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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

**SECOND SESSION
THIRTY-SECOND PARLIAMENT**

BILLS

**AS INTRODUCED IN THE HOUSE
TOGETHER WITH
REPRINTS AND THIRD READINGS**

SESSION

**MARCH 9th to JULY 7th, 1982
and
SEPTEMBER 21st to DECEMBER 21st, 1982
and
JANUARY 17th to FEBRUARY 23rd, 1983**

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2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of London

MR. VAN HORNE

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

PART I

This Part of the Bill contains several unrelated municipal matters as set out below.

SECTION 2. The purpose of this section is to permit the issue of instalment debentures which would mature five years after the date upon which they are issued rather than after ten years, as currently provided in subsection 143 (4) of the *Municipal Act*.

SECTION 3. Subsection 2 (2) of *The City of London Act, 1971*, now provides that no development levy or other by-law passed under subsection 2 (1) of the Act "comes into force or takes effect until approved by the Ontario Municipal Board". Under the proposed amendment, the approval process for development levy or other by-laws passed under subsection 2 (1) of the 1971 Act would correspond to the approval process for zoning by-laws under the *Planning Act*, whereby, if no objection is filed within twenty-one days of notice of the by-law, the by-law thereupon comes into force. Where an objection is filed within the prescribed time, the by-law does not come into force without the approval of the Ontario Municipal Board.

BILL Pr1

1982

An Act respecting the City of London

WHEREAS The Corporation of the City of London hereby Preamble
 applies for special legislation in respect of the matters
 hereinafter set forth; and whereas it is expedient to grant the
 application;

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

1. In this Act,

Interpre-
tation

(a) "Corporation" means The Corporation of the City of
 London;

(b) "council" means the council of the Corporation.

PART I

MISCELLANEOUS

2. A by-law passed by the council under clause 143 (4) (a) of Instalment
debtures
R.S.O. 1980,
c. 302
 the *Municipal Act* may provide that the last instalment of the
 debentures shall mature not earlier than five years after the date
 upon which they are issued.

3. Subsection 2 (2) of *The City of London Act, 1971*, being 1971, c. 117,
s. 2 (2),
re-enacted
 chapter 117, is repealed and the following substituted therefor:

(2) Subject to subsection (4), no part of any by-law passed O.M.B.
approval
 under this section comes into force without the approval of the
 Ontario Municipal Board.

(3) The council may give notice of a by-law passed under this Notice of
by-law
R.S.O. 1980,
c. 379
 subsection in the manner prescribed by the regulations made under
 subsection 39 (25) of the *Planning Act* to the persons and within
 the time prescribed by those regulations and the notice shall,
 with necessary modifications, be in the same form as the form
 prescribed by those regulations.

By-law effective if no objection filed

(4) When the council proceeds under subsection (3) and no notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law thereupon comes into effect.

Where notice of objection filed

(5) When the council proceeds under subsection (3) and a notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law does not come into force without the approval of the Ontario Municipal Board.

Certificate of clerk

(6) A certificate of the clerk of the Corporation that the notice has been sent in the manner and form and to the persons prescribed by the regulations referred to in subsection (3) and no notice of objection has been filed with the clerk within the time prescribed by those regulations shall be *prima facie* evidence of the facts stated therein.

Building line for deferred highway widening
R.S.O. 1980,
c. 302

4.—(1) With respect to any by-law heretofore or hereafter passed by the council under section 197 of the *Municipal Act* or a predecessor thereof and notwithstanding any provision contained therein to the contrary, the Corporation may enter into one or more agreements with the owner of land lying between the limit of the highway and the building line fixed in the by-law,

- (a) for permitting such owner to erect, place, maintain and use any building or part thereof closer to the limit of the highway than the building line on such terms and conditions as the council considers appropriate; and
- (b) for providing, notwithstanding subsection 197 (8) of the *Municipal Act* or a predecessor thereof, that the Corporation shall not acquire the land in question before a date named in the agreement, which date shall not be more than ten years from the date of the agreement.

Registration of agreement

(2) An agreement, containing a local description of the land affected, entered into under subsection (1) may be registered against the title of the land and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Sewer rents

5.—(1) The council may pass by-laws for,

- (a) charging all persons who own or occupy land drained or which by by-law of the council is required to be drained into a common sewer, a reasonable rent for the use of it;

SECTION 4. This section authorizes the City to enter into agreements with land owners who are affected by by-laws passed under section 197 of the *Municipal Act* which fix building lines preliminary to possible street widenings. Such agreements would allow for postponing the City's acquisition of the land between the existing street line and the building line established under the by-law for a minimum of ten years and would permit the construction and maintenance of buildings on such land during the period prior to the actual acquisition of the land by the City.

SECTION 5. In 1928, the City passed a sewer rental by-law under a section of the *Municipal Act* which was amended several times during the ensuing fifty years, so that it no longer exists in its original form. The City continues to rely on the sewer rental by-law. The purpose of this section is to confirm and validate the sewer rental by-law as amended from time to time and to authorize the City to continue to act under it.

PART II

This Part authorizes Victoria Hospital Corporation, or a separate corporation controlled by it, to design, construct and operate a plant and related works for the generation and distribution of utilities at Westminster Campus in the City of London. The City is authorized, with the approval of the Ontario Municipal Board and without the approval of the electors, to issue debentures to provide aid for the design, construction and operation of the plant and related works on such terms and conditions as council considers expedient.

- (b) regulating the time and manner in which the rent is to be paid; and
- (c) providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest at a rate to be determined by the council.

(2) Subsection (1) does not apply to a sewer which is constructed as a local improvement or for which a sewer rate is imposed under section 218 of the *Municipal Act*. Exception

(3) All sewer rents and interest, until payment thereof, shall form a lien and charge upon the land in respect of which the rents have been assessed and rated or charged and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as municipal taxes. Lien

(4) The following by-laws, as set out in Schedule 1, are hereby confirmed to be and to have been always valid and in full force and effect to the extent provided therein and the council is hereby confirmed as having been empowered always to enact the by-laws with respect to the matters contained therein; By-laws confirmed

1. By-law No. A-12-28, passed the 15th day of October, 1928.
2. By-law No. A-12a-31, passed the 15th day of February, 1932.
3. By-law No. A-12 (b)-166, passed the 5th day of July, 1948.
4. By-law No. A-12 (c)-185, passed the 16th day of July, 1951.
5. By-law No. A-12 (d)-316, passed the 5th day of August, 1970.
6. By-law No. A-12 (e)-386, passed the 21st day of June, 1976.

PART II

VICTORIA HOSPITAL CORPORATION

6. In this Part,

- (a) "Hospital" means Victoria Hospital Corporation;

Interpre-
tation

- (b) “plant and related works” means the plant and related works referred to in clause 7 (a);
- (c) “utilities” means any or all of steam, hot water and electricity;
- (d) “Westminster Campus” means the lands described in Schedule 2.

Powers of
Hospital

7. The Hospital may,

- (a) design, construct and operate a plant and related works for the generation and distribution of utilities at Westminster Campus; and
- (b) distribute the utilities,
 - (i) to buildings and structures on land at Westminster Campus owned by the Hospital or by any health care institution, home for the aged or other similar or related institution,
 - (ii) with the consent of the Lieutenant Governor in Council on the recommendation of the Minister of Energy, to buildings and structures on land at Westminster Campus owned by a person not referred to in subclause (i).

8.—(1) For the purpose of designing, constructing and operating the plant and related works and for distributing the utilities, the powers of the Hospital include, without limiting the generality of section 7,

- (a) subject to subsection 9 (2), the powers conferred on a company incorporated for the purpose of owning, operating or supplying a public utility under the *Public Utilities Act*, but,
 - (i) the Hospital shall notify in writing the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any highway, public lane or public communication on, over, under or across which the Hospital proposes to put down, place, install and maintain conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works, and submit to such municipalities or authorities its plans therefor,

- (ii) such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as the Hospital deems necessary or desirable on, over, under or across any public highway, public lane or public communication shall be put down, placed and installed in such location and manner as the municipality or authority on which duty to repair has been imposed may direct and the municipality or authority having jurisdiction over any such highway, lane or public communication may direct any such highway, lane or public communication restored to its former state, and any dispute between the Hospital and such municipalities or authorities as to the location and manner of putting down, placing and installing shall be referred to the Ontario Municipal Board to be determined, and the decision of the Ontario Municipal Board shall be final,
- (iii) the Hospital shall indemnify and save harmless the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication against, from and for any and all damages, claims, losses, costs and expenses sustained or incurred by reason of the negligent use, operation, maintenance, installation, placing and putting down of the conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works by the Hospital, its agents, servants, employees, contractors and subcontractors;
- (b) the power to enter into agreements with any person for the supply of utilities and for determining and fixing charges therefor and the collection thereof and such agreements may be for terms of more than twenty years;
- (c) the power to enter into agreements for the borrowing of money and to borrow money to finance the cost of the design, construction and operation of the plant and related works and receive grants for such purposes;
- (d) the power to carry on investigations, experiments, research or development; and

(e) the power to acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

Priority
of supply

(2) An agreement entered into under clause (1) (b) may provide that the Hospital may supply utilities to the users of the utilities in such priority as may be set out in the agreement.

No breach
of contract

(3) Nothing done under a priority provision in any agreement referred to in subsection (2) shall be deemed a breach of contract by the Hospital or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Hospital, its servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise.

Application of
R.S.O. 1980,
c. 297

9.—(1) The *Mortmain and Charitable Uses Act* does not apply to the Hospital with respect to the plant and related works.

Application of
R.S.O. 1980,
c. 309, 423

(2) The *Municipal Franchises Act* and sections 54 and 57 of the *Public Utilities Act* do not apply to the Hospital.

Borrowing
by council
for grants

10. The council may, by by-law, without the assent of the electors, authorize the borrowing of money by the issue of debentures with the approval of the Ontario Municipal Board for making grants or loans on such terms and conditions as to security and otherwise as the council may consider expedient toward or in aid of the cost of design, construction or operation of the plant and related works.

Undertaking
by Victoria
Hospital
Corporation

11. For the purposes of every Act, the Hospital shall be the person owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works, and the borrowing of money or the making of grants or loans by the Corporation shall be deemed not to be the owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works by the Corporation.

Exercise
of powers
by another
corporation

12. The powers conferred on the Hospital by this Act may be exercised by a corporation under the control of the Hospital and, where the powers are exercised by such a corporation, this Part shall apply to the corporation as if it were the Hospital.

Commence-
ment

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

Short title

14. The short title of this Act is the *City of London Act, 1982*.

SCHEDULE 1

BY-LAW No. A-12-28

Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. Every lot or parcel of land abutting on any street in the city, through which a common sewer runs, and which is opposite to such common sewer, shall be drained into it; and it shall be the duty of the owner and occupier of every lot or parcel of land which is drained into such common sewer to cause the connecting drain between his premises and such common sewer to be kept in good repair. (B. 759, B.4901)

2. No person shall connect any drain from his premises with any common sewer now made or constructed, or which shall hereafter be made or constructed within the city; or with any private drain whereby his premises will be drained into any such common sewer, except on previous application in writing to and permission by the City Engineer, and except there is first placed in the hands of the City Treasurer a deposit of ten dollars in case of a macadamized street, and fifty dollars in case of a paved street as a guarantee to be used in the repair of the sewer and street providing the work is not done without injury thereto — such deposit to remain in the Treasurer's hands for six months — and all such excavations and connections shall be made under the supervision of the City Engineer, or such other officer or person as Committee Number Two shall appoint, and if such officer or person be other than the City Engineer he shall be paid for his services by the person on whose behalf the said connection is made. (B. 759, B.4901)

3. All private drains hereafter made by any person in any public street, lane or alley, within the City, and connecting with any such common sewer, shall be of such size, dimensions and materials and constructed and laid as directed by the City Engineer, and shall enter such common sewer under and according to the person supervision and direction of the City Engineer or other officer appointed as provided for in the last preceding section. (B. 759, B.4901)

4. If the owner and occupier of any lot or parcel of land within the city required by this by-law to be drained into a common sewer shall neglect or refuse to commence the work necessary to cause such lot or parcel of land to be so drained in accordance with the provisions of this by-law for the period of ten days after notice in writing shall have been given to him, either personally or by advertisement published in one of the city newspapers by the City Engineer, or by any person under the authority and instruction of the said Number Two Committee; or to prosecute the same without delay and to the satisfaction of the said Engineer; or to make good any want of repair which shall be found in any drain now or hereafter constructed for the purpose of connecting such lot or parcel of land with such common sewer; or to remove any obstruction that may be found therein, the necessary work may be done by the Council, and the cost thereof shall be assessed against such lot or parcel of land. (B. 759, B.4901)

5. No person shall injure any common sewer or private drain or sewer connecting therewith. (B. 759, B.4901)

6. The owners and occupiers of all property abutting on any street upon which a common sewer has been constructed, who have heretofore paid the sum required by By-law to be paid for the privilege of using such common sewer, shall continue the use of same, free of charge, for the number of feet for which they

have so paid, and if the property be a corner or triangular lot they shall, subject to the certificate of the City Engineer, be exempt from assessment for or payment of sewer rates upon any other sewer or drain constructed on any other street adjoining the said property to an extent not exceeding one hundred and twenty feet, provided the frontage upon such other street is used and occupied in connection with the premises upon which the previous rates were paid. (B. 759, B.4901)

7. Every person who has heretofore or shall hereafter make use of any of the common sewers of the city by draining into the same and who shall not have been or shall not be assessed for the cost of the construction thereof shall pay a rental for the use of same, and shall pay for all work and materials required to make the connection. (B.3311, B. 759, B.4901)

8. The rental shall be a yearly sum equal to ten cents per lineal foot frontage of the lot or parcel of land which has been or shall be so drained into the same common sewer. (B. 759, B.3311 am. B.4901)

9. Where any lot, the owner of which is liable to pay the same rental, has a frontage upon more than one street the drainage shall be reckoned upon that street upon which the lot, according to the original survey, fronts. (B. 759, B.4901)

10. That the rental shall be placed upon the Collector's Roll in each year for the term of ten years and shall be levied and collected by the same persons at the same time and in the same way as the taxes are levied and collected, provided that ratepayers who have constructed a drain along a street, and the said drain afterwards is accepted by the Council as a common sewer, shall be charged three years sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759, and provided further that ratepayers who have paid the said sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759 for a term of years and are afterwards charged for sewer construction under a local improvement sewer by-law, shall be entitled to a refund of two-thirds of the sewer rental paid by the said ratepayers. (B. 759, B.3424, B.4901)

11. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting Magistrate, a penalty not exceeding the sum of fifty dollars for each offence, exclusive of costs, and in default of payment of the said penalty and costs forthwith, the said penalty and costs, or the costs only, may be levied by distress and sale of the goods and chattels of the offender; and in case of there being no distress found out of which such penalty can be levied, the convicting magistrate may commit the offender to the common jail of the County of Middlesex, with or without hard labor, for any period not exceeding twenty-one days, unless the said penalty and costs be sooner paid. (B. 759, B.4901)

12. That By-law No. 759, passed on the 9th day of January, A.D. 1893, By-law No. 3311, passed on the 2nd day of November, A.D. 1908, By-law No. 3424, passed on the 20th day of September, A.D. 1909, and By-law No. 4901, passed on the first day of March, A.D. 1915, be, and the same are, hereby repealed.

PASSED in open Council this fifteenth day of October, A.D. 1928.

G. A. WENIGE,
Mayor.

S. BAKER,
Clerk.

BY-LAW NO. A-12a-31

To amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the fifteenth day of October, A.D., 1928 be, and the same is, hereby amended by striking out the word "ten" in the first line thereof and substituting therefor the word "twenty".

PASSED in open Council this fifteenth day of February, A.D. 1932.

GEO. HAYMAN,
Mayor,

S. BAKER,
Clerk.

BY-LAW NO. A-12 (b)-166

To amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That By-law No. A-12 (a)-31 to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of February, A.D. 1932, be, and the same is, hereby repealed.

2. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "forty".

PASSED in open Council this fifth day of July, A.D. 1948.

G. A. WENIGE,
Mayor.

R. H. COOPER,
Clerk.

BY-LAW NO. A-12 (c)-185

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

WHEREAS the Council of the Corporation of the City of London, on the 16th day of July, 1951, adopted the eleventh clause of the Fifteenth Report of No. 2 Committee, namely:

"That the sewer rental by-law be amended to provide for a sixty cent per foot rate, effective on all connections made after the date of the amendment of the by-law, in view of the fact that this was the average per foot for the construction of sewers during 1950, on the recommendation of the Administration Board".

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "sixty".

2. That By-law No. A-12 (a)-31 to amend the said By-law No. A-12-28, passed on the 15th day of February, A.D. 1932, and By-law No. A-12 (b)-166 to amend the said By-law No. A-12-28, passed on the fifth day of July, A.D. 1948, be, and the same are, hereby repealed.

PASSED in open Council this 16th day of July, A.D. 1951.

A. J. RUSH,
Mayor.

R. H. COOPER,
Clerk.

BY-LAW NO. A-12 (d)-316

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, as amended, relating to sewerage and drainage and to provide for an annual rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby further amended by deleting the word "sixty" in the first line thereof and substituting therefor the word "eighty".

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this fifth day of August, A.D. 1970.

H. J. McCLURE,
Mayor.

R. H. COOPER,
Clerk.

First reading — August 5, 1970

Second reading — August 5, 1970

Third reading — August 5, 1970

BY-LAW NO. A-12 (e)-386

A by-law to amend By-law No. A-12-28 entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases".

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, passed on the fifteenth day of October, 1928, entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases", be, and the same is, hereby repealed and the following substituted therefor, namely:

"8. The rental rate for the use of a main storm or sanitary sewer be increased from 80¢ per foot frontage each year for 10 years to be equal to the prevailing Local Improvement rates for storm and sanitary sewers."

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this twenty-first day of June, A.D. 1976.

JANE BIGELOW,
Mayor.

W. S. ROSS,
City Clerk.

First reading — June 21, 1976

Second reading — June 21, 1976

Third reading — June 21, 1976

SCHEDULE 2

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster) in the County of Middlesex, in the Province of Ontario, more particularly described as follows:

Firstly: Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1166;

Secondly: Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-972;

Thirdly: Parts of Lots 22, 23 and 24, in Concession 1 of the said Township, and parts of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 according to a Plan registered in the said Land Registry Office as Number 125, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-1496;

Together with a Right-of-Way in, over, along and upon that part of the said Lot 24, Concession 1, designated as Part 3 on the said Reference Plan 33R-1496, the said right-of-way being appurtenant to the hereinbefore described lands.

Fourthly: Part of Lots 23 and 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1496;

Subject to an easement in favour of Ontario Hydro, formerly The Hydro-Electric Power Commission of Ontario, in, over, along and upon that part of the said Part 1 on Plan 33R-1496 as set out in an instrument registered in the said Land Registry Office as Number 45167.

An Act respecting the City of London

1st Reading

May 10th, 1982

2nd Reading

3rd Reading

MR. VAN HORNE

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of London

MR. VAN HORNE

(Reprinted as amended by the General Government Committee)

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

PART I

This Part of the Bill contains several unrelated municipal matters as set out below.

SECTION 2. The purpose of this section is to permit the issue of instalment debentures which would mature five years after the date upon which they are issued rather than after ten years, as currently provided in subsection 143 (4) of the *Municipal Act*.

SECTION 3. Subsection 2 (2) of *The City of London Act, 1971*, now provides that no development levy or other by-law passed under subsection 2 (1) of the Act "comes into force or takes effect until approved by the Ontario Municipal Board". Under the proposed amendment, the approval process for development levy or other by-laws passed under subsection 2 (1) of the 1971 Act would correspond to the approval process for zoning by-laws under the *Planning Act*, whereby, if no objection is filed within twenty-one days of notice of the by-law, the by-law thereupon comes into force. Where an objection is filed within the prescribed time, the by-law does not come into force without the approval of the Ontario Municipal Board.

BILL Pr1

1982

An Act respecting the City of London

WHEREAS The Corporation of the City of London hereby Preamble
 applies for special legislation in respect of the matters
 hereinafter set forth; and whereas it is expedient to grant the
 application;

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

1. In this Act,

Interpre-
 tation

(a) "Corporation" means The Corporation of the City of
 London;

(b) "council" means the council of the Corporation.

PART I

MISCELLANEOUS

2. A by-law passed by the council under clause 143 (4) (a) of
 the *Municipal Act* may provide that the last instalment of the
 debentures shall mature not earlier than five years after the date
 upon which they are issued. Instalment
 debentures
 R.S.O. 1980,
 c. 302

3. Subsection 2 (2) of *The City of London Act, 1971*, being
 chapter 117, is repealed and the following substituted therefor: 1971, c. 117,
 s. 2 (2),
 re-enacted

(2) Subject to subsection (4), no part of any by-law passed
 under this section comes into force without the approval of the
 Ontario Municipal Board. O.M.B.
 approval

(3) The council may give notice of a by-law passed under this
 section in the manner prescribed by the regulations made under
 subsection 39 (25) of the *Planning Act* to the persons and within
 the time prescribed by those regulations and the notice shall,
 with necessary modifications, be in the same form as the form
 prescribed by those regulations. Notice of
 by-law
 R.S.O. 1980,
 c. 379

By-law
effective
if no
objection
filed

(4) When the council proceeds under subsection (3) and no notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law thereupon comes into effect.

Where
notice of
objection
filed

(5) When the council proceeds under subsection (3) and a notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law does not come into force without the approval of the Ontario Municipal Board.

Certificate
of clerk

(6) A certificate of the clerk of the Corporation that the notice has been sent in the manner and form and to the persons prescribed by the regulations referred to in subsection (3) and no notice of objection has been filed with the clerk within the time prescribed by those regulations shall be *prima facie* evidence of the facts stated therein.

Building
line for
deferred
highway
widening
R.S.O. 1980,
c. 302

4.—(1) With respect to any by-law heretofore or hereafter passed by the council under section 197 of the *Municipal Act* or a predecessor thereof and notwithstanding any provision contained therein to the contrary, the Corporation may enter into one or more agreements with the owner of land lying between the limit of the highway and the building line fixed in the by-law,

- (a) for permitting such owner to erect, place, maintain and use any building or part thereof closer to the limit of the highway than the building line on such terms and conditions as the council considers appropriate; and
- (b) for providing, notwithstanding subsection 197 (8) of the *Municipal Act* or a predecessor thereof, that the Corporation shall not acquire the land in question before a date named in the agreement, which date shall not be more than ten years from the date of the agreement.

Registration
of agreement

(2) An agreement, containing a local description of the land affected, entered into under subsection (1) may be registered against the title of the land and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Sewer rents

5.—(1) The council may pass by-laws for,

- (a) charging all persons who own or occupy land drained or which by by-law of the council is required to be drained into a common sewer, a reasonable rent for the use of it;

SECTION 4. This section authorizes the City to enter into agreements with land owners who are affected by by-laws passed under section 197 of the *Municipal Act* which fix building lines preliminary to possible street widenings. Such agreements would allow for postponing the City's acquisition of the land between the existing street line and the building line established under the by-law for a minimum of ten years and would permit the construction and maintenance of buildings on such land during the period prior to the actual acquisition of the land by the City.

SECTION 5. In 1928, the City passed a sewer rental by-law under a section of the *Municipal Act* which was amended several times during the ensuing fifty years, so that it no longer exists in its original form. The City continues to rely on the sewer rental by-law. The purpose of this section is to confirm and validate the sewer rental by-law as amended from time to time and to authorize the City to continue to act under it.

PART II

This Part authorizes Victoria Hospital Corporation, or a separate corporation controlled by it, to design, construct and operate a plant and related works for the generation and distribution of utilities at Westminster Campus in the City of London. The City is authorized, with the approval of the Ontario Municipal Board and without the approval of the electors, to issue debentures to provide aid for the design, construction and operation of the plant and related works on such terms and conditions as council considers expedient.

- (b) regulating the time and manner in which the rent is to be paid; and
- (c) providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest at a rate to be determined by the council.

(2) Subsection (1) does not apply to a sewer which is constructed as a local improvement or for which a sewer rate is imposed under section 218 of the *Municipal Act*. Exception

(3) All sewer rents and interest, until payment thereof, shall form a lien and charge upon the land in respect of which the rents have been assessed and rated or charged and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as municipal taxes. Lien

(4) The following by-laws, as set out in Schedule 1, are hereby confirmed to be and to have been always valid and in full force and effect to the extent provided therein and the council is hereby confirmed as having been empowered always to enact the by-laws with respect to the matters contained therein; By-laws confirmed

1. By-law No. A-12-28, passed the 15th day of October, 1928.
2. By-law No. A-12a-31, passed the 15th day of February, 1932.
3. By-law No. A-12 (b)-166, passed the 5th day of July, 1948.
4. By-law No. A-12 (c)-185, passed the 16th day of July, 1951.
5. By-law No. A-12 (d)-316, passed the 5th day of August, 1970.
6. By-law No. A-12 (e)-386, passed the 21st day of June, 1976.

PART II

VICTORIA HOSPITAL CORPORATION

6. In this Part,

- (a) "Hospital" means Victoria Hospital Corporation;

Interpre-
tation

- (b) "plant and related works" means the plant and related works referred to in clause 7 (1) (a);
- (c) "utilities" means any or all of steam, hot water and electricity;
- (d) "Westminster Campus" means the lands described in Schedule 2.

Powers of
Hospital

7.—(1) The Hospital may,

- (a) design, construct and operate a plant and related works for the generation and distribution of utilities at Westminster Campus; and
- (b) distribute the utilities,
 - (i) to buildings and structures on land at Westminster Campus owned by the Hospital or by any health care institution, home for the aged or other similar or related institution,
 - (ii) with the consent of the Lieutenant Governor in Council on the recommendation of the Minister of Energy, to buildings and structures on land at Westminster Campus owned by a person not referred to in subclause (i).

Application of
R.S.O. 1980,
c. 140

(2) If any part of the undertaking described in clause (1) (a) is to use non-conventional fuels such as waste materials, that part of the undertaking shall be deemed to be an undertaking as defined in the *Environmental Assessment Act* and, for the purposes of that part of the undertaking, the Hospital shall be deemed to have been defined as a public body to which the *Environmental Assessment Act* applies.

Powers of
Hospital

8.—(1) For the purpose of designing, constructing and operating the plant and related works and for distributing the utilities, the powers of the Hospital include, without limiting the generality of subsection 7 (1),

- (a) subject to subsection 9 (2), the powers conferred on a company incorporated for the purpose of owning, operating or supplying a public utility under the *Public Utilities Act*, but,
 - (i) the Hospital shall notify in writing the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any highway, public lane or public communication on, over, under or across which the Hospital proposes to put down, place, install and maintain conduits, pipes,

R.S.O. 1980,
c. 423

wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works, and submit to such municipalities or authorities its plans therefor,

- (ii) such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as the Hospital deems necessary or desirable on, over, under or across any public highway, public lane or public communication shall be put down, placed and installed in such location and manner as the municipality or authority on which duty to repair has been imposed may direct and the municipality or authority having jurisdiction over any such highway, lane or public communication may direct that any such highway, lane or public communication be restored to its former state, and any dispute between the Hospital and such municipalities or authorities as to the location and manner of putting down, placing and installing shall be referred to the Ontario Municipal Board to be determined, and the decision of the Ontario Municipal Board shall be final,
 - (iii) the Hospital shall indemnify and save harmless the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication against, from and for any and all damages, claims, losses, costs and expenses sustained or incurred by reason of the negligent use, operation, maintenance, installation, placing and putting down of the conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works by the Hospital, its agents, servants, employees, contractors and subcontractors;
- (b) the power to enter into agreements with any person for the supply of utilities and for determining and fixing charges therefor and the collection thereof and such agreements may be for terms of more than twenty years;
 - (c) the power to enter into agreements for the borrowing of money and to borrow money to finance the cost of the design, construction and operation of the plant and related works and receive grants for such purposes;

- (d) the power to carry on investigations, experiments, research or development; and
- (e) the power to acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

Priority
of supply

(2) An agreement entered into under clause (1) (b) may provide that the Hospital may supply utilities to the users of the utilities in such priority as may be set out in the agreement.

No breach
of contract

(3) Nothing done under a priority provision in any agreement referred to in subsection (2) shall be deemed a breach of contract by the Hospital or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Hospital, its servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise.

Application of
R.S.O. 1980,
c. 297

9.—(1) The *Mortmain and Charitable Uses Act* does not apply to the Hospital with respect to the plant and related works.

Application of
R.S.O. 1980,
c. 309, 423

(2) The *Municipal Franchises Act* and sections 54 and 57 of the *Public Utilities Act* do not apply to the Hospital.

Borrowing
by council
for grants

10. The council may, by by-law, without the assent of the electors, authorize the borrowing of money by the issue of debentures with the approval of the Ontario Municipal Board for making grants or loans on such terms and conditions as to security and otherwise as the council may consider expedient toward or in aid of the cost of design, construction or operation of the plant and related works.

Undertaking
by Victoria
Hospital
Corporation

11. For the purposes of every Act, the Hospital shall be the person owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works, and the borrowing of money or the making of grants or loans by the Corporation shall be deemed not to be the owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works by the Corporation.

Exercise
of powers
by another
corporation

12. The powers conferred on the Hospital by this Act may be exercised by a corporation under the control of the Hospital and, where the powers are exercised by such a corporation, this Part shall apply to the corporation as if it were the Hospital.

Commence-
ment

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

Short title

14. The short title of this Act is the *City of London Act, 1982*.

SCHEDULE 1

BY-LAW NO. A-12-28

Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. Every lot or parcel of land abutting on any street in the city, through which a common sewer runs, and which is opposite to such common sewer, shall be drained into it; and it shall be the duty of the owner and occupier of every lot or parcel of land which is drained into such common sewer to cause the connecting drain between his premises and such common sewer to be kept in good repair. (B. 759, B.4901)

2. No person shall connect any drain from his premises with any common sewer now made or constructed, or which shall hereafter be made or constructed within the city; or with any private drain whereby his premises will be drained into any such common sewer, except on previous application in writing and permission by the City Engineer, and except there is first placed in the hands of the City Treasurer a deposit of ten dollars in case of a macadamized street, and fifty dollars in case of a paved street as a guarantee to be used in the repair of the sewer and street providing the work is not done without injury thereto — such deposit to remain in the Treasurer's hands for six months — and all such excavations and connections shall be made under the supervision of the City Engineer, or such other officer or person as Committee Number Two shall appoint, and if such officer or person be other than the City Engineer he shall be paid for his services by the person on whose behalf the said connection is made. (B. 759, B.4901)

3. All private drains hereafter made by any person in any public street, lane or alley, within the City, and connecting with any such common sewer, shall be of such size, dimensions and materials and constructed and laid as directed by the City Engineer, and shall enter such common sewer under and according to the person supervision and direction of the City Engineer or other officer appointed as provided for in the last preceding section. (B. 759, B.4901)

4. If the owner and occupier of any lot or parcel of land within the city required by this by-law to be drained into a common sewer shall neglect or refuse to commence the work necessary to cause such lot or parcel of land to be so drained in accordance with the provisions of this by-law for the period of ten days after notice in writing shall have been given to him, either personally or by advertisement published in one of the city newspapers by the City Engineer, or by any person under the authority and instruction of the said Number Two Committee; or to prosecute the same without delay and to the satisfaction of the said Engineer; or to make good any want of repair which shall be found in any drain now or hereafter constructed for the purpose of connecting such lot or parcel of land with such common sewer; or to remove any obstruction that may be found therein, the necessary work may be done by the Council, and the cost thereof shall be assessed against such lot or parcel of land. (B. 759, B.4901)

5. No person shall injure any common sewer or private drain or sewer connecting therewith. (B. 759, B.4901)

6. The owners and occupiers of all property abutting on any street upon which a common sewer has been constructed, who have heretofore paid the sum required by By-law to be paid for the privilege of using such common sewer, shall continue the use of same, free of charge, for the number of feet for which they

have so paid, and if the property be a corner or triangular lot they shall, subject to the certificate of the City Engineer, be exempt from assessment for or payment of sewer rates upon any other sewer or drain constructed on any other street adjoining the said property to an extent not exceeding one hundred and twenty feet, provided the frontage upon such other street is used and occupied in connection with the premises upon which the previous rates were paid. (B. 759, B.4901)

7. Every person who has heretofore or shall hereafter make use of any of the common sewers of the city by draining into the same and who shall not have been or shall not be assessed for the cost of the construction thereof shall pay a rental for the use of same, and shall pay for all work and materials required to make the connection. (B.3311, B. 759, B.4901)

8. The rental shall be a yearly sum equal to ten cents per lineal foot frontage of the lot or parcel of land which has been or shall be so drained into the same common sewer. (B. 759, B.3311 am. B.4901)

9. Where any lot, the owner of which is liable to pay the same rental, has a frontage upon more than one street the drainage shall be reckoned upon that street upon which the lot, according to the original survey, fronts. (B. 759, B.4901)

10. That the rental shall be placed upon the Collector's Roll in each year for the term of ten years and shall be levied and collected by the same persons at the same time and in the same way as the taxes are levied and collected, provided that ratepayers who have constructed a drain along a street, and the said drain afterwards is accepted by the Council as a common sewer, shall be charged three years sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759, and provided further that ratepayers who have paid the said sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759 for a term of years and are afterwards charged for sewer construction under a local improvement sewer by-law, shall be entitled to a refund of two-thirds of the sewer rental paid by the said ratepayers. (B. 759, B.3424, B.4901)

11. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting Magistrate, a penalty not exceeding the sum of fifty dollars for each offence, exclusive of costs, and in default of payment of the said penalty and costs forthwith, the said penalty and costs, or the costs only, may be levied by distress and sale of the goods and chattels of the offender; and in case of there being no distress found out of which such penalty can be levied, the convicting magistrate may commit the offender to the common jail of the County of Middlesex, with or without hard labor, for any period not exceeding twenty-one days, unless the said penalty and costs be sooner paid. (B. 759, B.4901)

12. That By-law No. 759, passed on the 9th day of January, A.D. 1893, By-law No. 3311, passed on the 2nd day of November, A.D. 1908, By-law No. 3424, passed on the 20th day of September, A.D. 1909, and By-law No. 4901, passed on the first day of March, A.D. 1915, be, and the same are, hereby repealed.

PASSED in open Council this fifteenth day of October, A.D. 1928.

G. A. WENIGE,
Mayor.

S. BAKER,
Clerk.

BY-LAW No. A-12a-31

To amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the fifteenth day of October, A.D., 1928 be, and the same is, hereby amended by striking out the word "ten" in the first line thereof and substituting therefor the word "twenty".

PASSED in open Council this fifteenth day of February, A.D. 1932.

GEO. HAYMAN,
Mayor,

S. BAKER,
Clerk.

BY-LAW No. A-12 (b)-166

To amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That By-law No. A-12 (a)-31 to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of February, A.D. 1932, be, and the same is, hereby repealed.

2. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "forty".

PASSED in open Council this fifth day of July, A.D. 1948.

G. A. WENIGE,
Mayor.

R. H. COOPER,
Clerk.

BY-LAW No. A-12 (c)-185

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

WHEREAS the Council of the Corporation of the City of London, on the 16th day of July, 1951, adopted the eleventh clause of the Fifteenth Report of No. 2 Committee, namely:

"That the sewer rental by-law be amended to provide for a sixty cent per foot rate, effective on all connections made after the date of the amendment of the by-law, in view of the fact that this was the average per foot for the construction of sewers during 1950, on the recommendation of the Administration Board".

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "sixty".

2. That By-law No. A-12 (a)-31 to amend the said By-law No. A-12-28, passed on the 15th day of February, A.D. 1932, and By-law No. A-12 (b)-166 to amend the said By-law No. A-12-28, passed on the fifth day of July, A.D. 1948, be, and the same are, hereby repealed.

PASSED in open Council this 16th day of July, A.D. 1951.

A. J. RUSH,
Mayor.

R. H. COOPER,
Clerk.

BY-LAW NO. A-12 (d)-316

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, as amended, relating to sewerage and drainage and to provide for an annual rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby further amended by deleting the word "sixty" in the first line thereof and substituting therefor the word "eighty".

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this fifth day of August, A.D. 1970.

H. J. McCCLURE,
Mayor.

R. H. COOPER,
Clerk.

First reading — August 5, 1970

Second reading — August 5, 1970

Third reading — August 5, 1970

BY-LAW NO. A-12 (e)-386

A by-law to amend By-law No. A-12-28 entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases".

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, passed on the fifteenth day of October, 1928, entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases", be, and the same is, hereby repealed and the following substituted therefor, namely:

"8. The rental rate for the use of a main storm or sanitary sewer be increased from 80¢ per foot frontage each year for 10 years to be equal to the prevailing Local Improvement rates for storm and sanitary sewers."

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this twenty-first day of June, A.D. 1976.

JANE BIGELOW,
Mayor.

W. S. ROSS,
City Clerk.

First reading — June 21, 1976

Second reading — June 21, 1976

Third reading — June 21, 1976

SCHEDULE 2

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster) in the County of Middlesex, in the Province of Ontario, more particularly described as follows:

Firstly: Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1166;

Secondly: Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-972;

Thirdly: Parts of Lots 22, 23 and 24, in Concession 1 of the said Township, and parts of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 according to a Plan registered in the said Land Registry Office as Number 125, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-1496;

Together with a Right-of-Way in, over, along and upon that part of the said Lot 24, Concession 1, designated as Part 3 on the said Reference Plan 33R-1496, the said right-of-way being appurtenant to the hereinbefore described lands.

Fourthly: Part of Lots 23 and 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1496;

Subject to an easement in favour of Ontario Hydro, formerly The Hydro-Electric Power Commission of Ontario, in, over, along and upon that part of the said Part 1 on Plan 33R-1496 as set out in an instrument registered in the said Land Registry Office as Number 45167.

An Act respecting the City of London

1st Reading

May 10th, 1982

2nd Reading

3rd Reading

MR. VAN HORNE

*(Reprinted as amended by the
General Government Committee)*

BILL Pr1

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of London

MR. VAN HORNE

BILL Pr1

1982

An Act respecting the City of London

WHEREAS The Corporation of the City of London hereby Preamble
 applies for special legislation in respect of the matters
 hereinafter set forth; and whereas it is expedient to grant the
 application;

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

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the City of
 London;
- (b) "council" means the council of the Corporation.

PART I

MISCELLANEOUS

2. A by-law passed by the council under clause 143 (4) (a) of
 the *Municipal Act* may provide that the last instalment of the
 debentures shall mature not earlier than five years after the date
 upon which they are issued. Instalment
debentures
R.S.O. 1980,
c. 302

3. Subsection 2 (2) of *The City of London Act, 1971*, being
 chapter 117, is repealed and the following substituted therefor: 1971, c. 117,
s. 2 (2),
re-enacted

(2) Subject to subsection (4), no part of any by-law passed
 under this section comes into force without the approval of the
 Ontario Municipal Board. O.M.B.
approval

(3) The council may give notice of a by-law passed under this
 section in the manner prescribed by the regulations made under
 subsection 39 (25) of the *Planning Act* to the persons and within
 the time prescribed by those regulations and the notice shall,
 with necessary modifications, be in the same form as the form
 prescribed by those regulations. Notice of
by-law
R.S.O. 1980,
c. 379

By-law effective if no objection filed

(4) When the council proceeds under subsection (3) and no notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law thereupon comes into effect.

Where notice of objection filed

(5) When the council proceeds under subsection (3) and a notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law does not come into force without the approval of the Ontario Municipal Board.

Certificate of clerk

(6) A certificate of the clerk of the Corporation that the notice has been sent in the manner and form and to the persons prescribed by the regulations referred to in subsection (3) and no notice of objection has been filed with the clerk within the time prescribed by those regulations shall be *prima facie* evidence of the facts stated therein.

Building line for deferred highway widening
R.S.O. 1980, c. 302

4.—(1) With respect to any by-law heretofore or hereafter passed by the council under section 197 of the *Municipal Act* or a predecessor thereof and notwithstanding any provision contained therein to the contrary, the Corporation may enter into one or more agreements with the owner of land lying between the limit of the highway and the building line fixed in the by-law,

- (a) for permitting such owner to erect, place, maintain and use any building or part thereof closer to the limit of the highway than the building line on such terms and conditions as the council considers appropriate; and
- (b) for providing, notwithstanding subsection 197 (8) of the *Municipal Act* or a predecessor thereof, that the Corporation shall not acquire the land in question before a date named in the agreement, which date shall not be more than ten years from the date of the agreement.

Registration of agreement

(2) An agreement, containing a local description of the land affected, entered into under subsection (1) may be registered against the title of the land and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, all subsequent owners of the land.

R.S.O. 1980, cc. 445, 230

Sewer rents

5.—(1) The council may pass by-laws for,

- (a) charging all persons who own or occupy land drained or which by by-law of the council is required to be drained into a common sewer, a reasonable rent for the use of it;

- (b) regulating the time and manner in which the rent is to be paid; and
- (c) providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest at a rate to be determined by the council.

(2) Subsection (1) does not apply to a sewer which is constructed as a local improvement or for which a sewer rate is imposed under section 218 of the *Municipal Act*. Exception

(3) All sewer rents and interest, until payment thereof, shall form a lien and charge upon the land in respect of which the rents have been assessed and rated or charged and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as municipal taxes. Lien

(4) The following by-laws, as set out in Schedule 1, are hereby confirmed to be and to have been always valid and in full force and effect to the extent provided therein and the council is hereby confirmed as having been empowered always to enact the by-laws with respect to the matters contained therein; By-laws confirmed

1. By-law No. A-12-28, passed the 15th day of October, 1928.
2. By-law No. A-12a-31, passed the 15th day of February, 1932.
3. By-law No. A-12 (b)-166, passed the 5th day of July, 1948.
4. By-law No. A-12 (c)-185, passed the 16th day of July, 1951.
5. By-law No. A-12 (d)-316, passed the 5th day of August, 1970.
6. By-law No. A-12 (e)-386, passed the 21st day of June, 1976.

PART II

VICTORIA HOSPITAL CORPORATION

6. In this Part,

- (a) "Hospital" means Victoria Hospital Corporation;

Interpre-
tation

- (b) "plant and related works" means the plant and related works referred to in clause 7 (1) (a);
- (c) "utilities" means any or all of steam, hot water and electricity;
- (d) "Westminster Campus" means the lands described in Schedule 2.

Powers of
Hospital

7.—(1) The Hospital may,

- (a) design, construct and operate a plant and related works for the generation and distribution of utilities at Westminster Campus; and
- (b) distribute the utilities,
 - (i) to buildings and structures on land at Westminster Campus owned by the Hospital or by any health care institution, home for the aged or other similar or related institution,
 - (ii) with the consent of the Lieutenant Governor in Council on the recommendation of the Minister of Energy, to buildings and structures on land at Westminster Campus owned by a person not referred to in subclause (i).

Application of
R.S.O. 1980,
c. 140

(2) If any part of the undertaking described in clause (1) (a) is to use non-conventional fuels such as waste materials, that part of the undertaking shall be deemed to be an undertaking as defined in the *Environmental Assessment Act* and, for the purposes of that part of the undertaking, the Hospital shall be deemed to have been defined as a public body to which the *Environmental Assessment Act* applies.

Powers of
Hospital

8.—(1) For the purpose of designing, constructing and operating the plant and related works and for distributing the utilities, the powers of the Hospital include, without limiting the generality of subsection 7 (1),

- (a) subject to subsection 9 (2), the powers conferred on a company incorporated for the purpose of owning, operating or supplying a public utility under the *Public Utilities Act*, but,
 - (i) the Hospital shall notify in writing the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any highway, public lane or public communication on, over, under or across which the Hospital proposes to put down, place, install and maintain conduits, pipes,

R.S.O. 1980,
c. 423

wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works, and submit to such municipalities or authorities its plans therefor,

- (ii) such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as the Hospital deems necessary or desirable on, over, under or across any public highway, public lane or public communication shall be put down, placed and installed in such location and manner as the municipality or authority on which duty to repair has been imposed may direct and the municipality or authority having jurisdiction over any such highway, lane or public communication may direct that any such highway, lane or public communication be restored to its former state, and any dispute between the Hospital and such municipalities or authorities as to the location and manner of putting down, placing and installing shall be referred to the Ontario Municipal Board to be determined, and the decision of the Ontario Municipal Board shall be final,
 - (iii) the Hospital shall indemnify and save harmless the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication against, from and for any and all damages, claims, losses, costs and expenses sustained or incurred by reason of the negligent use, operation, maintenance, installation, placing and putting down of the conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works by the Hospital, its agents, servants, employees, contractors and subcontractors;
- (b) the power to enter into agreements with any person for the supply of utilities and for determining and fixing charges therefor and the collection thereof and such agreements may be for terms of more than twenty years;
 - (c) the power to enter into agreements for the borrowing of money and to borrow money to finance the cost of the design, construction and operation of the plant and related works and receive grants for such purposes;

(d) the power to carry on investigations, experiments, research or development; and

(e) the power to acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

Priority
of supply

(2) An agreement entered into under clause (1) (b) may provide that the Hospital may supply utilities to the users of the utilities in such priority as may be set out in the agreement.

No breach
of contract

(3) Nothing done under a priority provision in any agreement referred to in subsection (2) shall be deemed a breach of contract by the Hospital or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Hospital, its servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise.

Application of
R.S.O. 1980,
c. 297

9.—(1) The *Mortmain and Charitable Uses Act* does not apply to the Hospital with respect to the plant and related works.

Application of
R.S.O. 1980,
cc. 309, 423

(2) The *Municipal Franchises Act* and sections 54 and 57 of the *Public Utilities Act* do not apply to the Hospital.

Borrowing
by council
for grants

10. The council may, by by-law, without the assent of the electors, authorize the borrowing of money by the issue of debentures with the approval of the Ontario Municipal Board for making grants or loans on such terms and conditions as to security and otherwise as the council may consider expedient toward or in aid of the cost of design, construction or operation of the plant and related works.

Undertaking
by Victoria
Hospital
Corporation

11. For the purposes of every Act, the Hospital shall be the person owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works, and the borrowing of money or the making of grants or loans by the Corporation shall be deemed not to be the owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works by the Corporation.

Exercise
of powers
by another
corporation

12. The powers conferred on the Hospital by this Act may be exercised by a corporation under the control of the Hospital and, where the powers are exercised by such a corporation, this Part shall apply to the corporation as if it were the Hospital.

Commence-
ment

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

Short title

14. The short title of this Act is the *City of London Act, 1982*.

SCHEDULE 1

BY-LAW NO. A-12-28

Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. Every lot or parcel of land abutting on any street in the city, through which a common sewer runs, and which is opposite to such common sewer, shall be drained into it; and it shall be the duty of the owner and occupier of every lot or parcel of land which is drained into such common sewer to cause the connecting drain between his premises and such common sewer to be kept in good repair. (B. 759, B.4901)

2. No person shall connect any drain from his premises with any common sewer now made or constructed, or which shall hereafter be made or constructed within the city; or with any private drain whereby his premises will be drained into any such common sewer, except on previous application in writing to and permission by the City Engineer, and except there is first placed in the hands of the City Treasurer a deposit of ten dollars in case of a macadamized street, and fifty dollars in case of a paved street as a guarantee to be used in the repair of the sewer and street providing the work is not done without injury thereto — such deposit to remain in the Treasurer's hands for six months — and all such excavations and connections shall be made under the supervision of the City Engineer, or such other officer or person as Committee Number Two shall appoint, and if such officer or person be other than the City Engineer he shall be paid for his services by the person on whose behalf the said connection is made. (B. 759, B.4901)

3. All private drains hereafter made by any person in any public street, lane or alley, within the City, and connecting with any such common sewer, shall be of such size, dimensions and materials and constructed and laid as directed by the City Engineer, and shall enter such common sewer under and according to the person supervision and direction of the City Engineer or other officer appointed as provided for in the last preceding section. (B. 759, B.4901)

4. If the owner and occupier of any lot or parcel of land within the city required by this by-law to be drained into a common sewer shall neglect or refuse to commence the work necessary to cause such lot or parcel of land to be so drained in accordance with the provisions of this by-law for the period of ten days after notice in writing shall have been given to him, either personally or by advertisement published in one of the city newspapers by the City Engineer, or by any person under the authority and instruction of the said Number Two Committee; or to prosecute the same without delay and to the satisfaction of the said Engineer; or to make good any want of repair which shall be found in any drain now or hereafter constructed for the purpose of connecting such lot or parcel of land with such common sewer; or to remove any obstruction that may be found therein, the necessary work may be done by the Council, and the cost thereof shall be assessed against such lot or parcel of land. (B. 759, B.4901)

5. No person shall injure any common sewer or private drain or sewer connecting therewith. (B. 759, B.4901)

6. The owners and occupiers of all property abutting on any street upon which a common sewer has been constructed, who have heretofore paid the sum required by By-law to be paid for the privilege of using such common sewer, shall continue the use of same, free of charge, for the number of feet for which they

have so paid, and if the property be a corner or triangular lot they shall, subject to the certificate of the City Engineer, be exempt from assessment for or payment of sewer rates upon any other sewer or drain constructed on any other street adjoining the said property to an extent not exceeding one hundred and twenty feet, provided the frontage upon such other street is used and occupied in connection with the premises upon which the previous rates were paid. (B. 759, B.4901)

7. Every person who has heretofore or shall hereafter make use of any of the common sewers of the city by draining into the same and who shall not have been or shall not be assessed for the cost of the construction thereof shall pay a rental for the use of same, and shall pay for all work and materials required to make the connection. (B.3311, B. 759, B.4901)

8. The rental shall be a yearly sum equal to ten cents per lineal foot frontage of the lot or parcel of land which has been or shall be so drained into the same common sewer. (B. 759, B.3311 am. B.4901)

9. Where any lot, the owner of which is liable to pay the same rental, has a frontage upon more than one street the drainage shall be reckoned upon that street upon which the lot, according to the original survey, fronts. (B. 759, B.4901)

10. That the rental shall be placed upon the Collector's Roll in each year for the term of ten years and shall be levied and collected by the same persons at the same time and in the same way as the taxes are levied and collected, provided that ratepayers who have constructed a drain along a street, and the said drain afterwards is accepted by the Council as a common sewer, shall be charged three years sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759, and provided further that ratepayers who have paid the said sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759 for a term of years and are afterwards charged for sewer construction under a local improvement sewer by-law, shall be entitled to a refund of two-thirds of the sewer rental paid by the said ratepayers. (B. 759, B.3424, B.4901)

11. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting Magistrate, a penalty not exceeding the sum of fifty dollars for each offence, exclusive of costs, and in default of payment of the said penalty and costs forthwith, the said penalty and costs, or the costs only, may be levied by distress and sale of the goods and chattels of the offender; and in case of there being no distress found out of which such penalty can be levied, the convicting magistrate may commit the offender to the common jail of the County of Middlesex, with or without hard labor, for any period not exceeding twenty-one days, unless the said penalty and costs be sooner paid. (B. 759, B.4901)

12. That By-law No. 759, passed on the 9th day of January, A.D. 1893, By-law No. 3311, passed on the 2nd day of November, A.D. 1908, By-law No. 3424, passed on the 20th day of September, A.D. 1909, and By-law No. 4901, passed on the first day of March, A.D. 1915, be, and the same are, hereby repealed.

PASSED in open Council this fifteenth day of October, A.D. 1928.

G. A. WENIGE,
Mayor.

S. BAKER,
Clerk.

BY-LAW NO. A-12a-31

To amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the fifteenth day of October, A.D., 1928 be, and the same is, hereby amended by striking out the word "ten" in the first line thereof and substituting therefor the word "twenty".

PASSED in open Council this fifteenth day of February, A.D. 1932.

GEO. HAYMAN,
Mayor,

S. BAKER,
Clerk.

BY-LAW NO. A-12 (b)-166

To amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That By-law No. A-12 (a)-31 to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of February, A.D. 1932, be, and the same is, hereby repealed.

2. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "forty".

PASSED in open Council this fifth day of July, A.D. 1948.

G. A. WENIGE,
Mayor.

R. H. COOPER,
Clerk.

BY-LAW NO. A-12 (c)-185

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

WHEREAS the Council of the Corporation of the City of London, on the 16th day of July, 1951, adopted the eleventh clause of the Fifteenth Report of No. 2 Committee, namely:

"That the sewer rental by-law be amended to provide for a sixty cent per foot rate, effective on all connections made after the date of the amendment of the by-law, in view of the fact that this was the average per foot for the construction of sewers during 1950, on the recommendation of the Administration Board".

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "sixty".

2. That By-law No. A-12 (a)-31 to amend the said By-law No. A-12-28, passed on the 15th day of February, A.D. 1932, and By-law No. A-12 (b)-166 to amend the said By-law No. A-12-28, passed on the fifth day of July, A.D. 1948, be, and the same are, hereby repealed.

PASSED in open Council this 16th day of July, A.D. 1951.

A. J. RUSH,
Mayor.

R. H. COOPER,
Clerk.

BY-LAW NO. A-12 (d)-316

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, as amended, relating to sewerage and drainage and to provide for an annual rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby further amended by deleting the word "sixty" in the first line thereof and substituting therefor the word "eighty".

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this fifth day of August, A.D. 1970.

H. J. McCLURE,
Mayor.

R. H. COOPER,
Clerk.

First reading — August 5, 1970

Second reading — August 5, 1970

Third reading — August 5, 1970

BY-LAW NO. A-12 (e)-386

A by-law to amend By-law No. A-12-28 entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases".

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, passed on the fifteenth day of October, 1928, entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases", be, and the same is, hereby repealed and the following substituted therefor, namely:

"8. The rental rate for the use of a main storm or sanitary sewer be increased from 80¢ per foot frontage each year for 10 years to be equal to the prevailing Local Improvement rates for storm and sanitary sewers."

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this twenty-first day of June, A.D. 1976.

JANE BIGELOW,
Mayor.

