 1 of section 27; or

(b) pay the employee for each hour worked on a public holiday an amount not less than his regular wages and give to the employee a holiday on his first working day immediately following his next annual vacation or on a working day agreed upon and pay him his regular wages for that day.

Interpre-
tation

(6) For the purposes of subsection 5,

(a) "continuous operation" means that part of an establishment, industry or service in which in each seven day period operations once commenced

normally continue day and night without cessation until the completion of the regularly scheduled operations for that period;

- (b) "hospital" means a hospital as defined in *The Hospital Labour Disputes Arbitration Act. New.* R.S.O. 1970, c. 208

27.—(1) Subject to subsection 5 of section 26, where an employee works on a public holiday, the employer shall pay to the employee for each hour worked a premium rate of not less than one and one-half times his regular rate and, where the employee is entitled to the holiday with pay, his regular wages in addition thereto. 1973, c. 172, s. 7, *part, amended.* Premium rate for holiday

(2) Where an employee works on a public holiday, the hours the employee works on the public holiday shall not be taken into consideration in calculating any overtime pay to which the employee is entitled for the work week in which the public holiday occurs. *New.* Work on holiday not overtime

28. Where the employment of an employee ceases before the day that is substituted, designated or given for the public holiday under subsection 3, clause *b* of subsection 4, or clause *b* of subsection 5, of section 26, the employer shall pay to the employee in addition to any other payment to which the employee is entitled upon the ceasing of employment his regular wages for that day. *New.* Payment for holiday where employment ceases

PART VIII

VACATION WITH PAY

29.—(1) Every employer shall give to each employee a vacation with pay of at least two weeks upon the completion of each twelve months of employment. Vacations

(2) The amount of pay for such vacation shall be not less than an amount equal to 4 per cent of the wages of the employee in the twelve months of employment for which the vacation is given and in calculating wages no account shall be taken of any vacation pay previously paid. 1973, c. 172, s. 5, *part, amended.* Idem

30.—(1) The employer shall determine the period when an employee may take the vacation to which he is entitled under section 29, which may be a two week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the twelve month period for which the vacation was given. When vacation to be taken

Director
may require
employer
to pay

(2) Notwithstanding subsection 1 of this section and subsection 3 of section 7, the Director may require an employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 29. 1973, c. 172, s. 7, *part, amended*.

Idem

(3) Subsection 2 applies notwithstanding that there is a strike or lock-out as a result of a labour dispute. *New*.

Vacation
pay

31. Where the employment of an employee ceases before the completion of a twelve month period of employment or the employee has not been given a vacation with pay pursuant to section 29, the employer shall pay to the employee an amount equal to 4 per cent of the wages of the employee in any twelve month period or periods or part thereof and in calculating wages no account shall be taken of any vacation pay previously paid. 1973, c. 172, s. 5, *part, amended*.

Agreements
respecting
vacation or
vacation
pay

32. Any agreement between an employer and an employee or employees or his or their agent respecting the method of providing funds for paying vacation pay, or payment in lieu of vacation, or of any arrangements for the taking of vacation, is subject to the approval of the Director. 1973, c. 172, s. 5, *part*.

PART IX

EQUAL PAY FOR EQUAL WORK

Equal pay
for equal
work

33.—(1) No employer or person acting on behalf of an employer shall differentiate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or *vice versa*, for substantially the same kind of work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility and which is performed under similar working conditions, except where such payment is made pursuant to,

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Pay not to
be reduced

(2) No employer shall reduce the rate of pay of an employee in order to comply with subsection 1.

(3) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree to or to pay to his employees rates of pay that are in contravention of subsection 1.

Employer not to be requested to contravene sub s 1

(4) Where an employment standards officer finds that an employer has failed to comply with subsection 1, the employment standards officer may determine the amount of moneys owing to an employee because of such non-compliance, and such amount shall be deemed to be unpaid wages. R.S.O. 1970, c. 147, s. 25 (1-4), *amended*.

Determination by employment standards officer

PART X

BENEFIT PLANS

34.—(1) This Part applies to a fund, plan or arrangement provided, furnished or offered or to be provided, furnished or offered by an employer to his employees,

Application

(a) under a term or condition of employment; or

(b) in which an employee may elect to participate or not and to which the employer contributes or does not contribute,

that directly or indirectly provides benefits to his employees, their beneficiaries, survivors or dependants, whether payable periodically or not, for superannuation, retirement, unemployment, income replacement, death, disability, sickness, accident, or medical, hospital, nursing or dental expenses, or other similar benefits or benefits under a deferred profit sharing plan in which employees participate in profits of the employer where the profits accumulated under the plan are permitted to be withdrawn or distributed upon death or retirement or upon contingencies other than death or retirement.

(2) Except as provided in the regulations, no employer or person acting directly on behalf of an employer shall provide, furnish or offer any fund, plan, arrangement or benefit that differentiates or makes any distinction, exclusion or preference between his employees or a class or classes of his employees or their beneficiaries, survivors or dependants because of the age, sex or marital status of his employees.

No differentiation because of age, etc

(3) No organization of employers or employees, or person acting directly on behalf of an organization of employers

Employer not to be requested to contravene sub s 2

or employees, shall cause or attempt to cause an employer, directly or indirectly, to act contrary to subsection 2.

Powers of
Director

(4) Where, in the opinion of the Director, an employer, an organization of employers or employees or a person acting directly on behalf of an employer or such organization may have acted contrary to subsection 2, the Director may exercise the power conferred by subsection 1 of section 51, and section 51 applies *mutatis mutandis*.

Regulations

(5) In addition to the powers conferred by section 65, the Lieutenant Governor in Council may make regulations respecting any matter or thing necessary or advisable to carry out the intent and purpose of this Part, and without restricting the generality of the foregoing, may make regulations,

- (a) exempting any fund, plan or arrangement or part thereof, heretofore or hereafter in existence, or any benefits thereunder from the application of this Part or any provision thereof;
- (b) permitting a fund, plan or arrangement to provide, furnish or offer a benefit or benefits that differentiate or make a distinction, exclusion or preference between employees or a class thereof or their beneficiaries, survivors or dependants;
- (c) suspending the application of this Part or any provision thereof to any fund, plan or arrangement or any benefits thereunder, whether provided, furnished or offered under a collective agreement or not, for such period or periods of time as may be prescribed;
- (d) providing that an employer may not reduce any benefits to an employee or class of employees under any fund, plan or arrangement provided, furnished or offered in order that the employer may comply with subsection 2;
- (e) providing the terms or conditions under which an employee may be entitled or disentitled to a benefit under a fund, plan or arrangement;
- (f) defining any expression used in this Part, or in the regulations under this Part. *New.*

PART XI

PREGNANCY LEAVE

35. No employer shall terminate the employment of or lay off an employee who is entitled to a leave of absence under section 36, but the employer may require the employee to commence a leave of absence pursuant to section 36 at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of her work is materially affected by the pregnancy. 1972, c. 120, s. 1, *part, amended*.

Pregnancy leave

36.—(1) An employee who is pregnant and who has been employed by her employer for a period of at least twelve months and eleven weeks immediately preceding the estimated day of her delivery, whether such employment commenced before or after the coming into force of this Act, shall be entitled upon her application therefor to a leave of absence of at least seventeen weeks from her employment or such shorter leave of absence as the employee may request commencing during the period of eleven weeks immediately preceding the estimated day of her delivery.

When leave to be taken

(2) Notwithstanding subsection 1 and subject to subsection 5, where the actual date of her delivery is later than the estimated day of her delivery, the leave of absence shall not end before the expiration of six weeks following the actual date of her delivery.

Leave after delivery

(3) The employee shall give her employer two weeks notice in writing of the day upon which she intends to commence her leave of absence and furnish her employer with the certificate of a legally qualified medical practitioner stating that she is pregnant and giving the estimated day upon which delivery will occur in his opinion.

Notice

(4) Subject to subsection 5, an employee may, with the consent of her employer, shorten the duration of the leave of absence requested under subsection 1.

Leave may be shortened

(5) An employee may shorten the duration of the six week period mentioned in subsection 2 upon giving her employer one week's notice of her intention so to do and furnishing her employer with the certificate of a legally qualified medical practitioner stating that she is able to resume her work. 1972, c. 120, s. 1, *part, amended*.

Furnishing of certificate

Leave where employee ceases work

37. An employee who does not apply for leave of absence under section 36, and who is otherwise entitled to pregnancy leave thereunder, shall be entitled to and shall be granted leave of absence in accordance with section 36 upon providing her employer before the expiry of two weeks after she ceased to work with a certificate of a legally qualified medical practitioner stating that she was not able to perform the duties of her employment because of a medical condition arising from her pregnancy, and giving the estimated day upon which, in his opinion, delivery will occur or the actual date of her delivery. *New.*

Reinstatement and preservation of seniority

38.—(1) An employee who intends to resume her employment on the expiration of a leave of absence granted to her under this Part shall so advise her employer and on her return to work her employer shall reinstate the employee to her position or provide her with alternative work of a comparable nature at not less than her wages at the time her leave of absence began and without loss of seniority or benefits accrued to the commencement of her leave of absence. 1972, c. 120, s. 1, *part, amended.*

Idem

(2) Where the employer has suspended or discontinued operations during the leave of absence and has not resumed operations upon the expiry thereof, the employer shall, upon resumption of operations, reinstate the employee to her employment or to alternate work in accordance with an established seniority system or practice of the employer in existence at the time her leave of absence began with no loss of seniority or benefits accrued to the commencement of her leave of absence, and in the absence of such a system or practice shall reinstate the employee in accordance with subsection 1. *New.*

Employment standards officer may make order

39. Where an employer fails to comply with the provisions of this Part, an employment standards officer may order what action, if any, the employer shall take or what he shall refrain from doing in order to constitute compliance with this Part and may order what compensation shall be paid by the employer to the Director in trust for the employee. *New.*

PART XII

TERMINATION OF EMPLOYMENT

Notice of termination

40.—(1) No employer shall terminate the employment of an employee who has been employed for three months or more unless he gives,

- (a) one week's notice in writing to the employee if his period of employment is less than two years;

- (b) two weeks notice in writing to the employee if his period of employment is two years or more but less than five years;
- (c) four weeks notice in writing to the employee if his period of employment is five years or more but less than ten years; and
- (d) eight weeks notice in writing to the employee if his period of employment is ten years or more,

and such notice has expired. R.S.O. 1970, c. 147, s. 13 (1), *amended*.

(2) Notwithstanding subsection 1, the notice required ^{Idem} by an employer to terminate the employment of fifty or more employees in any period of four weeks or less shall be given in the manner and for the period prescribed in the regulations, and until the expiry of such notice the termination shall not take effect. R.S.O. 1970, c. 147, s. 13 (2).

(3) Subsections 1 and 2 do not apply to,

Exceptions

- (a) an employee employed for a definite term or task;
- (b) an employee who is temporarily laid off, as defined in the regulations;
- (c) an employee who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer;
- (d) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance; or
- (e) an employee employed in an activity, business, work, trade, occupation or profession, or any part thereof, that is exempted by the regulations. R.S.O. 1970, c. 147, s. 13 (3).

(4) Notwithstanding clause *d* of subsection 3, subsections ^{Application of subs. 1, 2} 1 and 2 shall apply to an employee whose contract of employment is or has become impossible of performance or frustrated by an order, direction or notice made, given or issued against an employer under *The Environmental Protection Act, 1971*. 1973, c. 172, s. 2. ^{1971, c. 86}

Employer to co-operate with Minister (5) Where an employer is required to give the notice referred to in subsection 2 he shall co-operate with the Minister during the period of the notice in any action or program intended to facilitate the re-establishment in employment of the employees whose employment is to be terminated. R.S.O. 1970, c. 147, s. 13 (4).

Rate of wages, etc., not to be altered (6) Where the notice referred to in subsection 1 or 2 has been given,

(a) no employer shall alter the rates of wages or any other term or condition of employment of any employee to whom notice has been given;

(b) an employer shall pay to the employee during the period of notice the wages the employee is entitled to receive which in no case shall be less than his regular wages for a regular non-overtime work week; and

(c) upon the expiry of the notice, the employer shall pay to the employee any wages or vacation pay to which he is entitled. R.S.O. 1970, c. 147, s. 13 (5), *amended*.

Where employment terminated contrary to section (7) Where the employment of an employee is terminated contrary to this section, the employer shall pay the employee termination pay of an amount equal to the wages that the employee would have been entitled to receive at his regular rate for a regular non-overtime work week for the period of notice prescribed by subsection 1 or 2, and any wages to which he is entitled. *New*.

Notice by employee (8) An employee to whom notice has been given under subsection 2 shall not terminate his employment until after the expiry of,

(a) one week's notice in writing to the employer if the period of employment is less than two years; or

(b) two weeks notice in writing to the employer if the period of employment is two years or more,

unless his employer has been guilty of a breach of the terms and conditions of employment. R.S.O. 1970, c. 147, s. 13 (9, 10), *amended*.

PART XIII

ADMINISTRATION

41.—(1) The Minister is responsible for the administration of this Act. R.S.O. 1970, c. 147, s. 2 (1). Minister responsible for administration

(2) The Minister shall appoint a person to be the Director of Employment Standards for the purposes of the general administration of this Act and the regulations including the supervision and direction of employment standards officers. R.S.O. 1970, c. 147, s. 2 (2), *amended*. Director to be appointed

(3) Such persons as are considered necessary to enforce this Act and the regulations may be appointed as employment standards officers under *The Public Service Act*. *New*. Appointment of employment standards officers
R.S.O. 1970, c. 386

(4) Where the Director is absent or unable to act or where the office is vacant, the powers and duties of the Director shall be exercised and performed by an employee of the Ministry designated by the Minister. R.S.O. 1970, c. 147, s. 11, *amended*. Acting Director

42.—(1) The Minister shall appoint during his pleasure such persons to a panel of referees as he considers necessary for the purposes of this Act. Appointment of referees

(2) A referee shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. *New*. Remuneration

43.—(1) The Director may exercise the powers conferred and shall perform the duties imposed upon him under this Act. Powers and duties of Director

(2) The Director may authorize an employment standards officer orally or in writing to exercise a power conferred upon the Director under this Act. Authority to exercise power

(3) An employment standards officer may exercise the powers conferred and shall perform the duties imposed upon him under this Act. *New*. Powers and duties of employment standards officer

44.—(1) The Deputy Minister shall issue a certificate of appointment bearing his signature or a facsimile thereof to every employment standards officer Certificate of appointment

(2) Every employment standards officer, in the exercise of any of his powers or the performance of any of his duties under this Act, shall produce his certificate of appointment upon request. *New*. Production of certificate

Powers of
employment
standards
officer

45.—(1) An employment standards officer may, for the purpose of ensuring that the provisions of this Act and the regulations are being complied with,

- (a) subject to subsection 2, enter in or upon the lands or premises of a person at any reasonable time or times without a warrant for the purpose of carrying out an inspection, audit or examination;
- (b) require the production for inspection, audit or examination of all books of account, documents, vouchers, payrolls, records, letters patent, by-laws, minutes of directors' meetings, or documents that are or may be relevant to the inspection, audit or examination;
- (c) upon giving a receipt therefor, remove any books, papers, records or documents examined under clause *b* for the purpose of making copies or extracts of such books, papers, documents, or things, but such copying shall be carried out with reasonable dispatch and the books, papers, records or documents shall be promptly returned thereafter to the person who produced or furnished them;
- (d) make any inquiries of any person separate or apart from another person that are or may be relevant to the inspection, audit or examination.

Entry into
dwelling

(2) No employment standards officer shall enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. R.S.O. 1970, c. 147, s. 40, *amended*.

R.S.O. 1970,
c. 450

Employment
standards
officer not
competent or
compellable
as witness

(3) No employment standards officer is a competent or compellable witness in a civil suit or proceeding respecting any information, material or statements acquired, furnished, obtained, made or received under the powers conferred under this Act except for the purposes of carrying out his duties under this Act.

Production of
documents

(4) No employment standards officer shall be compelled or required to produce in a civil suit or proceeding any document, extract, report, material or statement acquired, furnished, obtained, made or received under the powers conferred under this Act except for the purposes of carrying out his duties under this Act. *New*.

46.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an employment standards officer in the exercise of a power or the performance of a duty under this Act. Obstruction

(2) Every person shall furnish all necessary means in his power to facilitate any entry, production, inspection, audit, examination or inquiry by an employment standards officer in the exercise of a power or the performance of a duty under this Act. Assistance to officer

(3) No person shall neglect or refuse to produce all books, ledgers, vouchers, payrolls, records, letters patent, minutes of directors' meetings, or documents that are or may be relevant to an inspection, audit or examination. Production of records *New.*

47.—(1) Where an employment standards officer finds that an employee is entitled to any wages from an employer, he may, Powers

- (a) arrange with the employer that the employer pay directly to the employee the wages to which the employee is entitled;
- (b) receive from the employer on behalf of the employee any wages to be paid to the employee as the result of a compromise or settlement; or
- (c) issue an order in writing to the employer to pay forthwith to the Director in trust any wages to which an employee is entitled and such order shall provide in addition for payment by the employer to the Director of a penalty of 10 per cent of the wages or the sum of \$25, whichever is the greater, provided that the order shall not order the employer to pay a sum exceeding \$4,000 for an employee.

(2) Where an employment standards officer issues an order under subsection 1, the order shall contain or have attached thereto information indicating the nature of the amount to be paid to an employee. Contents of order

(3) An order issued under subsection 1 may order an employer to pay wages to one or more than one employee to which one or more than one employee is entitled for one or more than one failure to comply with a contract or more than one contract of employment or with this Act and the regulations. idem

Delivery
or service
of order

(4) An order issued under subsection 1 shall be delivered to the employer by registered mail addressed to the employer at his or its last known place of business or served personally in the case of an individual and if the employer is a corporation upon the president, vice-president, secretary, treasurer, director, manager or person in charge of any branch of the corporation.

Certificate
of service

(5) A certificate of the Director certifying that the order was served upon or sent by registered mail to the employer and accompanied by a true copy of the order is admissible as evidence of the issue, service, mailing and receipt of the order.

Compliance
with order

(6) Every employer to whom an order is issued under subsection 1 shall comply with it in accordance with its terms. R.S.O. 1970, c. 147, s. 34, *amended*.

Payment to
Director in
trust

48.—(1) Where an employer has made an arrangement with an employment standards officer for the payment of wages to an employee under clause *a* of subsection 1 of section 47, or an employment standards officer has received wages from an employer for or on behalf of an employee under clause *b* of subsection 1 of section 47, and the employee cannot be conveniently located, the employer shall pay the wages to the Director in trust.

Wages to
be held
in trust

(2) Where wages have been received or collected for or on behalf of an employee by the Director in trust and the employee cannot be located, the wages shall be vested in and held in trust for Her Majesty and paid into the Consolidated Revenue Fund but may without interest thereon be paid out to the employee, his estate, or such other person as the Director considers is entitled thereto. *New*.

Order
may be
refused

49.—(1) Where, following a complaint in writing by an employee, an employment standards officer finds that an employer has paid the wages to which an employee is entitled under this Act he may refuse to issue an order to an employer and upon refusing to do so shall advise the employee of the refusal by prepaid letter addressed to the employee at his last known address.

Review of
refusal to
issue order

(2) An employee who considers himself aggrieved by the refusal to issue an order to an employer may apply to the Director in writing within fifteen days of the date of the mailing of the letter mentioned in subsection 1 for a review of the refusal and the Director shall cause the complaint to be reviewed by an employment standards officer who may exercise any power conferred under subsection 1 of section 47

or may refuse to issue an order, in which case he shall advise the employee of the refusal in accordance with subsection 1. *New.*

50.—(1) An employer who considers himself aggrieved by an order made under section 39 or 47, upon paying the wages ordered to be paid and the penalty thereon, if any, may, within a period of fifteen days after the date of delivery or service of the order, or such longer period as the Director may for special reasons allow and provided that the wages have not been paid out pursuant to subsection 2 of section 53, apply for a review of the order by way of a hearing. Review of order

(2) An application for review shall be made in writing to the Director and shall specify the grounds for the application. Application for review

(3) The review shall be heard as soon as is practicable by a referee selected by the Director from the panel of referees. Hearing

(4) The employer, the employment standards officer from whose order the application for review is taken and such other persons as the referee may specify are parties to an application for review under this section and on the review the employer shall be the applicant and the employment standards officer and such other persons specified by the referee, if any, shall be the respondents. Parties

(5) Where a group or groups of persons having the same or substantially the same interest may be affected by the findings or opinions of the referee, the referee may specify one or more of the persons comprising the group or groups to represent the group or groups and the one or more so specified are parties to the review. Persons to represent groups

(6) On a review under this section, the referee may substitute his findings or opinions for those of the employment standards officer who issued the order being reviewed and may amend, rescind or affirm the order. Powers of referee

(7) A decision of the referee under this section is final and binding upon the parties thereto and such other parties as the referee may specify. R.S.O. 1970, c. 147, s. 34, *part, amended.* Decision final and binding

51.—(1) Where an employment standards officer reports to the Director that an employer may have failed to pay the wages owing to an employee under this Act or to comply with this Act and the regulations, or is of the opinion that an act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the Appointment of referee

true intent and purpose of this Act and the regulations, the Director may appoint a referee selected by him from the panel of referees who shall hold a hearing.