W. S. Ross,
City Clerk.

First reading — June 21, 1976

Second reading — June 21, 1976

Third reading — June 21, 1976

SCHEDULE 2

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster) in the Province of Ontario, more particularly described as follows:

Firstly: Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1166;

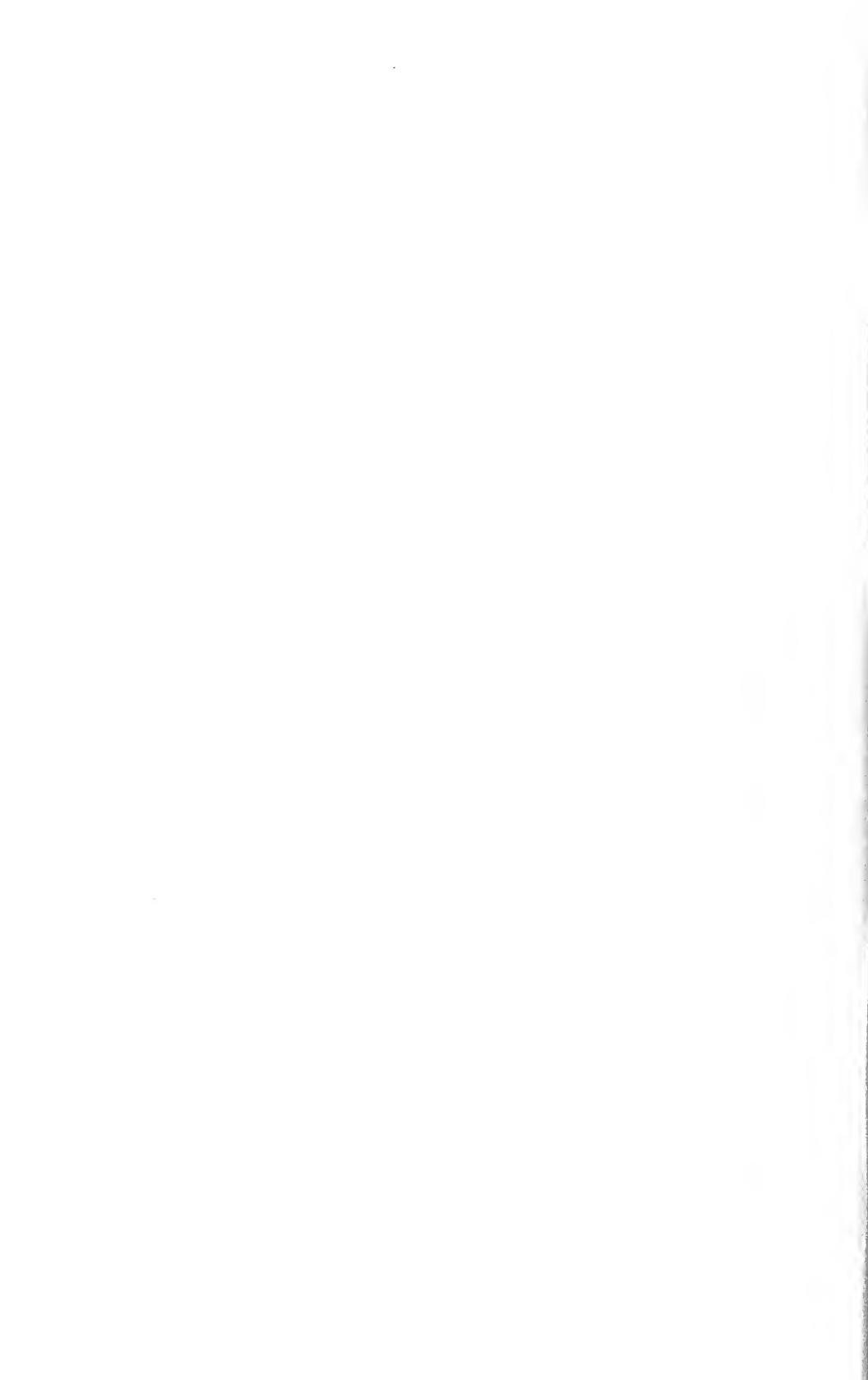
Secondly: Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-972;

Thirdly: Parts of Lots 22, 23 and 24, in Concession 1 of the said Township, and parts of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 according to a Plan registered in the said Land Registry Office as Number 125, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-1496;

Together with a Right-of-Way in, over, along and upon that part of the said Lot 24, Concession 1, designated as Part 3 on the said Reference Plan 33R-1496, the said right-of-way being appurtenant to the hereinbefore described lands.

Fourthly: Part of Lots 23 and 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1496;

Subject to an easement in favour of Ontario Hydro, formerly The Hydro-Electric Power Commission of Ontario, in, over, along and upon that part of the said Part 1 on Plan 33R-1496 as set out in an instrument registered in the said Land Registry Office as Number 45167.



An Act respecting the City of London

1st Reading

May 10th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. VAN HORNE

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Town of St. Marys

MR. EDIGHOFFER

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr2

1982

An Act respecting the Town of St. Marys

WHEREAS The Corporation of the Town of St. Marys, Preamble
 herein called the Corporation, hereby represents that By-Law Number 942 of the Corporation, passed in 1954, established the basis of rating farm lands of not less than twenty-five acres in the Town of St. Marys; that the said By-Law 942, as set out in the Schedule hereto, was confirmed and declared to be legal, valid and binding upon the Corporation by *The Town of St. Marys Act, 1954*; 1954, c. 129 that the provisions of the said By-Law are no longer fair and equitable in view of the years which have elapsed since the passage of the said By-Law and the changes that have taken place in assessment and mill rates; that the farm lands that were assessed separate and apart from buildings are now being assessed with the original farm homes and accessory buildings that enjoy such municipal services as street lighting, fire protection and sidewalks, and that the said By-Law exempted such properties from rates related to such services; that the debenture debt of the Corporation is now incorporated into the general municipal rate; that the owners of farm land may apply to the Province of Ontario for relief of taxation under the Farm Tax Reduction Program; and whereas the Corporation hereby applies for special legislation to repeal the said Act and the said By-Law; and whereas it is expedient to grant the application;

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

1. *The Town of St. Marys Act, 1954*, being chapter 129, is 1954, c. 129, repealed repealed.
2. By-Law Number 942 of the Corporation, as set out in the Schedule hereto, is By-Law No. 942, repealed repealed.
3. This Act comes into force on the 1st day of January, 1983. Commencement
4. The short title of this Act is the *Town of St. Marys Act*, Short title 1982.

SCHEDULE

BY-LAW NUMBER 942

By-law of the Corporation of the Town of St. Marys to repeal By-law Number 10, A.D. 1895, and By-law Number 939 of the Town of St. Marys and to establish the basis of rating farm lands of not less than twenty-five acres in the Town of St. Marys.

WHEREAS it is deemed expedient to repeal By-laws Number 10, A.D. 1895, and By-law Number 939 of the Town of St. Marys and to establish the basis of rating farm lands of not less than twenty-five acres in the Town of St. Marys.

NOW THEREFORE the Corporation of the Town of St. Marys enacts as follows:

1. That By-law Number 10, A.D. 1895, and By-law Number 939 be and the same are hereby repealed.

2. That all lands in the said Town of St. Marys while held and used as farm lands only and in blocks of not less than twenty-five acres shall from the 1st day of January, 1955, be rated upon the assessed value thereof as follows:

- (a) For general Town purposes 45 per cent of the general rate after deducting from such general mill rate the exemptions and benefits granted by section 35 of *The Assessment Act*, R.S.O. 1950, Chapter 24, and amendments thereto.
- (b) For payment of the debenture debts of the Town, save as hereinafter provided, the same rate as may from time to time be required and is from time to time levied upon other Town property.
- (c) For expenditure for public school, separate school and secondary school purposes the same rate as is required and is from time to time levied upon other Town property.
- (d) That the said lands shall be wholly exempt from taxation for the payment of any future debt of the said Town incurred in connection with sewers save and except any such farm lands benefiting therefrom.

3. That this By-law shall come into effect and shall be valid, legal and binding upon the Corporation of the Town of St. Marys and the owners of farm lands as herein above referred to upon being confirmed, validated and made legal and binding by the Legislature of the Province of Ontario.

READ a First, Second and Third time and finally passed in Council this twenty-second day of March, A.D. 1954.

Seven members present: Four (4) voting in favor of By-law.

PAUL HOVEY,
Mayor.

(Seal)

J. W. DURR,
Clerk.



An Act respecting
the Town of St. Marys

1st Reading

March 11th, 1982

2nd Reading

3rd Reading

MR. EDIGHOFFER

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Toronto

Ms. FISH

EXPLANATORY NOTES

SECTION 1. The purpose of the proposed amendment is to eliminate the requirement for a two-thirds vote of council to overturn a decision of the executive committee.

SECTIONS 2 TO 9. These sections will provide the council of the Corporation with the powers set out therein.

BILL Pr3

1982

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

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

1. Subsection 2 (2) of *The City of Toronto Act, 1968-69* 1968-69,
 c. 168, s. 2 (2),
 re-enacted
 (No. 2), being chapter 168, is repealed and the following
 substituted therefor:

(2) The executive committee has all the powers and duties of a Powers
 R.S.O. 1980,
 c. 302
 board of control under subsections 71 (1) and (2) of the *Municipal
 Act* and subsections 71 (3) to (16) and (18) and (19) of that Act
 apply with necessary modifications to the executive committee,
 but any requirement in any such subsection for a two-thirds vote
 of council may be satisfied by a simple majority of the members
 of council present and voting.

2. Notwithstanding any general or special Act, the Board of Business
 improvement
 areas, grants
 re highways
 Management of an improvement area in the City of Toronto
 established under section 217 of the *Municipal Act* may make
 grants in respect of the improvement or beautification of any
 highway in the improvement area, whether or not the highway is
 under the jurisdiction of the Corporation.

3. Notwithstanding any general or special Act, the Board of Bloor West
 Village
 Improvement
 Area
 Management for the Bloor West Village Improvement Area may
 reimburse the Corporation over a period of five years from the
 date this section comes into force in respect of a grant in the
 amount of \$25,000 made by the Corporation to The Municipality
 of Metropolitan Toronto to be used for the improvement of cer-
 tain highways in that area, and for the purposes of this section,
 subsections 217 (12) and (13) of the *Municipal Act* do not apply. R.S.O. 1980,
 c. 302

Loan
guarantees
and interest,
City of
Toronto
Non-profit
Housing
Corporation
R.S.O. 1980,
c. 209

4. Notwithstanding the *Housing Development Act* and the articles of incorporation of the City of Toronto Non-profit Housing Corporation, the Corporation may, with the approval of the Minister of Municipal Affairs and Housing,

- (a) charge interest, at a rate as may be agreed, upon moneys loaned, whether before or after the coming into force of this Act, by the Corporation to the City of Toronto Non-profit Housing Corporation for its purposes; and
- (b) guarantee loans made to the City of Toronto Non-profit Housing Corporation upon such terms as may be agreed.

Interpre-
tation

5.—(1) In this section, “street entertainers” includes musicians, actors, mime artists, magicians and jugglers.

By-laws
licensing,
etc., street
entertainers

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws for licensing and regulating street entertainers, or any class or classes thereof, on any public highway or part thereof within the municipality or any defined area or areas thereof whether or not such public highway is under the jurisdiction of The Municipality of Metropolitan Toronto or the Corporation, and for issuing, suspending, revoking, renewing and transferring licences on such terms and conditions and for such period of time as the council may from time to time prescribe.

Idem

- (3) A by-law passed under this section,
 - (a) may establish terms and conditions which must be complied with prior to the issuing of a licence;
 - (b) may prescribe a procedure under which a committee of the Corporation may hold auditions to determine the suitability of an applicant for a licence;
 - (c) may prescribe priorities, locations and hours of operation;
 - (d) may limit the number of licences issued in respect of street entertainers or any class or classes thereof and may specify the particular activities in respect of which such licences are issued;
 - (e) may prescribe the fee for and duration of licences;
 - (f) may provide for restricting the persons to whom such licence is issued to the activity or activities therein specified;

(g) may regulate the solicitation of contributions by or on behalf of street entertainers; and

(h) may prohibit persons from carrying on or engaging in any of the activities of street entertainers without a subsisting licence permitting such activity.

6.—(1) In this section, “hand-basket flower vendor” means a person who sells flowers other than a flower vendor operating from a portable stand on a sidewalk or boulevard. Interpretation

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws to permit, on such terms and conditions as may be set out in the by-laws, hand-basket flower vendors on any public highway within the municipality or part thereof whether or not such public highway is under the jurisdiction of The Municipality of Metropolitan Toronto or the Corporation and for making such charge for the privilege conferred by the by-laws as it considers reasonable. By-laws respecting hand-basket flower vendors

(3) A by-law passed under this section may prohibit any person from carrying on or engaging in the activity of a hand-basket flower vendor on any public highway within the municipality or part thereof whether or not such public highway is under the jurisdiction of The Municipality of Metropolitan Toronto or the Corporation, except in accordance with the terms and conditions set out in the by-law. Idem

7.—(1) The council of the Corporation may, by by-law, establish a Board to be known as the “Toronto Sesquicentennial Board”. Toronto Sesquicentennial Board

(2) The objects of the Board are to promote, co-ordinate and administer events in celebration of the 150th anniversary of the City of Toronto and to do all things necessary for or incidental to the attainment of such objects and, without limiting the generality of the foregoing, the Board may receive, manage, control and use, Objects of Board

(a) donations by any person given for such purposes; and

(b) grants made by the council of the Corporation to further such purposes.

(3) The Board is a body politic and corporate and shall consist of not fewer than seven members, at least five of whom shall be members of the council of the Corporation. Body corporate, members

(4) The members of the Board shall be appointed by the council of the Corporation and shall be appointed for a term expiring Appointment

with the life of the council that appointed them and until their successors are appointed, and any such member is eligible for reappointment.

No remuneration

(5) The members of the Board shall serve without remuneration.

Termination of office

(6) The council of the Corporation may at any time terminate the office of a member of the Board.

Vacancies

(7) Where a person ceases to be a member of the Board before the expiration of his term, the council of the Corporation may appoint another person for the unexpired term of the person ceasing to be a member.

Officers

(8) The Board shall cause, as soon as possible after the 1st day of January in each year, to be elected a president, vice-president, secretary and treasurer and such other officers as it may deem necessary to properly conduct the business of the Board during the said year.

Meetings

(9) The Board shall meet at least once in every two calendar months.

Idem

(10) A notice of every meeting shall be given to each member of the Board not less than seven days before the time when the meeting is to be held.

Quorum

(11) A majority of the members of the Board constitutes a quorum.

Records

(12) The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the clerk of the Corporation as soon as possible after each meeting.

Powers re: officers, employees, etc.

(13) The Board may determine the qualifications, responsibilities, duties, positions, remuneration, terms and conditions of employment or service of the officers, servants, employees or other persons engaged or employed by the Board.

Insurance

(14) The Board shall at all times maintain in force, at the sole expense of the Board, and shall deposit and keep deposited with the treasurer of the Corporation, such policies of insurance in respect of the Board as are required by the treasurer of the Corporation.

Accounts

(15) The Board shall adopt and maintain only such banking arrangements and accounting practices as are acceptable to the City Auditor and the Board shall keep such books of accounts

and submit to the City Auditor such statements from time to time as the City Auditor may require.

(16) The City Auditor shall at all reasonable times have access to all the books of account and records of the Board for inspection and audit purposes. Inspection, etc., by City Auditor

(17) The Board shall, as soon as possible after the 31st day of December in each year, submit to the council of the Corporation financial statements that have been audited by the City Auditor covering the operations of the Board for the previous fiscal year. Annual statement

(18) The fiscal year of the Board shall be the calendar year. Fiscal year

(19) The property and the income, revenue and accretions of the Board shall be applied solely to promote the objects of the Board and, upon the termination of the Board, any property or assets remaining after the payment of debts shall be paid to the Corporation to form part of its general funds. Application of income and termination

(20) With the approval of the council of the Corporation, the Board may identify itself to the public by a name or style other than that designated in subsection (1). Name

8.—(1) In this section, Interpretation

(a) "candidate" means a person who is nominated for election to an office the election to which is governed by the *Municipal Elections Act* and in accordance with that Act and whose nomination is certified by the clerk of the Corporation; R.S.O. 1980, c. 308

(b) "contribution" means any contribution in the form of money or goods and services or combination thereof in excess of \$100 to the election campaign of a candidate, but does not include any goods produced by voluntary unpaid labour or any service performed by an individual voluntarily for the candidate without compensation from any source.

(2) The council of the Corporation may pass by-laws, By-laws respecting election expenditures

(a) providing for limitations on election expenditures by or on behalf of a candidate or any class or classes of candidate;

(b) requiring proof of each such expenditure and the total expenditure to be filed with the clerk of the Corporation within such time and in such form as may be set out in the by-laws;

- (c) requiring the disclosure by a candidate of all election contributions in the form of goods or services to his campaign, such disclosure to include the identity of the contributor, the amount of the contribution where in money and the value thereof where in goods and services; and
- (d) requiring proof to be filed with the clerk of the Corporation of the matters set out in clause (c) within such time and in such form as may be set out in the by-laws.

By-laws respecting protection of trees on private property, consent required

9.—(1) Notwithstanding any general or special Act, the council of the Corporation may, by by-law, prohibit any person from damaging, cutting, killing or removing any tree on private property, without first obtaining the consent of the council of the Corporation, and in granting such consent, the council may impose such terms and conditions as the council considers appropriate.

Proviso

(2) This section does not apply to a tree that, in the opinion of such person as is named in a by-law passed under subsection (1) or any person acting under his instructions, is creating an immediate hazard to persons or property.

Right of entry

(3) A by-law passed under subsection (1) may provide that such person as is named in the by-law, or any person acting under his instructions, may enter, without notice to the owner, tenant or occupier thereof, on any property in or on which is located a tree that he has reason to believe has been or is about to be damaged, cut, killed or removed, for the purpose of inspecting and examining the tree.

Limitation on liability

(4) The Corporation and its servants and agents are not liable for damages by reason of anything done under the authority of a by-law passed under subsection (1) if reasonable care, skill and judgment are exercised in the doing of it.

Police officer to assist

(5) Any person, if obstructed in doing what is authorized by a by-law passed hereunder, may call for the assistance of any police officer and it is the duty of every police officer so called upon to render such assistance.

Interpretation

(6) In this section “tree” means a woody plant having a well defined stem, a crown, a height of not less than eight feet and a diameter of not less than two inches.

Commencement

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

Short title

11. The short title of this Act is the *City of Toronto Act, 1982*.

An Act respecting the City of Toronto

1st Reading

March 15th, 1982

2nd Reading

3rd Reading

MS. FISH

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Toronto

Ms. FISH

(Reprinted as amended by the General Government Committee)

EXPLANATORY NOTES

SECTION 1. The purpose of the proposed amendment is to eliminate the requirement for a two-thirds vote of council to overturn a decision of the executive committee.

SECTIONS 2 TO 7. These sections will provide the council of the Corporation with the powers set out therein.

BILL Pr3

1982

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

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

1. Subsection 2 (2) of *The City of Toronto Act, 1968-69* 1968-69,
 c. 168, s. 2 (2),
 re-enacted
 (No. 2), being chapter 168, is repealed and the following
 substituted therefor:

(2) The executive committee has all the powers and duties of a Powers
 board of control under subsections 71 (1) and (2) of the *Municipal* R.S.O. 1980,
 c. 302
Act and subsections 71 (3) to (16) and (18) and (19) of that Act
 apply with necessary modifications to the executive committee,
 but any requirement in any such subsection for a two-thirds vote
 of council may be satisfied by a simple majority of the members
 of council present and voting.

2. Notwithstanding any general or special Act, the Board of Business
 improvement
 areas, grants
 re highways
 Management of an improvement area in the City of Toronto
 established under section 217 of the *Municipal Act* may make
 grants in respect of the improvement or beautification of any
 highway in the improvement area, whether or not the highway is
 under the jurisdiction of the Corporation.

3. Notwithstanding any general or special Act, the Board of Bloor West
 Village
 Improvement
 Area
 Management for the Bloor West Village Improvement Area may
 reimburse the Corporation over a period of five years from the
 date this section comes into force in respect of a grant in the
 amount of \$25,000 made by the Corporation to The Municipality
 of Metropolitan Toronto to be used for the improvement of cer-
 tain highways in that area, and for the purposes of this section,
 subsections 217 (12) and (13) of the *Municipal Act* do not apply. R.S.O. 1980,
 c. 302

Loan
guarantees
and interest,
City of
Toronto
Non-profit
Housing
Corporation
R.S.O. 1980,
c. 209

4. Notwithstanding the *Housing Development Act* and the articles of incorporation of the City of Toronto Non-profit Housing Corporation, the Corporation may, with the approval of the Minister of Municipal Affairs and Housing,

- (a) charge interest, at a rate as may be agreed, upon moneys loaned, whether before or after the coming into force of this Act, by the Corporation to the City of Toronto Non-profit Housing Corporation for its purposes; and
- (b) guarantee loans made to the City of Toronto Non-profit Housing Corporation upon such terms as may be agreed.

Interpre-
tation

5.—(1) In this section, “street entertainers” includes musicians, actors, mime artists, magicians and jugglers.

By-laws
licensing,
etc., street
entertainers

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws for licensing and regulating street entertainers, or any class or classes thereof, on any public highway or part thereof within the municipality or any defined area or areas thereof whether or not such public highway is under the jurisdiction of The Municipality of Metropolitan Toronto or the Corporation, and for issuing, suspending, revoking, renewing and transferring licences on such terms and conditions and for such period of time as the council may from time to time prescribe.

Idem

(3) A by-law passed under this section,

- (a) may establish terms and conditions which must be complied with prior to the issuing of a licence;
- (b) may prescribe a procedure under which a committee of the Corporation may hold auditions to determine the suitability of an applicant for a licence;
- (c) may prescribe priorities, locations and hours of operation;
- (d) may limit the number of licences issued in respect of street entertainers or any class or classes thereof and may specify the particular activities in respect of which such licences are issued;
- (e) may prescribe the fee for and duration of licences;
- (f) may provide for restricting the persons to whom such licence is issued to the activity or activities therein specified;

- (g) may regulate the solicitation of contributions by or on behalf of street entertainers; and
- (h) may prohibit persons from carrying on or engaging in any of the activities of street entertainers without a subsisting licence permitting such activity.

6.—(1) In this section, “hand-basket flower vendor” means a person who sells flowers other than a flower vendor operating from a portable stand on a sidewalk or boulevard. Interpretation

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws to permit, on such terms and conditions as may be set out in the by-laws, hand-basket flower vendors on any public highway within the municipality or part thereof whether or not such public highway is under the jurisdiction of The Municipality of Metropolitan Toronto or the Corporation and for making such charge for the privilege conferred by the by-laws as it considers reasonable. By-laws respecting hand-basket flower vendors

(3) A by-law passed under this section may prohibit any person from carrying on or engaging in the activity of a hand-basket flower vendor on any public highway within the municipality or part thereof whether or not such public highway is under the jurisdiction of The Municipality of Metropolitan Toronto or the Corporation, except in accordance with the terms and conditions set out in the by-law. Idem

7.—(1) The council of the Corporation may, by by-law, establish a Board to be known as the “Toronto Sesquicentennial Board”. Toronto Sesquicentennial Board

(2) The objects of the Board are to promote, co-ordinate and administer events in celebration of the 150th anniversary of the City of Toronto and to do all things necessary for or incidental to the attainment of such objects and, without limiting the generality of the foregoing, the Board may receive, manage, control and use, Objects of Board

(a) donations by any person given for such purposes; and

(b) grants made by the council of the Corporation to further such purposes.

(3) The Board is a body politic and corporate and shall consist of not fewer than seven members, at least five of whom shall be members of the council of the Corporation. Body corporate, members

(4) The members of the Board shall be appointed by the council of the Corporation and shall be appointed for a term expiring Appointment

with the life of the council that appointed them and until their successors are appointed, and any such member is eligible for reappointment.

- No remuneration (5) The members of the Board shall serve without remuneration.
- Termination of office (6) The council of the Corporation may at any time terminate the office of a member of the Board.
- Vacancies (7) Where a person ceases to be a member of the Board before the expiration of his term, the council of the Corporation may appoint another person for the unexpired term of the person ceasing to be a member.
- Officers (8) The Board shall cause, as soon as possible after the 1st day of January in each year, to be elected a president, vice-president, secretary and treasurer and such other officers as it may deem necessary to properly conduct the business of the Board during the said year.
- Meetings (9) The Board shall meet at least once in every two calendar months.
- Idem (10) A notice of every meeting shall be given to each member of the Board not less than seven days before the time when the meeting is to be held.
- Quorum (11) A majority of the members of the Board constitutes a quorum.
- Records (12) The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the clerk of the Corporation as soon as possible after each meeting.
- Powers re: officers, employees, etc. (13) The Board may determine the qualifications, responsibilities, duties, positions, remuneration, terms and conditions of employment or service of the officers, servants, employees or other persons engaged or employed by the Board.
- Insurance (14) The Board shall at all times maintain in force, at the sole expense of the Board, and shall deposit and keep deposited with the treasurer of the Corporation, such policies of insurance in respect of the Board as are required by the treasurer of the Corporation.
- Accounts (15) The Board shall adopt and maintain only such banking arrangements and accounting practices as are acceptable to the City Auditor and the Board shall keep such books of accounts

and submit to the City Auditor such statements from time to time as the City Auditor may require.

(16) The City Auditor shall at all reasonable times have access to all the books of account and records of the Board for inspection and audit purposes. Inspection, etc., by City Auditor

(17) The Board shall, as soon as possible after the 31st day of December in each year, submit to the council of the Corporation financial statements that have been audited by the City Auditor covering the operations of the Board for the previous fiscal year. Annual statement

(18) The fiscal year of the Board shall be the calendar year. Fiscal year

(19) The property and the income, revenue and accretions of the Board shall be applied solely to promote the objects of the Board and, upon the termination of the Board, any property or assets remaining after the payment of debts shall be paid to the Corporation to form part of its general funds. Application of income and termination

(20) With the approval of the council of the Corporation, the Board may identify itself to the public by a name or style other than that designated in subsection (1). Name

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

9. The short title of this Act is the *City of Toronto Act, 1982*. Short title

An Act respecting the City of Toronto

1st Reading

March 15th, 1982

2nd Reading

3rd Reading

MS. FISH

*(Reprinted as amended by the
General Government Committee)*

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Toronto

Ms. FISH

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

EXPLANATORY NOTES

SECTION 1. The purpose of the proposed amendment is to eliminate the requirement for a two-thirds vote of council to overturn a decision of the executive committee.

SECTIONS 2 TO 5. These sections will provide the council of the Corporation with the powers set out therein.

BILL Pr3

1982

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

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

1. Subsection 2 (2) of *The City of Toronto Act, 1968-69* 1968-69,
 c. 168, s. 2 (2),
 re-enacted
 (No. 2), being chapter 168, is repealed and the following
 substituted therefor:

(2) The executive committee has all the powers and duties of a Powers
 board of control under subsections 71 (1) and (2) of the *Municipal* R.S.O. 1980,
 c. 302
Act and subsections 71 (3) to (16) and (18) and (19) of that Act
 apply with necessary modifications to the executive committee,
 but any requirement in any such subsection for a two-thirds vote
 of council may be satisfied by a simple majority of the members
 of council present and voting.

2. Notwithstanding any general or special Act, the Board of Business
 improvement
 areas, grants
 re highways
 Management of an improvement area in the City of Toronto
 established under section 217 of the *Municipal Act* may make
 grants in respect of the improvement or beautification of any
 highway in the improvement area, whether or not the highway is
 under the jurisdiction of the Corporation.

3. Notwithstanding any general or special Act, the Board of Bloor West
 Village
 Improvement
 Area
 Management for the Bloor West Village Improvement Area may
 reimburse the Corporation over a period of five years from the
 date this section comes into force in respect of a grant in the
 amount of \$25,000 made by the Corporation to The Municipality
 of Metropolitan Toronto to be used for the improvement of cer-
 tain highways in that area, and for the purposes of this section,
 subsections 217 (12) and (13) of the *Municipal Act* do not apply.

Loan guarantees and interest, City of Toronto Non-profit Housing Corporation R.S.O. 1980, c. 209

4. Notwithstanding the *Housing Development Act* and the articles of incorporation of the City of Toronto Non-profit Housing Corporation, the Corporation may, with the approval of the Minister of Municipal Affairs and Housing,

- (a) charge interest, at a rate as may be agreed, upon moneys loaned, whether before or after the coming into force of this Act, by the Corporation to the City of Toronto Non-profit Housing Corporation for its purposes; and
- (b) guarantee loans made to the City of Toronto Non-profit Housing Corporation upon such terms as may be agreed.

Toronto Sesqui-centennial Board

5.—(1) The council of the Corporation may, by by-law, establish a Board to be known as the “Toronto Sesqui-centennial Board”.

Objects of Board

(2) The objects of the Board are to promote, co-ordinate and administer events in celebration of the 150th anniversary of the City of Toronto and to do all things necessary for or incidental to the attainment of such objects and, without limiting the generality of the foregoing, the Board may receive, manage, control and use,

- (a) donations by any person given for such purposes; and
- (b) grants made by the council of the Corporation to further such purposes.

Body corporate, members

(3) The Board is a body politic and corporate and shall consist of not fewer than seven members, at least five of whom shall be members of the council of the Corporation.

Appointment

(4) The members of the Board shall be appointed by the council of the Corporation and shall be appointed for a term expiring with the life of the council that appointed them and until their successors are appointed, and any such member is eligible for reappointment.

No remuneration

(5) The members of the Board shall serve without remuneration.

Termination of office

(6) The council of the Corporation may at any time terminate the office of a member of the Board.

Vacancies

(7) Where a person ceases to be a member of the Board before the expiration of his term, the council of the Corporation may appoint another person for the unexpired term of the person ceasing to be a member.

(8) The Board shall cause, as soon as possible after the 1st day of January in each year, to be elected a president, vice-president, secretary and treasurer and such other officers as it may deem necessary to properly conduct the business of the Board during the said year. Officers

(9) The Board shall meet at least once in every two calendar months. Meetings

(10) A notice of every meeting shall be given to each member of the Board not less than seven days before the time when the meeting is to be held. Idem

(11) A majority of the members of the Board constitutes a quorum. Quorum

(12) The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the clerk of the Corporation as soon as possible after each meeting. Records

(13) The Board may determine the qualifications, responsibilities, duties, positions, remuneration, terms and conditions of employment or service of the officers, servants, employees or other persons engaged or employed by the Board. Powers re:
officers,
employees,
etc.

(14) The Board shall at all times maintain in force, at the sole expense of the Board, and shall deposit and keep deposited with the treasurer of the Corporation, such policies of insurance in respect of the Board as are required by the treasurer of the Corporation. Insurance

(15) The Board shall adopt and maintain only such banking arrangements and accounting practices as are acceptable to the City Auditor and the Board shall keep such books of accounts and submit to the City Auditor such statements from time to time as the City Auditor may require. Accounts

(16) The City Auditor shall at all reasonable times have access to all the books of account and records of the Board for inspection and audit purposes. Inspection,
etc., by
City Auditor

(17) The Board shall, as soon as possible after the 31st day of December in each year, submit to the council of the Corporation financial statements that have been audited by the City Auditor covering the operations of the Board for the previous fiscal year. Annual
statement

(18) The fiscal year of the Board shall be the calendar year. Fiscal
year

Application
of income and
termination

(19) The property and the income, revenue and accretions of the Board shall be applied solely to promote the objects of the Board and, upon the termination of the Board, any property or assets remaining after the payment of debts shall be paid to the Corporation to form part of its general funds.

Name

(20) With the approval of the council of the Corporation, the Board may identify itself to the public by a name or style other than that designated in subsection (1).

Commence-
ment

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

Short title

7. The short title of this Act is the *City of Toronto Act, 1982*.

An Act respecting the City of Toronto

1st Reading

March 15th, 1982

2nd Reading

May 31st, 1982

3rd Reading

MS. FISH

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

BILL Pr3

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Toronto

Ms. FISH



BILL Pr3

1982

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

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

1. Subsection 2 (2) of *The City of Toronto Act, 1968-69* 1968-69,
 c. 168, s. 2 (2),
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 (*No. 2*), being chapter 168, is repealed and the following
 substituted therefor:

(2) The executive committee has all the powers and duties of a Powers
 R.S.O. 1980,
 c. 302
 board of control under subsections 71 (1) and (2) of the *Municipal
 Act* and subsections 71 (3) to (16) and (18) and (19) of that Act
 apply with necessary modifications to the executive committee,
 but any requirement in any such subsection for a two-thirds vote
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 Management of an improvement area in the City of Toronto
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 Management for the Bloor West Village Improvement Area may
 reimburse the Corporation over a period of five years from the
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 amount of \$25,000 made by the Corporation to The Municipality
 of Metropolitan Toronto to be used for the improvement of cer-
 tain highways in that area, and for the purposes of this section,
 subsections 217 (12) and (13) of the *Municipal Act* do not apply.

Loan
guarantees
and interest,
City of
Toronto
Non-profit
Housing
Corporation
R.S.O. 1980,
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4. Notwithstanding the *Housing Development Act* and the articles of incorporation of the City of Toronto Non-profit Housing Corporation, the Corporation may, with the approval of the Minister of Municipal Affairs and Housing,

- (a) charge interest, at a rate as may be agreed, upon moneys loaned, whether before or after the coming into force of this Act, by the Corporation to the City of Toronto Non-profit Housing Corporation for its purposes; and
- (b) guarantee loans made to the City of Toronto Non-profit Housing Corporation upon such terms as may be agreed.

Toronto
Sesqui-
centennial
Board

5.—(1) The council of the Corporation may, by by-law, establish a Board to be known as the "Toronto Sesquicentennial Board".

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of Board

(2) The objects of the Board are to promote, co-ordinate and administer events in celebration of the 150th anniversary of the City of Toronto and to do all things necessary for or incidental to the attainment of such objects and, without limiting the generality of the foregoing, the Board may receive, manage, control and use,

- (a) donations by any person given for such purposes; and
- (b) grants made by the council of the Corporation to further such purposes.

Body
corporate,
members

(3) The Board is a body politic and corporate and shall consist of not fewer than seven members, at least five of whom shall be members of the council of the Corporation.

Appointment

(4) The members of the Board shall be appointed by the council of the Corporation and shall be appointed for a term expiring with the life of the council that appointed them and until their successors are appointed, and any such member is eligible for reappointment.

No
remuneration

(5) The members of the Board shall serve without remuneration.

Termination
of office

(6) The council of the Corporation may at any time terminate the office of a member of the Board.

Vacancies

(7) Where a person ceases to be a member of the Board before the expiration of his term, the council of the Corporation may appoint another person for the unexpired term of the person ceasing to be a member.

(8) The Board shall cause, as soon as possible after the 1st day of January in each year, to be elected a president, vice-president, secretary and treasurer and such other officers as it may deem necessary to properly conduct the business of the Board during the said year. Officers

(9) The Board shall meet at least once in every two calendar months. Meetings

(10) A notice of every meeting shall be given to each member of the Board not less than seven days before the time when the meeting is to be held. Idem

(11) A majority of the members of the Board constitutes a quorum. Quorum

(12) The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the clerk of the Corporation as soon as possible after each meeting. Records

(13) The Board may determine the qualifications, responsibilities, duties, positions, remuneration, terms and conditions of employment or service of the officers, servants, employees or other persons engaged or employed by the Board. Powers re: officers, employees, etc.

(14) The Board shall at all times maintain in force, at the sole expense of the Board, and shall deposit and keep deposited with the treasurer of the Corporation, such policies of insurance in respect of the Board as are required by the treasurer of the Corporation. Insurance

(15) The Board shall adopt and maintain only such banking arrangements and accounting practices as are acceptable to the City Auditor and the Board shall keep such books of accounts and submit to the City Auditor such statements from time to time as the City Auditor may require. Accounts

(16) The City Auditor shall at all reasonable times have access to all the books of account and records of the Board for inspection and audit purposes. Inspection, etc., by City Auditor

(17) The Board shall, as soon as possible after the 31st day of December in each year, submit to the council of the Corporation financial statements that have been audited by the City Auditor covering the operations of the Board for the previous fiscal year. Annual statement

(18) The fiscal year of the Board shall be the calendar year. Fiscal year

- Application of income and termination (19) The property and the income, revenue and accretions of the Board shall be applied solely to promote the objects of the Board and, upon the termination of the Board, any property or assets remaining after the payment of debts shall be paid to the Corporation to form part of its general funds.
- Name (20) With the approval of the council of the Corporation, the Board may identify itself to the public by a name or style other than that designated in subsection (1).
- Commencement **6.** This Act comes into force on the day it receives Royal Assent.
- Short title **7.** The short title of this Act is the *City of Toronto Act, 1982*.

An Act respecting the City of Toronto

1st Reading

March 15th, 1982

2nd Reading

May 31st, 1982

3rd Reading

June 4th, 1982

MS. FISH

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Hamilton

MR. CHARLTON

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr5

1982

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton hereby ^{Preamble} represents that a writ of summons was issued against certain councillors and against William Cockman, the former Director of the Hamilton Visitors' Convention Bureau, by Daniel Kljajevich, carrying on business as Casino Limousines, for damages for conspiracy to injure the plaintiff in his trade relations during 1970 and continuing until the present time; that it is considered desirable that the Corporation assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of the writ of summons issued or as may be issued and in respect of any other legal matter arising out of the claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

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

1. In this Act,

Interpre-
tation

- (a) "claim" means a claim mentioned in a writ and any other legal matter arising out of the writ;
- (b) "Corporation" means The Corporation of the City of Hamilton;
- (c) "councillor" means any person who is or was a member of the council of the Corporation;
- (d) "defendants" means councillors Frederick Lombardo, Patrick Valeriano, James Campbell, James Bethune, Jack MacDonald and any other councillor who is named in a writ as a defendant and William Cockman;
- (e) "writ" means a writ of summons issued or as may be issued in the Supreme Court of Ontario by or on behalf

of Daniel Kljajevich, carrying on business as Casino Limousines, against the defendants or one or more of them.

Payment of judgment and legal expenses authorized

2. The council of the Corporation is hereby authorized to assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of a writ for a claim against the defendants or one or more of them.

Commencement

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

Short title

4. The short title of this Act is the *City of Hamilton Act, 1982*.

An Act respecting the
City of Hamilton

1st Reading

March 15th, 1982

2nd Reading

3rd Reading

MR. CHARLTON

(Private Bill)

BILL Pr5

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Hamilton

MR. CHARLTON



BILL Pr5

1982

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton hereby ^{Preamble} represents that a writ of summons was issued against certain councillors and against William Cockman, the former Director of the Hamilton Visitors' Convention Bureau, by Daniel Kljajevich, carrying on business as Casino Limousines, for damages for conspiracy to injure the plaintiff in his trade relations during 1970 and continuing until the present time; that it is considered desirable that the Corporation assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of the writ of summons issued or as may be issued and in respect of any other legal matter arising out of the claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, 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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of Daniel Kljajevich, carrying on business as Casino Limousines, against the defendants or one or more of them.

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Commencement

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

Short title

4. The short title of this Act is the *City of Hamilton Act, 1982*.



An Act respecting the
City of Hamilton

1st Reading

March 15th, 1982

2nd Reading

April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. CHARLTON

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Windsor

MR. COOKE

EXPLANATORY NOTES

SECTION 1. This section will give the City council powers, in addition to those which it has under paragraph 68 of section 208 of the *Municipal Act*, with respect to lodging houses.

SECTION 2. This section authorizes the City council to pass by-laws to license, regulate and govern amusement arcades.

SECTION 3. The City Licence Commissioner will be authorized to suspend or revoke the licence of a licensee where the Commissioner has reason to believe is not of good character or the carrying on the licensed business by the licensee will likely result in a breach of the law or be adverse to the public interest. A licensee will be able to appeal a decision of the Licence Commissioner to suspend or revoke a licence to the City council.

BILL Pr6

1982

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

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 addition to the powers given by paragraph 61 of Lodging homes
 section 208 of the *Municipal Act*, the council of the Corporation R.S.O. 1980,
 may pass by-laws for, c. 302

- (a) prohibiting the keeper of a lodging house from accept-
 ing as a resident any person who has received a certifi-
 cate of eligibility for extended care service as an insured
 person under the *Health Insurance Act*; R.S.O. 1980,
c. 197
- (b) establishing terms and conditions where a resident of a
 lodging house receives a certificate of eligibility for
 extended care service as an insured person under the
Health Insurance Act, under which such resident may
 remain in the lodging house;
- (c) prohibiting the keeper of a lodging house from accept-
 ing as a resident any person who requires assistance in
 caring for his health and for his personal needs,
 including washing, dressing or eating unless the keeper
 has obtained a licence for a class of lodging house
 established by by-law that is designed for the keeping of
 such persons;
- (d) delegating to the chief of the fire department of the
 Corporation the power to require and approve the
 installation of a fire-alarm system and emergency
 lighting in any lodging house;

(e) authorizing the licensing committee of the Corporation to permit variances from the requirements of a by-law passed under this section and paragraph 61 of section 208 of the *Municipal Act*; and

R.S.O. 1980,
c. 302

(f) establishing a minimum room size in a lodging house.

Different
standards

(2) A by-law passed under this section or under paragraph 61 of section 208 of the *Municipal Act* may prescribe different standards with respect to lodging houses established prior to the 1st day of January, 1982, than the standards prescribed with respect to lodging houses established after that date.

Interpre-
tation

2.—(1) In this section “amusement arcade” means a place where three or more coin-operated machines, devices, contrivances or games are provided for public amusement, excluding a coin-operated machine which provides musical entertainment, rides, food or drink, but does not include premises licensed under the *Liquor Licence Act*.

R.S.O. 1980,
c. 244

Licensing, etc.,
of amusement
arcades

(2) The council of the Corporation may pass by-laws for licensing, regulating and governing amusement arcades and persons who operate amusement arcades, and for revoking or suspending any such licence.

Idem

(3) A by-law passed under this section may,

(a) define one or more areas within the municipality in which amusement arcades may be permitted;

(b) regulate the hours of operation of amusement arcades;

(c) provide that no person under the age of eighteen years may operate or be employed in an amusement arcade;

(d) provide that no person under the age of sixteen years may enter or remain in an amusement arcade or any part thereof unless accompanied by a parent or guardian;

(e) provide that no amusement arcade shall be located within such distance of a school, as defined in the *Education Act*, and as may be set out in the by-law; and

R.S.O. 1980,
c. 129

(f) establish a licence fee for each coin-operated machine, device, contrivance or game located within an amusement arcade.

3.—(1) Section 2 of *The City of Windsor Act, 1977*, being chapter 112, as amended by the Statutes of Ontario, 1978, chapter 152, section 4, is further amended by renumbering subsection (6a) as subsection (6b) and by adding thereto the following subsection: 1977, c. 112, s. 2, amended

(6a) Where a licence has been issued and the Licence Commissioner has reason to believe that the licensee is not of good character or that the carrying on of the trade, calling, business or other occupation by the licensee will likely result in a breach of the law or be in any way adverse to the public interest, the Licence Commissioner may recommend to the licensing committee that the licence be suspended or revoked, and the Licence Commissioner may suspend the said licence for a period of not more than fourteen days pending a hearing by the licensing committee. Suspension of licences

(2) Subsection 2 (7) of the said Act is repealed and the following substituted therefor: s. 2 (7), re-enacted

(7) The decision of the licensing committee to refuse to issue or renew a licence, or to suspend or revoke a licence is subject to an appeal therefrom to the council of the Corporation whose decision is final. Appeal

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

5. The short title of this Act is the *City of Windsor Act, 1982*. Short title

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An Act respecting the City of Windsor

1st Reading

March 29th, 1982

2nd Reading

3rd Reading

MR. COOKE

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Windsor

MR. COOKE

(Reprinted as amended by the Administration of Justice Committee)

EXPLANATORY NOTE

SECTION 1. This section will give the City council powers, in addition to those which it has under paragraph 61 of section 208 of the *Municipal Act*, with respect to lodging houses.

BILL Pr6

1982

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the application;

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 addition to the powers given by paragraph 61 of Lodging homes
section 208 of the *Municipal Act*, the council of the Corporation R.S.O. 1980,
may pass by-laws for, c. 302

- (a) prohibiting the keeper of a lodging house from accept-
ing as a resident any person who has received a certifi-
cate of eligibility for extended care service as an insured
person under the *Health Insurance Act*;
- (b) establishing terms and conditions where a resident of a
lodging house receives a certificate of eligibility for
extended care service as an insured person under the
Health Insurance Act, under which such resident may
remain in the lodging house;
- (c) authorizing the licensing committee of the Corporation
to permit variances from the requirements of a by-law
passed under this section and paragraph 61 of section
208 of the *Municipal Act*; and
- (d) establishing a minimum room size in a lodging house.

R.S.O. 1980,
c. 197

(2) A by-law passed under this section or under paragraph 61
of section 208 of the *Municipal Act* may prescribe different stan-
dards with respect to lodging houses established prior to the 1st
day of September, 1982, than the standards prescribed with
respect to lodging houses established after that date.

Different
standards

Commence-
ment

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

Short title

3. The short title of this Act is the *City of Windsor Act, 1982*.



An Act respecting the City of Windsor

1st Reading

March 29th, 1982

2nd Reading

3rd Reading

MR. COOKE

*(Reprinted as amended by the
Administration of Justice Committee)*

BILL Pr6

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Windsor

MR. COOKE



BILL Pr6

1982

An Act respecting the City of Windsor

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 person under the *Health Insurance Act*;

R.S.O. 1980,
 c. 197

(b) establishing terms and conditions where a resident of a
 lodging house receives a certificate of eligibility for
 extended care service as an insured person under the
Health Insurance Act, under which such resident may
 remain in the lodging house;

(c) authorizing the licensing committee of the Corporation
 to permit variances from the requirements of a by-law
 passed under this section and paragraph 61 of section
 208 of the *Municipal Act*; and

(d) establishing a minimum room size in a lodging house.

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 of section 208 of the *Municipal Act* may prescribe different standards
 standards with respect to lodging houses established prior to the 1st
 day of September, 1982, than the standards prescribed with
 respect to lodging houses established after that date.

Commence-
ment

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

Short title

3. The short title of this Act is the *City of Windsor Act, 1982*.



An Act respecting the City of Windsor

1st Reading

March 29th, 1982

2nd Reading

December 21st, 1982

3rd Reading

December 21st, 1982

MR. COOKE

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Mississauga

MR. KENNEDY

EXPLANATORY NOTE

The Bill provides the municipality with certain powers that it does not possess at the present time.

BILL Pr7

1982

An Act respecting the City of Mississauga

WHEREAS The Corporation of the City of Mississauga, Preamble
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

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

- 1.—(1) The council of the Corporation may pass by-laws, By-laws re:
dog control,
barbed wire,
parking, fill,
places of
amusement,
fees
- (a) for requiring any person who owns or harbours a dog to
 keep the dog leashed and under the care and control of
 some person unless the dog is,
 - (i) on the lands of the person who owns or harbours
 it, or
 - (ii) on the lands of a person who has consented to
 the dog being on the lands while it is unleashed;
 - (b) for requiring any person who owns or harbours a dog to
 remove forthwith any excrement left by the dog on any
 highway and on any other land of the Corporation and
 any local board thereof and for excluding from the
 operation of the by-law such class or classes of physi-
 cally handicapped persons as may be set out in the
 by-law;
 - (c) for prohibiting or regulating the use of barbed wire
 fencing in the municipality or in any defined area
 thereof;
 - (d) for prohibiting or regulating the parking on highways,
 or any part thereof, within residential zones in the
 municipality of vehicles, or any class thereof, having a
 gross vehicle weight, as shown on the permit for the

R.S.O. 1980,
c. 198

vehicle issued under the *Highway Traffic Act*, of not less than 3000 kilograms;

(e) for prohibiting or regulating the placing or dumping of fill of any kind in any defined area or areas in the municipality, other than those areas subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;

R.S.O. 1980,
c. 85

(f) for requiring the payment of fees for information relating to any land, building or structure in the municipality furnished at the request of any person by such official of the Corporation as named in the by-law and prescribing the amounts thereof which amounts shall not exceed the reasonable cost of furnishing such information;

R.S.O. 1980,
c. 51

(g) for requiring the payment of a fee for the inspection of any premises to determine if the premises comply with the *Building Code Act* and regulations thereunder, where the inspection is not related to the administration or enforcement of that Act and prescribing the amount of the fee, which amount shall not exceed the reasonable cost of conducting the inspection; and

(h) for licensing, regulating and governing persons engaged in the installation and repair of air conditioning equipment of any kind.

Application of
R.S.O. 1980,
c. 302, s. 78

(2) A by-law passed under clause (1) (g) does not apply so as to affect the rights of any person under section 78 of the *Municipal Act*.

Local improve-
ments, fences
and noise
abatement
works

2.—(1) The council of the Corporation may undertake, as a local improvement, the construction or erection or repair of fences and noise abatement works upon or along highways under the jurisdiction of the Corporation.

Application of
R.S.O. 1980,
c. 250

(2) The *Local Improvement Act*, except for sections 2, 60 and 61, apply to local improvements described in subsection (1).

Exemption

(3) Where an owner establishes to the satisfaction of the council of the Corporation that the fence or noise abatement work abutting his property is in a good state of repair, the lands of that owner shall be exempt from inclusion as a local improvement.

Places of
amusement
R.S.O. 1980,
c. 302

3. The council of the Corporation may, in addition to its powers under paragraph 6 of section 232 of the *Municipal Act*, pass by-laws prohibiting the location of places of amusement, or any class or classes thereof, on land abutting residential zones in

the municipality or defined areas thereof or for restricting the location to defined areas of the municipality.

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

5. The short title of this Act is the *City of Mississauga Act, 1982*. Short title



An Act respecting
the City of Mississauga

1st Reading

March 11th, 1982

2nd Reading

3rd Reading

MR. KENNEDY

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Mississauga

MR. KENNEDY

(Reprinted as amended by the General Government Committee)

EXPLANATORY NOTE

The Bill provides the municipality with certain powers that it does not possess at the present time.

BILL Pr7

1982

An Act respecting the City of Mississauga

WHEREAS The Corporation of the City of Mississauga, Preamble
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

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

- 1.—(1) The council of the Corporation may pass by-laws, By-laws re:
dog control,
barbed wire,
parking, fill,
places of
amusement,
fees
- (a) for requiring any person who owns or harbours a dog to keep the dog leashed and under the care and control of some person unless the dog is,
 - (i) on the lands of the person who owns or harbours it, or
 - (ii) on the lands of a person who has consented to the dog being on the lands while it is unleashed;
 - (b) for requiring any person who owns or harbours a dog to remove forthwith any excrement left by the dog on any highway and on any other land of the Corporation and any local board thereof and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law;
 - (c) for prohibiting or regulating the use of barbed wire fencing in the municipality or in any defined area thereof;
 - (d) for prohibiting or regulating the parking on highways, or any part thereof, within residential zones in the municipality of vehicles, or any class thereof, having a gross vehicle weight, as shown on the permit for the

R.S.O. 1980,
c. 198

vehicle issued under the *Highway Traffic Act*, of not less than 3000 kilograms;

- (e) for prohibiting or regulating the placing or dumping of fill of any kind in any defined area or areas in the municipality, other than those areas subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;

R.S.O. 1980,
c. 85

- (f) for requiring the payment of fees for documentary, written or printed information relating to any land, building or structure in the municipality furnished at the request of any person by such official of the Corporation as is named in the by-law and prescribing the amounts thereof which amounts shall not exceed the reasonable cost of furnishing such information;

R.S.O. 1980,
c. 51

- (g) for requiring the payment of a fee for the inspection of any premises to determine if the premises comply with the *Building Code Act* and regulations thereunder, where the inspection is not related to the administration or enforcement of that Act and prescribing the amount of the fee, which amount shall not exceed the reasonable cost of conducting the inspection; and

- (h) for licensing, regulating and governing persons engaged in the installation and repair of air conditioning equipment of any kind.

Application of
R.S.O. 1980,
c. 302, s. 78

(2) A by-law passed under clause (1) (f) does not apply so as to affect the rights of any person under section 78 of the *Municipal Act*.

Fill
by-laws,
proviso

(3) Where a regulation is made under clause 28 (1) (f) of the *Conservation Authorities Act* respecting the placing or dumping of fill in any area of the municipality, a by-law passed under clause 1 (e) of this section ceases to have effect in that area of the municipality upon the coming into force of the regulation.

Local improve-
ments, fences
and noise
abatement
works

2.—(1) The council of the Corporation may undertake, as a local improvement, the construction or erection or repair of fences and noise abatement works upon or along highways under the jurisdiction of the Corporation.

Application of
R.S.O. 1980,
c. 250

(2) The *Local Improvement Act*, except sections 2, 60 and 61, applies to local improvements described in subsection (1).

Exemption

(3) Where an owner establishes to the satisfaction of the council of the Corporation that the fence or noise abatement work

abutting his property is in a good state of repair, the lands of that owner shall be exempt from inclusion as a local improvement.

3. The council of the Corporation may, in addition to its powers under paragraph 6 of section 232 of the *Municipal Act*, pass by-laws prohibiting the location of places of amusement, or any class or classes thereof, on land abutting residential zones in the municipality or defined areas thereof or for restricting the location to defined areas of the municipality.

Places of
amusement
R.S.O. 1980,
c. 302

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

Commence-
ment

5. The short title of this Act is the *City of Mississauga Act*, 1982.

Short title



An Act respecting
the City of Mississauga

1st Reading

March 11th, 1982

2nd Reading

3rd Reading

MR. KENNEDY

*(Reprinted as amended by
the General Government Committee)*

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Mississauga

MR. KENNEDY

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

EXPLANATORY NOTE

The Bill provides the municipality with certain powers that it does not possess at the present time.

BILL Pr7

1982

An Act respecting the City of Mississauga

WHEREAS The Corporation of the City of Mississauga, ^{Preamble}
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
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- 1.—(1) The council of the Corporation may pass by-laws, <sup>By-laws re:
dog control,
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amusement,
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- (a) for requiring any person who owns or harbours a dog to keep the dog leashed and under the care and control of some person unless the dog is,
 - (i) on the lands of the person who owns or harbours it, or
 - (ii) on the lands of a person who has consented to the dog being on the lands while it is unleashed;
 - (b) for requiring any person who owns or harbours a dog to remove forthwith any excrement left by the dog on any highway and on any other land of the Corporation and any local board thereof and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law;
 - (c) for prohibiting or regulating the use of barbed wire fencing in the municipality or in any defined area thereof;
 - (d) for prohibiting or regulating the parking on highways, or any part thereof, within residential zones in the municipality of vehicles, or any class thereof, having a gross vehicle weight, as shown on the permit for the

R.S.O. 1980,
c. 198

vehicle issued under the *Highway Traffic Act*, of not less than 3000 kilograms;

(e) for prohibiting or regulating the placing or dumping of fill of any kind in any defined area or areas in the municipality, other than those areas subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;

R.S.O. 1980,
c. 85

(f) for requiring the payment of fees for documentary, written or printed information relating to any land, building or structure in the municipality furnished at the request of any person by such official of the Corporation as is named in the by-law and prescribing the amounts thereof which amounts shall not exceed the reasonable cost of furnishing such information;

R.S.O. 1980,
c. 51

(g) for requiring the payment of a fee for the inspection of any premises to determine if the premises comply with the *Building Code Act* and regulations thereunder, where the inspection is not related to the administration or enforcement of that Act and prescribing the amount of the fee, which amount shall not exceed the reasonable cost of conducting the inspection; and

(h) for licensing, regulating and governing persons engaged in the installation and repair of air conditioning equipment of any kind.

Application of
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(2) A by-law passed under clause (1) (f) does not apply so as to affect the rights of any person under section 78 of the *Municipal Act*.

Fill
by-laws,
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(3) Where a regulation is made under clause 28 (1) (f) of the *Conservation Authorities Act* respecting the placing or dumping of fill in any area of the municipality, a by-law passed under clause 1 (e) of this section ceases to have effect in that area of the municipality upon the coming into force of the regulation.

Local improve-
ments, fences
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2.—(1) The council of the Corporation may undertake, as a local improvement, the construction or erection or repair of fences and noise abatement works upon or along highways under the jurisdiction of the Corporation.

Application of
R.S.O. 1980,
c. 250

(2) The *Local Improvement Act*, except sections 2, 60 and 61, applies to local improvements described in subsection (1).

Exemption

(3) Where an owner establishes to the satisfaction of the council of the Corporation that the fence or noise abatement work

abutting his property is in a good state of repair, the lands of that owner shall be exempt from inclusion as a local improvement.

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

4. The short title of this Act is the *City of Mississauga Act, 1982*. Short title





An Act respecting
the City of Mississauga

1st Reading

March 11th, 1982

2nd Reading

May 31st, 1982

3rd Reading

MR. KENNEDY

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

BILL Pr7

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Mississauga

MR. KENNEDY



BILL Pr7

1982

An Act respecting the City of Mississauga

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 - (ii) on the lands of a person who has consented to the dog being on the lands while it is unleashed;
 - (b) for requiring any person who owns or harbours a dog to remove forthwith any excrement left by the dog on any highway and on any other land of the Corporation and any local board thereof and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law;
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R.S.O. 1980,
c. 198

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R.S.O. 1980,
c. 85

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R.S.O. 1980,
c. 51

(g) for requiring the payment of a fee for the inspection of any premises to determine if the premises comply with the *Building Code Act* and regulations thereunder, where the inspection is not related to the administration or enforcement of that Act and prescribing the amount of the fee, which amount shall not exceed the reasonable cost of conducting the inspection; and

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Application of
R.S.O. 1980,
c. 302, s. 78

(2) A by-law passed under clause (1) (f) does not apply so as to affect the rights of any person under section 78 of the *Municipal Act*.