Powers of referee

(2) The referee holding the hearing under subsection 1, may, *mutatis mutandis*, exercise the powers conferred upon an employment standards officer under this Act and in addition thereto or substitution therefor, where the referee determines that an act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act and the regulations, he shall state his findings of fact and issue to and cause to be served upon such person as he may direct an order requiring such person to cease and desist from the act, agreement, arrangement or scheme and may order what action, if any, the person shall take or what he shall refrain from doing in order to comply with this Act and the regulations.

Compliance with order

(3) Every employer or person to whom an order is given under subsection 2 shall comply with it in accordance with its terms.

Decision final and binding

(4) The order of the referee is final and not subject to review under section 50. R.S.O. 1970, c. 147, ss. 10, 34, *amended*.

Payment to Director

52.—(1) Where the Director has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to an employer who is liable to make any payment under this Act, he may, by registered letter or by a letter served personally, demand that the person pay the moneys otherwise payable to the employer in whole or in part to the Director in trust on account of the liability under this Act. R.S.O. 1970, c. 147, s. 35 (1), *amended*.

Receipt of Director

(2) The receipt of the Director for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. R.S.O. 1970, c. 147, s. 35 (2).

Liability to pay

(3) Every person who has discharged any liability to an employer who is liable to make a payment under this Act without complying with a demand under this section is liable to pay an amount equal to the liability discharged or the amount that he was required under this section to pay, whichever is the lesser. *New*.

Payment to employee

53.—(1) Where wages are received under clause *b* of subsection 1 of section 47, the Director shall pay to the employee or employees the wages received on his or their behalf.

(2) Where compensation or wages have been paid by an employer under an order issued under section 39 or clause c of subsection 1 of section 47, and no application for review has been made to the Director under section 50 within a period of fifteen days from the date of delivery of the order or such longer period as the Director has allowed, the Director shall pay to the employee or employees the compensation or wages obtained on his or their behalf.

(3) Where an application for review under section 50 has been made to the Director, the Director shall pay to the employee or the employees the wages owing, if any, in accordance with the decision of the referee and shall pay to the employer any moneys to which the employer is entitled under the decision.

(4) Where the moneys received by the Director under this Act are insufficient to pay the wages due employees of an employer in full, the Director shall distribute the moneys received by him, including any penalty, rateably among those employees on whose behalf the moneys were received.

(5) No action or proceeding lies or shall be instituted against the Director for acting in compliance with this section.

54.—(1) Where an order has been made under this Act requiring an employer to pay any moneys to the Director for or on behalf of an employee or employees, the Director may issue a certificate thereof and cause the same to be filed in a court of competent jurisdiction and thereupon the certificate shall be enforceable as a judgment or order of the court at the instance and in favour of the Director in the same manner as a judgment or order of the court.

(2) The Director shall send a copy of the certificate to the employer by registered mail and advise the employer of the date the certificate was filed. *New.*

55.—(1) The Director, for any purpose relating to the administration or enforcement of this Act and the regulations, may, by registered letter addressed to an employer at his or its last known place of business or by demand served personally in the case of an individual and if the employer is a corporation upon the president, vice-president, secretary, treasurer or a director or the manager or person in charge of any branch of the corporation require the production for inspection, audit or examination of such books, papers, records or documents within such time and at such place as are stipulated in such letter or demand. R.S.O. 1970, c. 147, s. 41 (1), *amended.*

Neglect
or refusal
to produce

(2) No employer shall neglect or refuse to produce the books, papers, records or documents at the time and place stipulated in the letter or demand. *New.*

Proof
of service
or mailing

(3) A certificate of the Director certifying that the letter or demand was served upon or sent by registered letter to the employer to whom it was addressed, accompanied by a true copy of the letter or demand, is admissible as evidence of the service, mailing and receipt of the notice. R.S.O. 1970, c. 147, s. 41 (2), *amended.*

Posting of
notices

56. The Director may require an employer to post and keep posted a notice relating to the administration or enforcement of this Act or the regulations in a conspicuous place where it is most likely to come to the attention of his employees, and the employer shall post and keep posted any such notice. R.S.O. 1970, c. 147, s. 37, *amended.*

PART XIV

OFFENCES AND PENALTIES

No
discipline,
dismissal,
etc., by
employer

57.—(1) No employer shall,

- (a) dismiss or threaten to dismiss an employee;
- (b) discipline or suspend an employee;
- (c) impose any penalty upon an employee; or
- (d) intimidate or coerce an employee,

because the employee,

- (e) has sought the enforcement of this Act or the regulations;
- (f) has given information to an employment standards officer;
- (g) has participated in or is about to participate in a proceeding or hearing under this Act; or
- (h) testifies or is required to testify in a proceeding or hearing under this Act. R.S.O. 1970, c. 147, s. 42 (1), *amended.*

Penalty for
offence

(2) Where an employer is convicted of an offence under subsection 1, the provincial judge making the conviction shall, in addition to the penalty, order what action the employer

shall take or what the employer shall refrain from doing and such order may include the reinstatement in employment of the employee with or without compensation or compensation in lieu of reinstatement for loss of wages and other benefits to be assessed against the employer. R.S.O. 1970, c. 147, s. 42 (2), *amended*.

(3) An employer who fails to comply with an order made under subsection 2 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$100 for each day during which the failure continues. R.S.O. 1970, c. 147, s. 42 (3), *amended*. Offence,
penalty

58. No person shall make, keep or produce or participate in, assent to or acquiesce in the making, keeping or producing of a false or deceptive book of account, payroll, record or other document required to be made, kept or produced under this Act or the regulations. R.S.O. 1970, c. 147, s. 43 (1), *part, amended*. Offence to
keep false
records, etc.

59.—(1) Every person who contravenes any provision of this Act or the regulations or a decision, requirement or order made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 147, s. 43 (1), *part, amended*. Offence

(2) Where an employer is convicted of an offence under subsection 1, the provincial judge making the conviction shall, in addition to any other penalty, assess the amount unpaid in respect of an employee or employees and shall order the employer to pay the amount so assessed to the Director who shall collect and distribute to the employee or employees the amount ordered to be paid. R.S.O. 1970, c. 147, s. 43 (3), *amended*. Order for
payment

(3) An order for payment under subsection 2 may be filed by the Director in a court of competent jurisdiction and thereupon the order shall be deemed to be an order of that court for the purposes of enforcement. R.S.O. 1970, c. 147, s. 43 (4), *amended*. Enforcement
of order

60.—(1) Where a corporation contravenes any provision of this Act or the regulations, an officer, director or agent of the corporation or a person purporting to act in any such capacity who authorizes, permits or acquiesces in the contravention is a party to and guilty of the offence and is liable on conviction to the penalty provided for the offence whether or not the corporation has been prosecuted or convicted. Officers,
etc., liable

Onus of
proof

(2) In determining whether for the purposes of subsection 1 an officer, director or agent of the corporation or a person purporting to act in any such capacity authorized, permitted or acquiesced in the contravention of any provisions of this Act or the regulations, it shall be for the officer, director or agent or person purporting to act in any such capacity to prove that he did not authorize, permit or acquiesce in the contravention.

Additional
penalty

(3) Where an officer, director or agent of the corporation or a person purporting to act in any such capacity is convicted of an offence under subsection 1, the provincial judge making the conviction may, in addition to any other penalty, assess the amount unpaid by the corporation in respect of the employee and shall order the officer, director or agent to pay the amount so assessed to the Director who shall collect and distribute to the employee the amount ordered to be paid.

No prosecu-
tion without
consent

(4) No prosecution under this section shall be instituted without the consent of the Director and the production of a consent purporting to be signed by the Director is admissible in evidence as *prima facie* proof of his consent. *New.*

Copies
constitute
evidence

61.—(1) In any proceeding or prosecution under this Act,

- (a) a copy of an order purporting to have been made under this Act or the regulations and purporting to have been signed by an employment standards officer or a referee; or
- (b) a document purporting to be a copy of a book, payroll, record or other document, or any extract therefrom, and purporting to be certified by an employment standards officer,

is evidence of the order or document, and the facts appearing in the order or document without proof of the signature or official character of the person appearing to have signed the order or the certificate and without further proof.

Certificate
constitutes
evidence

(2) In any proceeding or prosecution under this Act, a certificate purporting to be signed by the Director certifying that an employer has failed to make any payment under an order issued under this Act is evidence of the failure to pay without further proof. *New.*

Where
information
may be heard

62. An information in respect of an offence under this Act or the regulations may, at the election of the informant, be heard, tried and determined by the Provincial Court

(Criminal Division) having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. *New.*

63.—(1) No proceeding or prosecution under this Act shall be commenced more than two years after the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director. R.S.O. 1970, c. 147, s. 43 (5), *amended.* Limitation

(2) In a proceeding or prosecution under this Act, no employee shall be entitled to recover any moneys due to him more than two years before the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director. idem

(3) A statement as to the time when the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director purporting to be certified by the Director, is, without proof of the office or signature of the Director, evidence of the facts stated therein. *New.* Evidence

64. Notwithstanding anything contained in this Act, the Director may in his discretion refuse to institute any proceeding or prosecution for the failure of an employer to comply with this Act where a remedy therefor is available to an employee under the terms of a collective agreement. *New.* Director may exercise discretion

PART XV

REGULATIONS

65.—(1) The Lieutenant Governor in Council may make regulations for carrying out the purposes of this Act and, without restricting the generality of the foregoing, may make regulations, Regulations

- (a) establishing minimum rates of wages for employees or classes of employees;
- (b) designating or defining any industry, activity, business, work, trade, occupation or profession or class of employers or employees, for the purposes of this Act or any Part thereof, or the regulations or any provision thereof;
- (c) designating or defining the zone or zones within Ontario in which this Act, a Part of this Act, or the regulations or any provision thereof, is applicable;

- (d) exempting any industry, activity, business, work, trade, occupation, profession, or class of employers or employees from the application of this Act, a Part of this Act, or the regulations or any provision thereof;
- (e) prescribing what constitutes the performance of work in respect of which wages shall be paid;
- (f) prescribing the deductions that may be made from wages or any other payment or allowance to an employee;
- (g) prescribing the maximum number of hours that may elapse between the commencement and the termination of the daily work period or periods of an employee;
- (h) prescribing the particulars of employment that shall be given to an employee;
- (i) prescribing rates of pay and hours of work for the whole or part of any industry, business or trade in a designated part or parts of Ontario;
- (j) providing for and requiring the approval of the Director of any agreement or arrangement between an employer and an employee or his agent providing for the averaging of daily hours of work for a work week or daily or weekly hours of work over a longer period of time than a work week;
- (k) providing for the averaging of wages over a longer period of time than a work week for the purpose of determining a regular rate under this Act;
- (l) providing for the setting up of committees to advise the Minister on any matters arising in relation to the administration of this Act;
- (m) prescribing the manner of giving notice of termination and the period and the form and content of such notice;
- (n) prescribing what constitutes termination of employment;
- (o) prescribing what constitutes "a definite term or task", "lay-off", "temporary lay-off", "indefinite lay-off", and a "period of employment";

- (p) providing that any payments to an employee by way of pension, insurance, workman's compensation, bonus, severance, supplementary unemployment benefits, or similar arrangements shall or shall not be taken into account on termination of employment;
- (q) notwithstanding Part VI, prescribing when overtime pay shall be paid to an employee or class of employees by an employer, a class of employers, or an industry, business or trade for any hours of work in excess of a specified number of hours of work in a work week or a longer period of time than a work week;
- (r) prescribing the hours of work after which overtime is payable in a work week to an employee who does two or more kinds of work for which different hours of work in a work week upon which overtime is payable are prescribed under this Act;
- (s) prescribing maximum allowances for living accommodation, fuel, heat, utility charges or room or board to be taken into account in calculating minimum wages;
- (t) prescribing the minimum number of hours for which an employee is entitled to be paid wages and providing for conditions and exemptions in respect thereof;
- (u) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 147, s. 36 (1), *amended*.