Fill
by-laws,
proviso

(3) Where a regulation is made under clause 28 (1) (f) of the *Conservation Authorities Act* respecting the placing or dumping of fill in any area of the municipality, a by-law passed under clause 1 (e) of this section ceases to have effect in that area of the municipality upon the coming into force of the regulation.

Local improve-
ments, fences
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2.—(1) The council of the Corporation may undertake, as a local improvement, the construction or erection or repair of fences and noise abatement works upon or along highways under the jurisdiction of the Corporation.

Application of
R.S.O. 1980,
c. 250

(2) The *Local Improvement Act*, except sections 2, 60 and 61, applies to local improvements described in subsection (1).

Exemption

(3) Where an owner establishes to the satisfaction of the council of the Corporation that the fence or noise abatement work

abutting his property is in a good state of repair, the lands of that owner shall be exempt from inclusion as a local improvement.

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

4. The short title of this Act is the *City of Mississauga Act, 1982*. Short title

An Act respecting
the City of Mississauga

1st Reading

March 11th, 1982

2nd Reading

May 31st, 1982

3rd Reading

June 4th, 1982

MR. KENNEDY

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Mississauga

MR. JONES

EXPLANATORY NOTE

The Bill authorizes The Corporation of the City of Mississauga to levy and collect charges as set out in subsection 2 (4) with respect to development and redevelopment in the City.

BILL Pr8

1982

An Act respecting the City of Mississauga

WHEREAS The Corporation of the City of Mississauga ^{Preamble} hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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,

Inter-
pretation

- (a) "Corporation" means The Corporation of the City of Mississauga;
- (b) "council" means the council of the Corporation;
- (c) "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size and usability thereof, or the laying out and establishment of a commercial parking lot and includes,
 - (i) the granting of a consent under section 29 of the *Planning Act*,
 - (ii) the approval of plans of subdivision under section 36 of the *Planning Act*,
 - (iii) the approval of a restricted area by-law under section 39 of the *Planning Act* by the Ontario Municipal Board, and
 - (iv) an approval under subsection 49 (2) of the *Planning Act*.

R.S.O. 1980,
c. 379

Development and re-development levies

2.—(1) The council of the Corporation may pass by-laws requiring the payment of cash contributions to the Corporation and fixing the amount and the time for payment thereof or requiring emplacement of facilities in lieu thereof or requiring a combination thereof in connection with any development or redevelopment or class thereof in the City of Mississauga or any defined area of the City.

O.M.B. approval required

(2) No by-law or part thereof or amendment thereto passed under this section comes into force without the approval of the Ontario Municipal Board and subsections 39 (10) to (15), (19) to (21) and (24) of the *Planning Act* apply with necessary modifications to such approval.

R.S.O. 1980, c. 379

Indexing of cash contributions

(3) A by-law passed under this section may include provision for the indexing of the cash contributions.

Matters to be considered

(4) In fixing the amount of the cash contributions referred to in subsection (1), regard shall be had to the capital costs of any or all of the services and facilities which the Corporation is empowered to provide at current service levels which are related to or are occasioned by the development with appropriate allowance for any subsidies related thereto and the cash contributions may include,

- (a) charges related to the capital costs of any board, commission, utility or any other body in respect of which the Corporation has a statutory authority to provide or guarantee financial support and which are related to or are occasioned by the development; and
- (b) charges in respect of capital costs to be incurred in respect of facilities or services at locations remote from a development where such costs or any proportion thereof would not be incurred in the absence of such development.

Collection of contributions

3. A cash contribution required to be paid under a by-law passed under section 2 may be added to the collector's roll of taxes when it is prepared for the year in which the sums are payable and, upon being so added, such sums shall be deemed to be municipal taxes due on the real property in respect of which they are payable and the provisions of the *Municipal Affairs Act* as to the collection and recovery of taxes including the addition of percentage charges and interest for non-payment of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1980, c. 303

No exemptions

4. No development shall be exempt from the provisions of a by-law passed under section 2 by reason only that it relates to property which is exempt from taxation under section 3 of the *Assessment Act*.

R.S.O. 1980, c. 31

5. All cash contributions received by the Corporation under a by-law passed under section 2 shall be used by the Corporation to cover capital expenditures and debt charges incurred either directly or indirectly as a result of the development or redevelopment and, where the cash contribution relates to a specific expenditure, it shall be used only to meet that expenditure and the cash contributions shall be treated in the same manner as reserve funds, as provided for under section 165 of the *Municipal Act*. Expenditure of contributions
R.S.O. 1980,
c. 302

6. Notwithstanding section 5, if any of the cash contributions referred to in section 5 are not required or likely to be required for the purposes specified in that section, they may, when authorized by a by-law that has been approved by the Ontario Municipal Board, be expended for some other capital purpose. Proviso

7. No levy or charge required as a condition of a consent or an approval given under subsection 29 (24), clause 36 (5) (d) or subsection 49 (10) of the *Planning Act*, prior to the coming into force of this Act or a by-law passed under section 2, is invalid only by reason of the fact that this Act or a by-law passed under section 2 was not in force at the time the condition was imposed. Saving
R.S.O. 1980,
c. 379

8. The Corporation may enter into agreements with the owners of land to which a by-law passed under section 2 applies, to provide for indemnification to the Corporation for the costs of providing municipal services to the lands to be developed or redeveloped and the council may, Agreements

- (a) establish conditions for the development or redevelopment of such lands prior to the adoption of any official plan amendment under the Corporation's official plan; and
- (b) require the payment of a cash contribution for all or any part of the lands included within an official plan amendment area to be paid prior to the physical commencement of the development of the lands.

9. In establishing conditions for the development of land under section 8, the Corporation may establish financial conditions relating to the cost of the development of such lands and the Corporation shall not be restricted in setting the amount of these financial contributions to any provisions set forth in a by-law passed under section 2 of this Act. Establishment of financial conditions

10. Where prior to the day this Act comes into force the Corporation entered into an agreement with a land owner which established financial and other conditions for the development of land, the Corporation shall not impose additional conditions Transition, existing agreements

upon the land owner, except as may be provided for in the agreement, until after the expiry of a period of two years from the date of the passing of a by-law under section 2, and any rights under any such agreement which have not been exercised within the two-year period shall be forfeited at the end thereof and the Corporation may require the land owners to enter into new agreements made under section 8.

Commence-
ment

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

Short title

12. The short title of this Act is the *City of Mississauga Act, 1982*.

An Act respecting the
City of Mississauga

1st Reading

November 19th, 1982

2nd Reading

3rd Reading

MR. JONES

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting Frontier College

MRS. SCRIVENER

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr9

1982

An Act respecting Frontier College

WHEREAS Frontier College hereby represents that it was incorporated by an Act of Parliament on the 26th day of May, 1922; that Frontier College is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that Frontier College owns real property in the City of Toronto which it uses as the headquarters for its educational and social programs which are carried out throughout the country; and whereas Frontier College hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of Toronto, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

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

1. All real property situate in the City of Toronto and owned by Frontier College that is actually used and occupied for the purposes of Frontier College shall be exempt from taxes for municipal and school purposes.

Tax
exemption

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 314, 31

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

Commence-
ment

4. The short title of this Act is the *Frontier College Act, 1982*.

Short title

An Act respecting Frontier College

1st Reading

April 13th, 1982

2nd Reading

3rd Reading

MRS. SCRIVENER

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of North York

MR. ROBINSON

EXPLANATORY NOTES

SECTION 1. This section provides that subsection 18 (3) of the *Assessment Act* does not apply to land in the City of North York. Subsection 18 (3) of the *Assessment Act* provides for a special method of determining the market value of farm land for assessment purposes. Lands affected by this section will be assessed as vacant lands and not as farm lands.

BILL Pr10

1982

An Act respecting the City of North York

WHEREAS The Corporation of the City of North York, Preamble
 herein called the Corporation, hereby represents that the
 City of North York is a major urban municipality; that there are,
 in total, seven properties in the City of North York assessed
 under subsection 18 (3) of the *Assessment Act*, each of which is R.S.O. 1980,
 used in part for industrial, manufacturing, warehousing, retail or cc. 31, 379
 residential purposes and only in part for agricultural purposes;
 that subsection 18 (3) of the *Assessment Act* was enacted to pro-
 tect farm land until developed for other purposes from levels of
 taxation based on development values for other lands in its vicini-
 ty; that in the opinion of the council of the Corporation the
 said properties should not benefit from a reduced assessment;
 that the Corporation further represents that the City of North
 York is undergoing large scale redevelopment of lands in such
 areas as its Yonge Street corridor area, which redevelopment
 typically involves both the assembly and rezoning of land; that
 the *Planning Act* authorizes agreements between developers and
 municipalities when development of land takes place by subdivi-
 sion but contains no provisions authorizing such agreements
 when development takes place by assembly and rezoning; and
 whereas the Corporation hereby applies for special legislation to
 provide that subsection 18 (3) of the *Assessment Act* does not
 apply to any land in the City of North York and to authorize
 agreements where development takes place by assembly and
 rezoning; and whereas it is expedient to grant the application;

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

1.—(1) Subsection 18 (3) of the *Assessment Act* does not apply Non-
 to any land in the City of North York. application of
 R.S.O. 1980,
 c. 31, s. 18 (3)

(2) Any land in the City of North York to which subsection 18 Assessment
 (3) of the *Assessment Act* would apply but for this section shall, of lands used
 for farm
 purposes
 for purposes of the *Assessment Act*, be deemed to be vacant land
 and shall be assessed as such in the assessment rolls to be pre-

pared for taxation in 1983 and subsequent years for so long as the said subsection 18 (3) would otherwise apply to the lands.

Restricted
area by-laws,
matters to be
considered
R.S.O. 1980,
c. 379

2.—(1) In considering any request to amend a restricted area by-law passed under section 39 of the *Planning Act*, the council of the Corporation may have regard, among other matters, to the health, safety, convenience and welfare of the future occupants and inhabitants of the City and to the following,

- (a) whether the request conforms to the official plan and adjacent development patterns;
- (b) whether the request is premature or necessary in the public interest;
- (c) the suitability of the land for the purposes for which it is proposed to be used;
- (d) the number, width, location and grades and elevations of existing and proposed highways and the adequacy thereof;
- (e) the dimensions and shape of the land;
- (f) the proposed restrictions on the land, buildings and structures proposed to be erected thereon and the restrictions on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services;
- (i) the adequacy of schools; and
- (j) the area of land, if any, that is to be conveyed or dedicated for public purposes.

Conditions

(2) The council of the Corporation may impose such conditions to the amendment of a by-law referred to in subsection (1) as in its opinion are advisable and, in particular but without restricting in any way whatsoever the generality of the foregoing, it may impose as a condition,

- (a) that such highways shall be dedicated as the council considers necessary;
- (b) when the subject land abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the council considers necessary; and

SECTION 2. The City will be authorized, when considering a request to amend a zoning by-law, to consider the same matters as are considered with respect to the approval of plans of subdivision. The City will also be authorized to impose conditions on the approval of zoning by-law changes. The City will be able to require that the person who requests a zoning change enter into agreements that may be registered against the land and enforced against subsequent owners. The Bill provides for an appeal to the Ontario Municipal Board.



- (c) that the owner of the land enter into one or more agreements with the municipality dealing with such matters as the council may consider necessary, including the provision of municipal services.

(3) Any agreement imposed as a condition to the amendment ^{Agreements} of a by-law referred to in subsection (1) may be registered against the land to which it applies and the Corporation 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 ^{R.S.O. 1980, cc. 445, 230} and all subsequent owners of the land.

(4) Where the owner of the land is not satisfied as to the ^{Reference to O.M.B.} conditions imposed or to be imposed under subsection (2) by the council of the Corporation, or any of them, he or it may require the condition or conditions that are unsatisfactory to be referred to the Ontario Municipal Board by written notice to the secretary of the Board and the Board shall then hear and determine the question as to the condition or conditions so referred to it, and the decision of the Board in respect of such condition or conditions has the same force and effect as if it were the decision of the council of the Corporation.

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

4. The short title of this Act is the *City of North York Act*, ^{Short title} 1982.

An Act respecting the City of North York

1st Reading

April 15th, 1982

2nd Reading

3rd Reading

MR. ROBINSON

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting 373800 Ontario Limited

MR. WILLIAMS

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr11

1982

An Act respecting 373800 Ontario Limited

WHEREAS 373800 Ontario Limited, herein called the Corporation, hereby represents that articles of incorporation were filed on the 19th day of December, 1977 for the purpose of incorporating the Corporation; that the incorporators of the Corporation assumed that the Corporation could carry on business as a corporation from the 19th day of December, 1977 and that the Corporation has been carrying on business since that date; that in fact the certificate of incorporation for the Corporation was not issued until the 22nd day of February, 1979 and the certificate of incorporation issued gave as its incorporation date the 22nd day of February, 1979; that the Corporation considers it desirable that it be deemed to have been incorporated on the day its articles of incorporation were filed; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; Preamble

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

1. Subject to any rights acquired by any person before the 22nd day of February, 1979, 373800 Ontario Limited shall be deemed to have been incorporated under *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, on the 19th day of December, 1977. Date of incorporation
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. The short title of this Act is the *373800 Ontario Limited Act, 1982*. Short title

An Act respecting
373800 Ontario Limited

1st Reading

April 1st, 1982

2nd Reading

3rd Reading

MR. WILLIAMS

(Private Bill)

BILL Pr11

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting 373800 Ontario Limited

MR. WILLIAMS

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BILL Pr11

1982

An Act respecting 373800 Ontario Limited

WHEREAS 373800 Ontario Limited, herein called the Corporation, hereby represents that articles of incorporation were filed on the 19th day of December, 1977 for the purpose of incorporating the Corporation; that the incorporators of the Corporation assumed that the Corporation could carry on business as a corporation from the 19th day of December, 1977 and that the Corporation has been carrying on business since that date; that in fact the certificate of incorporation for the Corporation was not issued until the 22nd day of February, 1979 and the certificate of incorporation issued gave as its incorporation date the 22nd day of February, 1979; that the Corporation considers it desirable that it be deemed to have been incorporated on the day its articles of incorporation were filed; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; Preamble

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

1. Subject to any rights acquired by any person before the 22nd day of February, 1979, 373800 Ontario Limited shall be deemed to have been incorporated under *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, on the 19th day of December, 1977. Date of incorporation
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. The short title of this Act is the *373800 Ontario Limited Act, 1982*. Short title

An Act respecting
373800 Ontario Limited

1st Reading

April 1st, 1982

2nd Reading

April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. WILLIAMS

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Barrie

MR. MCLEAN

EXPLANATORY NOTE

Under this Bill, the City will be able to collect, in the same manner as municipal property taxes and with the same remedies, certain expenses incurred by the City and certain loans made by the City together with a reasonable administration fee.

BILL Pr12

1982

An Act respecting the City of Barrie

WHEREAS The Corporation of the City of Barrie, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) Where the council of the Corporation has the author- ^{Collection} ity under the *Municipal Act* or the *Planning Act* to direct or ^{of} require by by-law or otherwise that any matter or thing be done ^{expenses} and that, in default of its being done by the person directed or ^{R.S.O. 1980,} required to do it, such matter or thing shall be done at his ^{cc. 302, 379} expense, the Corporation shall have a lien for any amount expended by or on behalf of the Corporation and for an administrative fee, including legal costs and disbursements, which administrative fee shall not exceed the reasonable administrative expenses of the Corporation, and the certificate of the clerk of the Corporation as to the total amount expended shall be admissible in evidence as *prima facie* proof of the total amount expended and such total together with the administrative fee shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

(2) Before the certificate of the clerk of the Corporation is ^{Interim} issued under subsection (1), an interim certificate shall be served ^{certificate} on the owner of the property that is subject to the lien, as well as ^{and appeal} to all prior mortgagees or other encumbrancers, which service shall be made by personal service or by registered mail addressed to the person to whom it is to be given at his usual or last known place of address, or, where the last known place of address is that shown on the registered instrument under which he acquired his interest, to such address, or by leaving it at one of such places of address, and where service is effected by registered mail, such

service shall be deemed to have been made on the fourth day following the mailing of the certificate, and the affected owner, mortgagees or other encumbrancers shall have two weeks from the date of service of the interim certificate to appeal the amount shown thereon to the council of the Corporation.

Collection
of loans
R.S.O. 1980,
cc. 379, 209

(3) Where the council of the Corporation has the authority under the *Planning Act* or the *Housing Development Act* to provide for the making of loans to the registered owners of land to pay for,

- (a) the whole or any part of the cost of repairs required to be done; or
- (b) the clearing, grading and levelling of the lands,

on such terms and conditions as the council of the Corporation may prescribe, the Corporation shall have a lien for any amount loaned by or on behalf of the Corporation and for an administrative fee, including legal costs and disbursements, which administrative fee shall not exceed the reasonable administrative expenses of the Corporation incurred in connection with the loan, and the certificate of the clerk of the Corporation as to the total amount loaned shall be admissible in evidence as *prima facie* proof of the total amount loaned and, if default is made with respect to any terms of the loan, the whole of the balance of the loan, together with accrued interest thereon at the time of the default, becomes due and payable forthwith and the amount of such balance including interest and including so much of the administrative fee as remains unpaid shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

Commence-
ment

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

Short title

3. The short title of this Act is the *City of Barrie Act, 1982*.



An Act respecting the City of Barrie

1st Reading

April 1st, 1982

2nd Reading

3rd Reading

MR. MCLEAN

(Private Bill)

BILL Pr12

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Barrie

MR. MCLEAN



BILL Pr12

1982

An Act respecting the City of Barrie

WHEREAS The Corporation of the City of Barrie, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

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

1.—(1) Where the council of the Corporation has the author- Collection
of
expenses
R.S.O. 1980,
cc. 302, 379
 ity under the *Municipal Act* or the *Planning Act* to direct or
 require by by-law or otherwise that any matter or thing be done
 and that, in default of its being done by the person directed or
 required to do it, such matter or thing shall be done at his
 expense, the Corporation shall have a lien for any amount
 expended by or on behalf of the Corporation and for an adminis-
 trative fee, including legal costs and disbursements, which
 administrative fee shall not exceed the reasonable administrative
 expenses of the Corporation, and the certificate of the clerk of the
 Corporation as to the total amount expended shall be admissible
 in evidence as *prima facie* proof of the total amount expended
 and such total together with the administrative fee shall be
 deemed to be municipal real property taxes and shall be added to
 the collector's roll of taxes to be collected and shall be subject to
 the same penalty and interest charges as real property taxes and
 shall be collected in the same manner and with the same
 remedies as real property taxes.

(2) Before the certificate of the clerk of the Corporation is Interim
certificate
and appeal
 issued under subsection (1), an interim certificate shall be served
 on the owner of the property that is subject to the lien, as well as
 to all prior mortgagees or other encumbrancers, which service
 shall be made by personal service or by registered mail addressed
 to the person to whom it is to be given at his usual or last known
 place of address, or, where the last known place of address is that
 shown on the registered instrument under which he acquired his
 interest, to such address, or by leaving it at one of such places of
 address, and where service is effected by registered mail, such

service shall be deemed to have been made on the fourth day following the mailing of the certificate, and the affected owner, mortgagees or other encumbrancers shall have two weeks from the date of service of the interim certificate to appeal the amount shown thereon to the council of the Corporation.

Collection
of loans
R.S.O. 1980,
cc. 379, 209

(3) Where the council of the Corporation has the authority under the *Planning Act* or the *Housing Development Act* to provide for the making of loans to the registered owners of land to pay for,

- (a) the whole or any part of the cost of repairs required to be done; or
- (b) the clearing, grading and levelling of the lands,

on such terms and conditions as the council of the Corporation may prescribe, the Corporation shall have a lien for any amount loaned by or on behalf of the Corporation and for an administrative fee, including legal costs and disbursements, which administrative fee shall not exceed the reasonable administrative expenses of the Corporation incurred in connection with the loan, and the certificate of the clerk of the Corporation as to the total amount loaned shall be admissible in evidence as *prima facie* proof of the total amount loaned and, if default is made with respect to any terms of the loan, the whole of the balance of the loan, together with accrued interest thereon at the time of the default, becomes due and payable forthwith and the amount of such balance including interest and including so much of the administrative fee as remains unpaid shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

Commence-
ment

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

Short title

3. The short title of this Act is the *City of Barrie Act, 1982*.



An Act respecting the City of Barrie

1st Reading

April 1st, 1982

2nd Reading

April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. MCLEAN

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Toronto

Ms. FISH

EXPLANATORY NOTE

The Bill authorizes The Corporation of the City of Toronto to refuse to issue a demolition permit for the demolition of any building containing six or more dwelling units so long as a statute of Ontario providing for mandatory rent controls remains in effect.

BILL Pr13

1982

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

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 section, “dwelling unit” means a room or suite Interpre-
 tation
 of two or more rooms designed or intended for use by one or more
 persons as living accommodation in which culinary and sanitary
 conveniences are provided for the exclusive use of such person or
 persons.

(2) Notwithstanding section 45 of the *Planning Act* or sections Council
 may refuse
 to issue
 demolition
 permit
 R.S.O. 1980,
 cc. 379, 337,
 507
 34 and 44 of the *Ontario Heritage Act*, so long as a statute of
 Ontario imposing mandatory rent controls in the City of Toronto
 remains in effect, the council may refuse to issue a demolition
 permit for the demolition of any building containing six or more
 dwelling units other than a building coming within the definition
 of tourist establishment as defined in the *Tourism Act* or except
 where such building is,

- (a) unsafe within the meaning of the *Building Code Act*; or R.S.O. 1980,
 c. 51
- (b) built to a residential density which is 50 per cent or less
 of the maximum residential density which the council
 may by by-law permit under the official plan for the
 City of Toronto,

in which event this section shall not apply.

(3) Nothing in this section shall derogate from the authority of No derogation
 of powers
 of council
 the council to refuse to issue a demolition permit under any Act
 where, had this section not been enacted, the council would be
 entitled to refuse to issue a demolition permit.

Appeal
to O.M.B.

(4) Where the council refuses to issue a demolition permit under this section or neglects to make a decision thereon within forty-five days after the receipt by the clerk of the Corporation of the application, the applicant may appeal to the Ontario Municipal Board within thirty days from the refusal to issue the permit or within thirty days after the expiration of the forty-five days hereinbefore referred to, as the case may be, and the Ontario 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.

Notice of
appeal

(5) The person appealing to the Ontario Municipal Board under subsection (4) shall, in such manner and to such persons as the Ontario Municipal Board may direct, give notice of the appeal to the Board.

Commence-
ment

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

Short title

3. The short title of this Act is the *City of Toronto Act, 1982*.



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An Act respecting the City of Toronto

1st Reading

March 29th, 1982

2nd Reading

3rd Reading

MS. FISH

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting
The University of Western Ontario**

MR. VAN HORNE

EXPLANATORY NOTE

The Bill re-enacts *The University of Western Ontario Act, 1974*. The significant amendments may be summarized as follows:

1. A definition of "Alumni Association" is added to section 1.
2. The provisions in the 1974 Act relating to grants by municipalities have been deleted. With the enactment of what is now section 113 of the *Municipal Act*, those provisions became obsolete.
3. The provision in the 1974 Act relating to the vesting of property in the Board has been re-drafted to clarify that it applies to all property and not just trust property.
4. The composition of the Board and Senate has been altered and a provision allowing a two-year extension of the term of the chairman of the Board has been included.
5. The provisions in the 1974 Act relating to vacancies in the Board and Senate have been re-drafted.
6. The conflict of interest provision in the 1974 Act has been amended to permit faculty members who are members of the Board to vote on matters of remuneration, benefits and working conditions. The Board will also be able to disqualify members from voting where the Board is of the opinion that a person has failed to declare a conflict of interest.
7. Certain powers of the Board and Senate have been clarified.
8. The Assembly of the University has been abolished.

**An Act respecting
The University of Western Ontario**

WHEREAS The University of Western Ontario hereby ^{Preamble} applies for special legislation varying the provisions of its Act of incorporation in relation to its organization, government and administration; and whereas it is expedient to grant the application;

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) “academic staff” means those persons employed by the University whose duties are primarily those of performing and administering teaching and research functions and who are included in the instructor, lecturer and professorial ranks;
- (b) “academic unit” means a faculty, school, college or other academic division however designated by the University which offers programs leading to a degree;
- (c) “academic year” means the academic year as determined by the University;
- (d) “administrative staff” means those employees of the University who are not members of the academic staff;
- (e) “Alumni Association” means the organization of alumni recognized by the Board;
- (f) “Board” means The Board of Governors of the University;
- (g) “Faculty” means the full-time members of the academic staff of the University including the Vice-Chancellor

and academic Deans and such of the part-time members of the academic staff of the University as the Senate may from time to time determine;

- (h) "membership year" means any twelve-month period or periods established from time to time by the Board and by the Senate, respectively;
- (i) "property" means all property, both real and personal;
- (j) "real property" means messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (k) "Senate" means the Senate of the University;
- (l) "student" means any person who is registered as a full-time or part-time student in an academic unit of the University, but, except in subclause 24 (1) (e) (i), does not include a student of an affiliated college;
- (m) "University" means The University of Western Ontario, but does not include any college affiliated with the University.

Conflict with
R.S.O. 1980,
c. 95

(2) In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

University
continued

2. The University, commonly known as "Western", the Board and Senate and the statutes and regulations of, appointments in and affiliation of colleges with, the University, existing at the time this Act comes into force, are and each of them is hereby continued, subject to this Act.

Religious
tests not
required

3. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any officer, member of the academic or the administrative staffs, employee or student of the University, nor shall any religious observances be imposed.

Proceedings
by or against
University

4. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

PROPERTY

Property in
trust vested
in Board

5. All property heretofore or hereafter acquired by the University or any academic unit, residence or ancillary operation of the University, whether or not such property is acquired subject

to any trust, shall, subject to any trust affecting the same, vests in the Board absolutely.

6.—(1) All real property vested in the Board shall, as far as the application of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public use of the Province of Ontario.

Application of statute of limitations to property

(2) The University has, in addition to the powers, rights and privileges mentioned in section 26 of the *Interpretation Act*, power to purchase or otherwise acquire, take or receive, by gift, bequest or devise, and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

Power to deal with realty and personalty R.S.O. 1980, c. 219

7. Real property vested in the Board shall not be subject to expropriation by any person possessing the power to expropriate land or interests in land, except a municipal corporation, unless the Act conferring the power to expropriate on such person makes express reference to such real property.

Land vested in Board not liable to expropriation

THE BOARD OF GOVERNORS

8. The Board of Governors of the University is hereby continued as a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

Board continued

9.—(1) The Board shall consist of,

Composition of Board

(a) the following *ex officio* members,

- (i) the President of the University,
- (ii) the mayor of the City of London or an alternate appointed under the provisions of the *Municipal Act*,
- (iii) the warden of the County of Middlesex or an alternate appointed under the provisions of the *Municipal Act*,
- (iv) the Chancellor of the University, and

R.S.O. 1980, c. 302

- (v) the Secretary of the Board, who shall be a non-voting member;
- (b) two persons appointed by the council of the City of London;
- (c) four persons appointed by the Lieutenant Governor in Council;
- (d) four persons appointed or elected by the Alumni Association of the University;
- (e) four members of the Faculty of whom,
 - (i) two shall be members of the Senate at the time of election and be elected by the Senate, and
 - (ii) two shall be elected by the Faculty from among those members of Faculty of the rank of assistant professor or higher who have held academic appointments at the University for at least four academic years;
- (f) three students of whom,
 - (i) two shall be undergraduate students at the time of election and be elected by the undergraduate students, and
 - (ii) one graduate student elected by the graduate students,

but an undergraduate student to be eligible for election must have completed one academic year at the University as a full-time student or the equivalent thereof as a part-time student;
- (g) two members of the full-time administrative staff elected thereby;
- (h) four persons elected by the members of the Board, but the President and the Vice-Presidents shall not vote in such elections; and
- (i) such Vice-Presidents, not exceeding three in number, as are appointed members by the Board to serve at the pleasure of the Board, but the Vice-Presidents appointed hereunder shall not vote in such appointments or the terminations thereof.

(2) Subject to section 16, the failure to appoint or elect a member as provided in subsection (1) does not invalidate the composition of the Board, and, where a default continues for three months after an appointment or election should have been made, the remaining members of the Board may, but shall not be obliged to, elect a member eligible to fill the vacancy. Failure to elect or appoint

(3) The members to be elected under subsection (1) shall be elected in accordance with such procedures as shall be determined and established by the Board, but in the election of members under clauses (e), (f) and (g) of that subsection, the election shall be by secret ballot. Election procedures

10.—(1) Except as provided in this section, each member of the Board shall hold office for four membership years, shall be eligible for reappointment or re-election, as the case may be, and if otherwise eligible shall hold office until a successor is appointed or elected. Term of office

(2) Subject to subsection (5), a student elected to the Board under clause 9 (1) (f) shall hold office for a term of two membership years. Idem

(3) No member shall hold office for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected thereto under section 13, or a term reduced under subsection (5), but any such member shall again be eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms. Idem

(4) Notwithstanding subsection (3), the term of a member who is serving as chairman of the Board may be extended by the Board for a maximum of two years subject to the concurrence of the authority which appointed or elected such member. Idem

(5) The Board shall provide for staggered terms of office. Staggered terms of office

(6) This section does not apply to an *ex officio* member of the Board or to a member appointed under clause 9 (1) (i). Saving

11.—(1) Except as provided in clauses 9 (1) (a), (e), (f), (g) and (i), no person who is a member of the academic staff or administrative staff, or a student of the University or an affiliated college, or who is a member of the governing body, faculty, staff or student body of any other degree-granting institution, is eligible for appointment or election as a member of the Board. Eligibility

(2) A member of the Board must be a Canadian citizen. Canadian citizenship

Membership
vacated

12.—(1) The membership of a member of the Board is vacated when such member resigns or ceases to be eligible for appointment or election to the Board.

Resolution

(2) Where a member of the Board becomes incapable of acting as a member, the Board by resolution shall declare such membership vacant.

Meetings

(3) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of the Board, the Board by resolution may declare such membership vacant.

Idem

(4) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 25 per cent of the regular meetings of the Board, the Board by resolution shall declare such membership vacant.

Procedure

(5) Membership on the Board, other than for *ex officio* members and the Vice-Presidents, may be terminated by resolution of the Board carried by two-thirds of the total voting membership at a meeting of the Board, not less than thirty days after written notice containing reasons for this proposed action is delivered to the last known place of residence of the member.

Proof

(6) A resolution declaring a vacancy, entered in the minutes of the Board, is conclusive evidence of the vacancy.

Filling
vacancies

13. Where a vacancy on the Board occurs before the term of office for which a person has been appointed or elected has expired,

- (a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and
- (b) if the vacancy is that of an elected member, the Board in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

Chairman
and vice-
chairman

14.—(1) The Board shall elect a chairman and a vice-chairman from among the members appointed or elected under clauses 9 (1) (b), (c), (d) and (h), and in the case of the absence or

illness of the chairman or of there being a vacancy in that office, the vice-chairman shall act as and have all the powers of the chairman.

(2) In the case of absence or illness of the chairman and vice-chairman or of there being vacancies in these offices, the Board may appoint one of its members appointed or elected under clauses 9 (1) (b), (c), (d) and (h) to act as chairman for the time being and the member so appointed shall act as and have all the powers of the chairman. Absence

(3) The term of office of the chairman and vice-chairman shall be as determined by the Board. Term of office

15. The quorum of the Board, to be designated by by-law of the Board, shall consist of not fewer than ten members, at least one-half of whom shall consist of members of the Board appointed or elected, as the case may be, under clauses 9 (1) (b), (c), (d) and (h). Quorum

16. The Board may exercise any of its powers as long as there are at least sixteen members in office, not including *ex officio* members and members appointed under clause 9 (1) (i). Exercise of powers

17.—(1) A member of the Board or of a committee created by it who is in any way interested in a matter which conflicts with the interests of the University shall declare such interest as soon as possible and no later than at any meeting at which the matter is to be considered and shall not take part in the discussion or vote thereon and may be required to withdraw from the meeting during the discussion. Conflict of interest

(2) Notwithstanding subsection (1), every member of the Board who is an officer or employee of the University may take part in discussions and vote on matters related to the financial operation of the University other than on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University and *ex officio* members of the Board and members appointed under clause 9 (1) (i) who are officers or employees of the University may also vote on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University. Idem

(3) Notwithstanding subsection (2), where a member of the Board, who is an officer or employee of the University, has a direct pecuniary interest in a contract or proposed contract with the University he shall declare such interest in accordance with subsection (1) and shall not take part in the discussion or vote thereon, and may be required to withdraw from the meeting during the discussion. Idem

Idem

(4) Where the Board is of the opinion that a conflict of interest exists but has not been declared as required by subsection (1), the Board may declare, by a resolution carried by two-thirds of the total voting membership at a meeting of the Board, that a conflict of interest exists and a member thus found to be in conflict shall withdraw from discussion and refrain from voting on the matter giving rise to the conflict.

Management
of the
University

18. Except in such matters as are assigned by this Act to the Senate or other body, the government, conduct, management and control of the University and of its property and affairs are vested in the Board, and the Board may do such things as it considers to be for the good of the University and consistent with the public interest.

Powers of
the Board .

19. Without limiting the generality of section 18, the Board may,

- (a) appoint the President and Vice-Chancellor, but before so acting, the Board shall request a recommendation from a committee, to be convened by the chairman of the Board, composed of five members of the Board named by it, and five persons named by the Senate, which committee shall appoint its own chairman and determine its own procedure, and any recommendation of the committee shall be made in writing signed by at least eight members and delivered to the Board within nine months of the date on which the Board names five members to the committee or the date on which the Board requests the Senate to name five persons to the committee, whichever date is later, and, failing a recommendation within that period, the Board may appoint the President;
- (b) on the recommendation of the President, appoint as many Vice-Presidents as the Board and the Senate may consider necessary, the Director of Libraries, the Registrar and the Secretary of the Senate, and determine their functions, duties and powers, and other conditions of employment, but all such appointments made by the Board shall be in accordance with the policies and procedures established and recommended by the Senate;
- (c) on the recommendation of the President, appoint the Deans and Chairmen of the academic units and other members of the academic staff of the University, and determine their functions, duties and powers and other conditions of employment including tenure of office, entitlement of sabbatical leave, promotion and termi-

nation, but the policies and procedures followed shall be established and recommended by the Senate;

- (d) after consultation with the President, appoint the Secretary of the Board and all other employees as the Board may consider necessary, and determine their functions, duties and powers, and other conditions of employment which in the absence of contract shall be at the pleasure of the Board;
- (e) fix and provide for the remuneration, retirement and superannuation of the persons mentioned in clauses (a), (b), (c) and (d);
- (f) expend such sums as may be required to establish funds for the payment of gratuities, retirement allowances, pensions, life insurance or other insurance, including health insurance, for the benefit of the persons mentioned in clauses (a), (b), (c) and (d);
- (g) establish procedures pertaining to the meetings of the Board and its transactions, create committees to exercise any of its powers and delegate authority to such committees or to individuals as necessary, including an executive committee that may act in the name of and on behalf of the Board between regular meetings of the Board;
- (h) appoint by resolution or by-law a member or members of the Board or any other person or persons to execute on behalf of the Board documents and instruments in writing and to affix the corporate seal of the Board thereto;
- (i) fix the fees to be paid for instruction under the control of the University, for all ancillary activities and for examinations, degrees, diplomas and certificates, and of any fee, charge or fine the payment of which is made mandatory by the Board upon a student to register or to remain registered in the University;
- (j) provide such means for health services and health examinations for students as the Board may see fit;
- (k) establish and enforce regulations for the use of its buildings, grounds and ancillary operations, and for the orderly conduct of persons entering upon the lands and premises of the University;

- (l) expend such sums as the Board considers necessary for the support and maintenance of the University and for the betterment of existing buildings and for the furnishing and equipment of existing and newly erected buildings and, having first requested the advice of the Senate, for the erection of such new buildings as the Board considers necessary for the use or purposes of the University;
- (m) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (n) borrow from time to time such sums of money as may be required for the use of the University, and give such security against the assets of the University by way of mortgage or otherwise as the Board may determine;
- (o) apply for, purchase and otherwise deal with inventions, trademarks, trade names, copyright or similar rights or interests therein in any manner that the Board considers necessary; and
- (p) pass resolutions and make recommendations to the Senate with respect to any matter connected with the administration of the University and the promotion of its affairs, but this power shall not be interpreted as subtracting from the powers and duties conferred on the Senate by this Act.

Idem

20. On the recommendation of the Senate, the Board may,

- (a) establish or terminate academic units, departments, chairs and programs of instruction in the University or elsewhere, but the Senate shall determine the curricula of all programs of instruction;
- (b) enter into agreements for the founding or establishment of chairs, scholarships, fellowships, prizes, bursaries and other awards;
- (c) provide for the affiliation with the University of any college in Ontario offering courses leading to a degree and established for teaching any branch of learning on such terms as the Board may determine, and enter into any agreement that the Board may consider necessary to effectuate affiliation, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control

shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institution of higher learning without specific permission in writing by the Board;

- (d) provide for the dissolution, modification or alteration of the terms of any affiliation; and
- (e) provide for the government and control of residences operated and maintained by the University.

21. Except as otherwise provided in this Act, the Board may act by resolution or by-law authenticated in a manner prescribed by the Board. Authentication of by-laws, etc.

22.—(1) The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least once a year. Audit of accounts R.S.O. 1980, c. 405

(2) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. Annual report

(3) 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. Tabling

(4) The Board shall make available to the academic staff, administrative staff and students, an annual report including an annual financial report in such form and manner as the Board may determine. Idem

23. Where any question arises as to the powers or duties of the President and Vice-Chancellor, a Vice-President, a member of the Faculty or any senior administrative officer of the University, the Board after consultation with the Senate shall settle and determine the matter in accordance with this Act, and the decision of the Board shall be final. Questions as to powers

SENATE

24.—(1) There shall be a Senate of the University composed of, Senate, how composed

- (a) the following *ex officio* members,
 - (i) the Chancellor,
 - (ii) the Vice-Chancellor,

- (iii) such Vice-Presidents as the Senate may determine,
 - (iv) the Deans of the academic units given Faculty representation under clause (b),
 - (v) the Director of Libraries,
 - (vi) the Registrar, and
 - (vii) the Secretary of the Senate who shall be a non-voting member;
- (b) members of the Faculty, elected in the following numbers,
- (i) Faculty of Graduate Studies —eight members,
 - (ii) Faculty of Arts —four members,
 - (iii) Faculty of Medicine —four members,
 - (iv) Faculty of Science —four members,
 - (v) Faculty of Social Science —four members,
 - (vi) Faculty of Dentistry —one member,
 - (vii) Faculty of Education —one member,
 - (viii) Faculty of Engineering Science —one member,
 - (ix) Faculty of Law —one member,
 - (x) Faculty of Music —one member,
 - (xi) Faculty of Nursing —one member,
 - (xii) Faculty of Physical Education —one member,
 - (xiii) School of Business Administration —one member,
 - (xiv) School of Library and Information Science —one member,
 - (xv) Faculty of Part-Time and Continuing Education —one member,

(xvi) School of Journalism —one member,

(xvii) Subject to approval by two-thirds of the members of Senate, any other academic unit that may be established hereafter —one member;

(c) two members of the Board appointed by the Board from among its members appointed or elected under clauses 9 (1) (b), (c), (d) and (h);

(d) two members from each affiliated college, one of whom shall be the academic head of that college and the other a person elected as provided in section 25, who shall have voice in all matters but shall not vote on resolutions, recommendations or requests submitted to the Board where such matters do not directly involve the affiliated colleges as shall be determined by the Senate;

(e) fifteen students of whom,

(i) twelve shall be undergraduate students of the University and its affiliated colleges and be elected by such undergraduate students, and

(ii) three shall be graduate students elected by the graduate students;

(f) two members of the full-time administrative staff elected thereby; and

(g) five persons from the general community, one of whom shall be active in or associated with the field of secondary school education, consisting of,

(i) the President of the Alumni Association of the University or a person designated by such President, and two members of the Association appointed by the Association, and

(ii) two persons appointed by the Senate.

(2) Upon an application by the Senate approved by at least two-thirds of the members of Senate, the Lieutenant Governor in Council may make regulations varying the number of members set out in clauses (1) (b), (d), (e) and (f). Regulation to vary number of members

(3) The Vice-Chancellor shall be the chairman of the Senate, and a vice-chairman shall be elected from among its members in such manner as the Senate may establish. Officers

- Alternates (4) Where the Senate grants leave of absence to any member, the Senate may provide, in such manner as it determines, for an alternate member who shall have all the powers of a member of the Senate.
- Election of members **25.**—(1) The election of a member of the Senate under clause 24 (1) (b) or (d) shall be by secret ballot of the members of the academic unit or affiliated college to be represented who hold the rank of assistant professor or higher, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.
- Idem (2) To be eligible for election to the Senate under clause 24 (1) (b) or (d), a person must be a member of the academic unit or constituent parts thereof as designated by the Senate or affiliated college to be represented, must hold the rank of assistant professor or higher, and must have held an academic appointment in the University or affiliated college for at least two academic years.
- Idem (3) The election of a member of the Senate under clause 24 (1) (e) shall be by secret ballot and for a term of one membership year, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.
- Idem (4) The election of a member of the Senate under clause 24 (1) (f) shall be by secret ballot, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.
- Disputes (5) The Senate shall rule on any dispute which may arise as to eligibility to vote or to hold office under subsections (1), (2), (3) and (4) and its decision shall be final.
- Term of office (6) A member of the Senate, other than an *ex officio* member or a member elected under clause 24 (1) (e), shall hold office for a term of two membership years and is not eligible to be appointed or elected for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected under section 27 or a term reduced under subsection (8), but is eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms.
- Idem (7) A member of the Senate elected under clause 24 (1) (e) is not eligible to be elected for more than four consecutive terms, excluding therefrom the balance of an unexpired term for a person elected under section 27 or a term reduced under subsection (8), but is eligible for re-election after a lapse of two years after the expiration of the fourth of four consecutive terms.

(8) The Senate shall provide for staggered terms of office. Staggered terms

26.—(1) The membership of a member of Senate is vacated when an appointed or elected member resigns or ceases to be eligible for appointment or election, except that graduation during the term of office of a student member shall not prevent the completion of such term. Vacating office

(2) Where an appointed or elected member of Senate becomes incapable of acting as a member, the Senate shall by resolution declare such membership vacant. Resolution

(3) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 50 per cent of the regular meetings of the Senate, the Senate may by resolution declare such membership vacant. Meetings

(4) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 25 per cent of the regular meetings of the Senate, the Senate shall by resolution declare such membership vacant. Idem

(5) A resolution passed under this section entered into the minutes of the Senate shall be conclusive evidence of the vacancy declared therein. Proof

27. Where a vacancy on the Senate occurs before the term of office for which a person has been appointed or elected has expired, Filling vacancies

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Senate in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

28.—(1) The Senate shall meet at least four times in each academic year and at such other times as the Senate from time to time may prescribe. Meetings of the Senate

(2) A special meeting of the Senate shall be called on the written notice of any seven members thereof and shall be convened Special meetings

within fifteen days thereafter, to consider the matter or matters set out in the notice.

Duties of
Senate

29. The Senate is responsible for the academic policy of the University and, without limiting the generality of the foregoing, the Senate shall,

- (a) create, modify and dissolve faculty councils or committees and committees generally to exercise any of its powers, and approve their form and method of operation;
- (b) determine all courses of study, including standards for admission into the University and qualifications for degrees;
- (c) conduct examinations, appoint examiners, and decide finally all matters relating thereto;
- (d) consider all matters arising in connection with the acceptance by the University of fellowships, scholarships, medals, prizes and other awards and establish conditions for the awarding of them;
- (e) provide for the convening and conduct of convocations;
- (f) confer honorary degrees in divinity without fee upon the recommendation of any affiliated college having a faculty of theology;
- (g) establish and recommend to the Board policies and procedures to be followed in the selection, appointment, promotion and termination of appointment of the members of the Faculty, and the conditions under which tenure and sabbatical leave are granted;
- (h) in collaboration with the Board create a committee to make recommendations respecting the appointment of the President and Vice-Chancellor as provided in clause 19 (a) and shall be consulted before the termination of any appointment so made;
- (i) establish and determine procedures for election to the Senate including the right to designate voting constituencies within an academic unit; and
- (j) make recommendations and give advice to the Board on the matters mentioned in clauses 19 (b) and (c) and in section 20.

30. The Senate may,Powers of
Senate

- (a) confer degrees and award diplomas and certificates in any branch of learning, taught in the University or in any affiliated college, including theology;
- (b) confer honorary degrees in any branch of learning;
- (c) provide by-laws and regulations for the conduct of its proceedings including the determination of a quorum necessary for the transaction of business;
- (d) establish such committees as the Senate considers necessary, including an executive committee that may act in the name and on behalf of the Senate between regular meetings of the Senate;
- (e) inquire into and publish reports upon any matter that affects the academic reputation or effectiveness of the University; and
- (f) pass resolutions and make recommendations to the Board with respect to any matter connected with the administration of the University and the promotion of its affairs, but this clause shall not be construed to subtract from the powers and duties conferred on the Board elsewhere in this Act.

MEETINGS AND BY-LAWS

31.—(1) Subject to subsection (2), the meetings of the Board and of the Senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Board and the Senate by by-law shall respectively determine, and no person shall be excluded therefrom except for improper conduct but, where confidential matters of the University are being considered, that part of the meeting may be held *in camera*.

Meetings of
Board and
Senate open
to public

(2) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that such part of the meeting be open to the public.

Exception

(3) The by-laws of the Board and of the Senate shall be open to examination by members of the University community and by the public during normal business hours.

Examination
of by-laws

Publication
of by-laws

(4) The Board and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

CHANCELLOR

Chancellor,
election of

32.—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

(a) six members, except *ex officio* members, of the Board, including the chairman of the Board; and

(b) six members of the Senate, including the Vice-Chancellor.

Quorum

(2) Eight members of the electoral board, including the chairman of the Board and the Vice-Chancellor, constitute a quorum.

Who
ineligible

(3) No person shall occupy the office of Chancellor who is a member of the academic or administrative staff of the University or an employee of any affiliated college, or who at the time of election is a member of the governing body of any post-secondary educational institution.

Term of office

33. The term of office of the Chancellor shall be for four years commencing with the 1st day of July of the year of election and continuing on until a successor is elected, but in any event not longer than six months after the expiration of the term of office, and no Chancellor shall be eligible for re-election.

Vacancy
in office

34. Where a vacancy in the office of Chancellor occurs, the vacancy shall be filled by the election of a successor in the manner set out in section 32, and such successor shall hold office for four years terminating on the 30th day of June in the fourth year after election, and no successor shall be eligible for re-election.

Where
Chancellor
becomes
ineligible

35. Where the Chancellor ceases to be eligible for such office, or becomes incapable of acting, or the office becomes otherwise vacant, a declaration of the existence of a vacancy in the office of Chancellor by the Senate and the Board entered in the minutes of the Senate and of the Board is conclusive evidence of the vacancy.

Duties

36. The Chancellor shall preside at all convocations and by virtue of the authority vested in the Chancellor by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate.

VICE-CHANCELLOR

37.—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University. Vice-Chancellor

(2) The Vice-Chancellor and President shall be the chief executive officer of the University and shall call a meeting of and report to the Faculty not less than once in each academic year. Duties

(3) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor shall act as Chancellor at Convocation or shall appoint a member of the Faculty to act in that capacity. Vice-Chancellor to act in absence of Chancellor

(4) In the absence of both Chancellor and Vice-Chancellor or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty appointed by the Senate for the purpose. Idem

OFFICIAL VISITOR

38. The Lieutenant Governor of the Province of Ontario is the Official Visitor of the University. Official Visitor

GENERAL

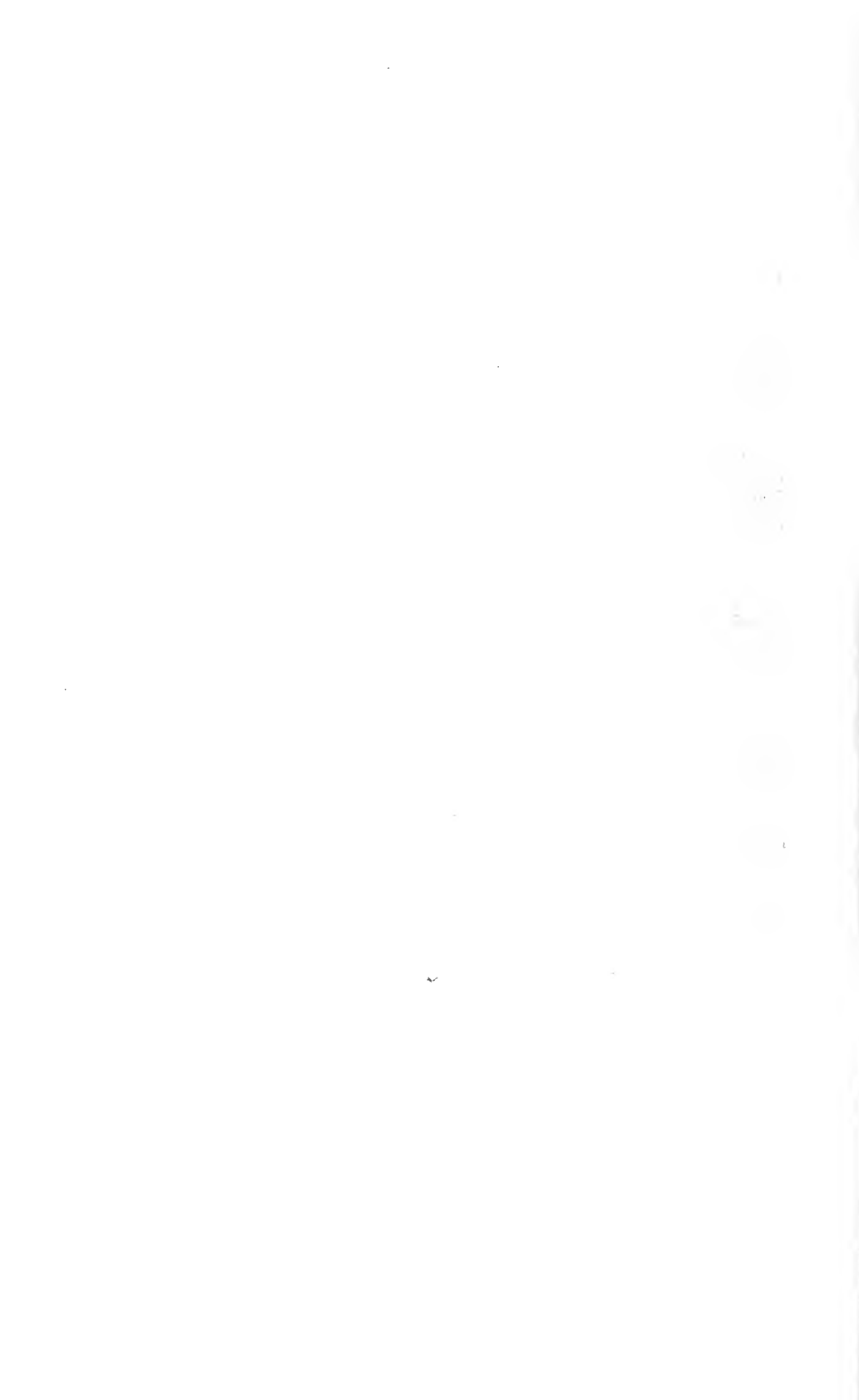
39. The Board and the Senate shall review this Act within fifteen years from the date of its enactment. Review

40. The members of the Board and the Senate holding office immediately before this Act comes into force shall continue to hold office and constitute the Board and the Senate under this Act until the members of the Board and Senate are elected or appointed in accordance with this Act. Former members continue until new Board and Senate constituted

41. *The University of Western Ontario Act, 1974*, being chapter 163, is repealed. Repeal

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

43. The short title of this Act is the *University of Western Ontario Act, 1982*. Short title



An Act respecting
The University of Western Ontario

1st Reading

May 18th, 1982

2nd Reading

3rd Reading

MR. VAN HORNE

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting
The University of Western Ontario**

MR. VAN HORNE

(Reprinted as amended by the Social Development Committee)

EXPLANATORY NOTE

The Bill re-enacts *The University of Western Ontario Act, 1974*. The significant amendments may be summarized as follows:

1. A definition of "Alumni Association" is added to section 1.
2. The provisions in the 1974 Act relating to grants by municipalities have been deleted. With the enactment of what is now section 113 of the *Municipal Act*, those provisions became obsolete.
3. The provision in the 1974 Act relating to the vesting of property in the Board has been re-drafted to clarify that it applies to all property and not just trust property.
4. The composition of the Board and Senate has been altered and a provision allowing a two-year extension of the term of the chairman of the Board has been included.
5. The provisions in the 1974 Act relating to vacancies in the Board and Senate have been re-drafted.
6. The conflict of interest provision in the 1974 Act has been amended.
7. Certain powers of the Board and Senate have been clarified.
8. The Assembly of the University has been abolished.

BILL Pr14

1982

**An Act respecting
The University of Western Ontario**

WHEREAS The University of Western Ontario hereby Preamble applies for special legislation varying the provisions of its Act of incorporation in relation to its organization, government and administration; and whereas it is expedient to grant the application;

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) “academic staff” means those persons employed by the University whose duties are primarily those of performing and administering teaching and research functions and who are included in the instructor, lecturer and professorial ranks;
- (b) “academic unit” means a faculty, school, college or other academic division however designated by the University which offers programs leading to a degree;
- (c) “academic year” means the academic year as determined by the University;
- (d) “administrative staff” means those employees of the University who are not members of the academic staff;
- (e) “Alumni Association” means the organization of alumni recognized by the Board;
- (f) “Board” means The Board of Governors of the University;
- (g) “Faculty” means the full-time members of the academic staff of the University including the Vice-Chancellor

and academic Deans and such of the part-time members of the academic staff of the University as the Senate may from time to time determine;

- (h) "membership year" means any twelve-month period or periods established from time to time by the Board and by the Senate, respectively;
- (i) "property" means all property, both real and personal;
- (j) "real property" means messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (k) "Senate" means the Senate of the University;
- (l) "student" means any person who is registered as a full-time or part-time student in an academic unit of the University, but, except in subclause 24 (1) (e) (i), does not include a student of an affiliated college;
- (m) "University" means The University of Western Ontario, but does not include any college affiliated with the University.

Conflict with
R.S.O. 1980,
c. 95

(2) In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

University
continued

2. The University, commonly known as "Western", the Board and Senate and the statutes and regulations of, appointments in and affiliation of colleges with, the University, existing at the time this Act comes into force, are and each of them is hereby continued, subject to this Act.

Religious
tests not
required

3. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any officer, member of the academic or the administrative staffs, employee or student of the University, nor shall any religious observances be imposed.

Proceedings
by or against
University

4. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

PROPERTY

Property in
trust vested
in Board

5. All property heretofore or hereafter acquired by the University or any academic unit, residence or ancillary operation of the University, whether or not such property is acquired subject

to any trust, shall, subject to any trust affecting the same, vest in the Board absolutely.

6.—(1) All real property vested in the Board shall, as far as the application of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public use of the Province of Ontario.

Application of statute of limitations to property

(2) The University has, in addition to the powers, rights and privileges mentioned in section 26 of the *Interpretation Act*, power to purchase or otherwise acquire, take or receive, by gift, bequest or devise, and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

Power to deal with realty and personally
R.S.O. 1980, c. 219

7. Real property vested in the Board shall not be subject to expropriation by any person possessing the power to expropriate land or interests in land, except a municipal corporation, unless the Act conferring the power to expropriate on such person makes express reference to such real property.

Land vested in Board not liable to expropriation

THE BOARD OF GOVERNORS

8. The Board of Governors of the University is hereby continued as a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

Board continued

9.—(1) The Board shall consist of,

Composition of Board

(a) the following *ex officio* members,

(i) the President of the University,

(ii) the mayor of the City of London or an alternate appointed under the provisions of the *Municipal Act*,

R.S.O. 1980, c. 302

(iii) the warden of the County of Middlesex or an alternate appointed under the provisions of the *Municipal Act*,

(iv) the Chancellor of the University, and

- (v) the Secretary of the Board, who shall be a non-voting member;
- (b) two persons appointed by the council of the City of London;
- (c) four persons appointed by the Lieutenant Governor in Council;
- (d) four persons appointed or elected by the Alumni Association of the University;
- (e) four members of the Faculty of whom,
 - (i) two shall be members of the Senate at the time of election and be elected by the Senate, and
 - (ii) two shall be elected by the Faculty from among those members of Faculty of the rank of assistant professor or higher who have held academic appointments at the University for at least four academic years;
- (f) three students of whom,
 - (i) two shall be undergraduate students at the time of election and be elected by the undergraduate students, and
 - (ii) one graduate student elected by the graduate students,

but an undergraduate student to be eligible for election must have completed one academic year at the University as a full-time student or the equivalent thereof as a part-time student;
- (g) two members of the full-time administrative staff elected thereby;
- (h) four persons elected by the members of the Board, but the President and the Vice-Presidents shall not vote in such elections; and
- (i) such Vice-Presidents, not exceeding three in number, as are appointed members by the Board to serve at the pleasure of the Board, but the Vice-Presidents appointed hereunder shall not vote in such appointments or the terminations thereof.

(2) Subject to section 16, the failure to appoint or elect a member as provided in subsection (1) does not invalidate the composition of the Board, and, where a default continues for three months after an appointment or election should have been made, the remaining members of the Board may, but shall not be obliged to, elect a member eligible to fill the vacancy. ^{Failure to elect or appoint}

(3) The members to be elected under subsection (1) shall be elected in accordance with such procedures as shall be determined and established by the Board, but in the election of members under clauses (e), (f) and (g) of that subsection, the election shall be by secret ballot. ^{Election procedures}

10.—(1) Except as provided in this section, each member of the Board shall hold office for four membership years, shall be eligible for reappointment or re-election, as the case may be, and if otherwise eligible shall hold office until a successor is appointed or elected. ^{Term of office}

(2) Subject to subsection (5), a student elected to the Board under clause 9 (1) (f) shall hold office for a term of two membership years. ^{Idem}

(3) No member shall hold office for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected thereto under section 13, or a term reduced under subsection (5), but any such member shall again be eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms. ^{Idem}

(4) Notwithstanding subsection (3), the term of a member who is serving as chairman of the Board may be extended by the Board for a maximum of two years subject to the concurrence of the authority which appointed or elected such member. ^{Idem}

(5) The Board shall provide for staggered terms of office. ^{Staggered terms of office}

(6) This section does not apply to an *ex officio* member of the Board or to a member appointed under clause 9 (1) (i). ^{Saving}

11.—(1) Except as provided in clauses 9 (1) (a), (e), (f), (g) and (i), no person who is a member of the academic staff or administrative staff, or a student of the University or an affiliated college, or who is a member of the governing body, faculty, staff or student body of any other degree-granting institution, is eligible for appointment or election as a member of the Board. ^{Eligibility}

(2) A member of the Board must be a Canadian citizen. ^{Canadian citizenship}

Membership vacated

12.—(1) The membership of a member of the Board is vacated when such member resigns or ceases to be eligible for appointment or election to the Board.

Resolution

(2) Where a member of the Board becomes incapable of acting as a member, the Board by resolution shall declare such membership vacant.

Meetings

(3) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of the Board, the Board by resolution may declare such membership vacant.

Idem

(4) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 25 per cent of the regular meetings of the Board, the Board by resolution shall declare such membership vacant.

Procedure

(5) Membership on the Board, other than for *ex officio* members and the Vice-Presidents, may be terminated by resolution of the Board carried by two-thirds of the total voting membership at a meeting of the Board, not less than thirty days after written notice containing reasons for this proposed action is delivered to the last known place of residence of the member.

Proof

(6) A resolution declaring a vacancy, entered in the minutes of the Board, is conclusive evidence of the vacancy.

Filling vacancies

13. Where a vacancy on the Board occurs before the term of office for which a person has been appointed or elected has expired,

- (a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and
- (b) if the vacancy is that of an elected member, the Board in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

Chairman and vice-chairman

14.—(1) The Board shall elect a chairman and a vice-chairman from among the members appointed or elected under clauses 9 (1) (b), (c), (d) and (h), and in the case of the absence or

illness of the chairman or of there being a vacancy in that office, the vice-chairman shall act as and have all the powers of the chairman.

(2) In the case of absence or illness of the chairman and vice-chairman or of there being vacancies in these offices, the Board may appoint one of its members appointed or elected under clauses 9 (1) (b), (c), (d) and (h) to act as chairman for the time being and the member so appointed shall act as and have all the powers of the chairman. Absence

(3) The term of office of the chairman and vice-chairman shall be as determined by the Board. Term of office

15. The quorum of the Board, to be designated by by-law of the Board, shall consist of not fewer than ten members, at least one-half of whom shall consist of members of the Board appointed or elected, as the case may be, under clauses 9 (1) (b), (c), (d) and (h). Quorum

16. The Board may exercise any of its powers as long as there are at least sixteen members in office, not including *ex officio* members and members appointed under clause 9 (1) (i). Exercise of powers

17.—(1) A member of the Board or of a committee created by it who is in any way interested in a matter which conflicts with the interests of the University shall declare such interest as soon as possible and no later than at any meeting at which the matter is to be considered and shall not take part in the discussion or vote thereon and may be required to withdraw from the meeting during the discussion. Conflict of interest

(2) Notwithstanding subsection (1), every member of the Board who is an employee of the University may take part in discussions and vote on matters related to the financial operation of the University other than on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University and the President and every Vice-President appointed to the Board under clause 9 (1) (i) may also take part in discussions and vote on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University. Idem

(3) Except as permitted by subsection (2), where a member of the Board who is an employee of the University has a direct pecuniary interest in a contract or proposed contract with the University, the member shall declare such interest in accordance with subsection (1) and shall not take part in the discussion or vote thereon, and may be required to withdraw from the meeting during the discussion. Idem

Idem

(4) Where the Board is of the opinion that a conflict of interest exists but has not been declared as required by subsection (1) or (3), the Board may declare, by a resolution carried by two-thirds of the total voting membership at a meeting of the Board, that a conflict of interest exists and a member thus found to be in conflict shall withdraw from discussion and refrain from voting on the matter giving rise to the conflict.

Management
of the
University

18. Except in such matters as are assigned by this Act to the Senate or other body, the government, conduct, management and control of the University and of its property and affairs are vested in the Board, and the Board may do such things as it considers to be for the good of the University and consistent with the public interest.

Powers of
the Board

19. Without limiting the generality of section 18, the Board may,

- (a) appoint the President and Vice-Chancellor, but before so acting, the Board shall request a recommendation from a committee, to be convened by the chairman of the Board, composed of five members of the Board named by it, and five persons named by the Senate, which committee shall appoint its own chairman and determine its own procedure, and any recommendation of the committee shall be made in writing signed by at least eight members and delivered to the Board within nine months of the date on which the Board names five members to the committee or the date on which the Board requests the Senate to name five persons to the committee, whichever date is later, and, failing a recommendation within that period, the Board may appoint the President;
- (b) on the recommendation of the President, appoint as many Vice-Presidents as the Board and the Senate may consider necessary, the Director of Libraries, the Registrar and the Secretary of the Senate, and determine their functions, duties and powers, and other conditions of employment, but all such appointments made by the Board shall be in accordance with the policies and procedures established and recommended by the Senate;
- (c) on the recommendation of the President, appoint the Deans and Chairmen of the academic units and other members of the academic staff of the University, and determine their functions, duties and powers and other conditions of employment including tenure of office, entitlement of sabbatical leave, promotion and termi-

nation, but the policies and procedures followed shall be established and recommended by the Senate;

- (d) after consultation with the President, appoint the Secretary of the Board and all other employees as the Board may consider necessary, and determine their functions, duties and powers, and other conditions of employment which in the absence of contract shall be at the pleasure of the Board;
- (e) fix and provide for the remuneration, retirement and superannuation of the persons mentioned in clauses (a), (b), (c) and (d);
- (f) expend such sums as may be required to establish funds for the payment of gratuities, retirement allowances, pensions, life insurance or other insurance, including health insurance, for the benefit of the persons mentioned in clauses (a), (b), (c) and (d);
- (g) establish procedures pertaining to the meetings of the Board and its transactions, create committees to exercise any of its powers and delegate authority to such committees or to individuals as necessary, including an executive committee that may act in the name of and on behalf of the Board between regular meetings of the Board;
- (h) appoint by resolution or by-law a member or members of the Board or any other person or persons to execute on behalf of the Board documents and instruments in writing and to affix the corporate seal of the Board thereto;
- (i) fix the fees to be paid for instruction under the control of the University, for all ancillary activities and for examinations, degrees, diplomas and certificates, and of any fee, charge or fine the payment of which is made mandatory by the Board upon a student to register or to remain registered in the University;
- (j) provide such means for health services and health examinations for students as the Board may see fit;
- (k) establish and enforce regulations for the use of its buildings, grounds and ancillary operations, and for the orderly conduct of persons entering upon the lands and premises of the University;

- (l) expend such sums as the Board considers necessary for the support and maintenance of the University and for the betterment of existing buildings and for the furnishing and equipment of existing and newly erected buildings and, having first requested the advice of the Senate, for the erection of such new buildings as the Board considers necessary for the use or purposes of the University;
- (m) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (n) borrow from time to time such sums of money as may be required for the use of the University, and give such security against the assets of the University by way of mortgage or otherwise as the Board may determine;
- (o) apply for, purchase and otherwise deal with inventions, trademarks, trade names, copyright or similar rights or interests therein in any manner that the Board considers necessary; and
- (p) pass resolutions and make recommendations to the Senate with respect to any matter connected with the administration of the University and the promotion of its affairs, but this power shall not be interpreted as subtracting from the powers and duties conferred on the Senate by this Act.

Idem

20. On the recommendation of the Senate, the Board may,

- (a) establish or terminate academic units, departments, chairs and programs of instruction in the University or elsewhere, but the Senate shall determine the curricula of all programs of instruction;
- (b) enter into agreements for the founding or establishment of chairs, scholarships, fellowships, prizes, bursaries and other awards;
- (c) provide for the affiliation with the University of any college in Ontario offering courses leading to a degree and established for teaching any branch of learning on such terms as the Board may determine, and enter into any agreement that the Board may consider necessary to effectuate affiliation, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control

shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institution of higher learning without specific permission in writing by the Board;

- (d) provide for the dissolution, modification or alteration of the terms of any affiliation; and
- (e) provide for the government and control of residences operated and maintained by the University.

21. Except as otherwise provided in this Act, the Board may act by resolution or by-law authenticated in a manner prescribed by the Board. Authentication of by-laws, etc.

22.—(1) The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least once a year. Audit of accounts
R.S.O. 1980,
c. 405

(2) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. Annual report

(3) 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. Tabling

(4) The Board shall make available to the academic staff, administrative staff and students, an annual report including an annual financial report in such form and manner as the Board may determine. Idem

23. Where any question arises as to the powers or duties of the President and Vice-Chancellor, a Vice-President, a member of the Faculty or any senior administrative officer of the University, the Board after consultation with the Senate shall settle and determine the matter in accordance with this Act, and the decision of the Board shall be final. Questions as to powers

SENATE

24.—(1) There shall be a Senate of the University composed of, Senate, how composed

(a) the following *ex officio* members,

(i) the Chancellor,

(ii) the Vice-Chancellor,

- (iii) such Vice-Presidents as the Senate may determine,
 - (iv) the Deans of the academic units given Faculty representation under clause (b),
 - (v) the Director of Libraries,
 - (vi) the Registrar, and
 - (vii) the Secretary of the Senate who shall be a non-voting member;
- (b) members of the Faculty, elected in the following numbers,
- (i) Faculty of Graduate Studies —eight members,
 - (ii) Faculty of Arts —four members,
 - (iii) Faculty of Medicine —four members,
 - (iv) Faculty of Science —four members,
 - (v) Faculty of Social Science —four members,
 - (vi) Faculty of Dentistry —one member,
 - (vii) Faculty of Education —one member,
 - (viii) Faculty of Engineering Science —one member,
 - (ix) Faculty of Law —one member,
 - (x) Faculty of Music —one member,
 - (xi) Faculty of Nursing —one member,
 - (xii) Faculty of Physical Education —one member,
 - (xiii) School of Business Administration —one member,
 - (xiv) School of Library and Information Science —one member,
 - (xv) Faculty of Part-Time and Continuing Education —one member,

- (xvi) School of Journalism —one member,
- (xvii) Subject to approval by
two-thirds of the members
of Senate, any other
academic unit that may be
established hereafter —one member;
- (c) two members of the Board appointed by the Board
from among its members appointed or elected under
clauses 9 (1) (b), (c), (d) and (h);
- (d) two members from each affiliated college, one of whom
shall be the academic head of that college and the other
a person elected as provided in section 25, who shall
have voice in all matters but shall not vote on resolu-
tions, recommendations or requests submitted to the
Board where such matters do not directly involve the
affiliated colleges as shall be determined by the Senate;
- (e) fifteen students of whom,
- (i) twelve shall be undergraduate students of the
University and its affiliated colleges and be
elected by such undergraduate students, and
- (ii) three shall be graduate students elected by the
graduate students;
- (f) two members of the full-time administrative staff
elected thereby; and
- (g) five persons from the general community, one of whom
shall be active in or associated with the field of second-
ary school education, consisting of,
- (i) the President of the Alumni Association of the
University or a person designated by such Presi-
dent, and two members of the Association
appointed by the Association, and
- (ii) two persons appointed by the Senate.

(2) Upon an application by the Senate approved by at least two-thirds of the members of Senate, the Lieutenant Governor in Council may make regulations varying the number of members set out in clauses (1) (b), (d), (e) and (f). Regulation
to vary
number of
members

(3) The Vice-Chancellor shall be the chairman of the Senate, and a vice-chairman shall be elected from among its members in such manner as the Senate may establish. Officers

- Alternates (4) Where the Senate grants leave of absence to any member, the Senate may provide, in such manner as it determines, for an alternate member who shall have all the powers of a member of the Senate.
- Election of members **25.**—(1) The election of a member of the Senate under clause 24 (1) (b) or (d) shall be by secret ballot of the members of the academic unit or affiliated college to be represented who hold the rank of assistant professor or higher, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.
- Idem (2) To be eligible for election to the Senate under clause 24 (1) (b) or (d), a person must be a member of the academic unit or constituent parts thereof as designated by the Senate or affiliated college to be represented, must hold the rank of assistant professor or higher, and must have held an academic appointment in the University or affiliated college for at least two academic years.
- Idem (3) The election of a member of the Senate under clause 24 (1) (e) shall be by secret ballot and for a term of one membership year, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.
- Idem (4) The election of a member of the Senate under clause 24 (1) (f) shall be by secret ballot, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.
- Disputes (5) The Senate shall rule on any dispute which may arise as to eligibility to vote or to hold office under subsections (1), (2), (3) and (4) and its decision shall be final.
- Term of office (6) A member of the Senate, other than an *ex officio* member or a member elected under clause 24 (1) (e), shall hold office for a term of two membership years and is not eligible to be appointed or elected for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected under section 27 or a term reduced under subsection (8), but is eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms.
- Idem (7) A member of the Senate elected under clause 24 (1) (e) is not eligible to be elected for more than four consecutive terms, excluding therefrom the balance of an unexpired term for a person elected under section 27 or a term reduced under subsection (8), but is eligible for re-election after a lapse of two years after the expiration of the fourth of four consecutive terms.

(8) The Senate shall provide for staggered terms of office. Staggered terms

26.—(1) The membership of a member of Senate is vacated when an appointed or elected member resigns or ceases to be eligible for appointment or election, except that graduation during the term of office of a student member shall not prevent the completion of such term. Vacating office

(2) Where an appointed or elected member of Senate becomes incapable of acting as a member, the Senate shall by resolution declare such membership vacant. Resolution

(3) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 50 per cent of the regular meetings of the Senate, the Senate may by resolution declare such membership vacant. Meetings

(4) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 25 per cent of the regular meetings of the Senate, the Senate shall by resolution declare such membership vacant. Idem

(5) A resolution passed under this section entered into the minutes of the Senate shall be conclusive evidence of the vacancy declared therein. Proof

27. Where a vacancy on the Senate occurs before the term of office for which a person has been appointed or elected has expired, Filling vacancies

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Senate in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

28.—(1) The Senate shall meet at least four times in each academic year and at such other times as the Senate from time to time may prescribe. Meetings of the Senate

(2) A special meeting of the Senate shall be called on the written notice of any seven members thereof and shall be convened Special meetings

within fifteen days thereafter, to consider the matter or matters set out in the notice.

Duties of
Senate

29. The Senate is responsible for the academic policy of the University and, without limiting the generality of the foregoing, the Senate shall,

- (a) create, modify and dissolve faculty councils or committees and committees generally to exercise any of its powers, and approve their form and method of operation;
- (b) determine all courses of study, including standards for admission into the University and qualifications for degrees;
- (c) conduct examinations, appoint examiners, and decide finally all matters relating thereto;
- (d) consider all matters arising in connection with the acceptance by the University of fellowships, scholarships, medals, prizes and other awards and establish conditions for the awarding of them;
- (e) provide for the convening and conduct of convocations;
- (f) confer honorary degrees in divinity without fee upon the recommendation of any affiliated college having a faculty of theology;
- (g) establish and recommend to the Board policies and procedures to be followed in the selection, appointment, promotion and termination of appointment of the members of the Faculty, and the conditions under which tenure and sabbatical leave are granted;
- (h) in collaboration with the Board create a committee to make recommendations respecting the appointment of the President and Vice-Chancellor as provided in clause 19 (a) and shall be consulted before the termination of any appointment so made;
- (i) establish and determine procedures for election to the Senate including the right to designate voting constituencies within an academic unit; and
- (j) make recommendations and give advice to the Board on the matters mentioned in clauses 19 (b) and (c) and in section 20.

30. The Senate may,Powers of
Senate

- (a) confer degrees and award diplomas and certificates in any branch of learning, taught in the University or in any affiliated college, including theology;
- (b) confer honorary degrees in any branch of learning;
- (c) provide by-laws and regulations for the conduct of its proceedings including the determination of a quorum necessary for the transaction of business;
- (d) establish such committees as the Senate considers necessary, including an executive committee that may act in the name and on behalf of the Senate between regular meetings of the Senate;
- (e) inquire into and publish reports upon any matter that affects the academic reputation or effectiveness of the University; and
- (f) pass resolutions and make recommendations to the Board with respect to any matter connected with the administration of the University and the promotion of its affairs, but this clause shall not be construed to subtract from the powers and duties conferred on the Board elsewhere in this Act.

MEETINGS AND BY-LAWS

31.—(1) Subject to subsection (2), the meetings of the Board and of the Senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Board and the Senate by by-law shall respectively determine, and no person shall be excluded therefrom except for improper conduct but, where confidential matters of the University are being considered, that part of the meeting may be held *in camera*.

Meetings of
Board and
Senate open
to public

(2) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that such part of the meeting be open to the public.

Exception

(3) The by-laws of the Board and of the Senate shall be open to examination by members of the University community and by the public during normal business hours.

Examination
of by-laws

Publication
of by-laws

(4) The Board and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

CHANCELLOR

Chancellor,
election of

32.—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

- (a) six members, except *ex officio* members, of the Board, including the chairman of the Board; and
- (b) six members of the Senate, including the Vice-Chancellor.

Quorum

(2) Eight members of the electoral board, including the chairman of the Board and the Vice-Chancellor, constitute a quorum.

Who
ineligible

(3) No person shall occupy the office of Chancellor who is a member of the academic or administrative staff of the University or an employee of any affiliated college, or who at the time of election is a member of the governing body of any post-secondary educational institution.

Term of office

33. The term of office of the Chancellor shall be for four years commencing with the 1st day of July of the year of election and continuing on until a successor is elected, but in any event not longer than six months after the expiration of the term of office, and no Chancellor shall be eligible for re-election.

Vacancy
in office

34. Where a vacancy in the office of Chancellor occurs, the vacancy shall be filled by the election of a successor in the manner set out in section 32, and such successor shall hold office for four years terminating on the 30th day of June in the fourth year after election, and no successor shall be eligible for re-election.

Where
Chancellor
becomes
ineligible

35. Where the Chancellor ceases to be eligible for such office, or becomes incapable of acting, or the office becomes otherwise vacant, a declaration of the existence of a vacancy in the office of Chancellor by the Senate and the Board entered in the minutes of the Senate and of the Board is conclusive evidence of the vacancy.

Duties

36. The Chancellor shall preside at all convocations and by virtue of the authority vested in the Chancellor by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate.

VICE-CHANCELLOR

37.—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University. Vice-Chancellor

(2) The Vice-Chancellor and President shall be the chief executive officer of the University and shall call a meeting of and report to the Faculty not less than once in each academic year. Duties

(3) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor shall act as Chancellor at Convocation or shall appoint a member of the Faculty to act in that capacity. Vice-Chancellor to act in absence of Chancellor

(4) In the absence of both Chancellor and Vice-Chancellor or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty appointed by the Senate for the purpose. Idem

OFFICIAL VISITOR

38. The Lieutenant Governor of the Province of Ontario is the Official Visitor of the University. Official Visitor

GENERAL

39. The Board and the Senate shall review this Act within fifteen years from the date of its enactment. Review

40. The members of the Board and the Senate holding office immediately before this Act comes into force shall continue to hold office and constitute the Board and the Senate under this Act until the members of the Board and Senate are elected or appointed in accordance with this Act. Former members continue until new Board and Senate constituted

41. *The University of Western Ontario Act, 1974*, being chapter 163, is repealed. Repeal

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

43. The short title of this Act is the *University of Western Ontario Act, 1982*. Short title



An Act respecting
The University of Western Ontario

1st Reading

May 18th, 1982

2nd Reading

3rd Reading

MR. VAN HORNE

*(Reprinted as amended by the
Social Development Committee)*

BILL Pr14

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting The University of Western Ontario

MR. VAN HORNE



BILL Pr14

1982

**An Act respecting
The University of Western Ontario**

WHEREAS The University of Western Ontario hereby ^{Preamble} applies for special legislation varying the provisions of its Act of incorporation in relation to its organization, government and administration; and whereas it is expedient to grant the application;

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) “academic staff” means those persons employed by the University whose duties are primarily those of performing and administering teaching and research functions and who are included in the instructor, lecturer and professorial ranks;
- (b) “academic unit” means a faculty, school, college or other academic division however designated by the University which offers programs leading to a degree;
- (c) “academic year” means the academic year as determined by the University;
- (d) “administrative staff” means those employees of the University who are not members of the academic staff;
- (e) “Alumni Association” means the organization of alumni recognized by the Board;
- (f) “Board” means The Board of Governors of the University;
- (g) “Faculty” means the full-time members of the academic staff of the University including the Vice-Chancellor

and academic Deans and such of the part-time members of the academic staff of the University as the Senate may from time to time determine;

- (h) "membership year" means any twelve-month period or periods established from time to time by the Board and by the Senate, respectively;
- (i) "property" means all property, both real and personal;
- (j) "real property" means messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (k) "Senate" means the Senate of the University;
- (l) "student" means any person who is registered as a full-time or part-time student in an academic unit of the University, but, except in subclause 24 (1) (e) (i), does not include a student of an affiliated college;
- (m) "University" means The University of Western Ontario, but does not include any college affiliated with the University.

Conflict with
R.S.O. 1980,
c. 95

(2) In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

University
continued

2. The University, commonly known as "Western", the Board and Senate and the statutes and regulations of, appointments in and affiliation of colleges with, the University, existing at the time this Act comes into force, are and each of them is hereby continued, subject to this Act.

Religious
tests not
required

3. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any officer, member of the academic or the administrative staffs, employee or student of the University, nor shall any religious observances be imposed.

Proceedings
by or against
University

4. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

PROPERTY

Property in
trust vested
in Board

5. All property heretofore or hereafter acquired by the University or any academic unit, residence or ancillary operation of the University, whether or not such property is acquired subject

to any trust, shall, subject to any trust affecting the same, vest in the Board absolutely.

6.—(1) All real property vested in the Board shall, as far as the application of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public use of the Province of Ontario.

Application of statute of limitations to property

(2) The University has, in addition to the powers, rights and privileges mentioned in section 26 of the *Interpretation Act*, power to purchase or otherwise acquire, take or receive, by gift, bequest or devise, and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

Power to deal with realty and personally
R.S.O. 1980, c. 219

7. Real property vested in the Board shall not be subject to expropriation by any person possessing the power to expropriate land or interests in land, except a municipal corporation, unless the Act conferring the power to expropriate on such person makes express reference to such real property.

Land vested in Board not liable to expropriation

THE BOARD OF GOVERNORS

8. The Board of Governors of the University is hereby continued as a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

Board continued

9.—(1) The Board shall consist of,

Composition of Board

(a) the following *ex officio* members,

- (i) the President of the University,
- (ii) the mayor of the City of London or an alternate appointed under the provisions of the *Municipal Act*,
- (iii) the warden of the County of Middlesex or an alternate appointed under the provisions of the *Municipal Act*,
- (iv) the Chancellor of the University, and

R.S.O. 1980, c. 302

- (v) the Secretary of the Board, who shall be a non-voting member;
- (b) two persons appointed by the council of the City of London;
- (c) four persons appointed by the Lieutenant Governor in Council;
- (d) four persons appointed or elected by the Alumni Association of the University;
- (e) four members of the Faculty of whom,
 - (i) two shall be members of the Senate at the time of election and be elected by the Senate, and
 - (ii) two shall be elected by the Faculty from among those members of Faculty of the rank of assistant professor or higher who have held academic appointments at the University for at least four academic years;
- (f) three students of whom,
 - (i) two shall be undergraduate students at the time of election and be elected by the undergraduate students, and
 - (ii) one graduate student elected by the graduate students,

but an undergraduate student to be eligible for election must have completed one academic year at the University as a full-time student or the equivalent thereof as a part-time student;
- (g) two members of the full-time administrative staff elected thereby;
- (h) four persons elected by the members of the Board, but the President and the Vice-Presidents shall not vote in such elections; and
- (i) such Vice-Presidents, not exceeding three in number, as are appointed members by the Board to serve at the pleasure of the Board, but the Vice-Presidents appointed hereunder shall not vote in such appointments or the terminations thereof.

(2) Subject to section 16, the failure to appoint or elect a member as provided in subsection (1) does not invalidate the composition of the Board, and, where a default continues for three months after an appointment or election should have been made, the remaining members of the Board may, but shall not be obliged to, elect a member eligible to fill the vacancy. ^{Failure to elect or appoint}

(3) The members to be elected under subsection (1) shall be elected in accordance with such procedures as shall be determined and established by the Board, but in the election of members under clauses (e), (f) and (g) of that subsection, the election shall be by secret ballot. ^{Election procedures}

10.—(1) Except as provided in this section, each member of the Board shall hold office for four membership years, shall be eligible for reappointment or re-election, as the case may be, and if otherwise eligible shall hold office until a successor is appointed or elected. ^{Term of office}

(2) Subject to subsection (5), a student elected to the Board under clause 9 (1) (f) shall hold office for a term of two membership years. ^{Idem}

(3) No member shall hold office for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected thereto under section 13, or a term reduced under subsection (5), but any such member shall again be eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms. ^{Idem}

(4) Notwithstanding subsection (3), the term of a member who is serving as chairman of the Board may be extended by the Board for a maximum of two years subject to the concurrence of the authority which appointed or elected such member. ^{Idem}

(5) The Board shall provide for staggered terms of office. ^{Staggered terms of office}

(6) This section does not apply to an *ex officio* member of the Board or to a member appointed under clause 9 (1) (i). ^{Saving}

11.—(1) Except as provided in clauses 9 (1) (a), (e), (f), (g) and (i), no person who is a member of the academic staff or administrative staff, or a student of the University or an affiliated college, or who is a member of the governing body, faculty, staff or student body of any other degree-granting institution, is eligible for appointment or election as a member of the Board. ^{Eligibility}

(2) A member of the Board must be a Canadian citizen. ^{Canadian citizenship}

Membership vacated

12.—(1) The membership of a member of the Board is vacated when such member resigns or ceases to be eligible for appointment or election to the Board.

Resolution

(2) Where a member of the Board becomes incapable of acting as a member, the Board by resolution shall declare such membership vacant.

Meetings

(3) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of the Board, the Board by resolution may declare such membership vacant.

Idem

(4) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 25 per cent of the regular meetings of the Board, the Board by resolution shall declare such membership vacant.

Procedure

(5) Membership on the Board, other than for *ex officio* members and the Vice-Presidents, may be terminated by resolution of the Board carried by two-thirds of the total voting membership at a meeting of the Board, not less than thirty days after written notice containing reasons for this proposed action is delivered to the last known place of residence of the member.

Proof

(6) A resolution declaring a vacancy, entered in the minutes of the Board, is conclusive evidence of the vacancy.

Filling vacancies

13. Where a vacancy on the Board occurs before the term of office for which a person has been appointed or elected has expired,

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Board in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

Chairman and vice-chairman

14.—(1) The Board shall elect a chairman and a vice-chairman from among the members appointed or elected under clauses 9 (1) (b), (c), (d) and (h), and in the case of the absence or

illness of the chairman or of there being a vacancy in that office, the vice-chairman shall act as and have all the powers of the chairman.

(2) In the case of absence or illness of the chairman and vice-chairman or of there being vacancies in these offices, the Board may appoint one of its members appointed or elected under clauses 9 (1) (b), (c), (d) and (h) to act as chairman for the time being and the member so appointed shall act as and have all the powers of the chairman. Absence

(3) The term of office of the chairman and vice-chairman shall be as determined by the Board. Term of office

15. The quorum of the Board, to be designated by by-law of the Board, shall consist of not fewer than ten members, at least one-half of whom shall consist of members of the Board appointed or elected, as the case may be, under clauses 9 (1) (b), (c), (d) and (h). Quorum

16. The Board may exercise any of its powers as long as there are at least sixteen members in office, not including *ex officio* members and members appointed under clause 9 (1) (i). Exercise of powers

17.—(1) A member of the Board or of a committee created by it who is in any way interested in a matter which conflicts with the interests of the University shall declare such interest as soon as possible and no later than at any meeting at which the matter is to be considered and shall not take part in the discussion or vote thereon and may be required to withdraw from the meeting during the discussion. Conflict of interest

(2) Notwithstanding subsection (1), every member of the Board who is an employee of the University may take part in discussions and vote on matters related to the financial operation of the University other than on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University and the President and every Vice-President appointed to the Board under clause 9 (1) (i) may also take part in discussions and vote on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University. Idem

(3) Except as permitted by subsection (2), where a member of the Board who is an employee of the University has a direct pecuniary interest in a contract or proposed contract with the University, the member shall declare such interest in accordance with subsection (1) and shall not take part in the discussion or vote thereon, and may be required to withdraw from the meeting during the discussion. Idem

Idem

(4) Where the Board is of the opinion that a conflict of interest exists but has not been declared as required by subsection (1) or (3), the Board may declare, by a resolution carried by two-thirds of the total voting membership at a meeting of the Board, that a conflict of interest exists and a member thus found to be in conflict shall withdraw from discussion and refrain from voting on the matter giving rise to the conflict.

Management
of the
University

18. Except in such matters as are assigned by this Act to the Senate or other body, the government, conduct, management and control of the University and of its property and affairs are vested in the Board, and the Board may do such things as it considers to be for the good of the University and consistent with the public interest.

Powers of
the Board

19. Without limiting the generality of section 18, the Board may,

- (a) appoint the President and Vice-Chancellor, but before so acting, the Board shall request a recommendation from a committee, to be convened by the chairman of the Board, composed of five members of the Board named by it, and five persons named by the Senate, which committee shall appoint its own chairman and determine its own procedure, and any recommendation of the committee shall be made in writing signed by at least eight members and delivered to the Board within nine months of the date on which the Board names five members to the committee or the date on which the Board requests the Senate to name five persons to the committee, whichever date is later, and, failing a recommendation within that period, the Board may appoint the President;
- (b) on the recommendation of the President, appoint as many Vice-Presidents as the Board and the Senate may consider necessary, the Director of Libraries, the Registrar and the Secretary of the Senate, and determine their functions, duties and powers, and other conditions of employment, but all such appointments made by the Board shall be in accordance with the policies and procedures established and recommended by the Senate;
- (c) on the recommendation of the President, appoint the Deans and Chairmen of the academic units and other members of the academic staff of the University, and determine their functions, duties and powers and other conditions of employment including tenure of office, entitlement of sabbatical leave, promotion and termi-

nation, but the policies and procedures followed shall be established and recommended by the Senate;

- (d) after consultation with the President, appoint the Secretary of the Board and all other employees as the Board may consider necessary, and determine their functions, duties and powers, and other conditions of employment which in the absence of contract shall be at the pleasure of the Board;
- (e) fix and provide for the remuneration, retirement and superannuation of the persons mentioned in clauses (a), (b), (c) and (d);
- (f) expend such sums as may be required to establish funds for the payment of gratuities, retirement allowances, pensions, life insurance or other insurance, including health insurance, for the benefit of the persons mentioned in clauses (a), (b), (c) and (d);
- (g) establish procedures pertaining to the meetings of the Board and its transactions, create committees to exercise any of its powers and delegate authority to such committees or to individuals as necessary, including an executive committee that may act in the name of and on behalf of the Board between regular meetings of the Board;
- (h) appoint by resolution or by-law a member or members of the Board or any other person or persons to execute on behalf of the Board documents and instruments in writing and to affix the corporate seal of the Board thereto;
- (i) fix the fees to be paid for instruction under the control of the University, for all ancillary activities and for examinations, degrees, diplomas and certificates, and of any fee, charge or fine the payment of which is made mandatory by the Board upon a student to register or to remain registered in the University;
- (j) provide such means for health services and health examinations for students as the Board may see fit;
- (k) establish and enforce regulations for the use of its buildings, grounds and ancillary operations, and for the orderly conduct of persons entering upon the lands and premises of the University;

- (l) expend such sums as the Board considers necessary for the support and maintenance of the University and for the betterment of existing buildings and for the furnishing and equipment of existing and newly erected buildings and, having first requested the advice of the Senate, for the erection of such new buildings as the Board considers necessary for the use or purposes of the University;
- (m) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (n) borrow from time to time such sums of money as may be required for the use of the University, and give such security against the assets of the University by way of mortgage or otherwise as the Board may determine;
- (o) apply for, purchase and otherwise deal with inventions, trademarks, trade names, copyright or similar rights or interests therein in any manner that the Board considers necessary; and
- (p) pass resolutions and make recommendations to the Senate with respect to any matter connected with the administration of the University and the promotion of its affairs, but this power shall not be interpreted as subtracting from the powers and duties conferred on the Senate by this Act.

Idem

20. On the recommendation of the Senate, the Board may,

- (a) establish or terminate academic units, departments, chairs and programs of instruction in the University or elsewhere, but the Senate shall determine the curricula of all programs of instruction;
- (b) enter into agreements for the founding or establishment of chairs, scholarships, fellowships, prizes, bursaries and other awards;
- (c) provide for the affiliation with the University of any college in Ontario offering courses leading to a degree and established for teaching any branch of learning on such terms as the Board may determine, and enter into any agreement that the Board may consider necessary to effectuate affiliation, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control

shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institution of higher learning without specific permission in writing by the Board;

- (d) provide for the dissolution, modification or alteration of the terms of any affiliation; and
- (e) provide for the government and control of residences operated and maintained by the University.

21. Except as otherwise provided in this Act, the Board may act by resolution or by-law authenticated in a manner prescribed by the Board. Authentication of by-laws, etc.

22.—(1) The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least once a year. Audit of accounts R.S.O. 1980, c. 405

(2) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. Annual report

(3) 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. Tabling

(4) The Board shall make available to the academic staff, administrative staff and students, an annual report including an annual financial report in such form and manner as the Board may determine. Idem

23. Where any question arises as to the powers or duties of the President and Vice-Chancellor, a Vice-President, a member of the Faculty or any senior administrative officer of the University, the Board after consultation with the Senate shall settle and determine the matter in accordance with this Act, and the decision of the Board shall be final. Questions as to powers

SENATE

24.—(1) There shall be a Senate of the University composed of, Senate, how composed

(a) the following *ex officio* members,

(i) the Chancellor,

(ii) the Vice-Chancellor,

- (iii) such Vice-Presidents as the Senate may determine,
 - (iv) the Deans of the academic units given Faculty representation under clause (b),
 - (v) the Director of Libraries,
 - (vi) the Registrar, and
 - (vii) the Secretary of the Senate who shall be a non-voting member;
- (b) members of the Faculty, elected in the following numbers,
- (i) Faculty of Graduate Studies —eight members,
 - (ii) Faculty of Arts —four members,
 - (iii) Faculty of Medicine —four members,
 - (iv) Faculty of Science —four members,
 - (v) Faculty of Social Science —four members,
 - (vi) Faculty of Dentistry —one member,
 - (vii) Faculty of Education —one member,
 - (viii) Faculty of Engineering Science —one member,
 - (ix) Faculty of Law —one member,
 - (x) Faculty of Music —one member,
 - (xi) Faculty of Nursing —one member,
 - (xii) Faculty of Physical Education —one member,
 - (xiii) School of Business Administration —one member,
 - (xiv) School of Library and Information Science —one member,
 - (xv) Faculty of Part-Time and Continuing Education —one member,

- (xvi) School of Journalism —one member,
- (xvii) Subject to approval by two-thirds of the members of Senate, any other academic unit that may be established hereafter —one member;
- (c) two members of the Board appointed by the Board from among its members appointed or elected under clauses 9 (1) (b), (c), (d) and (h);
- (d) two members from each affiliated college, one of whom shall be the academic head of that college and the other a person elected as provided in section 25, who shall have voice in all matters but shall not vote on resolutions, recommendations or requests submitted to the Board where such matters do not directly involve the affiliated colleges as shall be determined by the Senate;
- (e) fifteen students of whom,
 - (i) twelve shall be undergraduate students of the University and its affiliated colleges and be elected by such undergraduate students, and
 - (ii) three shall be graduate students elected by the graduate students;
- (f) two members of the full-time administrative staff elected thereby; and
- (g) five persons from the general community, one of whom shall be active in or associated with the field of secondary school education, consisting of,
 - (i) the President of the Alumni Association of the University or a person designated by such President, and two members of the Association appointed by the Association, and
 - (ii) two persons appointed by the Senate.

(2) Upon an application by the Senate approved by at least two-thirds of the members of Senate, the Lieutenant Governor in Council may make regulations varying the number of members set out in clauses (1) (b), (d), (e) and (f). Regulation to vary number of members

(3) The Vice-Chancellor shall be the chairman of the Senate, and a vice-chairman shall be elected from among its members in such manner as the Senate may establish. Officers

- Alternates (4) Where the Senate grants leave of absence to any member, the Senate may provide, in such manner as it determines, for an alternate member who shall have all the powers of a member of the Senate.
- Election of members **25.**—(1) The election of a member of the Senate under clause 24 (1) (b) or (d) shall be by secret ballot of the members of the academic unit or affiliated college to be represented who hold the rank of assistant professor or higher, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.
- Idem (2) To be eligible for election to the Senate under clause 24 (1) (b) or (d), a person must be a member of the academic unit or constituent parts thereof as designated by the Senate or affiliated college to be represented, must hold the rank of assistant professor or higher, and must have held an academic appointment in the University or affiliated college for at least two academic years.
- Idem (3) The election of a member of the Senate under clause 24 (1) (e) shall be by secret ballot and for a term of one membership year, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.
- Idem (4) The election of a member of the Senate under clause 24 (1) (f) shall be by secret ballot, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.
- Disputes (5) The Senate shall rule on any dispute which may arise as to eligibility to vote or to hold office under subsections (1), (2), (3) and (4) and its decision shall be final.
- Term of office (6) A member of the Senate, other than an *ex officio* member or a member elected under clause 24 (1) (e), shall hold office for a term of two membership years and is not eligible to be appointed or elected for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected under section 27 or a term reduced under subsection (8), but is eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms.
- Idem (7) A member of the Senate elected under clause 24 (1) (e) is not eligible to be elected for more than four consecutive terms, excluding therefrom the balance of an unexpired term for a person elected under section 27 or a term reduced under subsection (8), but is eligible for re-election after a lapse of two years after the expiration of the fourth of four consecutive terms.

(8) The Senate shall provide for staggered terms of office. Staggered terms

26.—(1) The membership of a member of Senate is vacated when an appointed or elected member resigns or ceases to be eligible for appointment or election, except that graduation during the term of office of a student member shall not prevent the completion of such term. Vacating office

(2) Where an appointed or elected member of Senate becomes incapable of acting as a member, the Senate shall by resolution declare such membership vacant. Resolution

(3) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 50 per cent of the regular meetings of the Senate, the Senate may by resolution declare such membership vacant. Meetings

(4) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 25 per cent of the regular meetings of the Senate, the Senate shall by resolution declare such membership vacant. Idem

(5) A resolution passed under this section entered into the minutes of the Senate shall be conclusive evidence of the vacancy declared therein. Proof

27. Where a vacancy on the Senate occurs before the term of office for which a person has been appointed or elected has expired, Filling vacancies

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Senate in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

28.—(1) The Senate shall meet at least four times in each academic year and at such other times as the Senate from time to time may prescribe. Meetings of the Senate

(2) A special meeting of the Senate shall be called on the written notice of any seven members thereof and shall be convened Special meetings

within fifteen days thereafter, to consider the matter or matters set out in the notice.

Duties of
Senate

29. The Senate is responsible for the academic policy of the University and, without limiting the generality of the foregoing, the Senate shall,

- (a) create, modify and dissolve faculty councils or committees and committees generally to exercise any of its powers, and approve their form and method of operation;
- (b) determine all courses of study, including standards for admission into the University and qualifications for degrees;
- (c) conduct examinations, appoint examiners, and decide finally all matters relating thereto;
- (d) consider all matters arising in connection with the acceptance by the University of fellowships, scholarships, medals, prizes and other awards and establish conditions for the awarding of them;
- (e) provide for the convening and conduct of convocations;
- (f) confer honorary degrees in divinity without fee upon the recommendation of any affiliated college having a faculty of theology;
- (g) establish and recommend to the Board policies and procedures to be followed in the selection, appointment, promotion and termination of appointment of the members of the Faculty, and the conditions under which tenure and sabbatical leave are granted;
- (h) in collaboration with the Board create a committee to make recommendations respecting the appointment of the President and Vice-Chancellor as provided in clause 19 (a) and shall be consulted before the termination of any appointment so made;
- (i) establish and determine procedures for election to the Senate including the right to designate voting constituencies within an academic unit; and
- (j) make recommendations and give advice to the Board on the matters mentioned in clauses 19 (b) and (c) and in section 20.

30. The Senate may,

Powers of
Senate

- (a) confer degrees and award diplomas and certificates in any branch of learning, taught in the University or in any affiliated college, including theology;
- (b) confer honorary degrees in any branch of learning;
- (c) provide by-laws and regulations for the conduct of its proceedings including the determination of a quorum necessary for the transaction of business;
- (d) establish such committees as the Senate considers necessary, including an executive committee that may act in the name and on behalf of the Senate between regular meetings of the Senate;
- (e) inquire into and publish reports upon any matter that affects the academic reputation or effectiveness of the University; and
- (f) pass resolutions and make recommendations to the Board with respect to any matter connected with the administration of the University and the promotion of its affairs, but this clause shall not be construed to subtract from the powers and duties conferred on the Board elsewhere in this Act.

MEETINGS AND BY-LAWS

31.—(1) Subject to subsection (2), the meetings of the Board and of the Senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Board and the Senate by by-law shall respectively determine, and no person shall be excluded therefrom except for improper conduct but, where confidential matters of the University are being considered, that part of the meeting may be held *in camera*.

Meetings of
Board and
Senate open
to public

(2) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that such part of the meeting be open to the public.

Exception

(3) The by-laws of the Board and of the Senate shall be open to examination by members of the University community and by the public during normal business hours.

Examination
of by-laws

Publication
of by-laws

(4) The Board and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

CHANCELLOR

Chancellor,
election of

32.—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

(a) six members, except *ex officio* members, of the Board, including the chairman of the Board; and

(b) six members of the Senate, including the Vice-Chancellor.

Quorum

(2) Eight members of the electoral board, including the chairman of the Board and the Vice-Chancellor, constitute a quorum.

Who
ineligible

(3) No person shall occupy the office of Chancellor who is a member of the academic or administrative staff of the University or an employee of any affiliated college, or who at the time of election is a member of the governing body of any post-secondary educational institution.

Term of office

33. The term of office of the Chancellor shall be for four years commencing with the 1st day of July of the year of election and continuing on until a successor is elected, but in any event not longer than six months after the expiration of the term of office, and no Chancellor shall be eligible for re-election.

Vacancy
in office

34. Where a vacancy in the office of Chancellor occurs, the vacancy shall be filled by the election of a successor in the manner set out in section 32, and such successor shall hold office for four years terminating on the 30th day of June in the fourth year after election, and no successor shall be eligible for re-election.

Where
Chancellor
becomes
ineligible

35. Where the Chancellor ceases to be eligible for such office, or becomes incapable of acting, or the office becomes otherwise vacant, a declaration of the existence of a vacancy in the office of Chancellor by the Senate and the Board entered in the minutes of the Senate and of the Board is conclusive evidence of the vacancy.

Duties

36. The Chancellor shall preside at all convocations and by virtue of the authority vested in the Chancellor by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate.

VICE-CHANCELLOR

37.—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University. Vice-Chancellor

(2) The Vice-Chancellor and President shall be the chief executive officer of the University and shall call a meeting of and report to the Faculty not less than once in each academic year. Duties

(3) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor shall act as Chancellor at Convocation or shall appoint a member of the Faculty to act in that capacity. Vice-Chancellor to act in absence of Chancellor

(4) In the absence of both Chancellor and Vice-Chancellor or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty appointed by the Senate for the purpose. Idem

OFFICIAL VISITOR

38. The Lieutenant Governor of the Province of Ontario is the Official Visitor of the University. Official Visitor

GENERAL

39. The Board and the Senate shall review this Act within fifteen years from the date of its enactment. Review

40. The members of the Board and the Senate holding office immediately before this Act comes into force shall continue to hold office and constitute the Board and the Senate under this Act until the members of the Board and Senate are elected or appointed in accordance with this Act. Former members continue until new Board and Senate constituted

41. *The University of Western Ontario Act, 1974*, being chapter 163, is repealed. Repeal

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

43. The short title of this Act is the *University of Western Ontario Act, 1982*. Short title



An Act respecting
The University of Western Ontario

1st Reading

May 18th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. VAN HORNE

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to revive
John F. McLennan (Bloor) Limited**

MR. KENNEDY

EXPLANATORY NOTE

The purpose of the Bill is to revive John F. McLennan (Bloor) Limited.

BILL Pr15

1982

**An Act to revive
John F. McLennan (Bloor) Limited**

WHEREAS John F. McLennan, John K. McLennan and Nelson D. McLennan hereby represent that John F. McLennan (Bloor) Limited, herein called the Corporation, was incorporated by letters patent dated the 23rd day of November, 1964; that the Minister of Consumer and Commercial Relations, by order dated the 13th day of June, 1973, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 18th day of July, 1973; that the applicants were all the directors of the Corporation at the time of the said dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

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

1. John F. McLennan (Bloor) Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

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

Commencement

3. The short title of this Act is the *John F. McLennan (Bloor) Limited Act, 1982*.

Short title

An Act to revive John F. McLennan
(Bloor) Limited

1st Reading

April 1st, 1982

2nd Reading

3rd Reading

MR. KENNEDY

(Private Bill)

BILL Pr15

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to revive
John F. McLennan (Bloor) Limited**

MR. KENNEDY

BILL Pr15

1982

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Revival

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Commence-
ment

3. The short title of this Act is the *John F. McLennan (Bloor) Limited Act, 1982*.

Short title

An Act to revive John F. McLennan
(Bloor) Limited

1st Reading

April 1st, 1982

2nd Reading

April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. KENNEDY

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Brantford

MR. GILLIES

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

Ms. Bill No. 10 of 1994
Enacted on 15/05/1994

BILL Pr16

1982

An Act respecting the City of Brantford

WHEREAS The Corporation of the City of Brantford, herein Preamble
 called the Corporation, hereby represents that by By-law
 Number 674 of The Corporation of the City of Brantford,
 enacted pursuant to *The Public Parks Act*, being chapter 233 of
 the Revised Statutes of Ontario, 1897, now chapter 417 of the
 Revised Statutes of Ontario, 1980, and finally passed with the
 assent of the electors on the 14th day of January, 1901, the Board
 of Park Management of the City of Brantford, herein called the
 Board, was established; that the council of the Corporation con-
 siders it to be in the best interest of the citizens of the City of
 Brantford that the functions of the said Board be placed under
 the control of the council of the Corporation as a department of
 the Corporation and that all assets and liabilities of the said
 Board become assets and liabilities of the Corporation and that
 an advisory board on parks and recreation matters be estab-
 lished; and whereas the Corporation hereby applies for special
 legislation for such purpose; and whereas it is expedient to grant
 the application;

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

1. The Board of Park Management of the City of Brantford is
 dissolved and all of the powers, rights, duties and privileges
 conferred and imposed upon the Board and all of its undertak-
 ings, assets and liabilities shall be assumed by the Corporation
 without compensation. Board of
 Park
 Management
 dissolved,
 functions, etc.,
 transferred
 to the
 Corporation

2. All by-laws of the Board shall continue as by-laws of the
 Corporation until amended or repealed. By-laws
 continued

3. Upon the dissolution of the Board, the employees thereof
 shall become employees of the Corporation and all terms and
 conditions of employment respecting such employees, including,
 without limiting the generality of the foregoing, seniority,
 remuneration and other benefits in force, shall be assumed by the
 Corporation. Employees
 of Board
 become
 employees
 of the
 Corporation

Council deemed Board of Park Management R.S.O. 1980, c. 417 Parks and recreation advisory board

4. The council of the Corporation shall be deemed to be a board of park management for the purposes of the *Public Parks Act*.

5. The council of the Corporation shall, by by-law,

(a) appoint a parks and recreation advisory board composed of such number of resident ratepayers, being not less than three and not more than nine in number, as the by-law provides, to advise the council on the establishment of policies covering the operation of parks and recreation activities in the City; and

(b) establish terms of reference and operating procedures for the advisory board.

By-law repealed

6. By-law Number 674 of The Corporation of the City of Brantford is repealed.

Commencement

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

Short title

8. The short title of this Act is the *City of Brantford Act, 1982*.



An Act respecting the City of Brantford

1st Reading

April 1st, 1982

2nd Reading

3rd Reading

MR. GILLIES

(Private Bill)

BILL Pr16

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Brantford

MR. GILLIES



BILL Pr16

1982

An Act respecting the City of Brantford

WHEREAS The Corporation of the City of Brantford, herein Preamble
 called the Corporation, hereby represents that by By-law
 Number 674 of The Corporation of the City of Brantford,
 enacted pursuant to *The Public Parks Act*, being chapter 233 of
 the Revised Statutes of Ontario, 1897, now chapter 417 of the
 Revised Statutes of Ontario, 1980, and finally passed with the
 assent of the electors on the 14th day of January, 1901, the Board
 of Park Management of the City of Brantford, herein called the
 Board, was established; that the council of the Corporation con-
 siders it to be in the best interest of the citizens of the City of
 Brantford that the functions of the said Board be placed under
 the control of the council of the Corporation as a department of
 the Corporation and that all assets and liabilities of the said
 Board become assets and liabilities of the Corporation and that
 an advisory board on parks and recreation matters be estab-
 lished; and whereas the Corporation hereby applies for special
 legislation for such purpose; and whereas it is expedient to grant
 the application;

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

1. The Board of Park Management of the City of Brantford is
 dissolved and all of the powers, rights, duties and privileges
 conferred and imposed upon the Board and all of its undertak-
 ings, assets and liabilities shall be assumed by the Corporation
 without compensation. Board of
 Park
 Management
 dissolved,
 functions, etc.,
 transferred
 to the
 Corporation

2. All by-laws of the Board shall continue as by-laws of the
 Corporation until amended or repealed. By-laws
 continued

3. Upon the dissolution of the Board, the employees thereof
 shall become employees of the Corporation and all terms and
 conditions of employment respecting such employees, including,
 without limiting the generality of the foregoing, seniority,
 remuneration and other benefits in force, shall be assumed by the
 Corporation. Employees
 of Board
 become
 employees
 of the
 Corporation

Council deemed Board
of Park Management
R.S.O. 1980,
c. 417
Parks and recreation
advisory board

4. The council of the Corporation shall be deemed to be a board of park management for the purposes of the *Public Parks Act*.

5. The council of the Corporation shall, by by-law,

(a) appoint a parks and recreation advisory board composed of such number of resident ratepayers, being not less than three and not more than nine in number, as the by-law provides, to advise the council on the establishment of policies covering the operation of parks and recreation activities in the City; and

(b) establish terms of reference and operating procedures for the advisory board.

By-law
repealed

6. By-law Number 674 of The Corporation of the City of Brantford is repealed.

Commence-
ment

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

Short title

8. The short title of this Act is the *City of Brantford Act, 1982*.



An Act respecting the City of Brantford

1st Reading

April 1st, 1982

2nd Reading

April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. GILLIES

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting the Japanese Canadian Cultural
Centre of Toronto**

MR. COUSENS

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr18

1982

An Act respecting the Japanese Canadian Cultural Centre of Toronto

WHEREAS the Japanese Canadian Cultural Centre of Toronto, herein called the Corporation, hereby represents that it was incorporated as the Japanese Canadian Centre of Toronto by letters patent dated the 15th day of October, 1958; that by supplementary letters patent dated the 11th day of October, 1963, the name of the Corporation was changed to the Japanese Canadian Cultural Centre of Toronto; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Corporation acquired a freehold interest in land located on Wynford Drive in the City of North York on the 12th day of April, 1961; that the Corporation has used and intends to continue to use the said land for the purposes of a cultural and recreational centre; and whereas the Corporation hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of North York, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

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

1. So long as the lands described in the Schedule hereto are owned by the Corporation and are actually used and occupied for the purposes of the Corporation, they shall be exempt from taxes for municipal and school purposes.