(2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer, employee or establishment defined in the regulation. R.S.O. 1970, c. 147, s. 36 (2).

66.—(1) Every agreement or arrangement between an employee and his employer for the averaging of hours over an extended period for the purpose of determining overtime hours of work heretofore approved by the Director under *The Employment Standards Act, 1968* or *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, shall, on and after the 1st day of January, 1975, be deemed to provide for overtime pay for any hours worked in the extended period in excess of forty-four hours multiplied by the number of weeks in the extended period.

- Idem (2) Notwithstanding subsection 1, any agreement or arrangement between an employee and his employer for the averaging of hours of work over an extended period for the purpose of determining overtime hours of work heretofore approved by the Director under *The Employment Standards Act, 1968* or *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is null and void three months after the date this Act comes into force.
- Repeals **67.** The following are repealed:
1. *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970.
 2. *The Employment Standards Amendment Act, 1972*, being chapter 120.
 3. *The Employment Standards Amendment Act, 1973*, being chapter 172.
 4. Section 37 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
- Commencement **68.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **69.** This Act may be cited as *The Employment Standards Act, 1974*.







The Employment Standards Act, 1974

1st Reading

November 7th, 1974

2nd Reading

November 25th, 1974

3rd Reading

THE HON. J. MACBETH
Minister of Labour

*(Reprinted as amended by the
Resources Development Committee)*

BILL 134

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

The Employment Standards Act, 1974

THE HON. J. MACBETH
Minister of Labour

The Employment Standards Act, 1974

HER 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,

(a) "Deputy Minister" means the Deputy Minister of Labour;

(b) "Director" means the person appointed by the Minister as Director of Employment Standards for the purposes of this Act;

(c) "employee" includes a person who,

- (i) performs any work for or supplies any services to an employer for wages,
- (ii) does homework for an employer, or
- (iii) receives any instruction or training in the activity, business, work, trade, occupation or profession of the employer,

and includes a person who was an employee;

(d) "employer" includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control or direction of, or is directly or indirectly responsible for, the employment of a person therein, and includes a person who was an employer;

(e) "employment standard" means a requirement imposed upon an employer in favour of an employee by this Act or the regulations;

Interpre-
tation

- (f) “employment standards officer” means a person appointed for the purposes of this Act, and includes the Director;
- (g) “homework” means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof in premises occupied primarily as living accommodation, and “home-worker” has a corresponding meaning;
- (h) “Minister” means the Minister of Labour;
- (i) “Ministry” means the Ministry of Labour;
- (j) “overtime rate” means the hourly rate of pay that an employee is entitled to receive for hours of work in excess of,
- (i) the hours of work in a week prescribed in section 25 or the regulations, or
 - (ii) the regular hours of work in a day or a week under a contract of employment that under subsection 2 of section 4 prevails over the provisions of section 25,
- and “overtime pay” has a corresponding meaning;
- (k) “premium rate” means the rate of pay to which an employee is entitled for each hour of employment on a public holiday, or a day that is deemed to be a public holiday, and “premium pay” has a corresponding meaning;
- (l) “public holiday” means New Year’s Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day and Christmas Day;
- (m) “regular rate” means,
- (i) the wage rate of an employee for an hour of work in a regular non-overtime work week,
 - (ii) where subclause i does not apply, the average hourly rate calculated by dividing the wages of an employee earned in a week by the number of hours the employee worked in that week where the employer has made and kept in accordance with this Act complete and accurate records thereof, or

- (iii) where subclauses i and ii do not apply, the hourly rate determined by an employment standards officer;
- (n) "regulations" means the regulations made under this Act;
- (o) "termination pay" means the amount of pay to which an employee is entitled under section 40;
- (p) "wages" means any monetary remuneration payable by an employer to an employee under the terms of a contract of employment, oral or written, express or implied, any payment to be made by an employer to an employee under this Act, and any allowances for room or board as prescribed in the regulations or under an agreement or arrangement therefor but does not include,
- (i) tips and other gratuities,
 - (ii) any sums paid as gifts or bonuses that are dependent on the discretion of the employer and are not related to hours, production or efficiency,
 - (iii) travelling allowances or expenses,
 - (iv) contributions made by an employer to a fund, plan or arrangement to which Part X of this Act applies;
- (q) "week" means a period of seven consecutive days;
- (r) "work week" means a week of work established by the practice of the employer or determined by an employment standards officer. R.S.O. 1970, c. 147, s. 1, *amended*.

PART I

GENERAL APPLICATION

2.—(1) Parts IX, X, XI and XII apply to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown. R.S.O. 1970, c. 147, ss. 12, 25 (6); 1972, c. 120, s. 1, *part, amended*. ^{Application of Act}

- Idem (2) This Act applies to every contract of employment, oral or written, express or implied,
- (a) where the employment is for work or services to be performed in Ontario; or
 - (b) where the employment is for work or services to be performed both in and out of Ontario and the work or services out of Ontario are a continuation of the work or services in Ontario.
- Non-application of 1971, c. 47 (3) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the exercise of any power conferred by section 5, 12, 16, 18, 20, 24, subsection 3 of section 25 or section 30, 32, subsection 4 of section 34 or section 39, 47 or 49 of this Act. *New.*
- Waiver, etc., to be null and void **3.** Subject to section 4, no employer, employee, employers' organization or employees' organization shall contract out of or waive an employment standard, and any such contracting out or waiver is null and void. R.S.O. 1970, c. 147, s. 3, *amended.*
- Employment standard deemed minimum (1) An employment standard shall be deemed a minimum requirement only. *New.*
- Greater benefit to prevail (2) A right, benefit, term or condition of employment under a contract, oral or written, express or implied, or under any other Act or any schedule, order or regulation made thereunder that provides in favour of an employee a higher remuneration in money, a greater right or benefit or lesser hours of work than the requirement imposed by an employment standard shall prevail over an employment standard. R.S.O. 1970, c. 147, s. 9, *amended.*
- Provisions of collective agreements R.S.O. 1970, c. 232 **5.—**(1) Where terms or conditions of employment in a collective agreement as defined in *The Labour Relations Act* confer a higher remuneration in money or a greater right or benefit for an employee respecting holidays than the provisions of Part VII, the terms or conditions of employment shall prevail. 1973, c. 172, s. 1, *amended.*
- Terms and conditions that are not in collective agreements (2) Where the Director finds that terms or conditions of employment in a contract of employment oral or written, express or implied, that are not in a collective agreement confer a higher remuneration in money or a greater right or benefit for an employee respecting holidays than the provisions of Part VII, the terms or conditions of employment shall prevail. *New.*
- Civil remedy not suspended or affected **6.** No civil remedy of an employee against his employer is suspended or affected by this Act. *New.*

PART II

GENERAL PROVISIONS

7.—(1) An employer shall pay to an employee all wages Payment of wages to which an employee is entitled under,

- (a) an employment standard; or
- (b) a right, benefit, term or condition of employment under a contract of employment, oral or written, express or implied, that prevails over an employment standard,

in cash or by cheque.

(2) All wages shall be paid at the work place of the Place of payment of wages employee, or at a place agreed upon by the employer and the employee.

(3) All wages due and owing to an employee shall be paid Time of payment of wages by an employer on the regular pay day of the employee as established by the practice of the employer.

(4) Any payment to which an employee is entitled upon Payment on termination termination of employment shall be paid by the employer to the employee not later than seven days after termination of employment. *New.*

8. Except as permitted by the regulations, no employer shall claim a set-off against wages, make a claim against No set-off, etc., to be claimed against wages wages for liquidated or unliquidated damages or retain, cause to be returned to himself, or accept, directly or indirectly, any wages payable to an employee. R.S.O. 1970, c. 147, s. 4, *amended.*

9. No employer shall dismiss or suspend an employee Garnishment not grounds for dismissal upon the ground that garnishment proceedings are or may be taken against the employee. R.S.O. 1970, c. 147, s. 5.

10.—(1) An employer shall furnish to an employee at the Statement of wages time wages are paid to the employee a statement in writing, which can be retained by the employee, setting forth,

- (a) the period of time or the work for which the wages are being paid;
- (b) the rate of wages to which the employee is entitled unless such information is furnished to the employee in some other manner;

- (c) the amount of the wages to which the employee is entitled;
- (d) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made;
- (e) any living allowance or other payment to which the employee is entitled; and
- (f) the net amount of money being paid to the employee. R.S.O. 1970, c. 147, s. 33, *amended*.

Statement
of vacation
pay

(2) Unless the information is given to an employee in some other manner, an employer shall furnish to an employee at the time vacation pay is paid to the employee a statement in writing which can be retained by the employee setting forth,

- (a) the period of time or the work for which the vacation pay is being paid;
- (b) the amount of the wages upon which the vacation pay is being paid;
- (c) the amount of each deduction from the vacation pay and its purpose; and
- (d) the net amount of vacation pay being paid to the employee. *New*.

Records

11.—(1) An employer shall,

- (a) make and keep in Ontario or in a place out of Ontario authorized by the Director for a period of twenty-four months after work is performed or services are supplied by an employee complete and accurate records in respect of the employee showing,
 - (i) the employee's name and address,
 - (ii) the employee's date of birth, if the employee is a student under eighteen years of age,
 - (iii) the number of hours worked by the employee in each day and week,
 - (iv) the employee's wage rate and gross earnings,

- (v) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made,
 - (vi) any living allowance or other payment to which the employee is entitled,
 - (vii) the net amount of money being paid to the employee, and
 - (viii) any documents or certificates relating to pregnancy leave under Part XI; and
- (b) make and keep in Ontario or in a place out of Ontario authorized by the Director for a period of five years after work is performed by an employee complete and accurate records in respect of the employee showing.
- (i) the employee's name and address,
 - (ii) the date of commencement of employment and the anniversary date thereof, and
 - (iii) the employee's wages during each pay period and the vacations with pay or payment under section 31. R.S.O. 1970, c. 147, s. 38 (1), *amended*.