Tax
exemption

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
c. 314, 31

3. This Act shall be deemed to have come into force on the 1st day of January, 1982.

Commence-
ment

Short title

4. The short title of this Act is the *Japanese Canadian Cultural Centre of Toronto Act, 1982*.

SCHEDULE

That parcel of land and premises situate in the City of North York, in the Municipality of Metropolitan Toronto, being composed of those parts of Lot 2 in Concession 3 East of Yonge Street of the geographic Township of York and designated as:

1. Parts 1, 2 and 3 on Reference Plan R-590 deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66); and
2. Parts 1, 2 and 3 on a Reference Plan R-642 deposited in the said Land Registry Office;

being the land registered as Parcel 2-4 in the Register for Section Y-15.



An Act respecting the Japanese
Canadian Cultural Centre of Toronto

1st Reading

March 15th, 1982

2nd Reading

3rd Reading

MR. COUSENS

(Private Bill)

BILL Pr18

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Japanese Canadian Cultural Centre of Toronto

MR. COUSENS

BILL Pr18

1982

An Act respecting the Japanese Canadian Cultural Centre of Toronto

WHEREAS the Japanese Canadian Cultural Centre of ^{Preamble} Toronto, herein called the Corporation, hereby represents that it was incorporated as the Japanese Canadian Centre of Toronto by letters patent dated the 15th day of October, 1958; that by supplementary letters patent dated the 11th day of October, 1963, the name of the Corporation was changed to the Japanese Canadian Cultural Centre of Toronto; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Corporation acquired a freehold interest in land located on Wynford Drive in the City of North York on the 12th day of April, 1961; that the Corporation has used and intends to continue to use the said land for the purposes of a cultural and recreational centre; and whereas the Corporation hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of North York, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the application;

R.S.C. 1952,
c. 148

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

1. So long as the lands described in the Schedule hereto are owned by the Corporation and are actually used and occupied for the purposes of the Corporation, they shall be exempt from taxes for municipal and school purposes. ^{Tax exemption}

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*. <sup>Deemed exemption
R.S.O. 1980,
cc. 314, 31</sup>

3. This Act shall be deemed to have come into force on the 1st day of January, 1982. ^{Commencement}

Short title

4. The short title of this Act is the *Japanese Canadian Cultural Centre of Toronto Act, 1982*.

SCHEDULE

That parcel of land and premises situate in the City of North York, in the Municipality of Metropolitan Toronto, being composed of those parts of Lot 2 in Concession 3 East of Yonge Street of the geographic Township of York and designated as:

1. Parts 1, 2 and 3 on Reference Plan R-590 deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66); and
2. Parts 1, 2 and 3 on a Reference Plan R-642 deposited in the said Land Registry Office;

being the land registered as Parcel 2-4 in the Register for Section Y-15.

An Act respecting the Japanese
Canadian Cultural Centre of Toronto

1st Reading

March 15th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. COUSSENS

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to revive
The Calabogie Asbestos Mining Company Limited**

MR. YAKABUSKI

EXPLANATORY NOTE

The purpose of the Bill is to revive The Calabogie Asbestos Mining Company Limited.

BILL Pr19

1982

**An Act to revive
The Calabogie Asbestos Mining
Company Limited**

WHEREAS Allan A. McNab and James A. MacKillican, as ^{Preamble} Executors of the Estate of the late Thomas Foster Barnet, and the said Allan A. McNab, in his personal capacity, hereby represent that The Calabogie Asbestos Mining Company Limited, herein called the Corporation, was incorporated by letters patent dated the 25th day of November, 1947; that the Minister of Consumer and Commercial Relations, by order dated the 16th day of March, 1976 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with section 134 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, and declared the Corporation to be dissolved on the 16th day of March, 1976; that the applicants are the Executors of the Estate of the late Thomas Foster Barnet, the president and principal holder of the common shares of the Corporation at the time of its dissolution and the said Allan A. McNab was a director of the Corporation at that time; that notice of default in complying with the said provision of *The Securities Act*, was sent to the said Thomas Foster Barnet, as a director, but through inadvertence the return required under that Act, was not filed nor was an application for revival of the Corporation made within the time provided by statute; that the Corporation at the time of its dissolution was carrying on the business of a holding company and property continues to be held in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

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

1. The Calabogie Asbestos Mining Company Limited is ^{Revival} hereby revived and is, subject to any right acquired by any per-

son after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

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

Short title

3. The short title of this Act is the *Calabogie Asbestos Mining Company Limited Act, 1982*.





An Act to revive
The Calabogie Asbestos Mining Company
Limited

1st Reading

May 18th, 1982

2nd Reading

3rd Reading

MR. YAKABUSKI

(Private Bill)

BILL Pr19

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to revive
The Calabogie Asbestos Mining Company Limited**

MR. YAKABUSKI



BILL Pr19

1982

**An Act to revive
The Calabogie Asbestos Mining
Company Limited**

WHEREAS Allan A. McNab and James A. MacKillican, as ^{Preamble} Executors of the Estate of the late Thomas Foster Barnet, and the said Allan A. McNab, in his personal capacity, hereby represent that The Calabogie Asbestos Mining Company Limited, herein called the Corporation, was incorporated by letters patent dated the 25th day of November, 1947; that the Minister of Consumer and Commercial Relations, by order dated the 16th day of March, 1976 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with section 134 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, and declared the Corporation to be dissolved on the 16th day of March, 1976; that the applicants are the Executors of the Estate of the late Thomas Foster Barnet, the president and principal holder of the common shares of the Corporation at the time of its dissolution and the said Allan A. McNab was a director of the Corporation at that time; that notice of default in complying with the said provision of *The Securities Act*, was sent to the said Thomas Foster Barnet, as a director, but through inadvertence the return required under that Act, was not filed nor was an application for revival of the Corporation made within the time provided by statute; that the Corporation at the time of its dissolution was carrying on the business of a holding company and property continues to be held in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

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

1. The Calabogie Asbestos Mining Company Limited is ^{Revival} hereby revived and is, subject to any right acquired by any per-

son after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

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

Short title

3. The short title of this Act is the *Calabogie Asbestos Mining Company Limited Act, 1982*.



An Act to revive
The Calabogie Asbestos Mining Company
Limited

1st Reading

May 18th, 1982

2nd Reading

July 6th, 1982

3rd Reading

July 6th, 1982

MR. YAKABUSKI

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting
The Missionary Church Canada East**

MRS. SCRIVENER

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr20

1982

**An Act respecting
The Missionary Church Canada East**

WHEREAS The Missionary Church Canada East, herein Preamble
called the Corporation, hereby represents that it was incor-
porated by letters patent issued under the laws of the Prov-
ince of Ontario on the 22nd day of April, 1976; that the Corpora-
tion is a registered charitable organization within the meaning of
the *Income Tax Act* (Canada); that pursuant to a lease between
Palmar Holdings Limited and the Corporation, the Corporation
has acquired a leasehold interest for a term of ten years in lands
owned by Palmar Holdings Limited and the buildings erected
thereon; that the lands and buildings have been assessed and
taxed by The Corporation of the Borough of Scarborough; and
whereas the applicant hereby applies for special legislation to
authorize The Corporation of the Borough of Scarborough to
exempt the aforesaid real property occupied and used by the
Corporation in the Borough of Scarborough from municipal tax-
ation except from local improvement rates; and whereas it is
expedient to grant the application; R.S.C. 1952
c. 148

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

1. The council of The Corporation of the Borough of Scar- Exemption
from
taxation
borough may pass by-laws exempting from taxes for municipal
or school purposes, or both, other than local improvement rates,
the land, as defined in the *Assessment Act*, of The Missionary R.S.O. 1980,
c. 31
Church Canada East, being the lands and buildings known as
293 Port Union Road, so long as the land is occupied and used
solely for the purposes of the Corporation, on such conditions as
may be set out in the by-law.

2.—(1) The council of The Corporation of the Borough of Reimbursement
of taxes
already paid
Scarborough and The Municipality of Metropolitan Toronto
may by by-law reimburse the Corporation for taxes, or any por-
tion thereof, paid in respect of the land referred to in section 1 for
the period commencing on the 1st day of November, 1977 and

ending on the day that a by-law passed under section 1 comes into force.

Idem

(2) The Board of Education of the Borough of Scarborough and the Metropolitan Toronto School Board may, by resolution, reimburse the Corporation for school taxes, or any portion thereof, paid in respect of the land referred to in section 1 for the period commencing on the 1st day of November, 1977 and ending on the day that a by-law passed under section 1 comes into force.

Deemed exemption under R.S.O. 1980, cc. 314, 31

3. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, an exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Commencement

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

Short title

5. The short title of this Act is the *Missionary Church Canada East Act, 1982*.



An Act respecting
The Missionary Church Canada East

1st Reading

May 18th, 1982

2nd Reading

3rd Reading

MRS. SCRIVENER

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of London

MR. VAN HORNE

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Under his will, Harrison G. Fraser, Q.C., of London, who died on the 4th day of February, 1981, devised property known as "Park Farm" to the Corporation in perpetuity as a park. The devise is conditional upon the Legislature of Ontario validating the Corporation's acceptance of the property and its undertaking to maintain it as a park within three years of Mr. Fraser's death. The purpose of this section is to provide the required validation.

SECTION 3. The purpose of this section is to aid in the establishment and maintenance of municipal off-street parking facilities in defined areas of the City. A special charge may be imposed on classes of buildings defined by by-law and thereafter constructed or materially enlarged or altered which would require or benefit from such facilities. Under this section, issuance of a building permit may be prohibited until the special charge is paid. Payment of the special charge will be evidenced by a certificate of the Corporation's Treasurer and exempts the affected buildings from any other requirement to provide its own off-street parking.

BILL Pr21

1982

An Act respecting the City of London

WHEREAS The Corporation of the City of London hereby Preamble
 applies for special legislation in respect of the matters
 hereinafter set forth; and whereas it is expedient to grant the
 application;

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,

Interpretation

- (a) "Corporation" means The Corporation of the City of
 London;
- (b) "council" means the council of the Corporation.

2.—(1) It is hereby confirmed and ratified that the Corpora- Park Farm,
 validation of
 undertaking
 tion has and always had the authority to accept the property
 known as Park Farm devised to the Corporation under para-
 graph 4, as set out in the Schedule hereto, of the will of the late
 Harrison Gordon Fraser, Q.C. and it is hereby declared that the
 Corporation has and shall be deemed always to have had the
 power to undertake to maintain the said Park Farm in perpetuity
 as a public park.

(2) Nothing in subsection (1) affects the rights and powers Idem
 given to the Corporation with respect to the said Park Farm
 under the said will of the late Harrison Gordon Fraser, Q.C.

3.—(1) In this section, "development" has the same meaning Interpretation
 R.S.O. 1980,
 c. 379
 as in the *Planning Act*.

(2) As a condition of development or redevelopment, the Special
 charges to
 establish
 or maintain
 off-street
 parking
 facilities
 council may pass by-laws applicable to the whole municipality or
 to any defined area or areas thereof,

- (a) defining the class or classes of buildings or structures to be erected, added to or altered after the effective date of the by-law that in the opinion of the council,
 - (i) impose or may impose a need for the establishment or maintenance within the municipality or within the defined area or areas, as the case may be, of parking facilities on land that is not part of a highway, or
 - (ii) derive or may derive a special benefit from the establishment or maintenance within the municipality or within the defined area or areas, as the case may be, of parking facilities on land that is not part of a highway; and
- (b) requiring payment to the Corporation by the owners of such buildings or structures of a special charge on account of expenditures by or on behalf of the Corporation that are or may be required for the establishment or maintenance of such parking facilities.

Building permits

(3) A by-law passed under this section may prohibit the issuance of building permits for buildings to which a by-law passed under subsection (1) applies until payment in full of the money to be paid in accordance with the by-law.

Payment in accordance with by-law

(4) Where all of the money required to be paid under a by-law passed under subsection (1) with respect to a particular building or structure have been paid, the owner and occupants of the building or structure are relieved from all requirements in any by-law of the Corporation to provide parking facilities for the building or structure on land that is not part of a highway, and such owner and occupants are exempt from the necessity of providing or maintaining such facilities and the treasurer of the Corporation shall, at the request of the owner of the building or structure, provide a certificate that the moneys to be paid in accordance with the by-law have been fully paid.

Special account

R.S.O. 1980,
cc. 512, 302

(5) All moneys paid or to be paid in accordance with a by-law passed under this section shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 55 of section 208 of the *Municipal Act*.

Audit of account

(6) The auditor of the Corporation in his annual report shall report on the activities and position of any special account established under this section.

SECTION 4. Various agreements and leases relating to the Centennial Square Underground Parking Garage to St. Joseph's Hospital Parking Building contain covenants by the Corporation, as lessor, for the benefit of Covent Garden Building Incorporated, as lessee, that these two facilities shall not be subject to any municipal or business taxes or any special assessments or charges, with some exceptions. These facilities were classed as non-exempt for assessment purposes about 1973. Since then the Corporation has paid any taxes or charges on these facilities out of its own funds, annually, in order not to breach its covenants with Covent Garden. The purpose of this section is to allow the Corporation to treat any expressed or implied obligation to make such annual payments as a current, not a long-term, expense.

SECTION 5. Section 7 of *The City of London Act, 1978* transferred the duties, functions and powers of the City of London Planning Board to the municipal council effective the 1st day of January, 1979. Subsection 7 (2) provides that the council annually "shall" appoint a planning committee consisting of members of the council and three other elected local boards. This arrangement may possibly conflict with the changes for local decision-making proposed in Bill 159, being *An Act to revise the Planning Act*, which was given second reading on the 8th day of December, 1981. The main purpose of this provision is to allow the council to reorganize its committee structure during the interim to accommodate the scheme of the revised *Planning Act* when it is eventually enacted. Another purpose of this section is to clarify that any planning committee appointed under subsection 7 (2) is a committee of council, despite membership from other elected local boards.

The Corporation will also be permitted to dissolve the planning committee appointed under subsection 7 (2) and appoint a planning committee in accordance with general legislation.

SECTION 6. Paragraph 79 of section 210 of the *Municipal Act* empowers local municipalities to pass by-laws for constructing service drains from a sewer to the line of the highway and for charging the cost to the owner of the premises for which the service drain is constructed. The cost of the construction may be collected or recovered in the same manner as real property taxes. The proposed section extends the application of paragraph 79 to reconstructing or repairing service drains. The municipality will be able to charge interest on the cost and claim a lien on the premises for the unpaid balance.

4.—(1) In this section, “the covenants of the Corporation” means the covenants of the Corporation to and with Covent Garden Building Incorporated in any agreement, lease or other instrument respecting the Centennial Square Underground Parking Garage and the St. Joseph’s Hospital Parking Building that such facilities shall not, during the currency of their respective leases, be subject to municipal taxes, business taxes or special assessments or charges of any nature or kind whatsoever, but not including business taxes of tenants of Covent Garden Building Incorporated.

Centennial Square and St. Joseph’s Hospital Parking Buildings

(2) The Corporation shall be deemed not to be incurring or to have incurred a debt, the payment of which is or was not provided for in the estimates of the current year, with respect to any obligation expressed or implied in the covenants of the Corporation to pay all or part of any municipal taxes, business taxes or special assessments or charges to which the Centennial Square Underground Parking Garage and the St. Joseph’s Hospital Parking Building are or were subject during the currency of their respective leases.

Corporation deemed not to incur debt payment of which is not provided for in estimates

5.—(1) Subsection 7 (2) of *The City of London Act, 1978*, being chapter 128, is amended by striking out “shall” in the first line and inserting in lieu thereof “may”.

1978, c. 128, s. 7 (2), amended

(2) Section 7 of the said Act is amended by adding thereto the following subsections:

s. 7, amended

(5) Every planning committee appointed under subsection 7 (2) shall be deemed to be and, since the 1st day of January, 1979, to have been a committee of the council.

Planning Committee deemed council committee

(6) The council may, by by-law, dissolve a planning committee appointed under subsection 7 (2) and in lieu thereof may appoint a committee composed of such persons and for such purposes as is authorized by the *Municipal Act* or the *Planning Act*.

Committee in lieu of planning committee R.S.O. 1980, cc. 302, 379

6. In a by-law passed under paragraph 79 of section 210 of the *Municipal Act* for constructing service drains from a sewer to the line of the highway, the council may,

Drain connections

- (a) provide for reconstructing or repairing such drains;
- (b) prescribe that the cost of such construction, reconstruction or repair shall be due and payable by periodic instalments in each year for such term, not exceeding ten years, as provided by the by-law;
- (c) prescribe that interest not exceeding the rate imposed from time to time on overdue payments of taxes shall be

added to the amount of the cost unpaid in each month or fraction thereof from a day not earlier than ninety days after the completion of such construction, reconstruction or repair, as provided by the by-law, until the cost is fully paid;

- (d) provide that the amount of the cost due and unpaid and any accrued interest thereon due and unpaid shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes; and
- (e) prescribe the terms and conditions upon which persons whose premises are assessed the cost of such construction, reconstruction or repair may commute such cost for a payment in cash.

Commence-
ment

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

Short title

8. The short title of this Act is the *City of London Act, 1982*.

SCHEDULE

Extract from the Will of the late
Harrison Gordon Fraser, Q.C.

4. IN THE HOPE others will to some extent enjoy my farm "Park Farm" in the City of London, as my family and I have, and conditional on the Corporation of the City of London accepting such devise and undertaking to maintain it in perpetuity as a public park with free access thereto to the public at appropriate times, i.e. hours, and such undertaking being validated by the Legislature of the Province of Ontario within three years of the service personally, and by registered mail postage prepaid of a notarial copy of the probate of this my Will, addressed to such parties at 300 Dufferin Avenue, London, Ontario, upon the mayor for the time being and the City Clerk of the Corporation of the City of London.

- (i) This undertaking shall not prevent dedicating roads or easements for utilities as such City deems advisable, or, should the unopened Base Line Road be opened and the City deem it advisable so to do, the sale of that part of lot number fourteen, First Concession lying north of the Commissioners Road, provided the sale price thereof, shall be applied for the purpose of such park, or additions thereto, and devise to the Corporation of the City of London as a public park in perpetuity with free access at reasonable hours, Thereto by the public as a public park, my farm in the City of London, formerly in the Township of Westminster known as "Park Farm", being all of Broken Front lot fourteen, part of Broken Lot fifteen and that part of lot number fourteen in the First Concession of such Township north of the Commissioners Road, now in the City of London, containing approximately one hundred and fifteen acres, all subject to the right of Frank Kemp, if tenant thereof, at my death (except of my personal house), at my death, to continue to occupy the same as tenant thereof at the rent applicable at my death, until such acceptance and legislative confirmation provided if such three year period expires, without such acceptance by the Corporation of the City of London of such devise, upon such conditions, and such acceptance being so validated, such Park Farm shall form part of the residue of my estate, and be sold and the proceeds of such sale shall form part of the residue of my estate. Should such acceptance of such devise upon such conditions, and the same be so validated before the expiration of three years from my death, the said Frank Kemp shall be entitled to continue to so occupy as such tenant, at such rent, such rented portion of Park Farm until the expiration of one year's notice dating from April first. Pending the acceptance by the Corporation of the City of London, upon such conditions, and such acceptance being validated as aforesaid, my executor may rent my house used by me as my summer residence. All carrying charges of such farm, less rents received, during the period before such acceptance and validation, shall be charged to, or accrue to the Corporation of the City of London when such acceptance and validation occurs, or failing such acceptance and validation, to my residuary estate.
- (ii) In making such devise, I declare I am having regard to the long established wishes of my family, as well as my personal wishes, and the verbal undertaking not to sell such farm without first giving the Corporation of the City of London an opportunity to purchase, given by me to a representative of such City, he having explained that for years the acquisition of such farm as a park had been a first priority of the City of London.



An Act respecting the
City of London

1st Reading

June 25th, 1982

2nd Reading

3rd Reading

MR. VAN HORNE

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of London

MR. VAN HORNE

(Reprinted as amended by the General Government Committee)

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Under his will, Harrison G. Fraser, Q.C., of London, who died on the 4th day of February, 1981, devised property known as "Park Farm" to the Corporation in perpetuity as a park. The devise is conditional upon the Legislature of Ontario validating the Corporation's acceptance of the property and its undertaking to maintain it as a park within three years of Mr. Fraser's death. The purpose of this section is to provide the required validation.

SECTION 3. Various agreements and leases relating to the Centennial Square Underground Parking Garage to St. Joseph's Hospital Parking Building contain covenants by the Corporation, as lessor, for the benefit of Covent Garden Building Incorporated, as lessee, that these two facilities shall not be subject to any municipal or business taxes or any special assessments or charges, with some exceptions. These facilities were classed as non-exempt for assessment purposes about 1973. Since then the Corporation has paid any taxes or charges on these facilities out of its own funds, annually, in order not to breach its covenants with Covent Garden. The purpose of this section is to allow the Corporation to treat any expressed or implied obligation to make such annual payments as a current, not a long-term, expense.

BILL Pr21

1982

An Act respecting the City of London

WHEREAS The Corporation of the City of London hereby Preamble
 applies for special legislation in respect of the matters
 hereinafter set forth; and whereas it is expedient to grant the
 application;

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,

Interpretation

- (a) "Corporation" means The Corporation of the City of
 London;
- (b) "council" means the council of the Corporation.

2.—(1) It is hereby confirmed and ratified that the Corpora- Park Farm,
validation of
undertaking
 tion has and always had the authority to accept the property
 known as Park Farm devised to the Corporation under para-
 graph 4, as set out in the Schedule hereto, of the will of the late
 Harrison Gordon Fraser, Q.C. and it is hereby declared that the
 Corporation has and shall be deemed always to have had the
 power to undertake to maintain the said Park Farm in perpetuity
 as a public park.

(2) Nothing in subsection (1) affects the rights and powers Idem
 given to the Corporation with respect to the said Park Farm
 under the said will of the late Harrison Gordon Fraser, Q.C.

3.—(1) In this section, "the covenants of the Corporation" Centennial
Square and
St. Joseph's
Hospital
Parking
Buildings
 means the covenants of the Corporation to and with Covent
 Garden Building Incorporated in any agreement, lease or other
 instrument respecting the Centennial Square Underground
 Parking Garage and the St. Joseph's Hospital Parking Building
 that such facilities shall not, during the currency of their respec-
 tive leases, be subject to municipal taxes, business taxes or spe-

cial assessments or charges of any nature or kind whatsoever, but not including business taxes of tenants of Covent Garden Building Incorporated.

Corporation deemed not to incur debt payment of which is not provided for in estimates

(2) The Corporation shall be deemed not to be incurring or to have incurred a debt, the payment of which is or was not provided for in the estimates of the current year, with respect to any obligation expressed or implied in the covenants of the Corporation to pay all or part of any municipal taxes, business taxes or special assessments or charges to which the Centennial Square Underground Parking Garage and the St. Joseph's Hospital Parking Building are or were subject during the currency of their respective leases.

1978, c. 128, s. 7 (2), amended

4.—(1) Subsection 7 (2) of *The City of London Act, 1978*, being chapter 128, is amended by striking out “shall” in the first line and inserting in lieu thereof “may”.

s. 7, amended

(2) Section 7 of the said Act is amended by adding thereto the following subsections:

Planning Committee deemed council committee

(5) Every planning committee appointed under subsection 7 (2) shall be deemed to be and, since the 1st day of January, 1979, to have been a committee of the council.

Committee in lieu of planning committee
R.S.O. 1980, cc. 302, 379

(6) The council may, by by-law, dissolve a planning committee appointed under subsection 7 (2) and in lieu thereof may appoint a committee composed of such persons and for such purposes as is authorized by the *Municipal Act* or the *Planning Act*.

Drain connections

5. In a by-law passed under paragraph 79 of section 210 of the *Municipal Act* for constructing service drains from a sewer to the line of the highway, the council may,

- (a) provide for reconstructing or repairing such drains;
- (b) prescribe that the cost of such construction, reconstruction or repair shall be due and payable by periodic instalments in each year for such term, not exceeding ten years, as provided by the by-law;
- (c) prescribe that interest not exceeding the rate imposed from time to time on overdue payments of taxes shall be added to the amount of the cost unpaid in each month or fraction thereof from a day not earlier than ninety days after the completion of such construction, reconstruction or repair, as provided by the by-law, until the cost is fully paid;
- (d) provide that the amount of the cost due and unpaid and any accrued interest thereon due and unpaid shall be

SECTION 4. Section 7 of *The City of London Act, 1978* transferred the duties, functions and powers of the City of London Planning Board to the municipal council effective the 1st day of January, 1979. Subsection 7 (2) provides that the council annually "shall" appoint a planning committee consisting of members of the council and three other elected local boards. This arrangement may possibly conflict with the changes for local decision-making proposed in Bill 159, being *An Act to revise the Planning Act*. The main purpose of this provision is to allow the council to reorganize its committee structure during the interim to accommodate the scheme of the revised *Planning Act* when it is eventually enacted. Another purpose of this section is to clarify that any planning committee appointed under subsection 7 (2) is a committee of council, despite membership from other elected local boards.

The Corporation will also be permitted to dissolve the planning committee appointed under subsection 7 (2) and appoint a planning committee in accordance with general legislation.

SECTION 5. Paragraph 79 of section 210 of the *Municipal Act* empowers local municipalities to pass by-laws for constructing service drains from a sewer to the line of the highway and for charging the cost to the owner of the premises for which the service drain is constructed. The cost of the construction may be collected or recovered in the same manner as real property taxes. The proposed section extends the application of paragraph 79 to reconstructing or repairing service drains. The municipality will be able to charge interest on the cost and collect or recover the costs of reconstruction or repair in the same manner as real property taxes.

added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected or recovered in like manner as real property taxes; and

- (e) prescribe the terms and conditions upon which persons whose premises are assessed the cost of such construction, reconstruction or repair may commute such cost for a payment in cash.

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

7. The short title of this Act is the *City of London Act, 1982*. Short title

SCHEDULE

Extract from the Will of the late
Harrison Gordon Fraser, Q.C.

4. IN THE HOPE others will to some extent enjoy my farm "Park Farm" in the City of London, as my family and I have, and conditional on the Corporation of the City of London accepting such devise and undertaking to maintain it in perpetuity as a public park with free access thereto to the public at appropriate times, i.e. hours, and such undertaking being validated by the Legislature of the Province of Ontario within three years of the service personally, and by registered mail postage prepaid of a notarial copy of the probate of this my Will, addressed to such parties at 300 Dufferin Avenue, London, Ontario, upon the mayor for the time being and the City Clerk of the Corporation of the City of London.

- (i) This undertaking shall not prevent dedicating roads or easements for utilities as such City deems advisable, or, should the unopened Base Line Road be opened and the City deem it advisable so to do, the sale of that part of lot number fourteen, First Concession lying north of the Commissioners Road, provided the sale price thereof, shall be applied for the purpose of such park, or additions thereto, and devise to the Corporation of the City of London as a public park in perpetuity with free access at reasonable hours, Thereto by the public as a public park, my farm in the City of London, formerly in the Township of Westminster known as "Park Farm", being all of Broken Front lot fourteen, part of Broken Lot fifteen and that part of lot number fourteen in the First Concession of such Township north of the Commissioners Road, now in the City of London, containing approximately one hundred and fifteen acres, all subject to the right of Frank Kemp, if tenant thereof, at my death (except of my personal house), at my death, to continue to occupy the same as tenant thereof at the rent applicable at my death, until such acceptance and legislative confirmation provided if such three year period expires, without such acceptance by the Corporation of the City of London of such devise, upon such conditions, and such acceptance being so validated, such Park Farm shall form part of the residue of my estate, and be sold and the proceeds of such sale shall form part of the residue of my estate. Should such acceptance of such devise upon such conditions, and the same be so validated before the expiration of three years from my death, the said Frank Kemp shall be entitled to continue to so occupy as such tenant, at such rent, such rented portion of Park Farm until the expiration of one year's notice dating from April first. Pending the acceptance by the Corporation of the City of London, upon such conditions, and such acceptance being validated as aforesaid, my executor may rent my house used by me as my summer residence. All carrying charges of such farm, less rents received, during the period before such acceptance and validation, shall be charged to, or accrue to the Corporation of the City of London when such acceptance and validation occurs, or failing such acceptance and validation, to my residuary estate.
- (ii) In making such devise, I declare I am having regard to the long established wishes of my family, as well as my personal wishes, and the verbal undertaking not to sell such farm without first giving the Corporation of the City of London an opportunity to purchase, given by me to a representative of such City, he having explained that for years the acquisition of such farm as a park had been a first priority of the City of London.

An Act respecting the
City of London

1st Reading

June 25th, 1982

2nd Reading

3rd Reading

MR. VAN HORNE

*(Reprinted as amended by the
General Government Committee)*

BILL Pr21

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of London

MR. VAN HORNE



BILL Pr21

1982

An Act respecting the City of London

WHEREAS The Corporation of the City of London hereby Preamble applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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,

Interpretation

- (a) "Corporation" means The Corporation of the City of London;
- (b) "council" means the council of the Corporation.

2.—(1) It is hereby confirmed and ratified that the Corporation has and always had the authority to accept the property known as Park Farm devised to the Corporation under paragraph 4, as set out in the Schedule hereto, of the will of the late Harrison Gordon Fraser, Q.C. and it is hereby declared that the Corporation has and shall be deemed always to have had the power to undertake to maintain the said Park Farm in perpetuity as a public park. Park Farm, validation of undertaking

(2) Nothing in subsection (1) affects the rights and powers given to the Corporation with respect to the said Park Farm under the said will of the late Harrison Gordon Fraser, Q.C. Idem

3.—(1) In this section, "the covenants of the Corporation" means the covenants of the Corporation to and with Covent Garden Building Incorporated in any agreement, lease or other instrument respecting the Centennial Square Underground Parking Garage and the St. Joseph's Hospital Parking Building that such facilities shall not, during the currency of their respective leases, be subject to municipal taxes, business taxes or spe- Centennial Square and St. Joseph's Hospital Parking Buildings

cial assessments or charges of any nature or kind whatsoever, but not including business taxes of tenants of Covent Garden Building Incorporated.

Corporation deemed not to incur debt payment of which is not provided for in estimates

(2) The Corporation shall be deemed not to be incurring or to have incurred a debt, the payment of which is or was not provided for in the estimates of the current year, with respect to any obligation expressed or implied in the covenants of the Corporation to pay all or part of any municipal taxes, business taxes or special assessments or charges to which the Centennial Square Underground Parking Garage and the St. Joseph's Hospital Parking Building are or were subject during the currency of their respective leases.

1978, c. 128, s. 7 (2), amended

4.—(1) Subsection 7 (2) of *The City of London Act, 1978*, being chapter 128, is amended by striking out "shall" in the first line and inserting in lieu thereof "may".

s. 7, amended

(2) Section 7 of the said Act is amended by adding thereto the following subsections:

Planning Committee deemed council committee

(5) Every planning committee appointed under subsection 7 (2) shall be deemed to be and, since the 1st day of January, 1979, to have been a committee of the council.

Committee in lieu of planning committee
R.S.O. 1980, cc. 302, 379

(6) The council may, by by-law, dissolve a planning committee appointed under subsection 7 (2) and in lieu thereof may appoint a committee composed of such persons and for such purposes as is authorized by the *Municipal Act* or the *Planning Act*.

Drain connections

5. In a by-law passed under paragraph 79 of section 210 of the *Municipal Act* for constructing service drains from a sewer to the line of the highway, the council may,

- (a) provide for reconstructing or repairing such drains;
- (b) prescribe that the cost of such construction, reconstruction or repair shall be due and payable by periodic instalments in each year for such term, not exceeding ten years, as provided by the by-law;
- (c) prescribe that interest not exceeding the rate imposed from time to time on overdue payments of taxes shall be added to the amount of the cost unpaid in each month or fraction thereof from a day not earlier than ninety days after the completion of such construction, reconstruction or repair, as provided by the by-law, until the cost is fully paid;
- (d) provide that the amount of the cost due and unpaid and any accrued interest thereon due and unpaid shall be

added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected or recovered in like manner as real property taxes; and

- (e) prescribe the terms and conditions upon which persons whose premises are assessed the cost of such construction, reconstruction or repair may commute such cost for a payment in cash.

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

7. The short title of this Act is the *City of London Act, 1982*. Short title

SCHEDULE

Extract from the Will of the late
Harrison Gordon Fraser, Q.C.

4. IN THE HOPE others will to some extent enjoy my farm "Park Farm" in the City of London, as my family and I have, and conditional on the Corporation of the City of London accepting such devise and undertaking to maintain it in perpetuity as a public park with free access thereto to the public at appropriate times, i.e. hours, and such undertaking being validated by the Legislature of the Province of Ontario within three years of the service personally, and by registered mail postage prepaid of a notarial copy of the probate of this my Will, addressed to such parties at 300 Dufferin Avenue, London, Ontario, upon the mayor for the time being and the City Clerk of the Corporation of the City of London.

- (i) This undertaking shall not prevent dedicating roads or easements for utilities as such City deems advisable, or, should the unopened Base Line Road be opened and the City deem it advisable so to do, the sale of that part of lot number fourteen, First Concession lying north of the Commissioners Road, provided the sale price thereof, shall be applied for the purpose of such park, or additions thereto, and devise to the Corporation of the City of London as a public park in perpetuity with free access at reasonable hours, Thereto by the public as a public park, my farm in the City of London, formerly in the Township of Westminster known as "Park Farm", being all of Broken Front lot fourteen, part of Broken Lot fifteen and that part of lot number fourteen in the First Concession of such Township north of the Commissioners Road, now in the City of London, containing approximately one hundred and fifteen acres, all subject to the right of Frank Kemp, if tenant thereof, at my death (except of my personal house), at my death, to continue to occupy the same as tenant thereof at the rent applicable at my death, until such acceptance and legislative confirmation provided if such three year period expires, without such acceptance by the Corporation of the City of London of such devise, upon such conditions, and such acceptance being so validated, such Park Farm shall form part of the residue of my estate, and be sold and the proceeds of such sale shall form part of the residue of my estate. Should such acceptance of such devise upon such conditions, and the same be so validated before the expiration of three years from my death, the said Frank Kemp shall be entitled to continue to so occupy as such tenant, at such rent, such rented portion of Park Farm until the expiration of one year's notice dating from April first. Pending the acceptance by the Corporation of the City of London, upon such conditions, and such acceptance being validated as aforesaid, my executor may rent my house used by me as my summer residence. All carrying charges of such farm, less rents received, during the period before such acceptance and validation, shall be charged to, or accrue to the Corporation of the City of London when such acceptance and validation occurs, or failing such acceptance and validation, to my residuary estate.
- (ii) In making such devise, I declare I am having regard to the long established wishes of my family, as well as my personal wishes, and the verbal undertaking not to sell such farm without first giving the Corporation of the City of London an opportunity to purchase, given by me to a representative of such City, he having explained that for years the acquisition of such farm as a park had been a first priority of the City of London.

An Act respecting the
City of London

1st Reading

June 25th, 1982

2nd Reading

November 16th, 1982

3rd Reading

November 16th, 1982

MR. VAN HORNE

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Hamilton

MR. CHARLTON

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr22

1982

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton hereby ^{Preamble} represents that a writ of summons was issued against certain councillors by James Wilson for libel in respect of defamatory statements alleged to have been made in April of 1976; that it is considered desirable that the Corporation assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of the writ of summons issued or as may be issued and in respect of any other legal matter arising out of the claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

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

1. In this Act,

Interpre-
tation

- (a) "claim" means a claim mentioned in a writ and any other legal matter arising out of the writ;
- (b) "Corporation" means The Corporation of the City of Hamilton;
- (c) "councillor" means any person who is or was a member of the council of the Corporation;
- (d) "defendants" means councillors James A. Bethune, James E. Campbell, Dennis Carson and any other councillor who is named in a writ as a defendant;
- (e) "writ" means a writ of summons issued or as may be issued in the Supreme Court of Ontario by or on behalf of James E. Wilson.

2. The council of the Corporation is hereby authorized to ^{Payment of}
assume and pay all costs and legal expenses as may be incurred ^{judgment and}
^{legal expenses}
^{authorized}

from time to time and the full amount of any judgment as may be awarded as a result of a writ for a claim against the defendants or one or more of them.

Commence-
ment

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

Short title

4. The short title of this Act is the *City of Hamilton Act, 1982*.



An Act respecting the City of Hamilton

1st Reading

May 4th, 1982

2nd Reading

3rd Reading

MR. CHARLTON

(Private Bill)

BILL Pr22

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Hamilton

MR. CHARLTON

BILL Pr22

1982

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton hereby ^{Preamble} represents that a writ of summons was issued against certain councillors by James Wilson for libel in respect of defamatory statements alleged to have been made in April of 1976; that it is considered desirable that the Corporation assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of the writ of summons issued or as may be issued and in respect of any other legal matter arising out of the claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

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

1. In this Act,

Interpre-
tation

- (a) "claim" means a claim mentioned in a writ and any other legal matter arising out of the writ;
- (b) "Corporation" means The Corporation of the City of Hamilton;
- (c) "councillor" means any person who is or was a member of the council of the Corporation;
- (d) "defendants" means councillors James A. Bethune, James E. Campbell, Dennis Carson and any other councillor who is named in a writ as a defendant;
- (e) "writ" means a writ of summons issued or as may be issued in the Supreme Court of Ontario by or on behalf of James E. Wilson.

2. The council of the Corporation is hereby authorized to assume and pay all costs and legal expenses as may be incurred ^{Payment of judgment and legal expenses authorized}

from time to time and the full amount of any judgment as may be awarded as a result of a writ for a claim against the defendants or one or more of them.

Commence-
ment

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

Short title

4. The short title of this Act is the *City of Hamilton Act, 1982*.



An Act respecting the City of Hamilton

1st Reading

May 4th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. CHARLTON

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Peer and Smith Limited

MR. BRANDT

EXPLANATORY NOTE

The purpose of the Bill is to revive Peer and Smith Limited.

BILL Pr23

1982

An Act to revive Peer and Smith Limited

WHEREAS Harold Peer hereby represents that Peer and Preamble
Smith Limited, herein called the Corporation, was incorporated by letters patent dated the 10th day of September, 1969; that the Minister of Consumer and Commercial Relations by order dated the 16th day of July, 1975, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 20th day of August, 1975; that the applicant was a director in good standing of the Corporation at the time of its dissolution; that through inadvertence the application to revive the Corporation was not forwarded prior to the 20th day of August, 1977; that at the time of dissolution the Corporation owned assets and real property which it still intends to retain; and whereas the applicant hereby applies for special legislation reviving the Corporation and whereas it is expedient to grant the application;

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

1. Peer and Smith Limited is hereby revived and is, subject to Corporation revived
any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. The short title of this Act is the *Peer and Smith Limited* Short title
Act, 1982.

An Act to revive Peer and Smith Limited

1st Reading

June 7th, 1982

2nd Reading

3rd Reading

MR. BRANDT

(Private Bill)

BILL Pr23

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Peer and Smith Limited

MR. BRANDT

BILL Pr23

1982

An Act to revive Peer and Smith Limited

WHEREAS Harold Peer hereby represents that Peer and Smith Limited, herein called the Corporation, was incorporated by letters patent dated the 10th day of September, 1969; that the Minister of Consumer and Commercial Relations by order dated the 16th day of July, 1975, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 20th day of August, 1975; that the applicant was a director in good standing of the Corporation at the time of its dissolution; that through inadvertence the application to revive the Corporation was not forwarded prior to the 20th day of August, 1977; that at the time of dissolution the Corporation owned assets and real property which it still intends to retain; and whereas the applicant hereby applies for special legislation reviving the Corporation and whereas it is expedient to grant the application;

Preamble

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

1. Peer and Smith Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner as if it had not been dissolved.

Corporation revived

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

Commencement

3. The short title of this Act is the *Peer and Smith Limited Act, 1982*.

Short title

An Act to revive Peer and Smith Limited

1st Reading

June 7th, 1982

2nd Reading

July 6th, 1982

3rd Reading

July 6th, 1982

MR. BRANDT

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Ottawa

MR. ROY

EXPLANATORY NOTE

The purpose of the Bill is to enable the City to establish pedestrian promenades on roads under the jurisdiction of the City of Ottawa and The Regional Municipality of Ottawa-Carleton. At present, the City may establish pedestrian promenades only on highways under its own jurisdiction.

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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

1. Subsection 3 (1) of the *City of Ottawa Act, 1960*, being chapter 161; as re-enacted by the Statutes of Ontario, 1965, chapter 163, section 1, is repealed and the following substituted therefor:

1960, c. 161,
s. 3 (1),
re-enacted

(1) Notwithstanding the *Municipal Act*, the council of the Corporation may, on a petition of or with the consent of a majority of the owners representing at least one-half of the value of the lots to be assessed and subject to the approval of the Ontario Municipal Board and the Minister of Transportation and Communications, pass by-laws for establishing all or any part of any highway under the jurisdiction of the Corporation or The Regional Municipality of Ottawa-Carleton solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof, and for permitting the obstruction of the promenade in such manner and to such extent as the council of the Corporation may deem desirable.

Pedestrian
promenades
R.S.O. 1980,
c. 302

(1a) A by-law passed under subsection (1) with respect to a highway under the jurisdiction of The Regional Municipality of Ottawa-Carleton shall not come into effect until it is approved by the Regional Council by by-law and the Regional Council may, as a condition of its approval, impose such terms and conditions as it considers appropriate.

Idem

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is the *City of Ottawa Act, 1982*.

Commence-
ment

Short title

An Act respecting the City of Ottawa

1st Reading

May 11th, 1982

2nd Reading

3rd Reading

MR. ROY

(Private Bill)

BILL Pr24

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Ottawa

MR. ROY

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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

1. Subsection 3 (1) of the *City of Ottawa Act, 1960*, being chapter 161, as re-enacted by the Statutes of Ontario, 1965, chapter 163, section 1, is repealed and the following substituted therefor:

1960, c. 161,
s. 3 (1),
re-enacted

(1) Notwithstanding the *Municipal Act*, the council of the Corporation may, on a petition of or with the consent of a majority of the owners representing at least one-half of the value of the lots to be assessed and subject to the approval of the Ontario Municipal Board and the Minister of Transportation and Communications, pass by-laws for establishing all or any part of any highway under the jurisdiction of the Corporation or The Regional Municipality of Ottawa-Carleton solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof, and for permitting the obstruction of the promenade in such manner and to such extent as the council of the Corporation may deem desirable.

Pedestrian
promenades
R.S.O. 1980,
c. 302

(1a) A by-law passed under subsection (1) with respect to a highway under the jurisdiction of The Regional Municipality of Ottawa-Carleton shall not come into effect until it is approved by the Regional Council by by-law and the Regional Council may, as a condition of its approval, impose such terms and conditions as it considers appropriate.

Idem

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

Commence-
ment
3. The short title of this Act is the *City of Ottawa Act, 1982*.

Short title

An Act respecting the City of Ottawa

1st Reading

May 11th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. ROY

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting Co-operators Insurance Association

MR. LANE

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr26

1982

An Act respecting Co-operators Insurance Association

WHEREAS Co-operators Insurance Association, herein Preamble
called the Company, hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent dated the 1st day of November, 1950; that the said letters patent were amended by supplementary letters patent dated the 25th day of May, 1959, the 16th day of June, 1960, the 13th day of June, 1966, the 22nd day of April, 1970, and the 20th day of June, 1978; that the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

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

1. Subject to authorization by special resolution under the *Corporations Act*, the Company may apply to the Minister of Consumer and Corporate Affairs of Canada for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing *inter alia* that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation. Application to Minister of Consumer and Corporate Affairs authorized R.S.O. 1980, c. 95

2. Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of such letters patent together with a copy of such letters patent certified by the Department of Consumer and Corporate Affairs and, on and after the date of the filing of such notice, the *Corporations Act* shall cease to apply to the Company. Application of R.S.O. 1980, c. 95

3. The Minister of Consumer and Commercial Relations may, on receipt by him of the notice and certified copy of the Minister's certificate

letters patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

Commence-
ment

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

Short title

5. The short title of this Act is the *Co-operators Insurance Association Act, 1982*.







An Act respecting
Co-operators Insurance Association

1st Reading

June 4th, 1982

2nd Reading

3rd Reading

MR. LANE

(Private Bill)

BILL Pr26

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting Co-operators Insurance Association

MR. LANE



BILL Pr26

1982

An Act respecting Co-operators Insurance Association

WHEREAS Co-operators Insurance Association, herein Preamble
called the Company, hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent dated the 1st day of November, 1950; that the said letters patent were amended by supplementary letters patent dated the 25th day of May, 1959, the 16th day of June, 1960, the 13th day of June, 1966, the 22nd day of April, 1970, and the 20th day of June, 1978; that the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

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

1. Subject to authorization by special resolution under the *Corporations Act*, the Company may apply to the Minister of Consumer and Corporate Affairs of Canada for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing *inter alia* that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation. Application to
Minister of
Consumer and
Corporate
Affairs
authorized
R.S.O. 1980,
c. 95

2. Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of such letters patent together with a copy of such letters patent certified by the Department of Consumer and Corporate Affairs and, on and after the date of the filing of such notice, the *Corporations Act* shall cease to apply to the Company. Application of
R.S.O. 1980,
c. 95

3. The Minister of Consumer and Commercial Relations may, on receipt by him of the notice and certified copy of the Minister's
certificate

letters patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

Commence-
ment

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

Short title

5. The short title of this Act is the *Co-operators Insurance Association Act, 1982*.







An Act respecting
Co-operators Insurance Association

1st Reading

June 4th, 1982

2nd Reading

July 6th, 1982

3rd Reading

July 6th, 1982

MR. LANE

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Ottawa

MR. ROY

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The proposed re-enactment of subsection 2 (5) of *The Ottawa Charitable Foundation Act, 1925* removes the requirement that a person must be a ratepayer in the City of Ottawa to be eligible for appointment as a trustee of the Ottawa Charitable Foundation.

Subsection 2. At present, the trustees of the Foundation must file their annual statement of receipts and expenditures with the City of Ottawa by the 31st day of January in each year. The proposed amendment extends the time for filing to the 31st day of March.

SECTION 2. The proposed section 2 will permit residents of the City to be members of the property standards committee. At present, only ratepayers may be members of the committee.

BILL Pr27

1982

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, 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 (5) of *The Ottawa Charitable Foundation Act, 1925*, being chapter 131, is repealed and the following substituted therefor:

1925, c. 131,
s. 2 (5),
re-enacted

(5) No person shall be appointed a trustee who is not at the time of his appointment a resident of the City of Ottawa.

Qualification
as trustee

- (2) Section 12 of the said Act is amended by striking out "January" in the third line and inserting in lieu thereof "March".

s. 12,
amended

2. Notwithstanding subsection 43 (11) of the *Planning Act*, the by-law passed under section 43 of the *Planning Act* shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council of the Corporation considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the Corporation, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Property
standards
committee
R.S.O. 1980,
c. 379

3. This Act comes into force on the day it receives Royal Assent.
4. The short title of this Act is the *City of Ottawa Act, 1982*.

Commence-
ment

Short title

An Act respecting the City of Ottawa

1st Reading

December 7th, 1982

2nd Reading

3rd Reading

MR. ROY

(Private Bill)

Bill Pr27

An Act respecting the City of Ottawa

Mr. Roy

<i>1st Reading</i>	December 7th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill Pr27

1982

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, 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 (5) of *The Ottawa Charitable Foundation Act, 1925*, being chapter 131, is repealed and the following substituted therefor:

1925, c. 131,
s. 2 (5),
re-enacted

(5) No person shall be appointed a trustee who is not at the time of his appointment a resident of the City of Ottawa.

Qualification
as trustee

(2) Section 12 of the said Act is amended by striking out “January” in the third line and inserting in lieu thereof “March”.

s. 12,
amended

2. Notwithstanding subsection 43 (11) of the *Planning Act*, the by-law passed under section 43 of the *Planning Act* shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council of the Corporation considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the Corporation, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Property
standards
committee
R.S.O. 1980,
c. 379

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

Commence-
ment

4. The short title of this Act is the *City of Ottawa Act, 1983*.

Short title

W. H. ...
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2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Chatham

MR. WATSON

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr28

1982

An Act respecting the City of Chatham

WHEREAS The Corporation of the City of Chatham hereby Preamble represents that it has assembled in fee simple by purchase and expropriation a site of some 3.8 hectares of land for the purpose of a redevelopment project under the Ontario Downtown Revitalization Programme; that as part of the land assembly the Corporation expropriated five former private lanes; that the owners or persons with an interest in the lanes are unknown, unrepresented or deceased except as are specified herein; that it has been ascertained that the estate in fee simple to the whole of the five former private lanes as hereinafter described has not been conveyed since prior to 1900; that the lanes have been used for free and uninterrupted access by adjacent owners for at least the last thirty years and have also been used during that time for the passage of the public at large; that the Corporation is now the owner in fee simple of all adjacent lands; and whereas the Corporation further represents that there exists a right of way interest in others on lands described in instruments referred to in subsection 2 (2); that the said lands upon which the right of way interest exists have been used as a municipal parking lot from the date of conveyance to the Corporation, being the 6th day of July, 1959, to the date of their incorporation into the redevelopment project on or about the 18th day of June, 1980; that no person has used the said right of way since 1959; that the Corporation has had exclusive possession and has entirely enclosed the land since 1959; that, for the purpose of implementing the Ontario Downtown Revitalization Programme, it is desirable to assure to the Corporation that its estate in all of the aforementioned lands is subject to no interest or claim whatsoever; and whereas the Corporation further represents that it is desirable to repeal existing special legislation providing a mechanism for the alternate election to the office of mayor and alderman, thereby making applicable the provisions of the *Municipal Act*; and whereas the applicant hereby applies R.S.O. 1980,
c. 302 for special legislation for such purposes; and whereas it is expedient to grant the application;

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

Interpre-
tation

1. In this Act,

- (a) "Corporation" means The Corporation of the City of Chatham;
- (b) "Land Registry Office" means the Land Registry Office for the Registry Division of Kent (No. 24).

Lands
vested in
Corporation

2.—(1) The lands shown as,

- (a) Part I on each of the plans of expropriation registered in the Land Registry Office on the 16th day of December, 1980 and numbered 367441, 367449, 367450 and 367451; and
- (b) Part I on the plan of expropriation registered in the Land Registry Office on the 10th day of June, 1981 and numbered 372312,

are hereby deemed to have vested in fee simple in the Corporation on the 16th day of December, 1980 in the case of the lands described in clause (a), and on the 10th day of June, 1981, in the case of the lands described in clause (b), free from all rights, trusts, interests, limitations, restrictions and covenants whatsoever.

Right
of way
extinguished

(2) The right of way referred to in the instruments registered in the Land Registry Office as numbers 105390, 100015, 64837 and 53663 and in Deposit 8251 is hereby extinguished.

Claims for
compensation
extinguished
R.S.O. 1980,
c. 148

(3) Every claim for compensation, whether pursuant to the *Expropriations Act* or otherwise, with respect to,

- (a) the lands referred to in subsection (1), shall be deemed to have been extinguished on the day the lands vested in the Corporation save and except any claim to compensation under the *Expropriations Act* that existed on the day of expropriation arising by virtue of an interest under instruments registered in the Land Registry Office as numbers 311305 and 332061;
- (b) the right of way referred to in subsection (2) is extinguished on the day this Act comes into force.

1921, c. 97,
s. 4,
repealed

3. Section 4 of *The City of Chatham Act, 1921*, being chapter 97, is repealed.

Commence-
ment

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

Short title

5. The short title of this Act is the *City of Chatham Act, 1982*.



An Act respecting the City of Chatham

1st Reading

October 12th, 1982

2nd Reading

3rd Reading

MR. WATSON

(Private Bill)

BILL Pr28

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Chatham

MR. WATSON



BILL Pr28

1982

An Act respecting the City of Chatham

WHEREAS The Corporation of the City of Chatham hereby Preamble represents that it has assembled in fee simple by purchase and expropriation a site of some 3.8 hectares of land for the purpose of a redevelopment project under the Ontario Downtown Revitalization Programme; that as part of the land assembly the Corporation expropriated five former private lanes; that the owners or persons with an interest in the lanes are unknown, unrepresented or deceased except as are specified herein; that it has been ascertained that the estate in fee simple to the whole of the five former private lanes as hereinafter described has not been conveyed since prior to 1900; that the lanes have been used for free and uninterrupted access by adjacent owners for at least the last thirty years and have also been used during that time for the passage of the public at large; that the Corporation is now the owner in fee simple of all adjacent lands; and whereas the Corporation further represents that there exists a right of way interest in others on lands described in instruments referred to in subsection 2 (2); that the said lands upon which the right of way interest exists have been used as a municipal parking lot from the date of conveyance to the Corporation, being the 6th day of July, 1959, to the date of their incorporation into the redevelopment project on or about the 18th day of June, 1980; that no person has used the said right of way since 1959; that the Corporation has had exclusive possession and has entirely enclosed the land since 1959; that, for the purpose of implementing the Ontario Downtown Revitalization Programme, it is desirable to assure to the Corporation that its estate in all of the aforementioned lands is subject to no interest or claim whatsoever; and whereas the Corporation further represents that it is desirable to repeal existing special legislation providing a mechanism for the alternate election to the office of mayor and alderman, thereby making applicable the provisions of the *Municipal Act*; and whereas the applicant hereby applies R.S.O. 1980,
c. 302 for special legislation for such purposes; and whereas it is expedient to grant the application;

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

Interpre-
tation

1. In this Act,

- (a) "Corporation" means The Corporation of the City of Chatham;
- (b) "Land Registry Office" means the Land Registry Office for the Registry Division of Kent (No. 24).

Lands
vested in
Corporation

2.—(1) The lands shown as,

- (a) Part I on each of the plans of expropriation registered in the Land Registry Office on the 16th day of December, 1980 and numbered 367441, 367449, 367450 and 367451; and
- (b) Part I on the plan of expropriation registered in the Land Registry Office on the 10th day of June, 1981 and numbered 372312,

are hereby deemed to have vested in fee simple in the Corporation on the 16th day of December, 1980 in the case of the lands described in clause (a), and on the 10th day of June, 1981, in the case of the lands described in clause (b), free from all rights, trusts, interests, limitations, restrictions and covenants whatsoever.

Right
of way
extinguished

(2) The right of way referred to in the instruments registered in the Land Registry Office as numbers 105390, 100015, 64837 and 53663 and in Deposit 8251 is hereby extinguished.

Claims for
compensation
extinguished
R.S.O. 1980,
c. 148

(3) Every claim for compensation, whether pursuant to the *Expropriations Act* or otherwise, with respect to,

- (a) the lands referred to in subsection (1), shall be deemed to have been extinguished on the day the lands vested in the Corporation save and except any claim to compensation under the *Expropriations Act* that existed on the day of expropriation arising by virtue of an interest under instruments registered in the Land Registry Office as numbers 311305 and 332061;

(b) the right of way referred to in subsection (2) is extinguished on the day this Act comes into force.

1921, c. 97,
s. 4,
repealed

3. Section 4 of *The City of Chatham Act, 1921*, being chapter 97, is repealed.

Commence-
ment

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

Short title

5. The short title of this Act is the *City of Chatham Act, 1982*.





An Act respecting the City of Chatham

1st Reading

October 12th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. WATSON

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Hamilton

MR. CHARLTON

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

An Act respecting the City of Hamilton

WHEREAS the council of The Corporation of the City of Hamilton hereby represents that it is desirable to provide for more accountability by The Hamilton Performing Arts Corporation, Inc., and The Hamilton Place Convention Centre, Inc., to the council, relating to their operation and management in the public interest; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application; Preamble

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

PART I

THE HAMILTON PERFORMING ARTS CORPORATION, INC.

1. Subsection 6 (2) of *The City of Hamilton Act, 1972*, being chapter 178, is amended by striking out "the Board of Control and" in the second line. 1972, c. 178,
s. 6 (2),
amended
- 2.—(1) Subsections 14 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 14 (1, 2),
re-enacted
 - (1) The corporation may, in accordance with practices and procedures approved by the council, Personnel
 - (a) appoint, hire, or otherwise engage officers, employees, agents or others;
 - (b) determine the qualifications, responsibilities, duties and positions and terms and conditions of employment or service of persons appointed, hired or otherwise engaged by the corporation;
 - (c) establish classifications for persons appointed, hired or otherwise engaged by the corporation and reclassify, promote or transfer any such person;

(d) determine the remuneration, salaries and benefits of, and any payments to, officers, servants, agents or others; and

(e) suspend, discharge or otherwise terminate employment or services.

Senior positions

(1a) The council, for the purposes of this section, may define the positions that are senior personnel positions and no person shall be appointed, hired or otherwise engaged to fill a senior position until the approval of council has been obtained.

Performers

(2) The corporation may temporarily hire or otherwise employ or engage and pay for the services of performers and persons engaged in the performing arts in support of the performers, from time to time as it requires, and make all necessary arrangements in relation thereto.

s. 14, amended

(2) Section 14 of the said Act is amended by adding thereto the following subsection:

Bonus

(4) Notwithstanding subsection (3), no bonus or like sum of money or any other benefit in substitution thereof shall be paid to any person.

s. 17, amended

3. Section 17 of the said Act is amended by adding thereto the following subsection:

Inventory of personal property

(1a) The corporation shall, in accordance with good business practice, keep and maintain an accurate inventory of all its personal property and provide the council with an inventory thereof as the council may require.

s. 18, amended

4. Section 18 of the said Act is amended by adding thereto the following subsection:

Certified true copies

(1a) The corporation shall make all of its books and records available at all times to such persons as the council may require and shall provide certified true copies of such minutes, documents, books, records or any other writings as council may require.

s. 18a, enacted

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

FINANCIAL INFORMATION

Monthly statements

18a.—(1) The corporation shall provide the City with monthly statements of,

(a) revenues and expenditures;

- (b) profit and loss;
- (c) expenses, allowances and other like payments to directors, officers, servants, employees, agents and others; and
- (d) such financial or operating expenditures as council may require.

(2) The statements referred to in subsection (1) shall be in such form as the City Treasurer may require. Idem

6. Section 19 of the said Act is amended by adding thereto the following subsection: s. 19, amended

(1a) The corporation shall, in such manner as the council may require, provide in the budgets submitted to council all financial details of revenues and expenditures including expense accounts, expenses incurred, remuneration, salaries and any other information that council may require. Budget details

7.—(1) The said Act is further amended by striking out the heading “CLAIMS AGAINST THE CORPORATION” immediately preceding section 22. Heading repealed

(2) Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted; s. 22a, enacted

MISCELLANEOUS

22.—(1) The meetings of the board and the corporation shall be open to the public and no person shall be excluded from a meeting except for improper conduct as determined by the board. Open meetings

(2) Notwithstanding subsection (1), the council may, by by-law, authorize meetings of the board and the corporation to be held *in camera* in respect of, Exceptions

- (a) personnel matters, including matters related to wages, salaries and benefits;
- (b) discipline, unless the individual affected requests that the meeting be open to the public;
- (c) collective bargaining;
- (d) litigation and communications respecting solicitor-client relationships, including legal opinions and advice;

- (e) proposed or actual contracts with producers or promoters of exhibitions, shows or attractions; and
- (f) such other matters as the council may determine.

Indemnity

22a.—(1) Subject to subsection (2), every director or officer of the corporation and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the corporation from and against,

- (a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and
- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the corporation.

Limitations

(2) No director or officer of the corporation shall be indemnified by the corporation in respect of any liability, costs, charges, or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as director or officer, he has achieved complete or substantial success as a defendant.

Insurance

(3) The corporation may purchase and maintain insurance for the benefit of a director or officer thereof, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of his failure to exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the corporation, exercising in connection therewith the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

PART II

THE HAMILTON PLACE CONVENTION CENTRE, INC.

1980, c. 99,
s. 2 (1),
amended

8. Subsection 2 (1) of *The City of Hamilton Act, 1980*, being chapter 99, is amended by striking out “displays” in the sixth line and inserting in lieu thereof “events”.

s. 10,
re-enacted

9. Section 10 of the said Act is repealed and the following substituted therefor:

Personnel

10.—(1) The Corporation may, in accordance with practices and procedures approved by the council,

- (a) appoint, hire or otherwise engage officers, employees, agents or others;
- (b) determine the qualifications, responsibilities, duties and positions and terms and conditions of employment or service of persons appointed, hired or otherwise engaged by the Corporation;
- (c) establish classifications for persons appointed, hired or otherwise engaged by the Corporation and reclassify, promote or transfer any such person;
- (d) determine the remuneration, salaries and benefits of, and any payments to, officers, servants, agents or others; and
- (e) suspend, discharge or otherwise terminate employment or services.

(2) The council, for the purposes of this section, may define the positions that are senior personnel positions and no person shall be appointed, hired or otherwise engaged to fill a senior position until the approval of council has been obtained. Senior positions

10.—(1) Subsection 11 (3) of the said Act is amended by striking out “the Board of Control of the City and” in the second line. s. 11 (3), amended

(2) Section 11 of the said Act is amended by adding thereto the following subsection: s. 11, amended

(3a) Notwithstanding subsection (2), no bonus or like sum of money or any other benefit in substitution thereof shall be paid to any person. Bonus

11. The said Act is amended by adding thereto the following section: s. 12a, enacted

12a.—(1) The Corporation shall provide the City with monthly statements of, Monthly statements

- (a) revenues and expenditures;
- (b) profit and loss;
- (c) expenses, allowances and other like payments to directors, officers, servants, employees, agents and others; and
- (d) such financial or operating expenditures as council may require.

- Idem (2) The statements referred to in subsection (1) shall be in such form as the City Treasurer may require.
- s. 13, amended **12.** Section 13 of the said Act is amended by adding thereto the following subsection:
- Certified true copies (1a) The Corporation shall make all of its books and records available at all times to such persons as the council may require and shall provide certified true copies of such minutes, documents, books, records or any other writings as council may require.
- s. 14, amended **13.** Section 14 of the said Act is amended by adding thereto the following subsection:
- Budget details (1a) The Corporation shall, in such manner as the council may require, provide in the budgets submitted to council all financial details of revenues and expenditures including expense accounts, expenses incurred, remuneration, salaries and any other information that council may require.
- s. 16a, enacted **14.** The said Act is further amended by adding thereto the following section:
- Inventory of personal property 16a. The Corporation shall, in accordance with good business practice, keep and maintain an accurate inventory of all its personal property and provide the council with an inventory thereof as the council may require.
- s. 17a, enacted **15.** The said Act is further amended by adding thereto the following section:
- Open meetings 17a.—(1) The meetings of the board and the Corporation shall be open to the public and no person shall be excluded from a meeting except for improper conduct, as determined by the board.
- Exceptions (2) Notwithstanding subsection (1), the council may, by by-law, authorize meetings of the board and the Corporation to be held *in camera* in respect of,
- (a) personnel matters, including matters related to wages, salaries and benefits;
 - (b) discipline, unless the individual affected requests that the meeting be open to the public;
 - (c) collective bargaining;

- (d) litigation and communications respecting solicitor-client relationships, including legal opinions and advice;
- (e) proposed or actual contracts with persons proposing or holding conventions, meetings, receptions, trade shows, conferences or events of any kind; and
- (f) such other matters as the council may determine.

- 16.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 17.** The short title of this Act is the *City of Hamilton Act, 1982*. Short title





An Act respecting the City of Hamilton

1st Reading

October 14th, 1982

2nd Reading

3rd Reading

MR. CHARLTON

(Private Bill)

BILL Pr29

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Hamilton

MR. CHARLTON



An Act respecting the City of Hamilton

WHEREAS the council of The Corporation of the City of Hamilton hereby represents that it is desirable to provide for more accountability by The Hamilton Performing Arts Corporation, Inc., and The Hamilton Place Convention Centre, Inc., to the council, relating to their operation and management in the public interest; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application; Preamble

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

PART I

THE HAMILTON PERFORMING ARTS CORPORATION, INC.

1. Subsection 6 (2) of *The City of Hamilton Act, 1972*, being chapter 178, is amended by striking out "the Board of Control and" in the second line. 1972, c. 178,
s. 6 (2),
amended
- 2.—(1) Subsections 14 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 14 (1, 2),
re-enacted
 - (1) The corporation may, in accordance with practices and procedures approved by the council, Personnel
 - (a) appoint, hire, or otherwise engage officers, employees, agents or others;
 - (b) determine the qualifications, responsibilities, duties and positions and terms and conditions of employment or service of persons appointed, hired or otherwise engaged by the corporation;
 - (c) establish classifications for persons appointed, hired or otherwise engaged by the corporation and reclassify, promote or transfer any such person;

(d) determine the remuneration, salaries and benefits of, and any payments to, officers, servants, agents or others; and

(e) suspend, discharge or otherwise terminate employment or services.

Senior positions

(1a) The council, for the purposes of this section, may define the positions that are senior personnel positions and no person shall be appointed, hired or otherwise engaged to fill a senior position until the approval of council has been obtained.

Performers

(2) The corporation may temporarily hire or otherwise employ or engage and pay for the services of performers and persons engaged in the performing arts in support of the performers, from time to time as it requires, and make all necessary arrangements in relation thereto.

s. 14, amended

(2) Section 14 of the said Act is amended by adding thereto the following subsection:

Bonus

(4) Notwithstanding subsection (3), no bonus or like sum of money or any other benefit in substitution thereof shall be paid to any person.

s. 17, amended

3. Section 17 of the said Act is amended by adding thereto the following subsection:

Inventory of personal property

(1a) The corporation shall, in accordance with good business practice, keep and maintain an accurate inventory of all its personal property and provide the council with an inventory thereof as the council may require.

s. 18, amended

4. Section 18 of the said Act is amended by adding thereto the following subsection:

Certified true copies

(1a) The corporation shall make all of its books and records available at all times to such persons as the council may require and shall provide certified true copies of such minutes, documents, books, records or any other writings as council may require.

s. 18a, enacted

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

FINANCIAL INFORMATION

Monthly statements

18a.—(1) The corporation shall provide the City with monthly statements of,

(a) revenues and expenditures;

- (b) profit and loss;
- (c) expenses, allowances and other like payments to directors, officers, servants, employees, agents and others; and
- (d) such financial or operating expenditures as council may require.

(2) The statements referred to in subsection (1) shall be in such form as the City Treasurer may require. Idem

6. Section 19 of the said Act is amended by adding thereto the following subsection: s. 19, amended

(1a) The corporation shall, in such manner as the council may require, provide in the budgets submitted to council all financial details of revenues and expenditures including expense accounts, expenses incurred, remuneration, salaries and any other information that council may require. Budget details

7.—(1) The said Act is further amended by striking out the heading “CLAIMS AGAINST THE CORPORATION” immediately preceding section 22. Heading repealed

(2) Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted; s. 22a, enacted

MISCELLANEOUS

22.—(1) The meetings of the board and the corporation shall be open to the public and no person shall be excluded from a meeting except for improper conduct as determined by the board. Open meetings

(2) Notwithstanding subsection (1), the council may, by by-law, authorize meetings of the board and the corporation to be held *in camera* in respect of, Exceptions

- (a) personnel matters, including matters related to wages, salaries and benefits;
- (b) discipline, unless the individual affected requests that the meeting be open to the public;
- (c) collective bargaining;
- (d) litigation and communications respecting solicitor-client relationships, including legal opinions and advice;

- (e) proposed or actual contracts with producers or promoters of exhibitions, shows or attractions; and
- (f) such other matters as the council may determine.

Indemnity

22a.—(1) Subject to subsection (2), every director or officer of the corporation and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the corporation from and against,

- (a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and
- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the corporation.

Limitations

(2) No director or officer of the corporation shall be indemnified by the corporation in respect of any liability, costs, charges, or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as director or officer, he has achieved complete or substantial success as a defendant.

Insurance

(3) The corporation may purchase and maintain insurance for the benefit of a director or officer thereof, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of his failure to exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the corporation, exercising in connection therewith the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

PART II

THE HAMILTON PLACE CONVENTION CENTRE, INC.

1980, c. 99,
s. 2 (1),
amended

- 8.** Subsection 2 (1) of *The City of Hamilton Act, 1980*, being chapter 99, is amended by striking out “displays” in the sixth line and inserting in lieu thereof “events”.

s. 10,
re-enacted

- 9.** Section 10 of the said Act is repealed and the following substituted therefor:

Personnel

10.—(1) The Corporation may, in accordance with practices and procedures approved by the council,

- (a) appoint, hire or otherwise engage officers, employees, agents or others;
- (b) determine the qualifications, responsibilities, duties and positions and terms and conditions of employment or service of persons appointed, hired or otherwise engaged by the Corporation;
- (c) establish classifications for persons appointed, hired or otherwise engaged by the Corporation and reclassify, promote or transfer any such person;
- (d) determine the remuneration, salaries and benefits of, and any payments to, officers, servants, agents or others; and
- (e) suspend, discharge or otherwise terminate employment or services.

(2) The council, for the purposes of this section, may define the positions that are senior personnel positions and no person shall be appointed, hired or otherwise engaged to fill a senior position until the approval of council has been obtained. Senior positions

10.—(1) Subsection 11 (3) of the said Act is amended by striking out “the Board of Control of the City and” in the second line. s. 11 (3), amended

(2) Section 11 of the said Act is amended by adding thereto the following subsection: s. 11, amended

(3a) Notwithstanding subsection (2), no bonus or like sum of money or any other benefit in substitution thereof shall be paid to any person. Bonus

11. The said Act is amended by adding thereto the following section: s. 12a, enacted

12a.—(1) The Corporation shall provide the City with monthly statements of, Monthly statements

- (a) revenues and expenditures;
- (b) profit and loss;
- (c) expenses, allowances and other like payments to directors, officers, servants, employees, agents and others; and
- (d) such financial or operating expenditures as council may require.

- Idem (2) The statements referred to in subsection (1) shall be in such form as the City Treasurer may require.
- s. 13, amended **12.** Section 13 of the said Act is amended by adding thereto the following subsection:
- Certified true copies (1a) The Corporation shall make all of its books and records available at all times to such persons as the council may require and shall provide certified true copies of such minutes, documents, books, records or any other writings as council may require.
- s. 14, amended **13.** Section 14 of the said Act is amended by adding thereto the following subsection:
- Budget details (1a) The Corporation shall, in such manner as the council may require, provide in the budgets submitted to council all financial details of revenues and expenditures including expense accounts, expenses incurred, remuneration, salaries and any other information that council may require.
- s. 16a, enacted **14.** The said Act is further amended by adding thereto the following section:
- Inventory of personal property 16a. The Corporation shall, in accordance with good business practice, keep and maintain an accurate inventory of all its personal property and provide the council with an inventory thereof as the council may require.
- s. 17a, enacted **15.** The said Act is further amended by adding thereto the following section:
- Open meetings 17a.—(1) The meetings of the board and the Corporation shall be open to the public and no person shall be excluded from a meeting except for improper conduct, as determined by the board.
- Exceptions (2) Notwithstanding subsection (1), the council may, by by-law, authorize meetings of the board and the Corporation to be held *in camera* in respect of,
- (a) personnel matters, including matters related to wages, salaries and benefits;
 - (b) discipline, unless the individual affected requests that the meeting be open to the public;
 - (c) collective bargaining;

- (d) litigation and communications respecting solicitor-client relationships, including legal opinions and advice;
- (e) proposed or actual contracts with persons proposing or holding conventions, meetings, receptions, trade shows, conferences or events of any kind; and
- (f) such other matters as the council may determine.

- 16.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 17.** The short title of this Act is the *City of Hamilton Act, 1982*. Short title





An Act respecting the City of Hamilton

1st Reading

October 14th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. CHARLTON

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of St. Catharines

MR. BRADLEY

EXPLANATORY NOTE

The Bill authorizes the City council to pass by-laws requiring people to remove dog waste left by their dogs on public or private property in the City.

BILL Pr30

1982

An Act respecting the City of St. Catharines

WHEREAS The Corporation of the City of St. Catharines ^{Preamble} hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Notwithstanding any general or special Act, the council of ^{Dog waste} The Corporation of the City of St. Catharines may, by by-law, require any person who owns, controls or harbours a dog to remove forthwith excrement left by the dog on public or private property in the City of St. Catharines, and the council may exclude from the operation of the by-law such class or classes of persons as may be set out in the by-law.

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

3. The short title of this Act is the *City of St. Catharines Act*, ^{Short title} 1982.

An Act respecting the
City of St. Catharines

1st Reading

May 18th, 1982

2nd Reading

3rd Reading

MR. BRADLEY

(Private Bill)

BILL Pr30

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of St. Catharines

MR. BRADLEY

Dear Mr. [Name],

I have received your letter of the 14th inst.

Very truly yours,
[Name]

BILL Pr30

1982

An Act respecting the City of St. Catharines

WHEREAS The Corporation of the City of St. Catharines ^{Preamble} hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Notwithstanding any general or special Act, the council of ^{Dog waste} The Corporation of the City of St. Catharines may, by by-law, require any person who owns, controls or harbours a dog to remove forthwith excrement left by the dog on public or private property in the City of St. Catharines, and the council may exclude from the operation of the by-law such class or classes of persons as may be set out in the by-law.

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

3. The short title of this Act is the *City of St. Catharines Act*, ^{Short title} 1982.

An Act respecting the
City of St. Catharines

1st Reading

May 18th, 1982

2nd Reading

November 16th, 1982

3rd Reading

November 16th, 1982

MR. BRADLEY

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Thunder Bay

MR. HENNESSY

EXPLANATORY NOTES

SECTION 1. The City will be authorized to establish one or more boards of management to construct, maintain, operate and manage pedestrian promenades.

SECTION 2. The proposed section 2a provides for the organization and structure of boards of management of pedestrian promenades.

An Act respecting the City of Thunder Bay

WHEREAS The Corporation of the City of Thunder Bay, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Subsection 2 (1) of the *City of Thunder Bay Act, 1977*, being s. 2 (1), amended chapter 108, is amended by striking out "and" at the end of clause (m), by inserting "and" at the end of clause (n) and by adding thereto the following clause:

(o) establishing and naming one or more boards of management to which may be entrusted, subject to such limitations as the by-law may provide, all the powers, rights, authorities and privileges conferred and duties imposed on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of one or more pedestrian promenades named in the by-law.

2. The said Act is amended by adding thereto the following section: s. 2a, enacted

2a.—(1) In this section, "board of management" means a Interpretation amended board of management established under clause 2 (1) (o).

(2) A board of management is a body corporate and shall Body corporate, membership consist of such number of members, not to exceed nine, appointed by the council of the Corporation as the council considers advisable, one of whom shall be a member of the council and each of whom shall be a person qualified to be an elector in the City of Thunder Bay, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed.

- Vacancies (3) Where a vacancy in a board of management occurs from any cause, the council of the Corporation shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.
- Reappointment (4) A member of a board of management is eligible for re-appointment on the expiration of his term of office.
- Estimates (5) Each board of management shall submit to the council of the Corporation its estimates for the current year at the time and in the form prescribed by council and may make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to rejecting such estimates in whole or in part or to providing the money for the purposes of the board of management in whole or in part or to designating the purposes for which such funds shall be expended, and when money is so provided by the council, the treasurer of the Corporation shall, upon the certificate of the board of management, pay out such money.
- Expenditures (6) A board of management shall not expend any moneys not included in its estimates or in a reserve fund established for such purpose.
- Debts (7) A board of management shall not borrow money and, without the prior approval of the council of the Corporation, shall not incur any indebtedness extending beyond the current year.
- Annual report (8) On or before the 1st day of March in each year, each board of management shall submit its annual report for the preceding year to the council of the Corporation, including a complete audited and certified financial statement of its affairs with balance sheets and revenue and expenditure statement.
- Audit (9) The auditor of the Corporation shall be the auditor of each board of management and all books, documents, transactions, minutes and accounts of the board of management shall, at all times, be open to his inspection.
- Abolition of board (10) The council of the Corporation may at any time repeal the by-law establishing a board of management and upon the repeal of the by-law establishing a board of management, the board of management ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the Corporation.

3.—(1) Subsections 3 (1) and (2) of the said Act are repealed and the following substituted therefor:

SECTION 3. Section 3 of the 1977 Act, which relates to the levying of special rates against the lands that derive a special benefit from an enclosed or covered pedestrian promenade, is amended to,

- (a) permit the capitalization and amortization of operating deficits in any year prior to 1983 related to the operation of a pedestrian promenade;
- (b) include the costs of operating a board of management of a pedestrian promenade as part of the special rates related thereto;
- (c) include interest on moneys borrowed for the purposes of a pedestrian promenade as part of the special rates related thereto;
- (d) give the council of the City a discretionary power to apportion the special rates chargeable to the particular lands that derive a special benefit from a pedestrian promenade;
- (e) delete a provision in the existing legislation which requires the application of the net revenues of a pedestrian promenade to be applied first to reduce the special rate;
- (f) provide that a by-law related to special rates need not set out the special benefit derived by a particular parcel of land; and
- (g) provide a definition of "parcel".

(1) A by-law passed under the authority of this Act may provide, with the approval of the Ontario Municipal Board, that, Computation of special rates

- (a) the capital cost of any enclosed or covered pedestrian promenade or any part thereof; and
- (b) any sum of money provided by the Corporation from time to time for the purposes of a board of management established under clause 2 (1) (o),

together with interest thereon at such rate as is required to repay any interest paid or payable in the current year by the Corporation on the whole or any part of such sum, shall be levied as a special rate against the lands in a defined area within the re-development area that, in the opinion of the council of the Corporation, derive special benefit from an enclosed or covered pedestrian promenade.

(1a) For the purposes of subsection (1), capital costs may include the capitalization and amortization, which will not extend beyond the 1st day of January, 1990, of operating deficits incurred prior to the 1st day of January, 1983. Idem

(2) Where a by-law includes provision for a special rate under subsection (1), the entire costs chargeable to lands in the defined area shall be apportioned among all the parcels during such year or years during which the by-law remains in force, in such manner as the council of the Corporation may determine. Apportionment of special rates

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

(3) Clause 3 (6) (a) of the said Act is repealed and the following substituted therefor: s. 3 (6) (a), re-enacted

- (a) the special benefit derived from the enclosed or covered pedestrian promenade by a parcel of land in the defined area has increased or decreased.

(4) Section 3 of the said Act is amended by adding thereto the following subsection: s. 3, amended

(4) In this section "parcel" means any estate or interest in land that may be separately assessed as real property or that may be used as the basis for computing business assessment under the *Assessment Act*. Interpretation R.S.O., 1980, c. 31

- 4. This Act comes into force on the day it receives Royal Assent. Commencement
- 5. The short title of this Act is the *City of Thunder Bay Act, 1982*. Short title

An Act respecting the
City of Thunder Bay

1st Reading

May 28th, 1982

2nd Reading

3rd Reading

MR. HENNESSY

(Private Bill)

BILL Pr31

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Thunder Bay

MR. HENNESSY



An Act respecting the City of Thunder Bay

WHEREAS The Corporation of the City of Thunder Bay, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Subsection 2 (1) of the *City of Thunder Bay Act, 1977*, being ^{s. 2 (1), amended} chapter 108, is amended by striking out "and" at the end of clause (m), by inserting "and" at the end of clause (n) and by adding thereto the following clause:

(o) establishing and naming one or more boards of management to which may be entrusted, subject to such limitations as the by-law may provide, all the powers, rights, authorities and privileges conferred and duties imposed on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of one or more pedestrian promenades named in the by-law.

2. The said Act is amended by adding thereto the following section: ^{s. 2a, enacted}

2a.—(1) In this section, "board of management" means a ^{Interpretation} board of management established under clause 2 (1) (o).

(2) A board of management is a body corporate and shall ^{Body corporate, membership} consist of such number of members, not to exceed nine, appointed by the council of the Corporation as the council considers advisable, one of whom shall be a member of the council and each of whom shall be a person qualified to be an elector in the City of Thunder Bay, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed.

Vacancies

(3) Where a vacancy in a board of management occurs from any cause, the council of the Corporation shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Reappointment

(4) A member of a board of management is eligible for reappointment on the expiration of his term of office.

Estimates

(5) Each board of management shall submit to the council of the Corporation its estimates for the current year at the time and in the form prescribed by council and may make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to rejecting such estimates in whole or in part or to providing the money for the purposes of the board of management in whole or in part or to designating the purposes for which such funds shall be expended, and when money is so provided by the council, the treasurer of the Corporation shall, upon the certificate of the board of management, pay out such money.

Expenditures

(6) A board of management shall not expend any moneys not included in its estimates or in a reserve fund established for such purpose.

Debts

(7) A board of management shall not borrow money and, without the prior approval of the council of the Corporation, shall not incur any indebtedness extending beyond the current year.

Annual report

(8) On or before the 1st day of March in each year, each board of management shall submit its annual report for the preceding year to the council of the Corporation, including a complete audited and certified financial statement of its affairs with balance sheets and revenue and expenditure statement.

Audit

(9) The auditor of the Corporation shall be the auditor of each board of management and all books, documents, transactions, minutes and accounts of the board of management shall, at all times, be open to his inspection.

Abolition of board

(10) The council of the Corporation may at any time repeal the by-law establishing a board of management and upon the repeal of the by-law establishing a board of management, the board of management ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the Corporation.

s. 3 (1, 2),
re-enacted

3.—(1) Subsections 3 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) A by-law passed under the authority of this Act may provide, with the approval of the Ontario Municipal Board, that, Computation of special rates

- (a) the capital cost of any enclosed or covered pedestrian promenade or any part thereof; and
- (b) any sum of money provided by the Corporation from time to time for the purposes of a board of management established under clause 2 (1) (o),

together with interest thereon at such rate as is required to repay any interest paid or payable in the current year by the Corporation on the whole or any part of such sum, shall be levied as a special rate against the lands in a defined area within the re-development area that, in the opinion of the council of the Corporation, derive special benefit from an enclosed or covered pedestrian promenade.

(1a) For the purposes of subsection (1), capital costs may include the capitalization and amortization, which will not extend beyond the 1st day of January, 1990, of operating deficits incurred prior to the 1st day of January, 1983. Idem

(2) Where a by-law includes provision for a special rate under subsection (1), the entire costs chargeable to lands in the defined area shall be apportioned among all the parcels during such year or years during which the by-law remains in force, in such manner as the council of the Corporation may determine. Apportionment of special rates

(2) Subsection 3 (5) of the said Act is repealed.

s. 3 (5),
repealed

(3) Clause 3 (6) (a) of the said Act is repealed and the following substituted therefor: s. 3 (6) (a),
re-enacted

(a) the special benefit derived from the enclosed or covered pedestrian promenade by a parcel of land in the defined area has increased or decreased.

(4) Section 3 of the said Act is amended by adding thereto the following subsection: s. 3,
amended

(4) In this section "parcel" means any estate or interest in land that may be separately assessed as real property or that may be used as the basis for computing business assessment under the *Assessment Act*. Interpretation
R.S.O. 1980,
c. 31

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

Commence-
ment

5. The short title of this Act is the *City of Thunder Bay Act, 1982*.

Short title





An Act respecting the
City of Thunder Bay

1st Reading

May 28th, 1982

2nd Reading

November 16th, 1982

3rd Reading

November 16th, 1982

MR. HENNESSY

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to continue The Corporation of the Township of
Fauquier under the name of The Corporation of the
Township of Moonbeam**

MR. PICHÉ

EXPLANATORY NOTE

The Bill provides that The Corporation of the Township of Fauquier will be re-named as The Corporation of the Township of Moonbeam.

BILL Pr32

1982

**An Act to continue The Corporation
of the Township of Fauquier under
the name of The Corporation of
the Township of Moonbeam**

WHEREAS The Corporation of the Township of Fauquier hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

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

1. The Corporation of the Township of Fauquier is hereby continued under the name of The Corporation of the Township of Moonbeam. Name changed

2. Any reference to The Corporation of the Township of Fauquier or the Township of Fauquier in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before this Act comes into force shall be deemed to be a reference to The Corporation of the Township of Moonbeam and to the Township of Moonbeam, respectively. References to former name

3. This Act comes into force on the 18th day of June, 1982. Commencement

4. The short title of this Act is the *Township of Moonbeam Act, 1982*. Short title

An Act to continue The Corporation of the
Township of Fauquier under the name of
The Corporation of the Township of
Moonbeam

1st Reading

May 18th, 1982

2nd Reading

3rd Reading

MR. PICHÉ

(Private Bill)

BILL Pr32

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to continue The Corporation of the Township of Fauquier under the name of The Corporation of the Township of Moonbeam

MR. PICHÉ

BILL Pr32

1982

**An Act to continue The Corporation
of the Township of Fauquier under
the name of The Corporation of
the Township of Moonbeam**

WHEREAS The Corporation of the Township of Fauquier Preamble
hereby applies for special legislation in respect of the mat-
ters hereinafter set forth; and whereas it is expedient to grant the
application;

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

1. The Corporation of the Township of Fauquier is hereby Name
changed
continued under the name of The Corporation of the Township
of Moonbeam.

2. Any reference to The Corporation of the Township of References
to former
name
Fauquier or the Township of Fauquier in any Act, regulation,
by-law, agreement or other document passed, made, entered into
or executed before this Act comes into force shall be deemed to be
a reference to The Corporation of the Township of Moonbeam
and to the Township of Moonbeam, respectively.

3. This Act comes into force on the 18th day of June, 1982. Commence-
ment

4. The short title of this Act is the *Township of Moonbeam* Short title
Act, 1982.

An Act to continue The Corporation of the
Township of Fauquier under the name of
The Corporation of the Township of
Moonbeam

1st Reading

May 18th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. PICHÉ

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Kitchener

MR. BREITHAUPT

EXPLANATORY NOTES

SECTION 1. This section authorizes the City council to pass by-laws to license, regulate and govern amusement arcades.

SECTIONS 2 AND 3. The proposed amendments to the *City of Kitchener Act, 1981* provide for the alteration of the composition of the board of directors of The Centre in The Square Inc. At present, the board is composed of nine directors, three of whom are members of council and six of whom are not members of council. Under the proposed amendments, the mayor of the City and three other members of council will be directors and the other five directors will not be members of council.

BILL Pr33

1982

An Act respecting the City of Kitchener

WHEREAS The Corporation of the City of Kitchener, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

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 section, “amusement arcade” means a place Interpretation
 where three or more coin-operated machines, devices, contri-
 vances or games are provided for public amusement, excluding a
 coin-operated machine which provides musical entertainment,
 rides, food or drink, but does not include premises licensed under
 the *Liquor Licence Act*. R.S.O. 1980,
 c. 244

(2) The council of the Corporation may pass by-laws for Licensing,
 etc., of amuse-
 ment arcades
 licensing, regulating and governing amusement arcades and per-
 sons who operate amusement arcades, and for revoking or
 suspending any such licence.

(3) A by-law passed under this section may, Idem

- (a) define one or more areas within the municipality in
 which amusement arcades may be permitted;
- (b) regulate the hours of operation of amusement arcades;
- (c) provide that no person under the age of eighteen years
 may operate or be employed in an amusement arcade;
- (d) provide that no person under the age of sixteen years
 may enter or remain in an amusement arcade or any
 part thereof unless accompanied by a parent or guar-
 dian;

R.S.O. 1980,
c. 129

(e) provide that no amusement arcade shall be located within such distance of a school, as defined in the *Education Act*, and as may be set out in the by-law; and

(f) establish a licence fee for each coin-operated machine, device, contrivance or game located within an amusement arcade.

1981, c. 90,
s. 4,
re-enacted

2.—(1) Section 4 of the *City of Kitchener Act, 1981*, being chapter 90, is repealed and the following substituted therefor:

Board of
directors

4.—(1) The board shall be composed of nine directors as follows:

1. The mayor of the City.
2. Three directors, other than the mayor of the City, who shall be members of council.
3. Five directors who shall not be members of council.

Mayor's
alternate

(2) The mayor of the City may from time to time designate a member of council, other than a director appointed to the board under paragraph 2 of subsection (1), to be his alternate at meetings of the board in the place and stead of the mayor and the designated alternate shall have all of the powers and duties of a director at a meeting of the board.

s. 5 (1),
re-enacted

(2) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

Directors

(1) The directors referred to in paragraphs 2 and 3 of subsection 4 (1) shall be appointed by the council by by-law.

s. 5 (4),
re-enacted

(3) Subsection 5 (4) of the said Act is repealed and the following substituted therefor:

Idem

(4) Directors who are not members of council, appointed after the first directors, shall be appointed for a term of three years.

Transition

3.—(1) Notwithstanding that under section 4 of the *City of Kitchener Act, 1981*, the board of directors of The Centre in The Square Inc. is to be composed of nine directors, the mayor shall become a director of The Centre in The Square Inc., forthwith upon the coming into force of this section and, until the successors of the directors appointed under paragraph 1 of subsection 5 (4) of that Act, as that Act read on the 1st day of January, 1982, are appointed, the board shall be composed of ten directors.

(2) The three directors appointed under paragraph 1 of sub-^{Idem} section 5 (4) of the *City of Kitchener Act, 1981*, as that Act read on the 1st day of January, 1982, shall, at the end of their terms, be replaced by two directors who are not members of council.

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

5. The short title of this Act is the *City of Kitchener Act*, ^{Short title} 1982.





An Act respecting the City of Kitchener

1st Reading

June 24th, 1982

2nd Reading

3rd Reading

MR. BREITHAUPT

(Private Bill)

Bill Pr33

An Act respecting the City of Kitchener

Mr. Breithaupt

1st Reading June 24th, 1982

2nd Reading

3rd Reading

Royal Assent

(Reprinted as amended by the Administration of Justice Committee)

EXPLANATORY NOTES

SECTION 1. This section authorizes the City council to pass by-laws to license, regulate and govern amusement arcades.

SECTIONS 2 AND 3. The proposed amendments to the *City of Kitchener Act, 1981* provide for the alteration of the composition of the board of directors of The Centre in The Square Inc. At present, the board is composed of nine directors, three of whom are members of council and six of whom are not members of council. Under the proposed amendments, the mayor of the City and three other members of council will be directors and the other five directors will not be members of council.

Bill Pr33

1982

An Act respecting the City of Kitchener

Whereas The Corporation of the City of Kitchener, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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 section, “amusement arcade” means a place where three or more coin or token operated machines, devices, contrivances or games are provided for public amusement, excluding a coin-operated machine which provides musical entertainment, rides, food or drink, but does not include premises licensed under the *Liquor Licence Act*.

Interpretation

R.S.O. 1980,
c. 244

(2) The council of the Corporation may pass by-laws for licensing, regulating and governing,

Licensing,
etc., of
amusement
arcades

(a) amusement arcades or any class or classes thereof; and

(b) persons who operate amusement arcades to which a by-law passed under clause (a) applies,

and for revoking or suspending any such licence.

(3) A by-law passed under this section shall be deemed to be a by-law passed under the *Municipal Act*.

Application
of R.S.O.
1980, c. 302

2.—(1) Section 4 of the *City of Kitchener Act, 1981*, being chapter 90, is repealed and the following substituted therefor:

1981, c. 90,
s. 4,
re-enacted

4.—(1) The board shall be composed of nine directors as follows:

Board of
directors

1. The mayor of the City.
2. Three directors, other than the mayor of the City, who shall be members of council.
3. Five directors who shall not be members of council.

Mayor's
alternate

(2) The mayor of the City may from time to time designate a member of council, other than a director appointed to the board under paragraph 2 of subsection (1), to be his alternate at meetings of the board in the place and stead of the mayor and the designated alternate shall have all of the powers and duties of a director at a meeting of the board.

s. 5 (1),
re-enacted

(2) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

Directors

(1) The directors referred to in paragraphs 2 and 3 of subsection 4 (1) shall be appointed by the council by by-law.

s. 5 (4),
re-enacted

(3) Subsection 5 (4) of the said Act is repealed and the following substituted therefor:

Idem

(4) Directors who are not members of council, appointed after the first directors, shall be appointed for a term of three years.

Transition

3.—(1) Notwithstanding that under section 4 of the *City of Kitchener Act, 1981*, the board of directors of The Centre in The Square Inc. is to be composed of nine directors, the mayor shall become a director of The Centre in The Square Inc., forthwith upon the coming into force of this section and, until the successors of the directors appointed under paragraph 1 of subsection 5 (4) of that Act, as that Act read on the 1st day of January, 1982, are appointed, the board shall be composed of ten directors.

Idem

(2) The three directors appointed under paragraph 1 of subsection 5 (4) of the *City of Kitchener Act, 1981*, as that Act read on the 1st day of January, 1982, shall, at the end of their terms, be replaced by two directors who are not members of council.

Commence-
ment

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

Short title

5. The short title of this Act is the *City of Kitchener Act, 1982*.

Bill Pr33

*(Chapter Pr5
Statutes of Ontario, 1983)*

An Act respecting the City of Kitchener

Mr. Breithaupt

<i>1st Reading</i>	June 24th, 1982
<i>2nd Reading</i>	February 8th, 1983
<i>3rd Reading</i>	February 8th, 1983
<i>Royal Assent</i>	February 23rd, 1983



Bill Pr33

1982

An Act respecting the City of Kitchener

Whereas The Corporation of the City of Kitchener, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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 section, “amusement arcade” means a place where three or more coin or token operated machines, devices, contrivances or games are provided for public amusement, excluding a coin-operated machine which provides musical entertainment, rides, food or drink, but does not include premises licensed under the *Liquor Licence Act*.

Interpretation

R.S.O. 1980,
c. 244

(2) The council of the Corporation may pass by-laws for licensing, regulating and governing,

Licensing,
etc., of
amusement
arcades

(a) amusement arcades or any class or classes thereof; and

(b) persons who operate amusement arcades to which a by-law passed under clause (a) applies,

and for revoking or suspending any such licence.

(3) A by-law passed under this section shall be deemed to be a by-law passed under the *Municipal Act*.

Application
of R.S.O.
1980, c. 302

2.—(1) Section 4 of the *City of Kitchener Act, 1981*, being chapter 90, is repealed and the following substituted therefor:

1981, c. 90,
s. 4,
re-enacted

4.—(1) The board shall be composed of nine directors as follows:

Board of
directors

1. The mayor of the City.

2. Three directors, other than the mayor of the City, who shall be members of council.
3. Five directors who shall not be members of council.

Mayor's
alternate

(2) The mayor of the City may from time to time designate a member of council, other than a director appointed to the board under paragraph 2 of subsection (1), to be his alternate at meetings of the board in the place and stead of the mayor and the designated alternate shall have all of the powers and duties of a director at a meeting of the board.

s. 5 (1),
re-enacted

(2) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

Directors

(1) The directors referred to in paragraphs 2 and 3 of subsection 4 (1) shall be appointed by the council by by-law.

s. 5 (4),
re-enacted

(3) Subsection 5 (4) of the said Act is repealed and the following substituted therefor:

Idem

(4) Directors who are not members of council, appointed after the first directors, shall be appointed for a term of three years.

Transition

3.—(1) Notwithstanding that under section 4 of the *City of Kitchener Act, 1981*, the board of directors of The Centre in The Square Inc. is to be composed of nine directors, the mayor shall become a director of The Centre in The Square Inc., forthwith upon the coming into force of this section and, until the successors of the directors appointed under paragraph 1 of subsection 5 (4) of that Act, as that Act read on the 1st day of January, 1982, are appointed, the board shall be composed of ten directors.

Idem

(2) The three directors appointed under paragraph 1 of subsection 5 (4) of the *City of Kitchener Act, 1981*, as that Act read on the 1st day of January, 1982, shall, at the end of their terms, be replaced by two directors who are not members of council.

Commence-
ment

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

Short title

5. The short title of this Act is the *City of Kitchener Act, 1983*.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Bargnesi Mines Limited

MR. WILLIAMS

EXPLANATORY NOTE

The purpose of this Bill is to revive Bargnesi Mines Limited.

BILL Pr34

1982

An Act to revive Bargnesi Mines Limited

WHEREAS Elsa Anisio, *nee* Elsa Bargnesi, hereby represents that Bargnesi Mines Limited, herein called the Corporation, was incorporated by letters patent dated the 11th day of February, 1959; that the Minister of Consumer and Commercial Relations by order dated the 18th day of May, 1976 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with section 134 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, and declared the Corporation to be dissolved on the 18th day of May, 1976; that Alfio Bargnesi and his mother, Seconda Bargnesi, were majority shareholders and directors of the Corporation and held the offices of president and secretary of the Corporation, respectively, and that both died intestate prior to the date of the Corporation's dissolution; that the said Seconda Bargnesi died after Alfio Bargnesi and she was survived by her daughters Elsa Anisio, the applicant herein, and Alfia Bargnesi; that at the time of its dissolution the Corporation owned certain lands that had been transferred to the Corporation by the said Alfio Bargnesi; that the applicant, as an heir-at-law of the said Seconda Bargnesi and Alfio Bargnesi, is of the opinion that the Corporation should be revived so that the Corporation may deal with the said lands; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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

1. Bargnesi Mines Limited is hereby revived and is, subject to any rights acquired by any other person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Company
revived

Commence-
ment

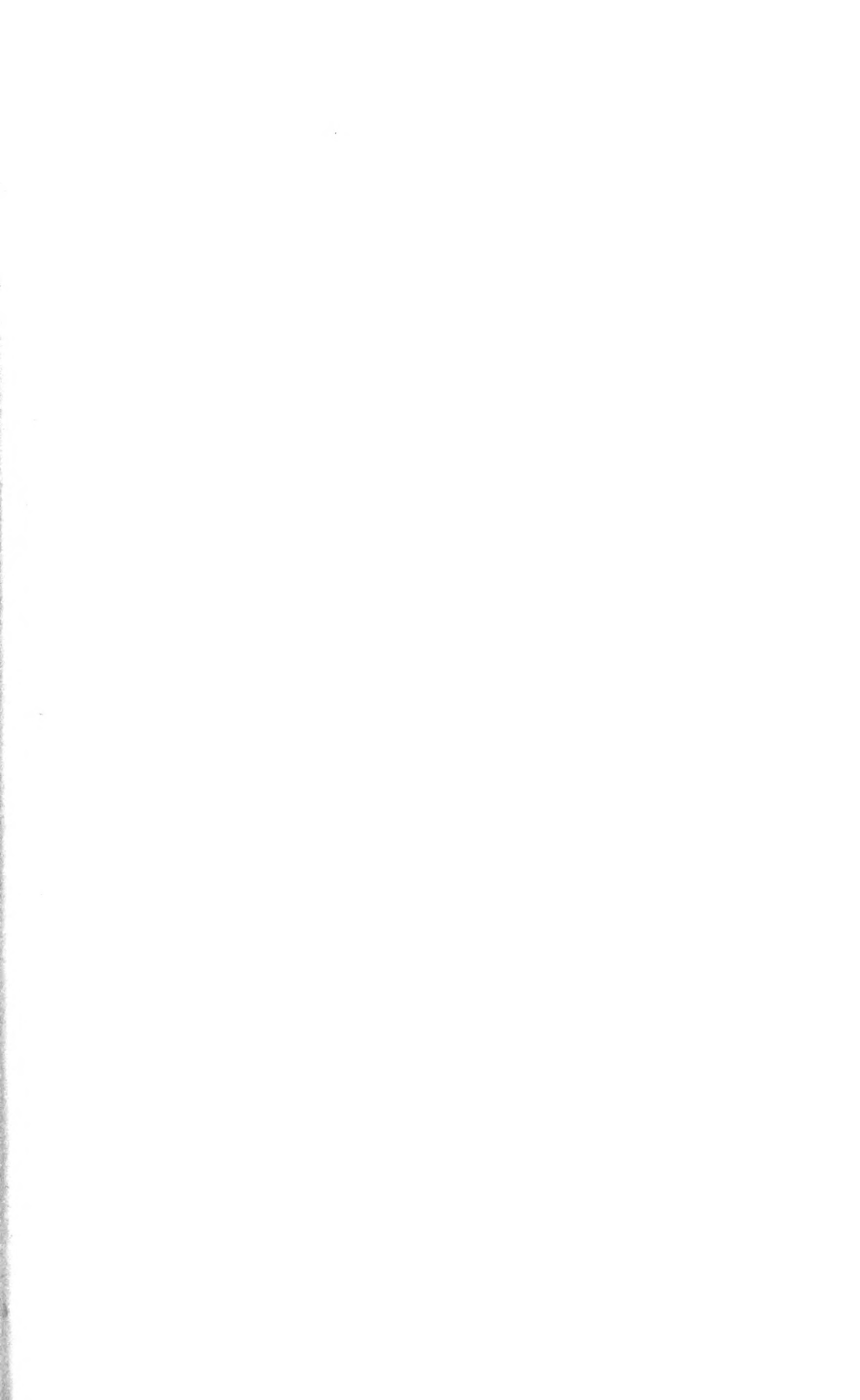
2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Bargnesi Mines Limited Act, 1982*.







An Act to revive Bargnesi Mines Limited

1st Reading

December 3rd, 1982

2nd Reading

3rd Reading

MR. WILLIAMS

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to incorporate
The City of Sarnia Foundation**

MR. BRANDT

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr35

1982

An Act to incorporate The City of Sarnia Foundation

WHEREAS the council of The Corporation of the City of Sarnia hereby represents that it is desirable and in the public interest to create a body corporate to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the applicant has applied for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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

1. The persons named in the Schedule and their successors as members of the Board of Directors of the Foundation are hereby constituted a body corporate and politic without share capital under the name of "The City of Sarnia Foundation", herein called the Foundation.

Foundation
incorporated

2.—(1) The head office of the Foundation shall be in the City of Sarnia.

Head office

(2) The objects of the Foundation are to receive, maintain, manage, control and use donations for charitable purposes within Ontario.

Objects

(3) In this Act, "charitable purposes" includes educational and cultural purposes.

Interpre-
tation

3.—(1) The Foundation shall be composed of the members for the time being of the Board of Directors of the Foundation, herein called the Board.

Board of
Directors

(2) The first members of the Board shall be the persons named in the Schedule, who shall serve for a period of three months after the day this Act comes into force, and every such member is eligible for reappointment as provided for in subsection (3).

Members

- Composition (3) Commencing three months after the day this Act comes into force, the Board shall be composed of seven members appointed by the nominating committee provided for in section 4.
- Term of office (4) Three of the members appointed by the nominating committee under subsection (3) shall serve for one year, two of the members shall serve for two years and two of the members shall serve for three years.
- Remuneration and term of office (5) Members of the Board shall serve without remuneration and, subject to subsection (4), shall be appointed for a term of three years and, subject to subsection (6), are eligible for reappointment.
- Reappointment (6) No member of the Board is eligible for reappointment to a third term until one year has elapsed after he ceases to hold office.
- Vacancies (7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.
- Idem (8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.
- Composition of nominating committee **4.—(1)** The nominating committee shall consist of the persons holding the following offices from time to time:
1. The Mayor of the City of Sarnia, or any other member of the council of the City nominated by the Mayor in writing.
 2. The Senior Judge of the County Court of the County of Lambton.
 3. The Chairman of the Board of Governors of Lambton College.
 4. The President of the Sarnia & District Chamber of Commerce.
 5. The President of the Lambton Law Association.

(2) If a person holding any of the offices referred to in subsection (1) is unable or unwilling to act as a member of the nominating committee, the other members of the nominating committee shall appoint another member to act during the period in which the original member is unable or unwilling to act.

Temporary
substitute
member

(3) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.

Meetings

(4) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it considers advisable.

Rules

(5) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board.

Quorum

(6) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the Board within ninety days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court to make the appointment, and the judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just.

Failure of
committee
to fill
vacancy

5.—(1) The Board may pass by-laws to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

By-laws of
Board

(2) Without limiting the generality of subsection (1), the Board may pass by-laws,

Idem

- (a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;
- (b) fixing the quorum of the Board;
- (c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended by the Board in accordance with such rules or regulations as it may prescribe by by-law.

Repeal and
amendment

Approval

(4) By-laws of the Board require the approval either at a meeting or in writing of the majority of the members of the Board.

Powers of
Foundation

6.—(1) The Foundation is empowered,

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;
- (c) except as hereinafter or by any particular deed of gift provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board considers advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation except where such lease would contravene a public use agreed upon when the lands were accepted;
- (g) to pay and apply the net income from all funds held directly or indirectly by it towards such charitable purposes within Ontario as the Board considers advisable;

- (h) to pay, apply and distribute such portions as the Board considers advisable of the capital of the funds held directly or indirectly by it, to and for such charitable purposes within Ontario as the Board considers advisable, but,
 - (i) unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any financial year, and
 - (ii) no distribution of capital shall be made without the approval of two-thirds of the directors, given in person at a meeting of the Board or if not present at a meeting, then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds, but,
 - (i) where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, the trust company such have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board,
 - (ii) the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;
- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada, but the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion considers advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or

other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such moneys in accordance with the power and authority given in this clause;

- (k) to employ such person or persons, including trust companies and to take such other action as it considers advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to the income or capital, or both, of the funds of the Foundation as the Board considers advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it considers best;
- (m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it considers just, expedient and proper;
- (n) subject to the *Charitable Gifts Act*, to carry on a related business, or a business donated to the Foundation, the net profits from such business to be used for the purposes of the Foundation;
- (o) subject to the *Accumulations Act*, to accumulate net income from year to year with the intention of distributing such accumulation for the purposes of the Foundation;
- (p) to set up, from time to time, a special fund for the relief of persons or families who suffer from death, injury, calamitous deprivation of the necessities of life, health or education as a result of disasters, fires, floods or accidents of major proportions within Ontario, that in the opinion of the Board merit the establishment of a special fund, and as part of such activity, to solicit and receive funds and to disburse them for such relief and for the expenses of advertising and operating the fund,

R.S.O. 1980,
c. 63

R.S.O. 1980,
c. 5

and for these purposes, the restrictions on the distribution of capital set out in clause (h) shall not apply, provided that any surplus in a special fund may be transferred to the general capital funds of the Foundation;

- (g) to refuse to accept any bequest, devise and donation;
- (r) subject to the *Charitable Gifts Act*, to retain any real or personal property in the form in which it may be when received by the Foundation as permanent investment or for such length of time as may be considered best.

R.S.O. 1980,
c. 63

(2) Without limiting the generality of its objects, the Foundation may, Idem

- (a) erect or assist in the erection of special gardens, statues, decorative fountains, historical markers, gateways, walks, historical or art museums or display space, or other features contributing to educational and aesthetic matters;
- (b) acquire and display or arrange for the display of rare books, works of art and items of historical or educational interest;
- (c) make arrangements for the use by interested or capable persons of musical instruments and dramatic or scientific equipment held by the Foundation;
- (d) foster historical research;
- (e) encourage writers and authors to produce from time to time essays, books, pamphlets and articles dealing with the City of Sarnia, the County of Lambton and its inhabitants; and
- (f) establish or aid in the establishment of exhibits of items of historical significance.

7.—(1) Notwithstanding any other provision of this Act, the Foundation may establish a common trust fund, herein called the Fund, in which property received by the Foundation under bequests, devises and donations is combined for the purpose of facilitating investments.

Common
trust fund

(2) The Board may, by resolution passed by a majority of the Board, make regulations from time to time concerning the operation of the Fund, the method of valuation of investments in the

Powers of
Board

Fund and the date or dates upon which the valuation may be made, the distribution of the income of the Fund and the property that may be included in the Fund.

Limitation
on powers
of Board

(3) A direction in writing by a donor that property included in a donation, bequest or devise shall not be included in the Fund is binding on the Board.

Specific
powers

8.—(1) The Foundation may accept donations either directly or indirectly, subject to the condition that the income or capital, or both thereof, shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) If the Board is satisfied that conditions are such as to render it impossible, impracticable, inefficient or unwise to expend all or any part of a donation referred to in subsection (1), or the net income derived therefrom at any time for such specific charitable purpose, the Board may apply to the Supreme Court for direction to use the income or capital, or both, for other purposes of the Foundation.

Management
of funds

(3) Notwithstanding any other provision of this Act, the Foundation is empowered to receive, invest and manage endowment and capital funds previously held by or anticipated to be received for the account of another Canadian charitable, educational or cultural organization, in accordance with the arrangement between the Foundation and the organization, and the Foundation may, upon request, return to the organization all or any part of such organization's assets held by the Foundation.

Form of
words

9. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

Nature of
donations

10. The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Treatment
of donations

11.—(1) Subject to subsection (2), all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund, and in the absence of any direction by the donor, it shall be deemed that all contributions are received as capital and are to be invested and the net income therefrom devoted for charitable purposes as provided in this Act.

Idem

(2) In the case of a donation of \$25,000 or more, the donor may require that such donation be maintained as a separate fund, in which case, in each year thereafter, a separate accounting thereof shall be set out in the annual audited report.

12.—(1) Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations of \$100 or more shall be publicly acknowledged, in the financial year following that in which they are made, by being set out in the annual audited report, and donations of less than \$100 may be consolidated together and shown as one figure in the annual audited report. Acknowledgements

(2) Unless otherwise directed by testamentary document or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report but if one person makes more than one donation, then only the total of that person's donations, as they may be from time to time, need be shown. Idem

13.—(1) The Foundation shall cause an audit to be made at least once in every fiscal year of the books and records of the Foundation by an accountant licensed under the *Public Accountancy Act*. Audit
R.S.O. 1980,
c. 405

(2) The audit shall include an examination of all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, the trustee shall give an accounting thereof to the auditor of the Foundation each year. Idem

(3) The Foundation shall cause to be published in the newspaper published in the City of Sarnia, Ontario, reputed to have the largest circulation therein, a certified statement by the auditor setting out the revenue and expenses, balance sheet and capital account and grants paid of the Foundation or held in trust for the Foundation, but the published statement need not include the names of donors in the years prior to the immediately preceding financial year. Publication
of statement

(4) The statement shall show separately the revenue and expenses, balance sheet and capital account, and grants paid of any fund which is held separately but with respect to other assets may show the same as a general fund. Contents of
statement

(5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with generally accepted accounting principles and auditing standards. Idem

(6) The Board and any trust company or other trustee holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made. Information
and
inspection

Application of
R.S.O. 1980,
c. 65
Limitation
on powers

(7) The *Charities Accounting Act* applies to the Foundation.

14. No power conferred on the Foundation by this Act shall be exercised in respect of any donation in contravention of any express provision to the contrary in the will, deed or other document of trust governing such donation, unless so directed by a judge of the Supreme Court.

Commence-
ment

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

Short title

16. The short title of this Act is the *City of Sarnia Foundation Act, 1982*.

SCHEDULE

FIRST BOARD OF DIRECTORS

Marceil George Saddy, Douglas Bain, Marcella Brown, Robert Gray, John Kowalyshyn, June Lasenby, Patrick O'Brien, Bernice Rade and William Peter Rawana, all of the City of Sarnia, in the County of Lambton.







An Act to incorporate
The City of Sarnia Foundation

1st Reading

October 4th, 1982

2nd Reading

3rd Reading

MR. BRANDT

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to incorporate
The City of Sarnia Foundation**

MR. BRANDT

(Reprinted as amended by the General Government Committee)

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

An Act to incorporate The City of Sarnia Foundation

WHEREAS the council of The Corporation of the City of Sarnia hereby represents that it is desirable and in the public interest to create a body corporate to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the applicant has applied for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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

1. The persons named in the Schedule and their successors as members of the Board of Directors of the Foundation are hereby constituted a body corporate and politic without share capital under the name of "The City of Sarnia Foundation", herein called the Foundation.