(2) Subclause iii of clause a of subsection 1 does not apply ^{Exception} in respect of the salaried employees of an employer who perform work of a clerical or administrative nature where the employer makes and keeps a record showing the number of hours worked by such employees in excess of eight hours a day and forty-four hours a week. R.S.O. 1970, c. 147, s. 38 (2), *amended*.

12.—(1) Where before or after this Act comes into force associated or related activities, businesses, trades or undertakings are or were carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, and a person is or was an employee of such corporations, individuals, firms, syndicates or associations, or any combination thereof, an employment standards officer may treat the corporations, individuals, firms, syndicates or associations as one employer for the purposes of this Act. R.S.O. 1970, c. 147, s. 6, *amended*. ^{Related activities, etc. may be treated as one employer}

Individual liability

(2) The corporations, individuals, firms, syndicates or associations treated as one employer shall be individually liable for any contravention of this Act and the regulations.
New.

Interpretation

13.—(1) In this section,

- (a) “business” includes an activity, trade or undertaking, or a part or parts thereof;
- (b) “sells” includes leases, transfers or any other manner of disposition and “sale” has a corresponding meaning.

Continuity of employment

(2) Where an employer sells his business to a purchaser who employs an employee of the employer, the employment of the employee shall not be terminated by the sale, and the period of employment of the employee with the employer shall be deemed to have been employment with the purchaser for the purposes of Parts VII, VIII, XI and XII.

Part XII to be complied with

(3) Where an employer sells his business to a purchaser who does not employ an employee of the employer, the employer shall comply with Part XII. R.S.O. 1970, c. 147, s. 7, *amended*.

Priority of claims
R.S.C. 1970,
c. B-4

14. Notwithstanding the provisions of any other Act and except upon a distribution made by a trustee under the *Bankruptcy Act* (Canada), wages shall have priority to the claims or rights and be paid in priority to the claims or rights, including the claims or rights of the Crown, of all preferred, ordinary or general creditors of the employer to the extent of \$2,000 for each employee. R.S.O. 1970, c. 147, s. 8 (1), *amended*.

Vacation pay deemed to be held in trust

15. Every employer shall be deemed to hold vacation pay accruing due to an employee in trust for the employee whether or not the amount therefor has in fact been kept separate and apart by the employer and the vacation pay becomes a lien and charge upon the assets of the employer that in the ordinary course of business would be entered in books of account whether so entered or not. R.S.O. 1970, c. 147, s. 8 (2), *amended*.

PART III

HOMEWORKERS

Application for permit

16.—(1) An application for a permit to employ homeworkers shall be made by the employer to the Director.

(2) No person shall employ a homeworker without a permit therefor issued by the Director.

(3) The Director may,

Terms,
conditions,
revocation
and
suspension
of permit

(a) issue a permit on such terms and conditions as he considers advisable;

(b) revoke or suspend a permit for a breach of a term or condition thereof, or where the holder is liable for a nuisance within the meaning of *The Public Health Act*, or for a contravention of any Act.

R.S.O. 1970,
c. 377

(4) Every employer shall keep a register and enter therein the name and address of every homeworker to whom the employer gives homework, and the wages paid therefor. R.S.O. 1970, c. 147, s. 32, *amended*.

Register of
homeworkers

PART IV

HOURS OF WORK

17. Except as otherwise provided in this Part, and subject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight in the day and forty-eight in the week. R.S.O. 1970, c. 147, s. 14 (1), *amended*.

Maximum
working
hours
R.S.O. 1970,
c. 221

18. An employer may, with the approval of the Director, and upon such terms and conditions as the Director prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee shall not exceed forty-eight hours in a week. R.S.O. 1970, c. 147, s. 15 (1), *amended*.

Variation
of working
day

19. In case of an accident or in case of work urgently required to be done to machinery or plant, the employer may require the limit of hours of work prescribed by section 17 or approved under section 18 to be exceeded but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment. R.S.O. 1970, c. 147, s. 16 (4), *amended*.

Exceeding
maximum
in case of
accident

20.—(1) The Director may issue a permit authorizing hours of work in excess of those prescribed by section 17 or approved under section 18, but the excess hours of work shall not exceed,

Permits
for excess
hours

- (a) in the case of an engineer, fireman, full-time maintenance man, receiver, shipper, delivery truck driver or his helper, watchman or other person who, in the opinion of the Director, is engaged in a similar occupation, twelve hours in each week for each employee; and
- (b) in the case of all other employees, 100 hours in each year for each employee. R.S.O. 1970, c. 147, s. 16 (1), *amended*.

Idem

(2) Where the Director is satisfied that the work or the perishable nature of raw material being processed requires hours of work in excess of those permitted under subsection 1, he may issue a permit therefor. R.S.O. 1970, c. 147, s. 16 (2), *amended*.

Permit does not obligate employee

(3) The issuance of a permit under this section does not require an employee to work any hours in excess of those prescribed by section 17 or approved under section 18 without the consent or agreement of the employee or his agent to hours in excess of eight in the day or forty-eight in the week. R.S.O. 1970, c. 147, s. 18 (2), *amended*.

Terms and conditions of permit

(4) A permit issued under this section shall contain such terms, conditions and limitations as the Director prescribes. R.S.O. 1970, c. 147, s. 17, *amended*.

Agreements subject to maximums

21. Except as otherwise provided in this Part, no employer may require or permit work, and no employee may work or agree to work, any hours that exceed the maximum hours established under this Act. R.S.O. 1970, c. 147, s. 18 (1), *amended*.

Eating periods

22. Every employer shall provide eating periods of at least one-half hour, or such shorter period as is approved by the Director, at such intervals as will result in no employee working longer than five consecutive hours without an eating period. R.S.O. 1970, c. 147, s. 20, *amended*.

PART V

MINIMUM WAGES

Statutory agreement for minimum wage

23. Every employer who permits any employee to perform work or supply any services in respect of which a minimum wage is established shall be deemed to have agreed to pay to the employee at least the minimum wage established under this Act. R.S.O. 1970, c. 147, s. 22, *amended*.

24. For the purpose of enabling a handicapped person to be gainfully employed, the Director may, upon the application of the handicapped person or his employer and with the consent of the handicapped person, his parent or guardian, authorize the employment of such handicapped person to perform such work as is authorized at a wage lower than the minimum wage prescribed under this Act. R.S.O. 1970, c. 147, s. 23, *amended*.

Handicapped
employees

PART VI

OVERTIME PAY

25.—(1) Except as otherwise provided in the regulations, where an employee works for an employer in excess of forty-four hours in any week, he shall be paid for each hour worked in excess of forty-four hours overtime pay at an amount not less than one and one-half times the regular rate of the employee.

Overtime
pay

(2) In complying with subsection 1, no employer shall reduce the regular rate of wages payable to an employee. 1973, c. 172, s. 3, *amended*.

idem

(3) Where an employer has not made and kept complete and accurate records in respect of an employee pursuant to clause *a* of subsection 1 of section 11, an employment standards officer may determine the regular rate of and the number of hours worked by the employee in each day and week. *New*.

Employment
standards
officer may
determine
regular rate

PART VII

PUBLIC HOLIDAYS

26.—(1) This section does not apply to an employee who,

Application

- (a) is employed for less than three months;
- (b) has not earned wages on at least twelve days during the four work weeks immediately preceding a public holiday;
- (c) fails to work his scheduled regular day of work preceding or his scheduled regular day of work following a public holiday;

(d) has agreed to work on a public holiday and who, without reasonable cause, fails to report for and perform the work; or

(e) is employed under an arrangement whereby the employee may elect to work or not when requested so to do. 1973, c. 172, s. 7, *part, amended*.

Holiday
with pay

(2) Subject to subsections 3, 4 and 5, an employer shall give to an employee a holiday on and pay to the employee his regular wages for each public holiday.

Working day
substituted
for holiday

(3) Where a public holiday falls upon a working day for an employee, an employer may with the agreement of the employee or his agent substitute another working day for the public holiday which day shall not be later than the next annual vacation of the employee, and the day so substituted shall be deemed to be the public holiday.

Holiday
that is a
non-working
day

(4) Where a public holiday falls on a non-working day for an employee or in his vacation an employer shall,

(a) with the agreement of the employee or his agent pay the employee his regular wages for the public holiday; or

(b) designate a working day that is not later than the next annual vacation of the employee and the day so designated shall be deemed to be the public holiday. 1973, c. 172, s. 7, *part, amended*.

Holiday
pay

(5) Notwithstanding subsection 3, where an employee is employed in a hotel, motel, tourist resort, restaurant, tavern, continuous operation or a hospital, and the employee is required to work and works on a public holiday, the employer shall,

(a) pay the employee in accordance with subsection 1 of section 27; or

(b) pay the employee for each hour worked on a public holiday an amount not less than his regular wages and give to the employee a holiday on his first working day immediately following his next annual vacation or on a working day agreed upon and pay him his regular wages for that day.

Interpre-
tation

(6) For the purposes of subsection 5,

(a) "continuous operation" means that part of an establishment, industry or service in which in each seven day period operations once commenced

normally continue day and night without cessation until the completion of the regularly scheduled operations for that period;

(b) "hospital" means a hospital as defined in *The Hospital Labour Disputes Arbitration Act, New*. R.S.O. 1970, c. 208

27.—(1) Subject to subsection 5 of section 26, where an employee works on a public holiday, the employer shall pay to the employee for each hour worked a premium rate of not less than one and one-half times his regular rate and, where the employee is entitled to the holiday with pay, his regular wages in addition thereto. 1973, c. 172, s. 7, *part, amended*. Premium rate for holiday

(2) Where an employee works on a public holiday, the hours the employee works on the public holiday shall not be taken into consideration in calculating any overtime pay to which the employee is entitled for the work week in which the public holiday occurs. *New*. Work on holiday not overtime

28. Where the employment of an employee ceases before the day that is substituted, designated or given for the public holiday under subsection 3, clause *b* of subsection 4, or clause *b* of subsection 5, of section 26, the employer shall pay to the employee in addition to any other payment to which the employee is entitled upon the ceasing of employment his regular wages for that day. *New*. Payment for holiday where employment ceases

PART VIII

VACATION WITH PAY

29.—(1) Every employer shall give to each employee a vacation with pay of at least two weeks upon the completion of each twelve months of employment. Vacations

(2) The amount of pay for such vacation shall be not less than an amount equal to 4 per cent of the wages of the employee in the twelve months of employment for which the vacation is given and in calculating wages no account shall be taken of any vacation pay previously paid. 1973, c. 172, s. 5, *part, amended*. Idem

30.—(1) The employer shall determine the period when an employee may take the vacation to which he is entitled under section 29, which may be a two week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the twelve month period for which the vacation was given. When vacation to be taken

Director
may require
employer
to pay

(2) Notwithstanding subsection 1 of this section and subsection 3 of section 7, the Director may require an employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 29. 1973, c. 172, s. 7, *part, amended*.