Foundation
incorporated

2.—(1) The head office of the Foundation shall be in the City of Sarnia.

Head office

(2) The objects of the Foundation are to receive, maintain, manage, control and use donations for charitable purposes within Ontario.

Objects

(3) In this Act, "charitable purposes" includes educational and cultural purposes.

Interpretation

3.—(1) The Foundation shall be composed of the members for the time being of the Board of Directors of the Foundation, herein called the Board.

Board of
Directors

(2) The first members of the Board shall be the persons named in the Schedule, who shall serve for a period of three months after the day this Act comes into force, and every such member is eligible for reappointment as provided for in subsection (3).

Members

Composition (3) Commencing three months after the day this Act comes into force, the Board shall be composed of seven members appointed by the nominating committee provided for in section 4.

Term of office (4) Three of the members appointed by the nominating committee under subsection (3) shall serve for one year, two of the members shall serve for two years and two of the members shall serve for three years.

Remuneration and term of office (5) Members of the Board shall serve without remuneration and, subject to subsection (4), shall be appointed for a term of three years and, subject to subsection (6), are eligible for reappointment.

Reappointment (6) No member of the Board is eligible for reappointment to a third term until one year has elapsed after he ceases to hold office.

Vacancies (7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.

Idem (8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

Composition of nominating committee 4.—(1) The nominating committee shall consist of the persons holding the following offices from time to time:

1. The Mayor of the City of Sarnia, or any other member of the council of the City nominated by the Mayor in writing.
2. The Senior Judge of the County Court of the County of Lambton.
3. The Chairman of the Board of Governors of Lambton College.
4. The President of the Sarnia & District Chamber of Commerce.
5. The President of the Lambton Law Association.

(2) If a person holding any of the offices referred to in subsection (1) is unable or unwilling to act as a member of the nominating committee, the other members of the nominating committee shall appoint another member to act during the period in which the original member is unable or unwilling to act.

Temporary
substitute
member

(3) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.

Meetings

(4) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it considers advisable.

Rules

(5) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board.

Quorum

(6) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the Board within ninety days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court to make the appointment, and the judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just.

Failure of
committee
to fill
vacancy

5.—(1) The Board may pass by-laws to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

By-laws of
Board

(2) Without limiting the generality of subsection (1), the Board may pass by-laws,

Idem

(a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;

(b) fixing the quorum of the Board;

(c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended by the Board in accordance with such rules or regulations as it may prescribe by by-law.

Repeal and
amendment

Approval

(4) By-laws of the Board require the approval either at a meeting or in writing of the majority of the members of the Board.

Powers of
Foundation

6.—(1) The Foundation is empowered,

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;
- (c) except as hereinafter or by any particular deed of gift provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board considers advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation except where such lease would contravene a public use agreed upon when the lands were accepted;
- (g) to pay and apply the net income from all funds held directly or indirectly by it towards such charitable purposes within Ontario as the Board considers advisable;

- (h) to pay, apply and distribute such portions as the Board considers advisable of the capital of the funds held directly or indirectly by it, to and for such charitable purposes within Ontario as the Board considers advisable, but,
 - (i) unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any financial year, and
 - (ii) no distribution of capital shall be made without the approval of two-thirds of the directors, given in person at a meeting of the Board or if not present at a meeting, then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds, but,
 - (i) where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, the trust company such have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board,
 - (ii) the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;
- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada, but the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion considers advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or

other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such moneys in accordance with the power and authority given in this clause;

- (k) to employ such person or persons, including trust companies and to take such other action as it considers advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to the income or capital, or both, of the funds of the Foundation as the Board considers advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it considers best;
- (m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it considers just, expedient and proper;
- (n) subject to the *Charitable Gifts Act*, to carry on a related business, or a business donated to the Foundation, the net profits from such business to be used for the purposes of the Foundation;
- (o) subject to the *Accumulations Act*, to accumulate net income from year to year with the intention of distributing such accumulation for the purposes of the Foundation;
- (p) to set up, from time to time, a special fund for the relief of persons or families who suffer from death, injury, calamitous deprivation of the necessities of life, health or education as a result of disasters, fires, floods or accidents of major proportions within Ontario, that in the opinion of the Board merit the establishment of a special fund, and as part of such activity, to solicit and receive funds and to disburse them for such relief and for the expenses of advertising and operating the fund,

R.S.O. 1980,
c. 63

R.S.O. 1980,
c. 5

and for these purposes, the restrictions on the distribution of capital set out in clause (h) shall not apply, provided that any surplus in a special fund may be transferred to the general capital funds of the Foundation;

(q) to refuse to accept any bequest, devise and donation;

(r) subject to the *Charitable Gifts Act*, to retain any real or personal property in the form in which it may be when received by the Foundation as permanent investment or for such length of time as may be considered best. R.S.O. 1980,
c. 63

(2) Without limiting the generality of its objects, the Foundation may, Idem

(a) erect or assist in the erection of special gardens, statues, decorative fountains, historical markers, gateways, walks, historical or art museums or display space, or other features contributing to educational and aesthetic matters;

(b) acquire and display or arrange for the display of rare books, works of art and items of historical or educational interest;

(c) make arrangements for the use by interested or capable persons of musical instruments and dramatic or scientific equipment held by the Foundation;

(d) foster historical research;

(e) encourage writers and authors to produce from time to time essays, books, pamphlets and articles dealing with the City of Sarnia, the County of Lambton and its inhabitants; and

(f) establish or aid in the establishment of exhibits of items of historical significance.

7.—(1) Notwithstanding any other provision of this Act, the Foundation may establish a common trust fund, herein called the Fund, in which property received by the Foundation under bequests, devises and donations is combined for the purpose of facilitating investments. Common
trust fund

(2) The Board may, by resolution passed by a majority of the Board, make regulations from time to time concerning the operation of the Fund, the method of valuation of investments in the Powers of
Board

Fund and the date or dates upon which the valuation may be made, the distribution of the income of the Fund and the property that may be included in the Fund.

Limitation
on powers
of Board

(3) A direction in writing by a donor that property included in a donation, bequest or devise shall not be included in the Fund is binding on the Board.

Specific
powers

8.—(1) The Foundation may accept donations either directly or indirectly, subject to the condition that the income or capital, or both thereof, shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) If the Board is satisfied that conditions are such as to render it impossible, impracticable, inefficient or unwise to expend all or any part of a donation referred to in subsection (1), or the net income derived therefrom at any time for such specific charitable purpose, the Board may apply to the Supreme Court for direction to use the income or capital, or both, for other purposes of the Foundation.

Management
of funds

(3) Notwithstanding any other provision of this Act, the Foundation is empowered to receive, invest and manage endowment and capital funds previously held by or anticipated to be received for the account of another Canadian charitable, educational or cultural organization, in accordance with the arrangement between the Foundation and the organization, and the Foundation may, upon request, return to the organization all or any part of such organization's assets held by the Foundation.

Form of
words

9. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

Nature of
donations

10. The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Treatment
of donations

11.—(1) Subject to subsection (2), all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund, and in the absence of any direction by the donor, it shall be deemed that all contributions are received as capital and are to be invested and the net income therefrom devoted for charitable purposes as provided in this Act.

Idem

(2) In the case of a donation of \$25,000 or more, the donor may require that such donation be maintained as a separate fund, in which case, in each year thereafter, a separate accounting thereof shall be set out in the annual audited report.

12.—(1) Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations of \$100 or more shall be publicly acknowledged, in the financial year following that in which they are made, by being set out in the annual audited report, and donations of less than \$100 may be consolidated together and shown as one figure in the annual audited report. Acknowledgements

(2) Unless otherwise directed by testamentary document or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report but if one person makes more than one donation, then only the total of that person's donations, as they may be from time to time, need be shown. Idem

13.—(1) The Foundation shall cause an audit to be made at least once in every fiscal year of the books and records of the Foundation by an accountant licensed under the *Public Accountancy Act*. Audit
R.S.O. 1980,
c. 405

(2) The audit shall include an examination of all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, the trustee shall give an accounting thereof to the auditor of the Foundation each year. Idem

(3) The Foundation shall cause to be published in the newspaper published in the City of Sarnia, Ontario, reputed to have the largest circulation therein, a certified statement by the auditor setting out the revenue and expenses, balance sheet and capital account and grants paid of the Foundation or held in trust for the Foundation, but the published statement need not include the names of donors in the years prior to the immediately preceding financial year. Publication
of statement

(4) The statement shall show separately the revenue and expenses, balance sheet and capital account, and grants paid of any fund which is held separately but with respect to other assets may show the same as a general fund. Contents of
statement

(5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with generally accepted accounting principles and auditing standards. Idem

(6) The Board and any trust company or other trustee holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made. Information
and
inspection

Application of
R.S.O. 1980,
c. 65

(7) The *Charities Accounting Act* applies to the Foundation.

Limitation
on powers

14. No power conferred on the Foundation by this Act shall be exercised in respect of any donation in contravention of any express provision to the contrary in the will, deed or other document of trust governing such donation, unless so directed by a judge of the Supreme Court.

Dissolution

15.—(1) Upon the dissolution of the Foundation and after payment of all its debts and liabilities, the remaining property of the Foundation shall be transferred to The Corporation of the City of Sarnia.

Idem

(2) If The Corporation of the City of Sarnia receives any property under subsection (1), it shall use the property, subject to any trust affecting the property, only for the same objects and purposes as the Foundation could have used the property under subsection 2 (2), clause 6 (1) (*p*) and subsection 6 (2) and the property shall be kept separate and apart from all other property of the Corporation.

Idem

(3) Notwithstanding subsection (2), if The Corporation of the City of Sarnia receives any property under subsection (1), it may, subject to any trust affecting the property, transfer the property, or any part thereof, to one or more institutions in Ontario having charitable purposes.

Commence-
ment

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

Short title

17. The short title of this Act is the *City of Sarnia Foundation Act, 1982*.

SCHEDULE

FIRST BOARD OF DIRECTORS

Marceil George Saddy, Douglas Bain, Marcella Brown, Robert Gray, John Kowalyshyn, June Lasenby, Patrick O'Brien, Bernice Rade and William Peter Rawana, all of the City of Sarnia, in the County of Lambton.







An Act to incorporate
The City of Sarnia Foundation

1st Reading

October 4th, 1982

2nd Reading

3rd Reading

MR. BRANDT

*(Reprinted as amended by the
General Government Committee)*

BILL Pr35

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to incorporate
The City of Sarnia Foundation**

MR. BRANDT



BILL Pr35

1982

An Act to incorporate The City of Sarnia Foundation

WHEREAS the council of The Corporation of the City of Sarnia hereby represents that it is desirable and in the public interest to create a body corporate to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the applicant has applied for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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

1. The persons named in the Schedule and their successors as members of the Board of Directors of the Foundation are hereby constituted a body corporate and politic without share capital under the name of "The City of Sarnia Foundation", herein called the Foundation.

Foundation
incorporated

2.—(1) The head office of the Foundation shall be in the City of Sarnia.

Head office

(2) The objects of the Foundation are to receive, maintain, manage, control and use donations for charitable purposes within Ontario.

Objects

(3) In this Act, "charitable purposes" includes educational and cultural purposes.

Interpre-
tation

3.—(1) The Foundation shall be composed of the members for the time being of the Board of Directors of the Foundation, herein called the Board.

Board of
Directors

(2) The first members of the Board shall be the persons named in the Schedule, who shall serve for a period of three months after the day this Act comes into force, and every such member is eligible for reappointment as provided for in subsection (3).

Members

Composition (3) Commencing three months after the day this Act comes into force, the Board shall be composed of seven members appointed by the nominating committee provided for in section 4.

Term of office (4) Three of the members appointed by the nominating committee under subsection (3) shall serve for one year, two of the members shall serve for two years and two of the members shall serve for three years.

Remuneration and term of office (5) Members of the Board shall serve without remuneration and, subject to subsection (4), shall be appointed for a term of three years and, subject to subsection (6), are eligible for reappointment.

Reappointment (6) No member of the Board is eligible for reappointment to a third term until one year has elapsed after he ceases to hold office.

Vacancies (7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.

Idem (8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

Composition of nominating committee **4.—**(1) The nominating committee shall consist of the persons holding the following offices from time to time:

1. The Mayor of the City of Sarnia, or any other member of the council of the City nominated by the Mayor in writing.
2. The Senior Judge of the County Court of the County of Lambton.
3. The Chairman of the Board of Governors of Lambton College.
4. The President of the Sarnia & District Chamber of Commerce.
5. The President of the Lambton Law Association.

(2) If a person holding any of the offices referred to in subsection (1) is unable or unwilling to act as a member of the nominating committee, the other members of the nominating committee shall appoint another member to act during the period in which the original member is unable or unwilling to act. Temporary substitute member

(3) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board. Meetings

(4) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it considers advisable. Rules

(5) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board. Quorum

(6) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the Board within ninety days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court to make the appointment, and the judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just. Failure of committee to fill vacancy

5.—(1) The Board may pass by-laws to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation. By-laws of Board

(2) Without limiting the generality of subsection (1), the Board may pass by-laws, Idem

(a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;

(b) fixing the quorum of the Board;

(c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended by the Board in accordance with such rules or regulations as it may prescribe by by-law. Repeal and amendment

Approval

(4) By-laws of the Board require the approval either at a meeting or in writing of the majority of the members of the Board.

Powers of
Foundation

6.—(1) The Foundation is empowered,

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;
- (c) except as hereinafter or by any particular deed of gift provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board considers advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation except where such lease would contravene a public use agreed upon when the lands were accepted;
- (g) to pay and apply the net income from all funds held directly or indirectly by it towards such charitable purposes within Ontario as the Board considers advisable;

- (h) to pay, apply and distribute such portions as the Board considers advisable of the capital of the funds held directly or indirectly by it, to and for such charitable purposes within Ontario as the Board considers advisable, but,
- (i) unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any financial year, and
 - (ii) no distribution of capital shall be made without the approval of two-thirds of the directors, given in person at a meeting of the Board or if not present at a meeting, then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds, but,
- (i) where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, the trust company such have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board,
 - (ii) the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;
- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada, but the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion considers advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or

other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such moneys in accordance with the power and authority given in this clause;

- (k) to employ such person or persons, including trust companies and to take such other action as it considers advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to the income or capital, or both, of the funds of the Foundation as the Board considers advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it considers best;
- (m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it considers just, expedient and proper;
- (n) subject to the *Charitable Gifts Act*, to carry on a related business, or a business donated to the Foundation, the net profits from such business to be used for the purposes of the Foundation;
- (o) subject to the *Accumulations Act*, to accumulate net income from year to year with the intention of distributing such accumulation for the purposes of the Foundation;
- (p) to set up, from time to time, a special fund for the relief of persons or families who suffer from death, injury, calamitous deprivation of the necessities of life, health or education as a result of disasters, fires, floods or accidents of major proportions within Ontario, that in the opinion of the Board merit the establishment of a special fund, and as part of such activity, to solicit and receive funds and to disburse them for such relief and for the expenses of advertising and operating the fund,

R.S.O. 1980,
c. 63

R.S.O. 1980,
c. 5

and for these purposes, the restrictions on the distribution of capital set out in clause (h) shall not apply, provided that any surplus in a special fund may be transferred to the general capital funds of the Foundation;

(q) to refuse to accept any bequest, devise and donation;

(r) subject to the *Charitable Gifts Act*, to retain any real or personal property in the form in which it may be when received by the Foundation as permanent investment or for such length of time as may be considered best. R.S.O. 1980,
c. 63

(2) Without limiting the generality of its objects, the Foundation may, Idem

(a) erect or assist in the erection of special gardens, statues, decorative fountains, historical markers, gateways, walks, historical or art museums or display space, or other features contributing to educational and aesthetic matters;

(b) acquire and display or arrange for the display of rare books, works of art and items of historical or educational interest;

(c) make arrangements for the use by interested or capable persons of musical instruments and dramatic or scientific equipment held by the Foundation;

(d) foster historical research;

(e) encourage writers and authors to produce from time to time essays, books, pamphlets and articles dealing with the City of Sarnia, the County of Lambton and its inhabitants; and

(f) establish or aid in the establishment of exhibits of items of historical significance.

7.—(1) Notwithstanding any other provision of this Act, the Foundation may establish a common trust fund, herein called the Fund, in which property received by the Foundation under bequests, devises and donations is combined for the purpose of facilitating investments. Common
trust fund

(2) The Board may, by resolution passed by a majority of the Board, make regulations from time to time concerning the operation of the Fund, the method of valuation of investments in the Powers of
Board

Fund and the date or dates upon which the valuation may be made, the distribution of the income of the Fund and the property that may be included in the Fund.

Limitation on powers of Board

(3) A direction in writing by a donor that property included in a donation, bequest or devise shall not be included in the Fund is binding on the Board.

Specific powers

8.—(1) The Foundation may accept donations either directly or indirectly, subject to the condition that the income or capital, or both thereof, shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) If the Board is satisfied that conditions are such as to render it impossible, impracticable, inefficient or unwise to expend all or any part of a donation referred to in subsection (1), or the net income derived therefrom at any time for such specific charitable purpose, the Board may apply to the Supreme Court for direction to use the income or capital, or both, for other purposes of the Foundation.

Management of funds

(3) Notwithstanding any other provision of this Act, the Foundation is empowered to receive, invest and manage endowment and capital funds previously held by or anticipated to be received for the account of another Canadian charitable, educational or cultural organization, in accordance with the arrangement between the Foundation and the organization, and the Foundation may, upon request, return to the organization all or any part of such organization's assets held by the Foundation.

Form of words

9. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

Nature of donations

10. The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Treatment of donations

11.—(1) Subject to subsection (2), all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund, and in the absence of any direction by the donor, it shall be deemed that all contributions are received as capital and are to be invested and the net income therefrom devoted for charitable purposes as provided in this Act.

Idem

(2) In the case of a donation of \$25,000 or more, the donor may require that such donation be maintained as a separate fund, in which case, in each year thereafter, a separate accounting thereof shall be set out in the annual audited report.

12.—(1) Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations of \$100 or more shall be publicly acknowledged, in the financial year following that in which they are made, by being set out in the annual audited report, and donations of less than \$100 may be consolidated together and shown as one figure in the annual audited report. Acknowledgements

(2) Unless otherwise directed by testamentary document or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report but if one person makes more than one donation, then only the total of that person's donations, as they may be from time to time, need be shown. Idem

13.—(1) The Foundation shall cause an audit to be made at least once in every fiscal year of the books and records of the Foundation by an accountant licensed under the *Public Accountancy Act*. Audit
R.S.O. 1980,
c. 405

(2) The audit shall include an examination of all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, the trustee shall give an accounting thereof to the auditor of the Foundation each year. Idem

(3) The Foundation shall cause to be published in the newspaper published in the City of Sarnia, Ontario, reputed to have the largest circulation therein, a certified statement by the auditor setting out the revenue and expenses, balance sheet and capital account and grants paid of the Foundation or held in trust for the Foundation, but the published statement need not include the names of donors in the years prior to the immediately preceding financial year. Publication
of statement

(4) The statement shall show separately the revenue and expenses, balance sheet and capital account, and grants paid of any fund which is held separately but with respect to other assets may show the same as a general fund. Contents of
statement

(5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with generally accepted accounting principles and auditing standards. Idem

(6) The Board and any trust company or other trustee holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made. Information
and
inspection

Application of
R.S.O. 1980,
c. 65
Limitation
on powers

(7) The *Charities Accounting Act* applies to the Foundation.

14. No power conferred on the Foundation by this Act shall be exercised in respect of any donation in contravention of any express provision to the contrary in the will, deed or other document of trust governing such donation, unless so directed by a judge of the Supreme Court.

Dissolution

15.—(1) Upon the dissolution of the Foundation and after payment of all its debts and liabilities, the remaining property of the Foundation shall be transferred to The Corporation of the City of Sarnia.

Idem

(2) If The Corporation of the City of Sarnia receives any property under subsection (1), it shall use the property, subject to any trust affecting the property, only for the same objects and purposes as the Foundation could have used the property under subsection 2 (2), clause 6 (1) (*p*) and subsection 6 (2) and the property shall be kept separate and apart from all other property of the Corporation.

Idem

(3) Notwithstanding subsection (2), if The Corporation of the City of Sarnia receives any property under subsection (1), it may, subject to any trust affecting the property, transfer the property, or any part thereof, to one or more institutions in Ontario having charitable purposes.

Commence-
ment

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

Short title

17. The short title of this Act is the *City of Sarnia Foundation Act, 1982*.

SCHEDULE

FIRST BOARD OF DIRECTORS

Marceil George Saddy, Douglas Bain, Marcella Brown, Robert Gray, John Kowalyshyn, June Lasenby, Patrick O'Brien, Bernice Rade and William Peter Rawana, all of the City of Sarnia, in the County of Lambton.







An Act to incorporate
The City of Sarnia Foundation

1st Reading

October 4th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. BRANDT

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Borough of East York

MR. WILLIAMS

EXPLANATORY NOTES

SECTION 1. This section authorizes the Borough to establish speed control zones where the speed of vehicles will be controlled by bumps installed in the roadway.

SECTION 2. Under this section, the Borough will be authorized to pass by-laws requiring the tenants, occupants and owners of retail business establishments to remove daily all litter, refuse and debris from the sidewalks on or abutting the retail business establishment and from the parking lots appurtenant thereto. The Borough will also be authorized to pass by-laws requiring retail business establishments to close from 6.00 p.m. on one day to 5.00 a.m. on the next following day.

SECTION 3. This section increases the Borough's enforcement powers with respect to its property standards by-laws.

SECTION 4. Under this section, the Borough may authorize front yard parking. Only persons who obtain permits will be allowed to park vehicles in their front yards.

SECTION 5. This section authorizes the Borough to pass by-laws to regulate the destruction of trees and other natural vegetation on ravine lands.

SECTION 6. The Borough will be authorized to pay in whole or in part the cost of clearing a blocked private drain if the blockage is caused by a tree on a highway.

SECTION 7. This section authorizes the Borough to pass by-laws to require land owners and occupants to maintain and repair the boulevards and walks, other than public sidewalks, and driveways located on the boulevards.

SECTION 8. This section authorizes the Borough to require land owners and occupants to collect, remove and dispose of all garbage on their lands with such frequency as the council may decide at the sole cost of the owner or occupant. If the owner or occupant fails to comply, the Borough, without holding a hearing, will be able to enter on the lands and collect the garbage and add the costs of the collection to the tax bill of the owner. The Borough will not be liable for any damages it may cause.

SECTION 9. This section authorizes the Borough to prohibit discrimination by landlords against a tenant or potential tenant because the tenant or potential tenant has children.

SECTION 10. This section permits the Borough to authorize tax credits and refunds to owners of residential property who meet the requirements set out in subsection (2).

SECTION 11. Under this section, the Borough will be able to collect, in the same manner as municipal property taxes and with the same remedies, certain expenses incurred and certain loans made by the Borough together with a reasonable administration fee.

An Act respecting the Borough of East York

WHEREAS The Corporation of the Borough of East York, Preamble
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

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

- 1.—(1) The council of the Corporation may pass by-laws, Speed control zones
- (a) designating any highway or portion of a highway under its jurisdiction as a speed control zone;
 - (b) authorizing the installation of a device or devices in any part of the roadway in a speed control zone so as to alter its surface; and
 - (c) providing for the marking of any speed control zone by a sign or signs and providing for the placing thereof.
- (2) A by-law passed under this section shall contain, Contents of by-law
- (a) a description of the device or devices authorized to be installed;
 - (b) a description of the sign or signs authorized and the location thereof; and
 - (c) a provision for the marking of any speed control zone by a sign or signs and for the placing thereof.
- (3) No by-law passed under this section becomes effective When effective
 until the consent of the Minister of Transportation and Communications is endorsed on the by-law.
- (4) Notwithstanding any general or special Act, where a by-law passed under this section is in effect, no liability attaches to Exemption from liability

the Corporation by reason of the passing of the by-law or anything done pursuant to it, but nothing in this section shall absolve the Corporation from liability for negligence.

Interpre-
tation

2.—(1) In this section,

- (a) “retail business” means the selling or offering for sale of goods or services by retail;
- (b) “retail business establishment” means the land and premises where a retail business is carried on.

Retail
business
establishments,
by-laws re
litter and
closing hours

(2) The council of the Corporation may pass by-laws,

(a) requiring the tenant or occupant of a retail business establishment to remove daily all litter, refuse and debris from,

(i) all sidewalks, including municipal sidewalks, on or abutting the retail business establishment, and

(ii) the parking lot, if there is a parking lot appurtenant to the retail business establishment;

(b) requiring the owner of land and premises containing more than one retail business establishment to remove daily all litter, refuse and debris from,

(i) all common areas of the land and premises including, if any, all parking areas, and

(ii) all sidewalks, including municipal sidewalks, on or abutting the land and premises; and

(c) requiring, during the whole or any part or parts of the year, that retail business establishments close and remain closed on each or any day of the week at and during any time or hours between 6 o'clock in the afternoon of any day and 5 o'clock in the forenoon of the next following day.

Application

(3) A by-law passed under this section may be limited in its application,

(a) to such area or areas of the Borough of East York;

(b) to such class or classes of retail business establishments; and

- (c) to such class or classes of land and premises containing more than one retail business establishment,

as may be set out in the by-law.

(4) A by-law passed under clause (2) (c) does not apply to premises licensed under the *Liquor Licence Act*.

Idem
R.S.O. 1980,
c. 244

3.—(1) The council of the Corporation may pass by-laws for directing and ordering any occupant of a property referred to in an order confirmed or modified under section 43 of the *Planning Act* or under this section, to pay his rent thereafter to the treasurer of the Corporation and for providing that the rent so deposited shall be applied by the Corporation to reduce any amount entitled to be recovered by the Corporation upon the exercise of any power conferred by the *Planning Act* or this section upon the Corporation, or, in the event the order is complied with by the owner that the rent deposited, as aforesaid, shall be held until the order is so complied with, and for providing that such rent or any portion thereof remaining, less an administration fee not to exceed 10 per cent calculated upon the entire amount of the rent so deposited, shall be paid to the person entitled to receive it.

Property
standards
enforcement
powers
R.S.O. 1980,
c. 379

(2) Notwithstanding any provision of the *Planning Act*, if, upon inspection, an officer, as defined in section 43 of the *Planning Act*, is satisfied that in some respect any property violates the property standards of the Borough established under a by-law passed under section 43 of the *Planning Act*, or a predecessor thereof, in a manner that constitutes an urgent hazard to the health or safety of any person, the officer may make an order requiring the violation to be corrected immediately and forthwith after making an order under this section and before the order is served, confirmed or modified in accordance with this section, the Corporation, through the officer, may take or cause to be taken, whatever measures the officer considers necessary to correct the violation, but not to the extent of permitting entry into the interior of any buildings without permission of an affected party, and for those purposes in addition to all its remedies,

Emergency
orders

- (a) the Corporation and anyone acting on its behalf shall have the right with its servants and agents from time to time to enter in and upon the land and adjoining land and demolish or repair the property or lands; and
- (b) the Corporation or anyone acting on its behalf shall not be liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Corporation under the provisions of this section, including anything done without notice to such persons.

- Service (3) Immediately after the violation is corrected, as referred to in subsection (2), the officer shall serve or cause to be served a copy of the order in accordance with subsection 43 (6) of the *Planning Act*.
- R.S.O. 1980, c. 379
- Contents of order (4) The order made under subsection (2) shall,
- (a) contain a description of the property sufficient to identify and locate it;
 - (b) set out the particulars of the violation and the reasons why such violation constitutes an urgent hazard to the health and safety of any person;
 - (c) have appended thereto a statement from the officer setting out the measures taken by the Corporation and the amount expended by the Corporation in so doing; and
 - (d) contain notice of the provisions of subsections (5), (6) and (7).
- Confirmation of order (5) Notwithstanding subsection 43 (17) of the *Planning Act*, after a copy of the order has been served in accordance with subsection 43 (6) of that Act, the officer shall apply to the property standards committee of the Corporation for confirmation of the order and after affording a reasonable opportunity to every person on whom an order has been served to make representations as he sees fit and after inspecting the property in the presence of any such person if so requested by him in writing, the committee has the powers and functions of the officer and shall either confirm the order or refuse to confirm the order.
- Appeal (6) The Corporation or the owner of the property affected by a decision of the property standards committee under subsection (5) may appeal the decision to a judge of the county court of the Judicial District of York in the same manner as provided in subsection 43 (19) of the *Planning Act*.
- Collection, lien, etc. (7) Where the property standards committee,
- (a) confirms an order made under subsection (2) and the decision of the committee is not appealed in accordance with subsection (6), or where on appeal the judge confirms the order, the Corporation, in addition to all other remedies, shall have a lien for any amount expended by or on behalf of the Corporation under the authority of subsection (2) together with interest thereon at the rate to be fixed in the manner provided in subsection (8) upon the property in respect of which such amount was expended, and the certificate of the clerk of the municipi-

pality as to such amount shall be final, and such amount shall be deemed to be taxes and may be added to the collector's roll to be collected in one year or to the proper collector's roll to be collected in instalments over a period of not more than five years and the amount of each instalment may be collected in the same manner as real property taxes; or

- (b) refuses to confirm an order made under subsection (2) and no appeal is made or where the judge on appeal refuses to confirm the order, the Corporation shall bear the amount expended by or on behalf of it under the authority of subsection (2).

(8) Any interest chargeable under the authority of this section shall be at the rate charged by the Corporation on its overdue taxes from time to time. Interest

(9) Notwithstanding the *Planning Act*, the inconsistency of any provision of this section with any provision of the *Planning Act* governing the same or similar subject-matter does not operate and shall be deemed never to have operated to repeal any provision of this section to the extent of such inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency. Effect of inconsistency with R.S.O. 1980, c. 379

4.—(1) In this section, Interpretation

- (a) "front yard" means a yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required;
- (b) "front yard parking" means the parking of a private passenger motor vehicle or motorcycle in a front yard where such parking is not specifically permitted by a by-law of the Corporation.

(2) Notwithstanding any general or special Act or any by-law of the Corporation, the council of the Corporation may pass by-laws authorizing, pursuant to permits issued, front yard parking within the municipality or any defined area or areas thereof and section 39 of the *Planning Act* does not apply to a by-law passed under this section. Front yard parking

(3) A by-law passed under this section, Contents of by-law

- (a) may provide for the issuing of a permit or permits to the owner of the private property where front yard parking is to be permitted;

- (b) may establish criteria which must be complied with prior to the issuing of a permit;
- (c) may prescribe the procedures to be followed in the processing of applications for permits;
- (d) may regulate the location, type of surface, dimensions and total area of the portion of the private property where front yard parking is to be permitted;
- (e) may define the conditions which the council may impose on the issuing of a permit;
- (f) may limit the number of spaces which can be used for front yard parking on any private property;
- (g) may prescribed a procedure by which the council can grant variances from the requirements of the by-law in respect of location, number, type of surface, dimensions or total area of any parking space or spaces used or proposed to be used for front yard parking;
- (h) may provide for the issuing of identifying markers in connection with permits and the manner by which such identifying markers are to be affixed;
- (i) may require the payment of an administrative, survey and inspection fee in connection with each permit applied for;
- (j) may provide in conjunction with front yard parking for the use of part of the untravelled portion of the public highway abutting the private property in accordance with other by-laws of the Corporation;
- (k) shall prohibit the improper use or acquisition of a permit or identifying marker issued in connection with a permit; and
- (l) may provide that any private passenger motor vehicle or motorcycle parked in the front yard pursuant to a permit shall bear a current valid motor vehicle registration plate.

5. Subject to the *Weed Control Act*, the council of the Corporation may pass by-laws,

- (a) regulating the destruction of trees or other natural vegetation, or any class or classes thereof, on any land within any defined area or areas of the municipality

where such land is hereafter designated as either ravine or non-buildable lands by an official plan of the Corporation; and

- (b) prohibiting the destruction of such trees or other natural vegetation and the excavating or other altering of contours of any such land without the consent of the Corporation.

6.—(1) In this section, “drain” means a sewerage drain, a storm drain or a combined sewerage and storm drain. Interpretation

(2) The Corporation may pay in whole or in part the cost of clearing any blockage of a private drain or damage done to a private drain, caused by a tree on a highway, subject to such conditions as the council of the Corporation may prescribe from time to time, any liability of the Corporation in respect thereof notwithstanding. Clearing blockages in drains

7.—(1) In this section, “boulevard” means that portion of a highway between a lot line and the travelled portion of the road. Interpretation

(2) The council of the Corporation may pass by-laws for requiring the owners or occupants of land abutting on a highway to maintain and protect at their own expense the boulevard of the highway abutting their land by, Maintenance of boulevards by abutting owners

- (a) maintaining the boulevard free from accumulations of rubbish, refuse, garbage, dirt, debris and other litter and from discarded objects and from conditions such as holes or excavations that might create a health or accident hazard;
- (b) maintaining any walks, driveways and similar areas of a boulevard in good repair so as to afford safe passage therealong;
- (c) ensuring that all areas of the boulevard used for vehicular traffic and parking shall be paved with bituminous, concrete or equivalent surfacing and shall be kept in good repair; and
- (d) keeping the boulevard reasonably free from noxious plants, such as ragweed, poison ivy, poison sumac and other noxious plants and from weeds, and keeping the grasses on the boulevard cut to a reasonable length.

(3) Nothing in this section shall be interpreted so as to require an owner or occupant of land to repair any municipal sidewalk or curb. Limitation

Interpre-
tation

8.—(1) In this section, “garbage” means ashes, garbage, rubbish and other refuse.

Collection
of garbage

(2) The council of the Corporation may pass by-laws requiring the owner or occupant of any land in the Borough of East York to collect, remove and dispose of any and all garbage on the land of such owner or occupant with such frequency as council of the Corporation may decide at the sole cost and expense of the owner or occupant where the owner or occupant of the land fails or refuses to set out his garbage in the manner required under the by-laws of the Corporation respecting the collection of garbage during the times and in the place designated for regular garbage pick up by the Corporation.

Contents
of by-law

(3) A by-law passed under this section may provide,

(a) that if an owner or occupant of land fails to comply with the provisions of the by-laws of the Corporation respecting the collection of garbage, the Corporation, through its works commissioner, may forthwith take or cause to be taken whatever measures the works commissioner considers necessary to correct the violation and for those purposes, in addition to all its other remedies, the Corporation or anyone acting on its behalf shall have the right with its servants and agents from time to time to enter in and upon the lands and collect, remove and dispose of any and all garbage found thereon; and

(b) that the Corporation or anyone acting on its behalf shall not be liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Corporation under a by-law passed under this section, including anything done without notice to such persons.

Lien

(4) The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out any of the obligations of an owner or occupant under this by-law and the certificate of the clerk of the Corporation as to the amount so expended is final and such amount shall be added to the collector’s roll of taxes for the current year and shall be deemed to be taxes due upon the land and may be collected in the same manner as municipal taxes, together with interest thereon, accruing from the date of being added to the collector’s roll at the same rate as interest added by the Corporation under section 412 of the *Municipal Act* to taxes due and is, until so collected or otherwise paid, a special lien upon the land as provided for in section 369 of the said Act.

(5) For each and every day that the owner or occupant fails to comply with a by-law passed under this section, a penalty of \$100 per day shall be exacted and shall be payable forthwith by the owner or occupant, failing which the said penalty may be collected in the same manner as provided for in clause (3) (b). Penalty

9.—(1) In this section,

Interpre-
tation

(a) “housing accommodation” means any place of dwelling except a place of dwelling being part of a building in which the owner or his family reside and the occupant or occupants of the place of dwelling are required to share a bathroom or kitchen facility with the owner or his family;

(b) “policy statement” means a statement establishing criteria for the sharing of housing accommodation by adults and children.

(2) The council of the Corporation may by by-law adopt a policy statement. Policy
statement

(3) Where a policy statement has been adopted under subsection (2), the council of the Corporation may pass by-laws prohibiting any person, directly or indirectly, alone or with another, by himself or by the interposition of another, from discriminating against any person with respect to any term or condition of the occupancy of housing accommodation because such person has children who would be sharing the housing accommodation with him where occupancy of such housing accommodation by adults and children is deemed appropriate thereto by the policy statement referred to in subsection (2). By-laws
prohibiting
discrimination

(4) A policy statement referred to in this section shall be deemed not to be a policy statement within the meaning of section 17 of the *Housing Development Act*. Not deemed
policy state-
ment under
R.S.O. 1980,
c. 209

(5) Nothing herein contained shall affect the powers of the Corporation to enact by-laws relating to standards of maintenance and occupancy. Not to
affect

10.—(1) In this section,

Interpre-
tation

(a) “municipal taxes” means taxes imposed for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement or other special rates;

(b) “owner” means a person assessed as the owner of residential real property and includes an owner within the meaning of the *Condominium Act*;

R.S.O. 1980,
c. 84

- (c) "personal residence" means the residence ordinarily inhabited by the owner;
- (d) "relative" means a spouse, as defined in section 14 of the *Family Law Reform Act* and a child, brother, sister and parent of the person to whom a credit is allowed under a by-law passed under this section and a parent of the person's spouse.

R.S.O. 1980,
c. 152

Tax credit
and refund
authorized

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws authorizing and directing the treasurer of the Corporation to allow owners of residential real property in the Borough of East York a uniform credit or refund in an amount of \$150 per year against municipal taxes for the years 1982, 1983, 1984 and 1985, in respect of the residential real property, if the owner or the spouse of the owner, or both,

- (a) occupies or occupy the property in respect of which municipal taxes are imposed as his, her or their personal residence;
- (b) has or have attained the age of sixty-five years or such greater age as the by-law may provide;
- (c) has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit; and
- (d) is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1970,
c. O-6

Conditions

(3) The following conditions apply to a credit or refund authorized under subsection (2):

1. No credit or refund shall be allowed to an owner in respect of more residential real property than one single-family dwelling unit in any year.
2. No credit or refund shall be allowed to any person who has not made application therefor in the year in which the municipal taxes in respect of which the credit or refund is claimed become due and payable.
3. A credit shall be allowed for municipal taxes imposed on any real property only on payment of the remaining portion of such municipal taxes.

4. No refund shall be allowed for municipal taxes imposed on any real property in any year unless such municipal taxes have been paid in full in that year.
5. Where the municipal taxes payable by an owner in the year, before any credit or refund, are less than an amount equal to the sum of \$150 plus the amount of the maximum grant that may be paid to the owner or his or her spouse under section 2 of the *Ontario Pensioners Property Tax Assistance Act*, the credit or refund shall be the amount by which such municipal taxes exceed the amount of such maximum grant.

R.S.O. 1980,
c. 352

(4) Notwithstanding paragraph 4 of subsection (3), where the amount of an allowable credit of municipal taxes in any year is greater than the amount of the municipal taxes unpaid in that year, the difference between such amounts may be refunded and the unpaid portion may be allowed as a credit. Exception

(5) A by-law passed under subsection (2) may,

Additional
powers

- (a) provide for the continuation of the credits or refunds to the surviving spouse of a deceased person to whom a credit or refund was allowed, if the spouse otherwise qualifies for the credit or refund except for the qualification set out in clause (2) (c); and
- (b) prescribe such regulations with respect to the administration of the by-law, not inconsistent with this Act, as the council of the Corporation may consider proper.

(6) The amount of any credit or refund allowed from time to time under a by-law passed under subsection (2) shall be on registration in the appropriate land registry office as a lien in favour of the Corporation on the real property in respect of which the credit or refund has been allowed and the registered lien shall have priority over, Lien

- (a) any encumbrance registered on the property before the date of registration of the notice mentioned in subsection (8) if the encumbrancer is a relative of the person to whom the credit was allowed;
- (b) any encumbrance registered on the property after the date of registration of the notice mentioned in subsection (8); and
- (c) any unregistered encumbrance.

(7) The amount of the lien shall become due and be paid to the Corporation upon any change in ownership of the real property except, Idem

- (a) where the new owner is the husband, wife, brother or sister of the person to whom a credit or refund was allowed and is a person entitled to a credit or refund under a by-law passed under this section; or
- (b) by way of a mortgage other than a sale or foreclosure under the mortgage.

Notice of
lien and
discharge
of lien

(8) Where a by-law passed under subsection (2) is in force, forthwith after a credit or refund has been allowed under the by-law for the first time in respect of any real property or for the first time after a lien under this section in respect of any real property has been discharged, a notice signed by the treasurer of the Corporation stating that a credit or refund has been allowed together with a description of the real property sufficient for registration shall be registered in the proper land registry office and, upon payment in full to the treasurer of the Corporation of the amount of all outstanding credits and refunds allowed in respect of the property, a certificate of the treasurer of the Corporation showing the payment shall be similarly registered and thereupon the lien in respect of the real property is discharged.

Forms

(9) A notice of lien under subsection (8) may be in Form 1 and a certificate of payment under that subsection may be in Form 2.

Collection
of expenses
R.S.O. 1980,
cc. 302, 379

11.—(1) Where the council of the Corporation obtains the authority or has the authority under the *Municipal Act*, the *Planning Act* or a private Act to direct or require by by-law or otherwise that any matter or thing be done and that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, the Corporation shall have a lien for any amount expended by or on behalf of the Corporation and for an administrative fee, including legal costs and disbursements, which administrative fee shall not exceed the reasonable administrative expenses of the Corporation and the certificate of the clerk of the Corporation as to the total amount expended shall be admissible in evidence as *prima facie* proof of the total amount expended and such total, together with the administrative fee, shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

Interim
certificate
and appeal

(2) Before the certificate of the clerk of the Corporation is issued under subsection (1), an interim certificate shall be served on the owner of the property that is subject to the lien, as well as to all prior mortgagees or other encumbrancers, which service shall be made by personal service or by registered mail addressed to the person to whom it is to be given, at his usual or last known

place of address, or, where the last known place of address is that shown on the registered instrument under which he acquired his interest, to such address, or by leaving it at one of such places of address, and, where service is effected by registered mail, such service shall be deemed to have been made on the fourth day following the mailing of the certificate, and the affected owner, mortgagees or other encumbrancers shall have two weeks from the date of service of the interim certificate to appeal the amount shown thereon to the council of the Corporation.

(3) Where the council of the Corporation has the authority under the *Planning Act* or the *Housing Development Act* to provide for the making of loans to the registered owners of land to pay for, Collection of loans R.S.O. 1980, cc. 379, 209

- (a) the whole or any part of the cost of repairs required to be done; or
- (b) the clearing, grading and levelling of the lands,

on such terms and conditions as the council of the Corporation may prescribe, the Corporation shall have a lien for any amount loaned by or on behalf of the Corporation and for an administrative fee, including legal costs and disbursements, which administrative fee shall not exceed the reasonable administrative expense of the Corporation incurred in connection with the loan, and the certificate of the clerk of the Corporation as to the total amount loaned shall be admissible in evidence as *prima facie* proof of the total amount loaned and, if default is made with respect to any terms of the loan, the whole of the balance of the loan, together with accrued interest thereon at the time of the default, becomes due and payable forthwith and the amount of such balance including interest and including so much of the administrative fee as remains unpaid shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

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

13. The short title of this Act is the *Borough of East York Act, 1982*. Short title

Form 1

Borough of East York Act, 1982

NOTICE OF LIEN

The Treasurer of The Corporation of the Borough of East York hereby gives notice that a credit or refund has been allowed under By-law No. of the said municipality made under section 10 of the *Borough of East York Act, 1982*.

*In respect of land registered in the Land Registry Office for the Registry Division of as more particularly set out below:

or

*In respect of land registered in the Land Registry Office for the Land Titles Division of, as Parcel, in the register for Section, as more particularly set out below:

AND that any credit or refund allowed from time to time is a lien in favour of The Corporation of the Borough of East York upon the above-mentioned real property in accordance with section 10 of the *Borough of East York Act, 1982*.

DATED at the Borough of East York, this day of, 19
.....
Treasurer

INQUIRIES concerning the discharge of the lien should be addressed to the Treasurer, The Corporation of the Borough of East York, 550 Mortimer Avenue, Toronto, Ontario M4J 2H2.

*NOTE: Delete the inappropriate paragraph

Form 2

Borough of East York Act, 1982

CERTIFICATE OF PAYMENT

The Treasurer of The Corporation of the Borough of East York hereby certifies that all amounts due to the said municipality under section 10 of the *Borough of East York Act, 1982* have been paid in full.

*In respect of land registered in the Land Registry Office for the Registry Division of as more particularly set out below:

or

*In respect of land registered in the Land Registry Office for the Land Titles Division of, as Parcel, in the register for

Section, as more particularly set out below:

AND that the Lien, described in the Notice of Lien registered as Instrument No. is hereby discharged.

DATED at the Borough of East York, this day of, 19

.....
Treasurer

*NOTE: Delete the inappropriate paragraph





An Act respecting the
Borough of East York

1st Reading

November 18th, 1982

2nd Reading

3rd Reading

MR. WILLIAMS

(*Private Bill*)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Town of Strathroy

MR. McNEIL

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr38

1982

An Act respecting the Town of Strathroy

WHEREAS The Corporation of the Town of Strathroy, ^{Preamble} herein called the Corporation, hereby represents that the Strathroy Parks, Community Centres and Recreation Commission, herein called the Commission, was established by *The Town of Strathroy Act, 1974*, being chapter 159; that the council of the Corporation considers it to be in the best interests of the citizens of the Town of Strathroy that the functions of the Commission be placed under the control of the council of the Corporation and that all assets and liabilities of the Commission become assets and liabilities of the Corporation; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

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

1. The Strathroy Parks, Community Centres and Recreation Commission is hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the said Commission and all of its undertakings, assets and liabilities shall be assumed by the Corporation without compensation. ^{Commission dissolved}

2. All by-laws of the Commission shall continue as by-laws of the Corporation until amended or repealed. ^{By-laws continued}

3. Upon the dissolution of the Commission, the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation. ^{Employees of Commission}

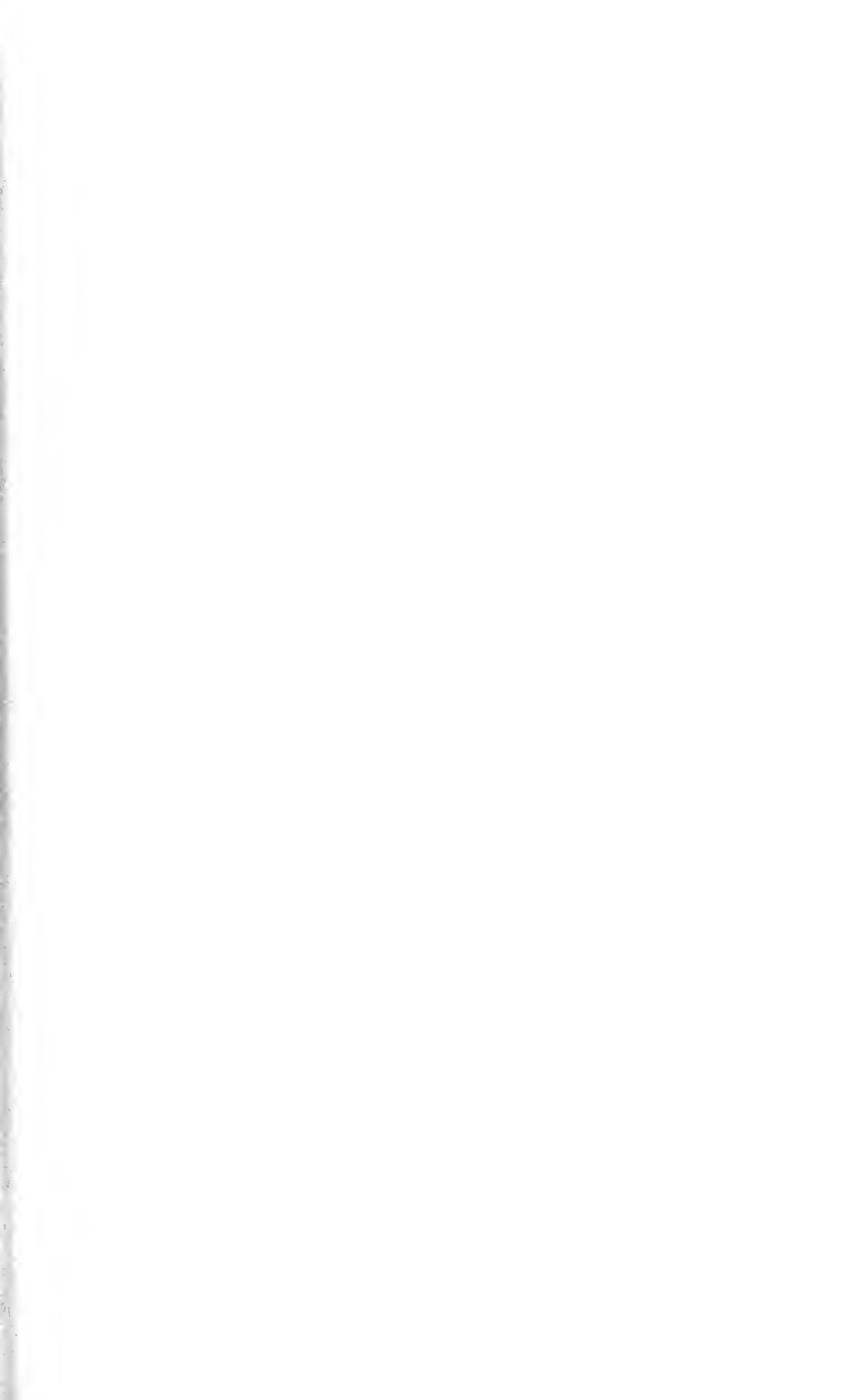
4. *The Town of Strathroy Act, 1974*, being chapter 159, is repealed. ^{Repeal}

Commence-
ment

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

Short title

6. The short title of this Act is the *Town of Strathroy Act, 1982*.







An Act respecting the Town of Strathroy

1st Reading

October 12th, 1982

2nd Reading

3rd Reading

MR. McNEIL

(Private Bill)

BILL Pr38

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Town of Strathroy

MR. McNEIL



BILL Pr38

1982

An Act respecting the Town of Strathroy

WHEREAS The Corporation of the Town of Strathroy, ^{Preamble} herein called the Corporation, hereby represents that the Strathroy Parks, Community Centres and Recreation Commission, herein called the Commission, was established by *The Town of Strathroy Act, 1974*, being chapter 159; that the council of the Corporation considers it to be in the best interests of the citizens of the Town of Strathroy that the functions of the Commission be placed under the control of the council of the Corporation and that all assets and liabilities of the Commission become assets and liabilities of the Corporation; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

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

1. The Strathroy Parks, Community Centres and Recreation ^{Commission dissolved} Commission is hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the said Commission and all of its undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

2. All by-laws of the Commission shall continue as by-laws of ^{By-laws continued} the Corporation until amended or repealed.

3. Upon the dissolution of the Commission, the employees ^{Employees of Commission} thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

4. *The Town of Strathroy Act, 1974*, being chapter 159, is ^{Repeal} repealed.

Commence-
ment

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

Short title

6. The short title of this Act is the *Town of Strathroy Act, 1982*.







An Act respecting the Town of Strathroy

1st Reading

October 12th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. MCNEIL

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Windsor

MR. WRYE

EXPLANATORY NOTE

City of Windsor Act, 1982

The Bill has three purposes as follows:

1. The City of Windsor, under section 1, will be authorized to establish speed control zones where the speed of vehicles will be controlled by bumps installed in the roadway.
2. Under section 2, the City will be authorized to pay the cost of O.H.I.P. and supplementary health insurance premiums for the spouses and dependants of deceased employees and retired employees. The City, under *The City of Windsor Act, 1977*, has such powers at the present time. However, the enabling legislation expires at the end of 1982.
3. Under section 3, the City will be authorized to designate business improvement areas as demolition control areas.

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) The council of the Corporation may pass by-laws, ^{Speed control zones}

- (a) designating any highway or portion of a highway under its jurisdiction as a speed control zone;
- (b) authorizing the installation of a device or devices in any part of the roadway in a speed control zone so as to alter its surface; and
- (c) providing for the marking of any speed control zone by a sign or signs and providing for the placing thereof.

(2) A by-law passed under this section shall contain, ^{Contents of by-law}

- (a) a description of the device or devices authorized to be installed;
- (b) a description of the sign or signs authorized and the location thereof; and
- (c) a provision for the marking of any speed control zone by a sign or signs and for the placing thereof.

(3) No by-law passed under this section becomes effective ^{When effective} until the consent of the Minister of Transportation and Communications is endorsed on the by-law.

(4) Notwithstanding any general or special Act, where a by-law ^{Exemption from liability} passed under this section is in effect, no liability attaches to

the Corporation by reason of the passing of the by-law or anything done pursuant to it, but nothing in this section shall absolve the Corporation from liability for negligence.

Interpretation **2.**—(1) In this section, “employee” and “retired employee” means an employee and a retired employee as defined in paragraph 46 of section 208 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Health
insurance
benefits

(2) The council of the Corporation may pass by-laws for paying the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan, which includes any or all of the following benefits,

- (a) semi-private hospital coverage;
- (b) prescription drug coverage; and
- (c) dental service coverage,

for the spouses and dependants of deceased employees and retired employees.

Interpretation **3.**—(1) In this section,

- (a) “clerk” means the clerk of the Corporation;
- (b) “development” means the construction, erection or placing of one or more buildings or structures on land for the making of an addition or alteration to a building or structure;
- (c) “improvement area” means an improvement area established under section 217 of the *Municipal Act*.

Demolition
control areas

(2) The council of the Corporation may designate by by-law the whole or any part of an improvement area as a demolition control area.

Plans and
schedule for
development

(3) No person shall demolish the whole or any part of any building or structure in a demolition control area designated under subsection (2), unless the council of the Corporation or, where referral has been made under subsection (6), the Ontario Municipal Board has approved,

- (a) a plan detailing the intended use of the land;
- (b) a plan showing site improvements to the land pending development; and
- (c) a schedule for the development of the land.

(4) As a condition to the approval of the plan and schedule referred to in subsection (3), the council of the Corporation may provide that on the failure to complete the site improvements to the land referred to in clause (3) (b) by not later than a date specified by council, such date being not less than one year from the day demolition of the existing building or structure or part thereof is commenced, the clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as council 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. Conditions to approval

(5) Where the clerk adds a sum of money to the collector's roll under subsection (4), 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 payment in full to the Corporation of the sum added to the roll, a certificate signed by the clerk 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. Registration of certificate

(6) Where the Corporation fails to approve the plans and schedule referred to in subsection (3) within thirty days after they are submitted to the Corporation for approval, or where the owner of the land is not satisfied with the condition imposed under subsection (4), the owner of the land may require the plans or schedule or parts thereof, or the condition, as the case may be, be referred to the Ontario Municipal Board by written notice to the secretary of the Board and to the clerk, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or schedule or condition and approve the same, and the decision of the Board is final. Referral to O.M.B.

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

(2) Section 2 comes into force on the 1st day of January, 1983. Idem

5. The short title of this Act is the *City of Windsor Act, 1982*. Short title





An Act respecting the
City of Windsor

1st Reading

November 19th, 1982

2nd Reading

3rd Reading

MR. WRYE

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Windsor

MR. WRYE

*(Reprinted as amended by the Committee on Regulations and
Other Statutory Instruments)*

EXPLANATORY NOTE

The Bill has three purposes as follows:

1. The City of Windsor, under section 1, will be authorized to establish speed control zones where the speed of vehicles will be controlled by bumps installed in the roadway.
2. Under section 2, the City will be authorized to pay the cost of O.H.I.P. and supplementary health insurance premiums for the spouses and dependants of deceased employees and retired employees. The City, under *The City of Windsor Act, 1977*, has such powers at the present time. However, the enabling legislation expires at the end of 1982.
3. Under section 3, the City will be authorized to designate business improvement areas as demolition control areas. Where a business improvement area has been designated as a demolition control area the City will be able to require a person who wishes to demolish a building to enter into an agreement respecting the beautification of the land pending development. The section will not apply to a person who, before demolishing a building, obtains a building permit.