Idem

(3) Subsection 2 applies notwithstanding that there is a strike or lock-out as a result of a labour dispute. *New*.

Vacation
pay

31. Where the employment of an employee ceases before the completion of a twelve month period of employment or the employee has not been given a vacation with pay pursuant to section 29, the employer shall pay to the employee an amount equal to 4 per cent of the wages of the employee in any twelve month period or periods or part thereof and in calculating wages no account shall be taken of any vacation pay previously paid. 1973, c. 172, s. 5, *part, amended*.

Agreements
respecting
vacation or
vacation
pay

32. Any agreement between an employer and an employee or employees or his or their agent respecting the method of providing funds for paying vacation pay, or payment in lieu of vacation, or of any arrangements for the taking of vacation, is subject to the approval of the Director. 1973, c. 172, s. 5, *part*.

PART IX

EQUAL PAY FOR EQUAL WORK

Equal pay
for equal
work

33.—(1) No employer or person acting on behalf of an employer shall differentiate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or *vice versa*, for substantially the same kind of work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility and which is performed under similar working conditions, except where such payment is made pursuant to,

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Pay not to
be reduced

(2) No employer shall reduce the rate of pay of an employee in order to comply with subsection 1.

(3) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree to or to pay to his employees rates of pay that are in contravention of subsection 1.

Employer not to be requested to contravene subs 1

(4) Where an employment standards officer finds that an employer has failed to comply with subsection 1, the employment standards officer may determine the amount of moneys owing to an employee because of such non-compliance, and such amount shall be deemed to be unpaid wages. R.S.O. 1970, c. 147, s. 25 (1-4), *amended*.

Determination by employment standards officer

PART X

BENEFIT PLANS

34.—(1) This Part applies to a fund, plan or arrangement provided, furnished or offered or to be provided, furnished or offered by an employer to his employees,

Application

(a) under a term or condition of employment, or

(b) in which an employee may elect to participate or not and to which the employer contributes or does not contribute,

that directly or indirectly provides benefits to his employees, their beneficiaries, survivors or dependants, whether payable periodically or not, for superannuation, retirement, unemployment, income replacement, death, disability, sickness, accident, or medical, hospital, nursing or dental expenses, or other similar benefits or benefits under a deferred profit sharing plan in which employees participate in profits of the employer where the profits accumulated under the plan are permitted to be withdrawn or distributed upon death or retirement or upon contingencies other than death or retirement.

(2) Except as provided in the regulations, no employer or person acting directly on behalf of an employer shall provide, furnish or offer any fund, plan, arrangement or benefit that differentiates or makes any distinction, exclusion or preference between his employees or a class or classes of his employees or their beneficiaries, survivors or dependants because of the age, sex or marital status of his employees.

No differentiation because of age, etc

(3) No organization of employers or employees, or person acting directly on behalf of an organization of employers

Employer not to be requested to contravene subs 2

or employees, shall cause or attempt to cause an employer, directly or indirectly, to act contrary to subsection 2.

Powers of
Director

(4) Where, in the opinion of the Director, an employer, an organization of employers or employees or a person acting directly on behalf of an employer or such organization may have acted contrary to subsection 2, the Director may exercise the power conferred by subsection 1 of section 51, and section 51 applies *mutatis mutandis*.

Regulations

(5) In addition to the powers conferred by section 65, the Lieutenant Governor in Council may make regulations respecting any matter or thing necessary or advisable to carry out the intent and purpose of this Part, and without restricting the generality of the foregoing, may make regulations,

- (a) exempting any fund, plan or arrangement or part thereof, heretofore or hereafter in existence, or any benefits thereunder from the application of this Part or any provision thereof;
- (b) permitting a fund, plan or arrangement to provide, furnish or offer a benefit or benefits that differentiate or make a distinction, exclusion or preference between employees or a class thereof or their beneficiaries, survivors or dependants;
- (c) suspending the application of this Part or any provision thereof to any fund, plan or arrangement or any benefits thereunder, whether provided, furnished or offered under a collective agreement or not, for such period or periods of time as may be prescribed;
- (d) providing that an employer may not reduce any benefits to an employee or class of employees under any fund, plan or arrangement provided, furnished or offered in order that the employer may comply with subsection 2;
- (e) providing the terms or conditions under which an employee may be entitled or disentitled to a benefit under a fund, plan or arrangement;
- (f) defining any expression used in this Part, or in the regulations under this Part. *New.*

PART XI

PREGNANCY LEAVE

35. No employer shall terminate the employment of or lay off an employee who is entitled to a leave of absence under section 36, but the employer may require the employee to commence a leave of absence pursuant to section 36 at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of her work is materially affected by the pregnancy. 1972, c. 120, s. 1, *part. amended.*

36.—(1) An employee who is pregnant and who has been employed by her employer for a period of at least twelve months and eleven weeks immediately preceding the estimated day of her delivery, whether such employment commenced before or after the coming into force of this Act, shall be entitled upon her application therefor to a leave of absence of at least seventeen weeks from her employment or such shorter leave of absence as the employee may request commencing during the period of eleven weeks immediately preceding the estimated day of her delivery.

• (2) Notwithstanding subsection 1 and subject to subsection 5, where the actual date of her delivery is later than the estimated day of her delivery, the leave of absence shall not end before the expiration of six weeks following the actual date of her delivery.

(3) The employee shall give her employer two weeks notice in writing of the day upon which she intends to commence her leave of absence and furnish her employer with the certificate of a legally qualified medical practitioner stating that she is pregnant and giving the estimated day upon which delivery will occur in his opinion.

(4) Subject to subsection 5, an employee may, with the consent of her employer, shorten the duration of the leave of absence requested under subsection 1.

(5) An employee may shorten the duration of the six week period mentioned in subsection 2 upon giving her employer one week's notice of her intention so to do and furnishing her employer with the certificate of a legally qualified medical practitioner stating that she is able to resume her work. 1972, c. 120, s. 1, *part. amended.*

Leave where employee ceases work

37. An employee who does not apply for leave of absence under section 36, and who is otherwise entitled to pregnancy leave thereunder, shall be entitled to and shall be granted leave of absence in accordance with section 36 upon providing her employer before the expiry of two weeks after she ceased to work with a certificate of a legally qualified medical practitioner stating that she was not able to perform the duties of her employment because of a medical condition arising from her pregnancy, and giving the estimated day upon which, in his opinion, delivery will occur or the actual date of her delivery. *New.*

Reinstatement and preservation of seniority

38.—(1) An employee who intends to resume her employment on the expiration of a leave of absence granted to her under this Part shall so advise her employer and on her return to work her employer shall reinstate the employee to her position or provide her with alternative work of a comparable nature at not less than her wages at the time her leave of absence began and without loss of seniority or benefits accrued to the commencement of her leave of absence. 1972, c. 120, s. 1, *part, amended.*

Idem

(2) Where the employer has suspended or discontinued operations during the leave of absence and has not resumed operations upon the expiry thereof, the employer shall, upon resumption of operations, reinstate the employee to her employment or to alternate work in accordance with an established seniority system or practice of the employer in existence at the time her leave of absence began with no loss of seniority or benefits accrued to the commencement of her leave of absence, and in the absence of such a system or practice shall reinstate the employee in accordance with subsection 1. *New.*

Employment standards officer may make order

39. Where an employer fails to comply with the provisions of this Part, an employment standards officer may order what action, if any, the employer shall take or what he shall refrain from doing in order to constitute compliance with this Part and may order what compensation shall be paid by the employer to the Director in trust for the employee. *New.*

PART XII

TERMINATION OF EMPLOYMENT

Notice of termination

40.—(1) No employer shall terminate the employment of an employee who has been employed for three months or more unless he gives,

- (a) one week's notice in writing to the employee if his period of employment is less than two years;

- (b) two weeks notice in writing to the employee if his period of employment is two years or more but less than five years;
- (c) four weeks notice in writing to the employee if his period of employment is five years or more but less than ten years; and
- (d) eight weeks notice in writing to the employee if his period of employment is ten years or more,

and such notice has expired. R.S.O. 1970, c. 147, s. 13 (1), *amended*.

(2) Notwithstanding subsection 1, the notice required ^{idem} by an employer to terminate the employment of fifty or more employees in any period of four weeks or less shall be given in the manner and for the period prescribed in the regulations, and until the expiry of such notice the termination shall not take effect. R.S.O. 1970, c. 147, s. 13 (2).

(3) Subsections 1 and 2 do not apply to,

Exceptions

- (a) an employee employed for a definite term or task;
- (b) an employee who is temporarily laid off, as defined in the regulations;
- (c) an employee who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer;
- (d) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance; or
- (e) an employee employed in an activity, business, work, trade, occupation or profession, or any part thereof, that is exempted by the regulations. R.S.O. 1970, c. 147, s. 13 (3).

(4) Notwithstanding clause *d* of subsection 3, subsections 1 and 2 shall apply to an employee whose contract of employment is or has become impossible of performance or frustrated by an order, direction or notice made, given or issued against an employer under *The Environmental Protection Act, 1971*. 1973, c. 172, s. 2. ^{Application of subss 1, 2 1971, c. 86}

Employer to co-operate with Minister (5) Where an employer is required to give the notice referred to in subsection 2 he shall co-operate with the Minister during the period of the notice in any action or program intended to facilitate the re-establishment in employment of the employees whose employment is to be terminated. R.S.O. 1970, c. 147, s. 13 (4).

Rate of wages, etc., not to be altered (6) Where the notice referred to in subsection 1 or 2 has been given,

- (a) no employer shall alter the rates of wages or any other term or condition of employment of any employee to whom notice has been given;
- (b) an employer shall pay to the employee during the period of notice the wages the employee is entitled to receive which in no case shall be less than his regular wages for a regular non-overtime work week; and
- (c) upon the expiry of the notice, the employer shall pay to the employee any wages or vacation pay to which he is entitled. R.S.O. 1970, c. 147, s. 13 (5), *amended*.

Where employment terminated contrary to section (7) Where the employment of an employee is terminated contrary to this section, the employer shall pay the employee termination pay of an amount equal to the wages that the employee would have been entitled to receive at his regular rate for a regular non-overtime work week for the period of notice prescribed by subsection 1 or 2, and any wages to which he is entitled. *New*.

Notice by employee (8) An employee to whom notice has been given under subsection 2 shall not terminate his employment until after the expiry of,

- (a) one week's notice in writing to the employer if the period of employment is less than two years; or
- (b) two weeks notice in writing to the employer if the period of employment is two years or more,

unless his employer has been guilty of a breach of the terms and conditions of employment. R.S.O. 1970, c. 147, s. 13 (9, 10), *amended*.

PART XIII

ADMINISTRATION

41.—(1) The Minister is responsible for the administration of this Act. R.S.O. 1970, c. 147, s. 2 (1). Minister responsible for administration

(2) The Minister shall appoint a person to be the Director of Employment Standards for the purposes of the general administration of this Act and the regulations including the supervision and direction of employment standards officers. R.S.O. 1970, c. 147, s. 2 (2), *amended*. Director to be appointed

(3) Such persons as are considered necessary to enforce this Act and the regulations may be appointed as employment standards officers under *The Public Service Act*. *New*. Appointment of employment standards officers
R.S.O. 1970, c. 386

(4) Where the Director is absent or unable to act or where the office is vacant, the powers and duties of the Director shall be exercised and performed by an employee of the Ministry designated by the Minister. R.S.O. 1970, c. 147, s. 11, *amended*. Acting Director

42.—(1) The Minister shall appoint during his pleasure such persons to a panel of referees as he considers necessary for the purposes of this Act. Appointment of referees

(2) A referee shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. *New*. Remuneration

43.—(1) The Director may exercise the powers conferred and shall perform the duties imposed upon him under this Act. Powers and duties of Director

(2) The Director may authorize an employment standards officer orally or in writing to exercise a power conferred upon the Director under this Act. Authority to exercise power

(3) An employment standards officer may exercise the powers conferred and shall perform the duties imposed upon him under this Act. *New*. Powers and duties of employment standards officer

44.—(1) The Deputy Minister shall issue a certificate of appointment bearing his signature or a facsimile thereof to every employment standards officer. Certificate of appointment

(2) Every employment standards officer, in the exercise of any of his powers or the performance of any of his duties under this Act, shall produce his certificate of appointment upon request. *New*. Production of certificate

Powers of
employment
standards
officer

45.—(1) An employment standards officer may, for the purpose of ensuring that the provisions of this Act and the regulations are being complied with,

- (a) subject to subsection 2, enter in or upon the lands or premises of a person at any reasonable time or times without a warrant for the purpose of carrying out an inspection, audit or examination;
- (b) require the production for inspection, audit or examination of all books of account, documents, vouchers, payrolls, records, letters patent, by-laws, minutes of directors' meetings, or documents that are or may be relevant to the inspection, audit or examination;
- (c) upon giving a receipt therefor, remove any books, papers, records or documents examined under clause *b* for the purpose of making copies or extracts of such books, papers, documents, or things, but such copying shall be carried out with reasonable dispatch and the books, papers, records or documents shall be promptly returned thereafter to the person who produced or furnished them;
- (d) make any inquiries of any person separate or apart from another person that are or may be relevant to the inspection, audit or examination.

Entry into
dwelling

(2) No employment standards officer shall enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. R.S.O. 1970, c. 147, s. 40, *amended*.

R.S.O. 1970.
c. 450

Employment
standards
officer not
competent or
compellable
as witness

(3) No employment standards officer is a competent or compellable witness in a civil suit or proceeding respecting any information, material or statements acquired, furnished, obtained, made or received under the powers conferred under this Act except for the purposes of carrying out his duties under this Act.

Production of
documents

(4) No employment standards officer shall be compelled or required to produce in a civil suit or proceeding any document, extract, report, material or statement acquired, furnished, obtained, made or received under the powers conferred under this Act except for the purposes of carrying out his duties under this Act. *New*.

46.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an employment standards officer in the exercise of a power or the performance of a duty under this Act. Obstruction

(2) Every person shall furnish all necessary means in his power to facilitate any entry, production, inspection, audit, examination or inquiry by an employment standards officer in the exercise of a power or the performance of a duty under this Act. Assistance to officer

(3) No person shall neglect or refuse to produce all books, ledgers, vouchers, payrolls, records, letters patent, minutes of directors' meetings, or documents that are or may be relevant to an inspection, audit or examination. *New.* Production of records

47.—(1) Where an employment standards officer finds that an employee is entitled to any wages from an employer, he may, Powers

- (a) arrange with the employer that the employer pay directly to the employee the wages to which the employee is entitled;
- (b) receive from the employer on behalf of the employee any wages to be paid to the employee as the result of a compromise or settlement; or
- (c) issue an order in writing to the employer to pay forthwith to the Director in trust any wages to which an employee is entitled and such order shall provide in addition for payment by the employer to the Director of a penalty of 10 per cent of the wages or the sum of \$25, whichever is the greater, provided that the order shall not order the employer to pay a sum exceeding \$4,000 for an employee.

(2) Where an employment standards officer issues an order under subsection 1, the order shall contain or have attached thereto information indicating the nature of the amount to be paid to an employee. Contents of order

(3) An order issued under subsection 1 may order an employer to pay wages to one or more than one employee to which one or more than one employee is entitled for one or more than one failure to comply with a contract or more than one contract of employment or with this Act and the regulations. Idem

Delivery
or service
of order

(4) An order issued under subsection 1 shall be delivered to the employer by registered mail addressed to the employer at his or its last known place of business or served personally in the case of an individual and if the employer is a corporation upon the president, vice-president, secretary, treasurer, director, manager or person in charge of any branch of the corporation.

Certificate
of service

(5) A certificate of the Director certifying that the order was served upon or sent by registered mail to the employer and accompanied by a true copy of the order is admissible as evidence of the issue, service, mailing and receipt of the order.

Compliance
with order

(6) Every employer to whom an order is issued under subsection 1 shall comply with it in accordance with its terms. R.S.O. 1970, c. 147, s. 34, *amended*.

Payment to
Director in
trust

48.—(1) Where an employer has made an arrangement with an employment standards officer for the payment of wages to an employee under clause *a* of subsection 1 of section 47, or an employment standards officer has received wages from an employer for or on behalf of an employee under clause *b* of subsection 1 of section 47, and the employee cannot be conveniently located, the employer shall pay the wages to the Director in trust.

Wages to
be held
in trust

(2) Where wages have been received or collected for or on behalf of an employee by the Director in trust and the employee cannot be located, the wages shall be vested in and held in trust for Her Majesty and paid into the Consolidated Revenue Fund but may without interest thereon be paid out to the employee, his estate, or such other person as the Director considers is entitled thereto. *New*.

Order
may be
refused

49.—(1) Where, following a complaint in writing by an employee, an employment standards officer finds that an employer has paid the wages to which an employee is entitled under this Act he may refuse to issue an order to an employer and upon refusing to do so shall advise the employee of the refusal by prepaid letter addressed to the employee at his last known address.

Review of
refusal to
issue order

(2) An employee who considers himself aggrieved by the refusal to issue an order to an employer may apply to the Director in writing within fifteen days of the date of the mailing of the letter mentioned in subsection 1 for a review of the refusal and the Director shall cause the complaint to be reviewed by an employment standards officer who may exercise any power conferred under subsection 1 of section 47

or may refuse to issue an order, in which case he shall advise the employee of the refusal in accordance with subsection 1. *New.*

50.—(1) An employer who considers himself aggrieved by an order made under section 39 or 47, upon paying the wages ordered to be paid and the penalty thereon, if any, may, within a period of fifteen days after the date of delivery or service of the order, or such longer period as the Director may for special reasons allow and provided that the wages have not been paid out pursuant to subsection 2 of section 53, apply for a review of the order by way of a hearing. Review of order

(2) An application for review shall be made in writing to the Director and shall specify the grounds for the application. Application for review

(3) The review shall be heard as soon as is practicable by a referee selected by the Director from the panel of referees. Hearing

(4) The employer, the employment standards officer from whose order the application for review is taken and such other persons as the referee may specify are parties to an application for review under this section and on the review the employer shall be the applicant and the employment standards officer and such other persons specified by the referee, if any, shall be the respondents. Parties

(5) Where a group or groups of persons having the same or substantially the same interest may be affected by the findings or opinions of the referee, the referee may specify one or more of the persons comprising the group or groups to represent the group or groups and the one or more so specified are parties to the review. Persons to represent groups

(6) On a review under this section, the referee may substitute his findings or opinions for those of the employment standards officer who issued the order being reviewed and may amend, rescind or affirm the order. Powers of referee

(7) A decision of the referee under this section is final and binding upon the parties thereto and such other parties as the referee may specify. R.S.O. 1970, c. 147, s. 34, *part amended.* Decision final and binding

51.—(1) Where an employment standards officer reports to the Director that an employer may have failed to pay the wages owing to an employee under this Act or to comply with this Act and the regulations, or is of the opinion that an act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the Appointment of referee

true intent and purpose of this Act and the regulations, the Director may appoint a referee selected by him from the panel of referees who shall hold a hearing.

Powers of referee

(2) The referee holding the hearing under subsection 1, may, *mutatis mutandis*, exercise the powers conferred upon an employment standards officer under this Act and in addition thereto or substitution therefor, where the referee determines that an act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act and the regulations, he shall state his findings of fact and issue to and cause to be served upon such person as he may direct an order requiring such person to cease and desist from the act, agreement, arrangement or scheme and may order what action, if any, the person shall take or what he shall refrain from doing in order to comply with this Act and the regulations.

Compliance with order

(3) Every employer or person to whom an order is given under subsection 2 shall comply with it in accordance with its terms.

Decision final and binding

(4) The order of the referee is final and not subject to review under section 50. R.S.O. 1970, c. 147, ss. 10, 34, *amended*.

Payment to Director

52.—(1) Where the Director has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to an employer who is liable to make any payment under this Act, he may, by registered letter or by a letter served personally, demand that the person pay the moneys otherwise payable to the employer in whole or in part to the Director in trust on account of the liability under this Act. R.S.O. 1970, c. 147, s. 35 (1), *amended*.

Receipt of Director

(2) The receipt of the Director for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. R.S.O. 1970, c. 147, s. 35 (2).

Liability to pay

(3) Every person who has discharged any liability to an employer who is liable to make a payment under this Act without complying with a demand under this section is liable to pay an amount equal to the liability discharged or the amount that he was required under this section to pay, whichever is the lesser. *New*.

Payment to employee

53.—(1) Where wages are received under clause *b* of subsection 1 of section 47, the Director shall pay to the employee or employees the wages received on his or their behalf.

(2) Where compensation or wages have been paid by an employer under an order issued under section 39 or clause c of subsection 1 of section 47, and no application for review has been made to the Director under section 50 within a period of fifteen days from the date of delivery of the order or such longer period as the Director has allowed, the Director shall pay to the employee or employees the compensation or wages obtained on his or their behalf. idem

(3) Where an application for review under section 50 has been made to the Director, the Director shall pay to the employee or the employees the wages owing, if any, in accordance with the decision of the referee and shall pay to the employer any moneys to which the employer is entitled under the decision. Payment after review

(4) Where the moneys received by the Director under this Act are insufficient to pay the wages due employees of an employer in full, the Director shall distribute the moneys received by him, including any penalty, rateably among those employees on whose behalf the moneys were received. Moneys to be distributed rateably

(5) No action or proceeding lies or shall be instituted against the Director for acting in compliance with this section. No action to lie

54.—(1) Where an order has been made under this Act requiring an employer to pay any moneys to the Director for or on behalf of an employee or employees, the Director may issue a certificate thereof and cause the same to be filed in a court of competent jurisdiction and thereupon the certificate shall be enforceable as a judgment or order of the court at the instance and in favour of the Director in the same manner as a judgment or order of the court. Certificate of order

(2) The Director shall send a copy of the certificate to the employer by registered mail and advise the employer of the date the certificate was filed. *New.* Copy of certificate

55.—(1) The Director, for any purpose relating to the administration or enforcement of this Act and the regulations, may, by registered letter addressed to an employer at his or its last known place of business or by demand served personally in the case of an individual and if the employer is a corporation upon the president, vice-president, secretary, treasurer or a director or the manager or person in charge of any branch of the corporation require the production for inspection, audit or examination of such books, papers, records or documents within such time and at such place as are stipulated in such letter or demand. R.S.O. 1970, c. 147, s. 41 (1), *amended.* Demand for information

Neglect
or refusal
to produce

(2) No employer shall neglect or refuse to produce the books, papers, records or documents at the time and place stipulated in the letter or demand. *New.*

Proof
of service
or mailing

(3) A certificate of the Director certifying that the letter or demand was served upon or sent by registered letter to the employer to whom it was addressed, accompanied by a true copy of the letter or demand, is admissible as evidence of the service, mailing and receipt of the notice. R.S.O. 1970, c. 147, s. 41 (2), *amended.*

Posting of
notices

56. The Director may require an employer to post and keep posted a notice relating to the administration or enforcement of this Act or the regulations in a conspicuous place where it is most likely to come to the attention of his employees, and the employer shall post and keep posted any such notice. R.S.O. 1970, c. 147, s. 37, *amended.*

PART XIV

OFFENCES AND PENALTIES

No
discipline,
dismissal,
etc., by
employer

57.—(1) No employer shall,

- (a) dismiss or threaten to dismiss an employee;
- (b) discipline or suspend an employee;
- (c) impose any penalty upon an employee; or
- (d) intimidate or coerce an employee,

because the employee,

- (e) has sought the enforcement of this Act or the regulations;
- (f) has given information to an employment standards officer;
- (g) has participated in or is about to participate in a proceeding or hearing under this Act; or
- (h) testifies or is required to testify in a proceeding or hearing under this Act. R.S.O. 1970, c. 147, s. 42 (1), *amended.*

Penalty for
offence

(2) Where an employer is convicted of an offence under subsection 1, the provincial judge making the conviction shall, in addition to the penalty, order what action the employer

shall take or what the employer shall refrain from doing and such order may include the reinstatement in employment of the employee with or without compensation or compensation in lieu of reinstatement for loss of wages and other benefits to be assessed against the employer. R.S.O. 1970, c. 147, s. 42 (2), *amended*.

(3) An employer who fails to comply with an order made under subsection 2 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$100 for each day during which the failure continues. R.S.O. 1970, c. 147, s. 42 (3), *amended*. Offence,
penalty

58. No person shall make, keep or produce or participate in, assent to or acquiesce in the making, keeping or producing of a false or deceptive book of account, payroll, record or other document required to be made, kept or produced under this Act or the regulations. R.S.O. 1970, c. 147, s. 43 (1), *part, amended*. Offence to
keep false
records, etc.

59.—(1) Every person who contravenes any provision of this Act or the regulations or a decision, requirement or order made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 147, s. 43 (1), *part, amended*. Offence

(2) Where an employer is convicted of an offence under subsection 1, the provincial judge making the conviction shall, in addition to any other penalty, assess the amount unpaid in respect of an employee or employees and shall order the employer to pay the amount so assessed to the Director who shall collect and distribute to the employee or employees the amount ordered to be paid. R.S.O. 1970, c. 147, s. 43 (3), *amended*. Order for
payment

(3) An order for payment under subsection 2 may be filed by the Director in a court of competent jurisdiction and thereupon the order shall be deemed to be an order of that court for the purposes of enforcement. R.S.O. 1970, c. 147, s. 43 (4), *amended*. Enforcement
of order

60.—(1) Where a corporation contravenes any provision of this Act or the regulations, an officer, director or agent of the corporation or a person purporting to act in any such capacity who authorizes, permits or acquiesces in the contravention is a party to and guilty of the offence and is liable on conviction to the penalty provided for the offence whether or not the corporation has been prosecuted or convicted. Officers,
etc., liable

Onus of
proof

(2) In determining whether for the purposes of subsection 1 an officer, director or agent of the corporation or a person purporting to act in any such capacity authorized, permitted or acquiesced in the contravention of any provisions of this Act or the regulations, it shall be for the officer, director or agent or person purporting to act in any such capacity to prove that he did not authorize, permit or acquiesce in the contravention.

Additional
penalty

(3) Where an officer, director or agent of the corporation or a person purporting to act in any such capacity is convicted of an offence under subsection 1, the provincial judge making the conviction may, in addition to any other penalty, assess the amount unpaid by the corporation in respect of the employee and shall order the officer, director or agent to pay the amount so assessed to the Director who shall collect and distribute to the employee the amount ordered to be paid.

No prosecu-
tion without
consent

(4) No prosecution under this section shall be instituted without the consent of the Director and the production of a consent purporting to be signed by the Director is admissible in evidence as *prima facie* proof of his consent. *New.*

Copies
constitute
evidence

61.—(1) In any proceeding or prosecution under this Act,

- (a) a copy of an order purporting to have been made under this Act or the regulations and purporting to have been signed by an employment standards officer or a referee; or
- (b) a document purporting to be a copy of a book, payroll, record or other document, or any extract therefrom, and purporting to be certified by an employment standards officer,

is evidence of the order or document, and the facts appearing in the order or document without proof of the signature or official character of the person appearing to have signed the order or the certificate and without further proof.

Certificate
constitutes
evidence

(2) In any proceeding or prosecution under this Act, a certificate purporting to be signed by the Director certifying that an employer has failed to make any payment under an order issued under this Act is evidence of the failure to pay without further proof. *New.*

Where
information
may be heard

62. An information in respect of an offence under this Act or the regulations may, at the election of the informant, be heard, tried and determined by the Provincial Court

(Criminal Division) having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. *New.*

63.—(1) No proceeding or prosecution under this Act shall be commenced more than two years after the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director. R.S.O. 1970, c. 147, s. 43 (5), *amended.* Limitation

(2) In a proceeding or prosecution under this Act, no employee shall be entitled to recover any moneys due to him more than two years before the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director. idem

(3) A statement as to the time when the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director purporting to be certified by the Director, is, without proof of the office or signature of the Director, evidence of the facts stated therein. *New.* Evidence

64. Notwithstanding anything contained in this Act, the Director may in his discretion refuse to institute any proceeding or prosecution for the failure of an employer to comply with this Act where a remedy therefor is available to an employee under the terms of a collective agreement. *New.* Director may exercise discretion

PART XV

REGULATIONS

65.—(1) The Lieutenant Governor in Council may make regulations for carrying out the purposes of this Act and, without restricting the generality of the foregoing, may make regulations. Regulations

- (a) establishing minimum rates of wages for employees or classes of employees;
- (b) designating or defining any industry, activity, business, work, trade, occupation or profession or class of employers or employees, for the purposes of this Act or any Part thereof, or the regulations or any provision thereof;
- (c) designating or defining the zone or zones within Ontario in which this Act, a Part of this Act, or the regulations or any provision thereof, is applicable;

- (d) exempting any industry, activity, business, work, trade, occupation, profession, or class of employers or employees from the application of this Act, a Part of this Act, or the regulations or any provision thereof;
- (e) prescribing what constitutes the performance of work in respect of which wages shall be paid;
- (f) prescribing the deductions that may be made from wages or any other payment or allowance to an employee;
- (g) prescribing the maximum number of hours that may elapse between the commencement and the termination of the daily work period or periods of an employee;
- (h) prescribing the particulars of employment that shall be given to an employee;
- (i) prescribing rates of pay and hours of work for the whole or part of any industry, business or trade in a designated part or parts of Ontario;
- (j) providing for and requiring the approval of the Director of any agreement or arrangement between an employer and an employee or his agent providing for the averaging of daily hours of work for a work week or daily or weekly hours of work over a longer period of time than a work week;
- (k) providing for the averaging of wages over a longer period of time than a work week for the purpose of determining a regular rate under this Act;
- (l) providing for the setting up of committees to advise the Minister on any matters arising in relation to the administration of this Act;
- (m) prescribing the manner of giving notice of termination and the period and the form and content of such notice;
- (n) prescribing what constitutes termination of employment;
- (o) prescribing what constitutes "a definite term or task", "lay-off", "temporary lay-off", "indefinite lay-off", and a "period of employment";

- (p) providing that any payments to an employee by way of pension, insurance, workman's compensation, bonus, severance, supplementary unemployment benefits, or similar arrangements shall or shall not be taken into account on termination of employment;
- (q) notwithstanding Part VI, prescribing when overtime pay shall be paid to an employee or class of employees by an employer, a class of employers, or an industry, business or trade for any hours of work in excess of a specified number of hours of work in a work week or a longer period of time than a work week;
- (r) prescribing the hours of work after which overtime is payable in a work week to an employee who does two or more kinds of work for which different hours of work in a work week upon which overtime is payable are prescribed under this Act;
- (s) prescribing maximum allowances for living accommodation, fuel, heat, utility charges or room or board to be taken into account in calculating minimum wages;
- (t) prescribing the minimum number of hours for which an employee is entitled to be paid wages and providing for conditions and exemptions in respect thereof;
- (u) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 147, s. 36 (1), *amended*.

(2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer, employee or establishment defined in the regulation. R.S.O. 1970, c. 147, s. 36 (2). Application

66.—(1) Every agreement or arrangement between an employee and his employer for the averaging of hours over an extended period for the purpose of determining overtime hours of work heretofore approved by the Director under *The Employment Standards Act, 1968* or *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, shall, on and after the 1st day of January, 1975, be deemed to provide for overtime pay for any hours worked in the extended period in excess of forty-four hours multiplied by the number of weeks in the extended period. Averaging
of hours
of work
1968, c. 35

Idem

(2) Notwithstanding subsection 1, any agreement or arrangement between an employee and his employer for the averaging of hours of work over an extended period for the purpose of determining overtime hours of work heretofore approved by the Director under *The Employment Standards Act, 1968* or *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is null and void three months after the date this Act comes into force.

Repeals

67. The following are repealed:

1. *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970.
2. *The Employment Standards Amendment Act, 1972*, being chapter 120.
3. *The Employment Standards Amendment Act, 1973*, being chapter 172.
4. Section 37 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

Commence-
ment

68. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

69. This Act may be cited as *The Employment Standards Act, 1974*.

The Employment Standards Act, 1974

1st Reading

November 7th, 1974

2nd Reading

November 25th, 1974

3rd Reading

December 20th, 1974

THE HON. J. MACBETH
Minister of Labour