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the application;

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

- 1.—(1) The council of the Corporation may pass by-laws, Speed control zones
- (a) designating any highway or portion of a highway under its jurisdiction as a speed control zone;
 - (b) authorizing the installation of a device or devices in any part of the roadway in a speed control zone so as to alter its surface; and
 - (c) providing for the marking of any speed control zone by a sign or signs and providing for the placing thereof.
- (2) A by-law passed under this section shall contain, Contents of by-law
- (a) a description of the device or devices authorized to be installed;
 - (b) a description of the sign or signs authorized and the location thereof; and
 - (c) a provision for the marking of any speed control zone by a sign or signs and for the placing thereof.
- (3) No by-law passed under this section becomes effective When effective
until the consent of the Minister of Transportation and Com-
munications is endorsed on the by-law.

(4) Notwithstanding any general or special Act, where a by-
law passed under this section is in effect, no liability attaches to Exemption from liability

the Corporation by reason of the passing of the by-law or anything done pursuant to it, but nothing in this section shall absolve the Corporation from liability for negligence.

Interpretation

2.—(1) In this section, “employee” and “retired employee” means an employee and a retired employee as defined in paragraph 46 of section 208 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Health
insurance
benefits

(2) The council of the Corporation may pass by-laws for paying the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan, which includes any or all of the following benefits,

- (a) semi-private hospital coverage;
- (b) prescription drug coverage; and
- (c) dental service coverage,

for the spouses and dependants of deceased employees and retired employees.

Interpretation

3.—(1) In this section,

- (a) “clerk” means the clerk of the Corporation;
- (b) “development” means the construction, erection or placing of one or more buildings or structures on land for the making of an addition or alteration to a building or structure;
- (c) “improvement area” means an improvement area established under section 217 of the *Municipal Act*.

Demolition
control areas

(2) The council of the Corporation may designate by by-law the whole or any part of an improvement area as a demolition control area.

Demolition
control
permit

(3) Where a by-law has been passed under subsection (2), no person shall demolish the whole or any part of any building or structure in the demolition control area unless the person is the holder of a demolition permit issued under this section.

Exception

(4) Notwithstanding subsection (3), this section does not apply to a person who, at the time of demolition, holds a building permit to,

- (a) construct or erect a new building on the site of the building or structure to be demolished; or

(b) add to or alter the building or structure to be partly demolished.

(5) Where an application is made to the council of the Corporation for a permit to demolish the whole or any part of any building or structure in a demolition control area designated under subsection (2), the council may refuse to approve the application unless the applicant enters into an agreement with the Corporation respecting the beautification of the land pending development. Beautification agreement

(6) An agreement entered into under subsection (5) may provide, as a condition, that the person entering the agreement with the Corporation must complete the beautification of the land in accordance with the agreement by a date not later than a date specified in the agreement, such date being not less than 365 days from the day demolition of the existing building or structure or part thereof is commenced. Condition

(7) Where the Corporation fails to approve an application for a demolition permit under this section within thirty days after it is submitted to the Corporation, or where the owner of the land is not satisfied with the terms of the agreement or the condition imposed under subsection (6), the owner of the land may require that the application, agreement or condition, as the case may be, be referred to the Ontario Municipal Board by written notice to the secretary of the Board and to the clerk, and the Board shall then hear and determine the matter in issue and settle and determine the details of the application, agreement or condition and approve the same, and the decision of the Board is final. Referral to O.M.B.

(8) Where an agreement contains a condition under subsection (6) and the beautification is not completed in accordance with the agreement by the date specified therein, the person who obtained the demolition permit is guilty of an offence and on conviction is liable to a fine not exceeding \$10,000. Penalty

(9) This section is repealed on the 1st day of January, 1988, but the repeal of this section does not affect the enforcement of any agreement entered into prior to that date. Repeal

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

(2) Section 2 comes into force on the 1st day of January, 1983. Idem

5. The short title of this Act is the *City of Windsor Act, 1982*. Short title





An Act respecting the
City of Windsor

1st Reading

November 19th, 1982

2nd Reading

3rd Reading

MR. WRYE

*(Reprinted as amended by the
Committee on Regulations and Other
Statutory Instruments)*

BILL Pr39

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Windsor

MR. WRYE



An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas it
 is expedient to grant the application;

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

1.—(1) The council of the Corporation may pass by-laws, Speed control zones

- (a) designating any highway or portion of a highway under its jurisdiction as a speed control zone;
- (b) authorizing the installation of a device or devices in any part of the roadway in a speed control zone so as to alter its surface; and
- (c) providing for the marking of any speed control zone by a sign or signs and providing for the placing thereof.

(2) A by-law passed under this section shall contain, Contents of by-law

- (a) a description of the device or devices authorized to be installed;
- (b) a description of the sign or signs authorized and the location thereof; and
- (c) a provision for the marking of any speed control zone by a sign or signs and for the placing thereof.

(3) No by-law passed under this section becomes effective When effective
 until the consent of the Minister of Transportation and Com-
 munications is endorsed on the by-law.

(4) Notwithstanding any general or special Act, where a by-
 law passed under this section is in effect, no liability attaches to Exemption from liability

the Corporation by reason of the passing of the by-law or anything done pursuant to it, but nothing in this section shall absolve the Corporation from liability for negligence.

Interpretation **2.**—(1) In this section, “employee” and “retired employee” means an employee and a retired employee as defined in paragraph 46 of section 208 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Health
insurance
benefits

(2) The council of the Corporation may pass by-laws for paying the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan, which includes any or all of the following benefits,

- (a) semi-private hospital coverage;
- (b) prescription drug coverage; and
- (c) dental service coverage,

for the spouses and dependants of deceased employees and retired employees.

Interpretation **3.**—(1) In this section,

- (a) “clerk” means the clerk of the Corporation;
- (b) “development” means the construction, erection or placing of one or more buildings or structures on land for the making of an addition or alteration to a building or structure;
- (c) “improvement area” means an improvement area established under section 217 of the *Municipal Act*.

Demolition
control areas

(2) The council of the Corporation may designate by by-law the whole or any part of an improvement area as a demolition control area.

Demolition
control
permit

(3) Where a by-law has been passed under subsection (2), no person shall demolish the whole or any part of any building or structure in the demolition control area unless the person is the holder of a demolition permit issued under this section.

Exception

(4) Notwithstanding subsection (3), this section does not apply to a person who, at the time of demolition, holds a building permit to,

- (a) construct or erect a new building on the site of the building or structure to be demolished; or

(b) add to or alter the building or structure to be partly demolished.

(5) Where an application is made to the council of the Corporation for a permit to demolish the whole or any part of any building or structure in a demolition control area designated under subsection (2), the council may refuse to approve the application unless the applicant enters into an agreement with the Corporation respecting the beautification of the land pending development. Beautification agreement

(6) An agreement entered into under subsection (5) may provide, as a condition, that the person entering the agreement with the Corporation must complete the beautification of the land in accordance with the agreement by a date not later than a date specified in the agreement, such date being not less than 365 days from the day demolition of the existing building or structure or part thereof is commenced. Condition

(7) Where the Corporation fails to approve an application for a demolition permit under this section within thirty days after it is submitted to the Corporation, or where the owner of the land is not satisfied with the terms of the agreement or the condition imposed under subsection (6), the owner of the land may require that the application, agreement or condition, as the case may be, be referred to the Ontario Municipal Board by written notice to the secretary of the Board and to the clerk, and the Board shall then hear and determine the matter in issue and settle and determine the details of the application, agreement or condition and approve the same, and the decision of the Board is final. Referral to O.M.B.

(8) Where an agreement contains a condition under subsection (6) and the beautification is not completed in accordance with the agreement by the date specified therein, the person who obtained the demolition permit is guilty of an offence and on conviction is liable to a fine not exceeding \$10,000. Penalty

(9) This section is repealed on the 1st day of January, 1988, but the repeal of this section does not affect the enforcement of any agreement entered into prior to that date. Repeal

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

(2) Section 2 comes into force on the 1st day of January, 1983. Idem

5. The short title of this Act is the *City of Windsor Act, 1982*. Short title



An Act respecting the
City of Windsor

1st Reading

November 19th, 1982

2nd Reading

December 21st, 1982

3rd Reading

December 21st, 1982

MR. WRYE

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Ceephil Investments Ltd.

MR. ROTENBERG

EXPLANATORY NOTE

The purpose of the Bill is to revive Ceephil Investments Ltd.

BILL Pr40

1982

An Act to revive Ceephil Investments Ltd.

WHEREAS Philip Wynn hereby represents that Ceephil Investments Ltd., herein called the Corporation, was incorporated by articles of incorporation dated the 17th day of July, 1972; that the Minister of Consumer and Commercial Relations by order dated the 21st day of February, 1979, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with the provisions of *The Corporations Tax Act, 1972*, being chapter 143, and declared the Corporation to be dissolved on the 21st day of February, 1979; that the applicant's nominee, Boaz Chicora, was the sole director and the holder of all the issued and outstanding common shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns, although sent to the applicant's nominee as director, was not received by him and neither the applicant nor his nominee became aware of the dissolution of the Corporation until a date approximately two years after the date of dissolution; that steps were taken to revive the Corporation within two years of its dissolution but the application for revival was not filed within the two-year period required by *The Business Corporations Act*; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

R.S.O. 1970,
c. 53

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

1. Ceephil Investments Ltd. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by articles of incorporation, including all its property, rights, privileges and franchises and subject to all its liabilities, con-

Corporation
revived

tracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

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

Short title

3. The short title of this Act is the *Ceephil Investments Ltd. Act, 1982*.





An Act to revive Ceephil Investments Ltd.

1st Reading

October 14th, 1982

2nd Reading

3rd Reading

MR. ROTENBERG

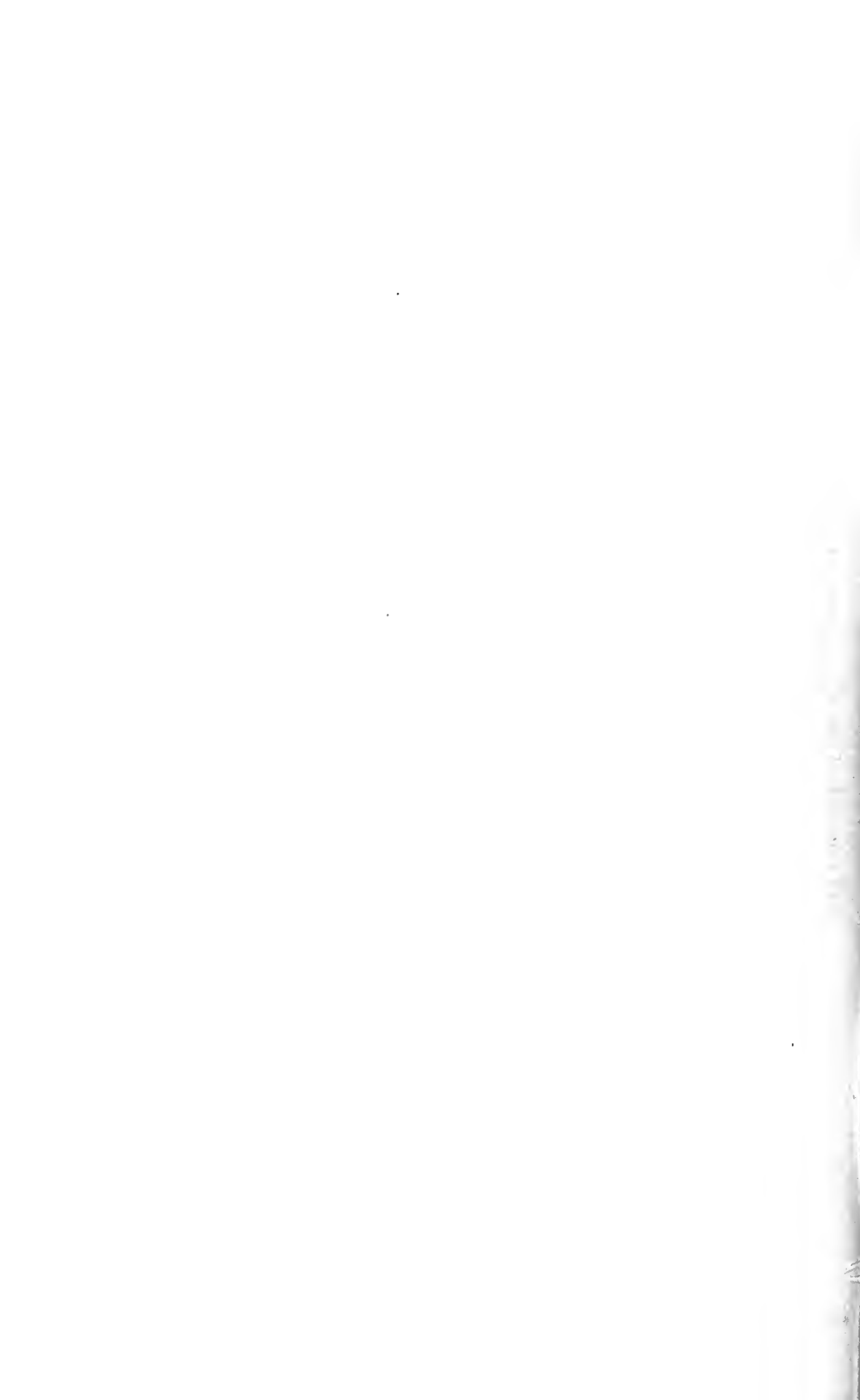
(Private Bill)

BILL Pr40

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Ceephil Investments Ltd.

MR. ROTENBERG



BILL Pr40

1982

An Act to revive Ceephil Investments Ltd.

WHEREAS Philip Wynn hereby represents that Ceephil Investments Ltd., herein called the Corporation, was incorporated by articles of incorporation dated the 17th day of July, 1972; that the Minister of Consumer and Commercial Relations by order dated the 21st day of February, 1979, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with the provisions of *The Corporations Tax Act, 1972*, being chapter 143, and declared the Corporation to be dissolved on the 21st day of February, 1979; that the applicant's nominee, Boaz Chicora, was the sole director and the holder of all the issued and outstanding common shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns, although sent to the applicant's nominee as director, was not received by him and neither the applicant nor his nominee became aware of the dissolution of the Corporation until a date approximately two years after the date of dissolution; that steps were taken to revive the Corporation within two years of its dissolution but the application for revival was not filed within the two-year period required by *The Business Corporations Act*; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

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

1. Ceephil Investments Ltd. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by articles of incorporation, including all its property, rights, privileges and franchises and subject to all its liabilities, con-

Corporation
revived

tracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

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

Short title

3. The short title of this Act is the *Ceephil Investments Ltd. Act, 1982*.





An Act to revive Ceephil Investments Ltd.

1st Reading

October 14th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. ROTENBERG

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Township of Tiny

MR. McLEAN

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr41

1982

An Act respecting the Township of Tiny

WHEREAS The Corporation of the Township of Tiny, Preamble
 herein called the Corporation, hereby represents that By-law No. 1236 of the Corporation, enacted on the 7th day of May, 1955, purported to authorize the closing up and sale of a portion of a subdivision road; that pursuant to the said By-law, a conveyance was made by the Township and subsequently the said closed road became part of residential subdivision lots upon which houses have been erected and the lots have been mortgaged and sold to several mortgagees and owners; that notice of the proposed passing of the By-law was not published, as required, prior to the passing of the By-law; that the By-law required the approval, by by-law, of The Corporation of the County of Simcoe within one year of the passing of the By-law by the Corporation, which approval was not obtained; that the By-law was incomplete because it did not have attached to it Schedules A and B which are referred to therein; that because of these circumstances the By-law was not effective and therefore there is a serious cloud on the titles to the subdivision lots; and whereas the Corporation hereby applies for special legislation to amend, confirm and validate the By-law; and whereas it is expedient to grant the application;

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

1. By-law No. 1236 of the Corporation, as set out in Schedule 1 hereto, is hereby confirmed and declared to be valid and binding from the date of the passing of the By-law. By-law confirmed

2. Schedules A and B, as set out in Schedule 2 hereto, shall be deemed always to have formed part of By-law No. 1236 of the Corporation. Schedules included in By-law

3. All conveyances by the Corporation pursuant to By-law No. 1236 are hereby ratified, confirmed and declared to be valid and binding. Conveyances confirmed

Commence-
ment

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

Short title

5. The short title of this Act is the *Township of Tiny Act, 1982*.

SCHEDULE 1

BY-LAW NUMBER 1236

of the Corporation of the Township of Tiny, closing part of Bayview Road lying immediately North of part of the Northerly limit of Lot Number 3 according to registered Plan Number 1060.

WHEREAS Marc Picotte, the owner of Block "C" and Lots Numbers 3, 4 and 5, according to registered Plan 1060, for the purpose of providing better location, and to better provide for future intended re-subdivision of said parcels, has requested the council of the Corporation of the Township of Tiny to close part of Bayview Road as shown on said Plan, and has agreed to grant to the Corporation an alternative road allowance as a public highway in place of and instead of the said portion of Bayview Road desired to be closed.

Therefore the Council of the Corporation of the Township of Tiny hereby enacts as follows:

1. That the portion of Bayview Road according to registered Plan No. 1060, as described in Schedule A hereto annexed is hereby closed and stopped up.
2. Upon receipt of a conveyance to this Corporation for public highway purposes of the lands described in Schedule B hereto, the Reeve and Clerk are hereby authorized and directed to execute a Quit-Claim Deed to Marc Picotte of all of the said parcel described in Schedule A hereto.
3. This by-law shall come into force and effect on the approval thereof by the Minister of Planning and Development of the Province of Ontario.

Made, Passed and Enacted this Seventh day of May, 1955.

(S'gd.) ARTHUR DOWNER, Reeve.

(S'gd.) M. ASSELIN, Clerk.

I, Guy L. Maurice, A.M.C.T. Administrator of the Township of Tiny do certify under my hand and the corporate seal that the foregoing is a true copy of a by-law duly passed in open Council at a regular meeting held on the 7th day of May, 1955.

(S'gd.) GUY L. MAURICE, A.M.C.T. Administrator.

SCHEDULE 2

Schedule A to By-law Number 1236

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Tiny, in the County of Simcoe and Province of Ontario and being composed of part of Bayview Road according to Registered Plan 1060 for the said Township of Tiny and which said parcel or tract of land may be more particularly described as follows:

COMMENCING at an iron bar planted at the most North-westerly angle of Lot 3 according to the said Registered Plan 1060;

THENCE North 64 degrees, 11 minutes East following the Southerly limit of said Bayview Road distant 574.3 feet to an iron bar planted at a bend in said limit;

THENCE South 76 degrees, 34 minutes East following the said Southerly limit of said Bayview Road distant 929.0 feet to a bend in said limit;

THENCE South 64 degrees, 07 minutes East, still following the said Southerly limit of said Bayview Road distant 687.2 feet to a bend in said limit where said Bayview Road turns North-easterly;

THENCE North 31 degrees, 44 minutes East along the Easterly limit of said Bayview Road distant 66.3 feet to a point;

THENCE North 64 degrees, 07 minutes West 66.3 feet to a survey post planted at the South-easterly angle of Lot 5 according to said Registered Plan 1060;

THENCE continuing North 64 degrees, 07 minutes West along the Southerly limit of said Lot 5, 637.2 feet to an iron post planted at the South-westerly angle of said Lot 5;

THENCE North 76 degrees, 34 minutes West along the Southerly limit of Lot 4 according to said Registered Plan 1060 distant 465.7 feet more or less to a survey post planted at the South-westerly angle of said Lot 4;

THENCE continuing North 76 degrees, 34 minutes West along the Northern limit of the aforesaid Bayview Road distant 494.0 feet to a bend in said limit;

THENCE South 64 degrees, 11 minutes West still following the said North-erly limit of said Bayview Road, distant 220.6 feet to a point;

THENCE South 54 degrees, 16 minutes West across said Bayview Road distant 382.9 feet to the point of commencement.

Schedule B to By-law Number 1236

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Tiny, in the County of Simcoe, and being composed of all that part of Block "B", according to registered Plan No. 1060, described as follows:

COMMENCING at the most South-easterly angle of said Block "B";

THENCE South 64 degrees, 11 minutes West along the Northerly limit of Bayview Road according to said registered Plan 1060, distant 29.83 feet to a point;

THENCE North 54 degrees, 16 minutes East, distant 32.35 feet to intersect the Easterly limit of said Block "B";

THENCE South 5 degrees, 45 minutes East following the last mentioned limit distant 6 feet to the point of commencement.

An Act respecting the Township of Tiny

1st Reading

November 8th, 1982

2nd Reading

3rd Reading

MR. MCLEAN

(Private Bill)

BILL Pr41

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Township of Tiny

MR. McLEAN



BILL Pr41

1982

An Act respecting the Township of Tiny

WHEREAS The Corporation of the Township of Tiny, ^{Preamble} herein called the Corporation, hereby represents that By-law No. 1236 of the Corporation, enacted on the 7th day of May, 1955, purported to authorize the closing up and sale of a portion of a subdivision road; that pursuant to the said By-law, a conveyance was made by the Township and subsequently the said closed road became part of residential subdivision lots upon which houses have been erected and the lots have been mortgaged and sold to several mortgagees and owners; that notice of the proposed passing of the By-law was not published, as required, prior to the passing of the By-law; that the By-law required the approval, by by-law, of The Corporation of the County of Simcoe within one year of the passing of the By-law by the Corporation, which approval was not obtained; that the By-law was incomplete because it did not have attached to it Schedules A and B which are referred to therein; that because of these circumstances the By-law was not effective and therefore there is a serious cloud on the titles to the subdivision lots; and whereas the Corporation hereby applies for special legislation to amend, confirm and validate the By-law; and whereas it is expedient to grant the application;

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

1. By-law No. 1236 of the Corporation, as set out in Schedule 1 hereto, is hereby confirmed and declared to be valid and binding from the date of the passing of the By-law. ^{By-law confirmed}

2. Schedules A and B, as set out in Schedule 2 hereto, shall be deemed always to have formed part of By-law No. 1236 of the Corporation. ^{Schedules included in By-law}

3. All conveyances by the Corporation pursuant to By-law No. 1236 are hereby ratified, confirmed and declared to be valid and binding. ^{Conveyances confirmed}

Commence-
ment

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

Short title

5. The short title of this Act is the *Township of Tiny Act, 1982*.

SCHEDULE 1

BY-LAW NUMBER 1236

of the Corporation of the Township of Tiny, closing part of Bayview Road lying immediately North of part of the Northerly limit of Lot Number 3 according to registered Plan Number 1060.

WHEREAS Marc Picotte, the owner of Block "C" and Lots Numbers 3, 4 and 5, according to registered Plan 1060, for the purpose of providing better location, and to better provide for future intended re-subdivision of said parcels, has requested the council of the Corporation of the Township of Tiny to close part of Bayview Road as shown on said Plan, and has agreed to grant to the Corporation an alternative road allowance as a public highway in place of and instead of the said portion of Bayview Road desired to be closed.

Therefore the Council of the Corporation of the Township of Tiny hereby enacts as follows:

1. That the portion of Bayview Road according to registered Plan No. 1060, as described in Schedule A hereto annexed is hereby closed and stopped up.
2. Upon receipt of a conveyance to this Corporation for public highway purposes of the lands described in Schedule B hereto, the Reeve and Clerk are hereby authorized and directed to execute a Quit-Claim Deed to Marc Picotte of all of the said parcel described in Schedule A hereto.
3. This by-law shall come into force and effect on the approval thereof by the Minister of Planning and Development of the Province of Ontario.

Made, Passed and Enacted this Seventh day of May, 1955.

(S'gd.) ARTHUR DOWNER, Reeve.

(S'gd.) M. ASSELIN, Clerk.

I, Guy L. Maurice, A.M.C.T. Administrator of the Township of Tiny do certify under my hand and the corporate seal that the foregoing is a true copy of a by-law duly passed in open Council at a regular meeting held on the 7th day of May, 1955.

(S'gd.) GUY L. MAURICE, A.M.C.T. Administrator.

SCHEDULE 2

Schedule A to By-law Number 1236

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Tiny, in the County of Simcoe and Province of Ontario and being composed of part of Bayview Road according to Registered Plan 1060 for the said Township of Tiny and which said parcel or tract of land may be more particularly described as follows:

COMMENCING at an iron bar planted at the most North-westerly angle of Lot 3 according to the said Registered Plan 1060;

THENCE North 64 degrees, 11 minutes East following the Southerly limit of said Bayview Road distant 574.3 feet to an iron bar planted at a bend in said limit;

THENCE South 76 degrees, 34 minutes East following the said Southerly limit of said Bayview Road distant 929.0 feet to a bend in said limit;

THENCE South 64 degrees, 07 minutes East, still following the said Southerly limit of said Bayview Road distant 687.2 feet to a bend in said limit where said Bayview Road turns North-easterly;

THENCE North 31 degrees, 44 minutes East along the Easterly limit of said Bayview Road distant 66.3 feet to a point;

THENCE North 64 degrees, 07 minutes West 66.3 feet to a survey post planted at the South-easterly angle of Lot 5 according to said Registered Plan 1060;

THENCE continuing North 64 degrees, 07 minutes West along the Southerly limit of said Lot 5, 637.2 feet to an iron post planted at the South-westerly angle of said Lot 5;

THENCE North 76 degrees, 34 minutes West along the Southerly limit of Lot 4 according to said Registered Plan 1060 distant 465.7 feet more or less to a survey post planted at the South-westerly angle of said Lot 4;

THENCE continuing North 76 degrees, 34 minutes West along the Northern limit of the aforesaid Bayview Road distant 494.0 feet to a bend in said limit;

THENCE South 64 degrees, 11 minutes West still following the said Northern limit of said Bayview Road, distant 220.6 feet to a point;

THENCE South 54 degrees, 16 minutes West across said Bayview Road distant 382.9 feet to the point of commencement.

Schedule B to By-law Number 1236

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Tiny, in the County of Simcoe, and being composed of all that part of Block "B", according to registered Plan No. 1060, described as follows:

COMMENCING at the most South-easterly angle of said Block "B";

THENCE South 64 degrees, 11 minutes West along the Northerly limit of Bayview Road according to said registered Plan 1060, distant 29.83 feet to a point;

THENCE North 54 degrees, 16 minutes East, distant 32.35 feet to intersect the Easterly limit of said Block "B";

THENCE South 5 degrees, 45 minutes East following the last mentioned limit distant 6 feet to the point of commencement.



An Act respecting the Township of Tiny

1st Reading

November 8th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. MCLEAN

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting The Corporation of the City of Pembroke

MR. CONWAY

EXPLANATORY NOTE

The Corporation of the City of Pembroke over a period of several years passed by-laws and completed works under the *Local Improvement Act*. The Corporation failed to comply with the requirements of the said Act with respect to special assessments and the holding of courts of revision. Because of the failure to comply with the *Local Improvement Act*, the Corporation has been unable to issue debentures with respect to the works.

The Bill provides that the cost of the works which have been completed shall be assumed and paid for by the Corporation, as a whole, rather than as a charge only on the lands which received a special benefit from the works. The Bill also authorizes the Corporation to issue debentures in respect of the works.

BILL Pr42

1982

An Act respecting The Corporation of the City of Pembroke

WHEREAS The Corporation of the City of Pembroke, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the application;

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

1.—(1) Notwithstanding the *Local Improvement Act*, all Assumption
of local
improvement
charges
R.S.O. 1980,
c. 250
assessments, rates or charges levied or to be levied for works
constructed before this Act comes into force under the authority
of by-laws heretofore enacted under that Act and for which
debentures have not yet been issued shall be assumed and paid
for by the Corporation, as a whole, as a charge upon all the
rateable property in the City of Pembroke.

(2) The Corporation is hereby authorized to issue debentures Debentures
for works to which subsection (1) applies in such amounts as the
Ontario Municipal Board has approved so long as the total
amount so debentured does not exceed \$601,621.35.

(3) Debentures issued under subsection (2) shall be a charge Idem
upon all of the rateable property in the City of Pembroke.

(4) The Corporation shall not be obligated to hold any courts Courts of
revision
of revision or take any other proceedings under the *Local
Improvement Act* with respect to works to which subsection (1)
applies.

2. Sections 58 to 60 of the *Ontario Municipal Board Act* Application of
R.S.O. 1980,
c. 347
related to the certifying of the validity of debentures and to the
form of the certificate of the Board apply with necessary modifi-
cations in respect of debentures issued under subsection 1 (2).

Commence-
ment

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

Short title

4. The short title of this Act is the *City of Pembroke Act, 1982*.





An Act respecting The
Corporation of the City of Pembroke

1st Reading

November 29th, 1982

2nd Reading

3rd Reading

MR. CONWAY

(Private Bill)

Bill Pr42

An Act respecting The Corporation of the City of Pembroke

Mr. Conway

<i>1st Reading</i>	November 29th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983



Bill Pr42

1982

**An Act respecting
The Corporation of the City of Pembroke**

Whereas The Corporation of the City of Pembroke, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

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

1.—(1) Notwithstanding the *Local Improvement Act*, all assessments, rates or charges levied or to be levied for works constructed before this Act comes into force under the authority of by-laws heretofore enacted under that Act and for which debentures have not yet been issued shall be assumed and paid for by the Corporation, as a whole, as a charge upon all the rateable property in the City of Pembroke. Assumption
of local
improvement
charges
R.S.O. 1980,
c. 250

(2) The Corporation is hereby authorized to issue debentures for works to which subsection (1) applies in such amounts as the Ontario Municipal Board has approved so long as the total amount so debentured does not exceed \$601,621.35. Debentures

(3) Debentures issued under subsection (2) shall be a charge upon all of the rateable property in the City of Pembroke. Idem

(4) The Corporation shall not be obligated to hold any courts of revision or take any other proceedings under the *Local Improvement Act* with respect to works to which subsection (1) applies. Courts of
revision

2. Sections 58 to 60 of the *Ontario Municipal Board Act* related to the certifying of the validity of debentures and to the form of the certificate of the Board apply with necessary modifications in respect of debentures issued under subsection 1 (2). Application
of
R.S.O. 1980,
c. 347

Commence-
ment

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

Short title

4. The short title of this Act is the *City of Pembroke Act, 1983*.









2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Burlington

MR. KERR

EXPLANATORY NOTE

The Bill will enable the City to collect charges in relation to its downtown parking area, in addition to those which it may now collect, for the purpose of establishing a reserve fund to meet future anticipated costs.

An Act respecting the City of Burlington

WHEREAS The Corporation of the City of Burlington hereby applies Preamble
for special legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, 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 Town of Burlington Act, 1968-69*, being chapter s. 1,
144, is amended by adding thereto the following subsections: amended
 - (3) A by-law passed under subsection (1) may provide that, Additional
annual
charge
 - (a) with the approval of the Ontario Municipal Board, an
additional annual charge may be levied against the
lands in a defined area within the parking area, that in
the opinion of council derive special benefit therefrom;
and
 - (b) the entire cost chargeable under clause (a) to lands in
the defined area shall be equitably apportioned among
all parcels assessed as commercial in the proportion
that the commercial real property and business assess-
ment of each parcel bears to the total commercial real
property and business assessment in the defined area.
 - (4) The revenues from the additional annual charge referred Application
of revenues
to in subsection (3),
 - (a) may be held and accumulated as a reserve fund;
 - (b) may be used to reduce the amounts of any charge or
charges that would otherwise be levied under this sec-
tion; and
 - (c) subject to clauses (a) and (b), shall be used only for
purposes set out in subsections (1) and (2).
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *City of Burlington Act, 1982*. Short title

An Act respecting the
City of Burlington

1st Reading

November 2nd, 1982

2nd Reading

3rd Reading

MR. KERR

(Private Bill)

BILL Pr43

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Burlington

MR. KERR

Handwritten text, possibly a page number or reference, located in the upper right corner of the page.

An Act respecting the City of Burlington

WHEREAS The Corporation of the City of Burlington hereby applies Preamble for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, 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 Town of Burlington Act, 1968-69*, being chapter 144, is amended by adding thereto the following subsections: s. 1, amended

(3) A by-law passed under subsection (1) may provide that, Additional annual charge

(a) with the approval of the Ontario Municipal Board, an additional annual charge may be levied against the lands in a defined area within the parking area, that in the opinion of council derive special benefit therefrom; and

(b) the entire cost chargeable under clause (a) to lands in the defined area shall be equitably apportioned among all parcels assessed as commercial in the proportion that the commercial real property and business assessment of each parcel bears to the total commercial real property and business assessment in the defined area.

(4) The revenues from the additional annual charge referred to in subsection (3), Application of revenues

(a) may be held and accumulated as a reserve fund;

(b) may be used to reduce the amounts of any charge or charges that would otherwise be levied under this section; and

(c) subject to clauses (a) and (b), shall be used only for purposes set out in subsections (1) and (2).

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

3. The short title of this Act is the *City of Burlington Act, 1982*. Short title

An Act respecting the
City of Burlington

1st Reading

November 2nd, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. KERR

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting The Toronto Baptist Seminary

Ms. FISH

EXPLANATORY NOTE

The purpose of the Bill is to incorporate The Toronto Baptist Seminary as a degree granting institution.

BILL Pr44

1982

An Act respecting The Toronto Baptist Seminary

WHEREAS The Toronto Baptist Seminary was founded in Preamble
1927 in Toronto and incorporated by letters patent dated the 19th day of April, 1929, for the purpose of establishing and maintaining "a seminary or school for the training of students preparing for Christian work at home or abroad as pastors, missionaries, evangelists and Bible School teachers and other courses in such other Christian work and in the English Bible as may, from time to time, be arranged"; that its objects were extended by supplementary letters patent, dated the 3rd day of December, 1947, to enable it "to print, publish, distribute and sell books and other printed matter and to do all things as are incidental or conducive to the attainment of the above objects"; that since its incorporation it has exercised the authority to grant the degrees of Licentiate of Theology, Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, Master of Religious Education and honorary Doctor of Divinity; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

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-
pre-
ta-
tion

- (a) "academic unit" means a faculty, school, institute, department or other academic division of the Seminary so designated by the Board;
- (b) "Alumni Association" means the association of individuals who have received degrees or diplomas from the Seminary and who are no longer registered as students;

- (c) "Board" means the Board of Trustees of the Seminary;
- (d) "Charter Corporation" means The Toronto Baptist Seminary as it existed immediately prior to the coming into force of this Act;
- (e) "faculty" means all persons employed by the Seminary who hold the academic rank of professor, associate professor, assistant professor, lecturer or instructor;
- (f) "president" means the president of the Seminary;
- (g) "Seminary" means The Toronto Baptist Seminary, as incorporated by this Act;
- (h) "Senate" means the Senate of the Seminary;
- (i) "student" means a person who is registered as such in a program or course of study of the Seminary that leads to a degree or diploma of the Seminary;
- (j) "year" means the membership term of the Board as established by the Board.

Application of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the Seminary except to the extent that it is inconsistent with this Act.

Charter
Corporation
re-incorporated

2.—(1) The members of the Board from time to time are hereby constituted a body corporate with perpetual succession and a common seal under the name of "The Toronto Baptist Seminary".

Rights and
liabilities
continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the Seminary and the liabilities of the Charter Corporation, together with the benefits and burdens of all contracts and covenants of the Charter Corporation, are hereby continued in and assumed by the Seminary.

By-laws, etc.,
of Charter
Corporation
to continue

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, regulations, resolutions and appointments of the Seminary until amended, repealed or revoked.

Charter
Corporation
dissolved

(4) The Charter Corporation is dissolved on the day this Act comes into force.

Objects

3. The objects of the Seminary are, to train men and women for Christian service at home and abroad as pastors, missionaries, evangelists and Christian workers.

4.—(1) The Board shall be composed of,

Board of
Trustees,
composition

- (a) the Pastor of the Jarvis Street Baptist Church who shall be an *ex officio* member;
- (b) seven members elected by the members of the Jarvis Street Baptist Church for a term of two years;
- (c) three members elected by the Board for a term of two years;
- (d) the principal of the Seminary who shall be an *ex officio* member; and
- (e) the president of the Alumni Association who shall be an *ex officio* member.

(2) Until the Board is reconstituted in accordance with subsection (1), the members of the Board of Trustees of the Charter Corporation shall be the first members of the Board of the Seminary. First Board

(3) The Board shall by by-law determine the manner and procedure for the election of the members to be elected under clause (1) (c). Procedure for elections

(4) The Board may by by-law provide for the election and retirement of the members to be elected under clauses (1) (b) and (c) in rotation. Staggered terms

(5) Subject to subsection (6), no person shall be elected or appointed as a member of the Board unless he is a Canadian citizen. Citizenship requirements

(6) Subsection (5) does not apply to a person who was a member of the Board of the Charter Corporation on the day before this Act comes into force. Idem

(7) Members of the Board, if otherwise qualified, are eligible for re-election or re-appointment, as the case may be, except that no member of the Board shall serve more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person may again be eligible for membership on the Board. Re-election and re-appointment

(8) The limit of three consecutive terms referred to in subsection (7) does not include, Idem

- (a) service on the Board of the Charter Corporation; or

- (b) service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (9).

Vacancies

(9) Where a vacancy on the Board occurs before the term of office for which such person was elected has expired, the Board, in its sole discretion, shall determine if the vacancy is to be filled and, if so, and notwithstanding any other provision of this Act, the manner and procedure for so doing, and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

Quorum

(10) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall a quorum be less than two-fifths of the Board.

Powers

(11) The government, conduct, management and control of the Seminary and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Seminary including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Senate;
- (c) to appoint, promote, suspend and remove the administrative officers of the Seminary and the members of the administrative staff, after consideration of the recommendations, if any, of the Senate;
- (d) to appoint the Principal of the Seminary who shall be the chief academic officer and to define his duties and responsibilities, after consideration of the recommendations, if any, of the Senate;
- (e) to appoint and promote members of the faculty and academic officers, after consideration of the recommendations, if any, of the Senate;
- (f) to grant tenure and leave to and to suspend and remove members of the faculty and the academic officers, after consideration of the recommendations, if any, of the Senate;
- (g) to establish, change and terminate academic units within the Seminary and determine the powers and

duties of any such unit, after consideration of the recommendations, if any, of the Senate;

- (h) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, but where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (i) to establish and collect fees and charges for tuition and for services of any kind offered by the Seminary and collect fees and charges on behalf of any entity, organization or element of the Seminary;
- (j) to expend such sums as the Board considers necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students;
- (k) to borrow money for the purposes of the Seminary and give security therefor on such terms and in such amounts as it determines;
- (l) to invest all money that comes into the Seminary that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property for the purpose of drawing a revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (n) to hold, manage, sell or convert any of the real or personal property from time to time owned by the Seminary and to invest and reinvest any principal in such manner as may from time to time be determined;
- (o) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contri-

bution or as an addition to the fund or funds of the Seminary;

(p) to enact by-laws to regulate the admission of members of the faculty who are of Christian character and who are in full accord with and subscribe to the doctrinal statement of the Seminary as set out in the by-laws and who are in agreement with the aims and objectives of the Seminary;

(q) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,

(i) documents and other instruments in writing generally, or

(ii) specific documents and other instruments in writing,

and to affix the corporate seal of the Seminary thereto;

(r) to establish from time to time the membership year of the Board; and

(s) to enact by-laws respecting the doctrinal statement of the Seminary.

President

5.—(1) The Pastor of the Jarvis Street Baptist Church shall be the president of the Seminary and shall preside at all meetings of the Board.

Idem

(2) If the president is absent or unable to act, his duties and powers may be exercised by some other officer appointed by the Board for the purpose and, in the exercise of any such duty or power, the absence or inability of the president shall be presumed with reference thereto.

Audit
R.S.O. 1980,
c. 405

6. The Board shall appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least annually.

Annual
report

7. The Board shall make a financial report annually to the members of the Jarvis Street Baptist Church in such manner as the Board shall determine.

Senate

8.—(1) There shall be a Senate of the Seminary composed of,

(a) the president and the principal who shall be *ex officio* members;

- (b) the members of the faculty; and
- (c) three members of the Board, other than the president and the principal, appointed by the Board for a term of two years.

(2) The president shall be the chairman of the Senate and a vice-chairman shall be elected by the Senate for a term of two years from among its members in such manner as the Senate may determine.

(3) The Senate has, subject to the approval of the Board with respect to the expenditure of funds, the power to determine the academic policy of the Seminary and, without limiting the generality of the foregoing, has the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to make recommendations to the Board to establish and terminate programs and courses of study;
- (c) to determine the curricula of all programs and courses of study, standards of admission to the Seminary and continued registration therein, and the qualifications for graduation;
- (d) to conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners;
- (e) to award fellowships, scholarships, bursaries, prizes and other marks of academic achievement;
- (f) to award diplomas, certificates and licentiates and to grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, Master of Religious Education and honorary Doctor of Divinity;
- (g) to appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in clauses (b) to (f), but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Senate; and
- (h) to do all things necessary for carrying out the powers and duties as set out in clauses (a) to (g).

9.—(1) Subject to subsections (2) and (3), meetings of the Board and of the Senate shall be open to the public and prior

Chairman
and vice-
chairman

Powers

Meetings
open to
public

notice of such meetings shall be given to the members of the Board or the Senate, as the case may be, and to the public in such manner as the Board or the Senate, by by-law, shall respectively determine and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Senate, as the case may be.

Meetings
in camera

(2) Where matters confidential to the Seminary are to be considered at a meeting of the Board or Senate, the part of the meeting concerning such matters may be held *in camera*.

Idem

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or Senate, the part of the meeting concerning the individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board or the Senate, as the case may be, and the individual.

By-laws

10.—(1) The by-laws of the Seminary and the Senate shall be open to examination by the public during normal office hours.

Idem

(2) The Seminary and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

Property of
Charter
Corporation

11. All property heretofore or hereafter granted, conveyed, devised or bequeathed or otherwise conveyed to the Charter Corporation, any of its divisions, departments or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the Seminary.

References to
Charter
Corporation

12. For the purposes of construing any instrument or other document unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the Seminary.

Non-profit
corporation

13. The Seminary shall be carried on without the purpose of gain for the members of the Board and all profits or other accretions to the Seminary shall be used in promoting its objects.

Application of
R.S.O. 1980,
cc. 63, 65

14. The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the Seminary.

Dissolutions

15. Upon the dissolution of the Seminary and after the payment of all debts and liabilities, the remaining property of the Seminary shall be distributed to or disposed of to the Jarvis Street Baptist Church.

Commence-
ment

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

Short title

17. The short title of this Act is the *Toronto Baptist Seminary Act, 1982*.



An Act respecting
The Toronto Baptist Seminary

1st Reading

November 8th, 1982

2nd Reading

3rd Reading

MS. FISH

(Private Bill)

BILL Pr44

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting The Toronto Baptist Seminary

Ms. FISH



BILL Pr44

1982

An Act respecting The Toronto Baptist Seminary

WHEREAS The Toronto Baptist Seminary was founded in Preamble
1927 in Toronto and incorporated by letters patent dated the 19th day of April, 1929, for the purpose of establishing and maintaining “a seminary or school for the training of students preparing for Christian work at home or abroad as pastors, missionaries, evangelists and Bible School teachers and other courses in such other Christian work and in the English Bible as may, from time to time, be arranged”; that its objects were extended by supplementary letters patent, dated the 3rd day of December, 1947, to enable it “to print, publish, distribute and sell books and other printed matter and to do all things as are incidental or conducive to the attainment of the above objects”; that since its incorporation it has exercised the authority to grant the degrees of Licentiate of Theology, Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, Master of Religious Education and honorary Doctor of Divinity; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

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) “academic unit” means a faculty, school, institute, department or other academic division of the Seminary so designated by the Board;
- (b) “Alumni Association” means the association of individuals who have received degrees or diplomas from the Seminary and who are no longer registered as students;

- (c) "Board" means the Board of Trustees of the Seminary;
- (d) "Charter Corporation" means The Toronto Baptist Seminary as it existed immediately prior to the coming into force of this Act;
- (e) "faculty" means all persons employed by the Seminary who hold the academic rank of professor, associate professor, assistant professor, lecturer or instructor;
- (f) "president" means the president of the Seminary;
- (g) "Seminary" means The Toronto Baptist Seminary, as incorporated by this Act;
- (h) "Senate" means the Senate of the Seminary;
- (i) "student" means a person who is registered as such in a program or course of study of the Seminary that leads to a degree or diploma of the Seminary;
- (j) "year" means the membership term of the Board as established by the Board.

Application of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the Seminary except to the extent that it is inconsistent with this Act.

Charter
Corporation
re-incorporated

2.—(1) The members of the Board from time to time are hereby constituted a body corporate with perpetual succession and a common seal under the name of "The Toronto Baptist Seminary".

Rights and
liabilities
continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the Seminary and the liabilities of the Charter Corporation, together with the benefits and burdens of all contracts and covenants of the Charter Corporation, are hereby continued in and assumed by the Seminary.

By-laws, etc.,
of Charter
Corporation
to continue

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, regulations, resolutions and appointments of the Seminary until amended, repealed or revoked.

Charter
Corporation
dissolved

(4) The Charter Corporation is dissolved on the day this Act comes into force.

Objects

3. The objects of the Seminary are, to train men and women for Christian service at home and abroad as pastors, missionaries, evangelists and Christian workers.

4.—(1) The Board shall be composed of,

Board of
Trustees,
composition

- (a) the Pastor of the Jarvis Street Baptist Church who shall be an *ex officio* member;
- (b) seven members elected by the members of the Jarvis Street Baptist Church for a term of two years;
- (c) three members elected by the Board for a term of two years;
- (d) the principal of the Seminary who shall be an *ex officio* member; and
- (e) the president of the Alumni Association who shall be an *ex officio* member.

(2) Until the Board is reconstituted in accordance with subsection (1), the members of the Board of Trustees of the Charter Corporation shall be the first members of the Board of the Seminary. First Board

(3) The Board shall by by-law determine the manner and procedure for the election of the members to be elected under clause (1) (c). Procedure
for
elections

(4) The Board may by by-law provide for the election and retirement of the members to be elected under clauses (1) (b) and (c) in rotation. Staggered
terms

(5) Subject to subsection (6), no person shall be elected or appointed as a member of the Board unless he is a Canadian citizen. Citizenship
requirements

(6) Subsection (5) does not apply to a person who was a member of the Board of the Charter Corporation on the day before this Act comes into force. Idem

(7) Members of the Board, if otherwise qualified, are eligible for re-election or re-appointment, as the case may be, except that no member of the Board shall serve more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person may again be eligible for membership on the Board. Re-election
and re-
appointment

(8) The limit of three consecutive terms referred to in subsection (7) does not include, Idem

- (a) service on the Board of the Charter Corporation; or

- (b) service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (9).

Vacancies

(9) Where a vacancy on the Board occurs before the term of office for which such person was elected has expired, the Board, in its sole discretion, shall determine if the vacancy is to be filled and, if so, and notwithstanding any other provision of this Act, the manner and procedure for so doing, and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

Quorum

(10) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall a quorum be less than two-fifths of the Board.

Powers

(11) The government, conduct, management and control of the Seminary and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Seminary including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Senate;
- (c) to appoint, promote, suspend and remove the administrative officers of the Seminary and the members of the administrative staff, after consideration of the recommendations, if any, of the Senate;
- (d) to appoint the Principal of the Seminary who shall be the chief academic officer and to define his duties and responsibilities, after consideration of the recommendations, if any, of the Senate;
- (e) to appoint and promote members of the faculty and academic officers, after consideration of the recommendations, if any, of the Senate;
- (f) to grant tenure and leave to and to suspend and remove members of the faculty and the academic officers, after consideration of the recommendations, if any, of the Senate;
- (g) to establish, change and terminate academic units within the Seminary and determine the powers and

duties of any such unit, after consideration of the recommendations, if any, of the Senate;

- (h) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, but where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (i) to establish and collect fees and charges for tuition and for services of any kind offered by the Seminary and collect fees and charges on behalf of any entity, organization or element of the Seminary;
- (j) to expend such sums as the Board considers necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students;
- (k) to borrow money for the purposes of the Seminary and give security therefor on such terms and in such amounts as it determines;
- (l) to invest all money that comes into the Seminary that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property for the purpose of drawing a revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (n) to hold, manage, sell or convert any of the real or personal property from time to time owned by the Seminary and to invest and reinvest any principal in such manner as may from time to time be determined;
- (o) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contri-

bution or as an addition to the fund or funds of the Seminary;

- (p) to enact by-laws to regulate the admission of members of the faculty who are of Christian character and who are in full accord with and subscribe to the doctrinal statement of the Seminary as set out in the by-laws and who are in agreement with the aims and objectives of the Seminary;
- (q) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,
 and to affix the corporate seal of the Seminary thereto;
- (r) to establish from time to time the membership year of the Board; and
- (s) to enact by-laws respecting the doctrinal statement of the Seminary.

President

5.—(1) The Pastor of the Jarvis Street Baptist Church shall be the president of the Seminary and shall preside at all meetings of the Board.

Idem

(2) If the president is absent or unable to act, his duties and powers may be exercised by some other officer appointed by the Board for the purpose and, in the exercise of any such duty or power, the absence or inability of the president shall be presumed with reference thereto.

Audit
R.S.O. 1980,
c. 405

6. The Board shall appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least annually.

Annual
report

7. The Board shall make a financial report annually to the members of the Jarvis Street Baptist Church in such manner as the Board shall determine.

Senate

8.—(1) There shall be a Senate of the Seminary composed of,

- (a) the president and the principal who shall be *ex officio* members;

(b) the members of the faculty; and

(c) three members of the Board, other than the president and the principal, appointed by the Board for a term of two years.

(2) The president shall be the chairman of the Senate and a vice-chairman shall be elected by the Senate for a term of two years from among its members in such manner as the Senate may determine. Chairman and vice-chairman

(3) The Senate has, subject to the approval of the Board with Powers the academic policy of the Seminary and, without limiting the generality of the foregoing, has the power,

(a) to enact by-laws for the conduct of its affairs;

(b) to make recommendations to the Board to establish and terminate programs and courses of study;

(c) to determine the curricula of all programs and courses of study, standards of admission to the Seminary and continued registration therein, and the qualifications for graduation;

(d) to conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners;

(e) to award fellowships, scholarships, bursaries, prizes and other marks of academic achievement;

(f) to award diplomas, certificates and licentiates and to grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, Master of Religious Education and honorary Doctor of Divinity;

(g) to appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in clauses (b) to (f), but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Senate; and

(h) to do all things necessary for carrying out the powers and duties as set out in clauses (a) to (g).

9.—(1) Subject to subsections (2) and (3), meetings of the Board and of the Senate shall be open to the public and prior Meetings open to public

notice of such meetings shall be given to the members of the Board or the Senate, as the case may be, and to the public in such manner as the Board or the Senate, by by-law, shall respectively determine and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Senate, as the case may be.

Meetings
in camera

(2) Where matters confidential to the Seminary are to be considered at a meeting of the Board or Senate, the part of the meeting concerning such matters may be held *in camera*.

Idem

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or Senate, the part of the meeting concerning the individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board or the Senate, as the case may be, and the individual.

By-laws

10.—(1) The by-laws of the Seminary and the Senate shall be open to examination by the public during normal office hours.

Idem

(2) The Seminary and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

Property of
Charter
Corporation

11. All property heretofore or hereafter granted, conveyed, devised or bequeathed or otherwise conveyed to the Charter Corporation, any of its divisions, departments or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the Seminary.

References to
Charter
Corporation

12. For the purposes of construing any instrument or other document unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the Seminary.

Non-profit
corporation

13. The Seminary shall be carried on without the purpose of gain for the members of the Board and all profits or other accretions to the Seminary shall be used in promoting its objects.

Application of
R.S.O. 1980,
cc. 63, 65

14. The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the Seminary.

Dissolutions

15. Upon the dissolution of the Seminary and after the payment of all debts and liabilities, the remaining property of the Seminary shall be distributed to or disposed of to the Jarvis Street Baptist Church.

Commence-
ment

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

Short title

17. The short title of this Act is the *Toronto Baptist Seminary Act, 1982*.



An Act respecting
The Toronto Baptist Seminary

1st Reading

November 8th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MS. FISH

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting Ontario Bible College and
Ontario Theological Seminary**

MR. WILLIAMS

EXPLANATORY NOTE

The purpose of the Bill is to incorporate Ontario Bible College and Ontario Theological Seminary as a degree granting institution.

BILL Pr45

1982

An Act respecting Ontario Bible College and Ontario Theological Seminary

WHEREAS Ontario Bible College hereby represents that it Preamble
 or its predecessors have been in existence since 1894; that the predecessors of Ontario Bible College are Toronto Bible College and The London Bible Institute; that the said Toronto Bible College was founded in 1894 in Toronto and incorporated by declaration of incorporation, dated the 14th day of January, 1898, under the name "The Toronto Bible Training School"; that its name was changed by order-in-council, dated the 10th day of December, 1912, to "The Toronto Bible College"; that it was reincorporated by letters patent dated the 20th day of January, 1916, as "Toronto Bible College" with the purpose "to train men and women for Christian work at home and abroad in the knowledge and practical use of the English Bible on an inter-denominational basis"; that its objects were extended by supplementary letters patent, dated the 17th day of November, 1955 "to award degrees on compliance with prescribed standards and completion of prescribed courses of study ..."; that its provisions relating to membership were varied by supplementary letters patent dated the 12th day of August, 1960; that The London Bible Institute was incorporated by letters patent dated the 9th day of December, 1938; that its name was changed by supplementary letters patent dated the 7th day of July, 1950 to "The London Bible Institute and Theological Seminary" and its objects were extended "to grant the following degrees, namely Bachelor of Theology, Bachelor of Religious Education, Bachelor of Divinity, Doctor of Divinity and otherwise generally such advanced degrees in the field of religious study as may be appropriate ..."; that its name was changed by supplementary letters patent dated the 2nd day of March, 1962 to "London College of Bible and Missions"; that its name was changed to "Ontario Bible College" by supplementary letters patent dated the 27th day of September, 1968; that Toronto Bible College and Ontario Bible College amalgamated by letters patent of amalgamation dated the 1st day of May, 1971 to form one corporation under the name "Ontario Bible College" with the continuing rights "to grant the following degrees, namely Bachelor of

Theology, Bachelor of Religious Education, Doctor of Divinity and other appropriate degrees in the field of religious study”; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

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

Interpre-
tation

1.—(1) In this Act,

- (a) “academic unit” means a college, faculty, school, institute, seminary, department or other academic division of the College so designated by the Board;
- (b) “Alumni Association” means the association of individuals who have received degrees, diplomas or certificates from the College and who are no longer registered as students;
- (c) “Board” means the Board of Governors of the College;
- (d) “Cabinet” means the President’s Cabinet of the College;
- (e) “Charter Corporation” means Ontario Bible College as it existed immediately prior to the coming into force of this Act;
- (f) “College” means Ontario Bible College and Ontario Theological Seminary;
- (g) “faculty” means all persons employed by the College who hold the academic rank of professor, associate professor, assistant professor, lecturer or instructor;
- (h) “student” means a person who is registered as such in a program or course of study at the College that leads to a degree, diploma or certificate of the College;
- (i) “year” means the membership year of the Board as established by the Board.

Application of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the College, except to the extent that it is inconsistent with this Act.

Charter
Corporation
reincorporated

2.—(1) The members of the College from time to time are hereby constituted a body corporate with perpetual succession

and a common seal under the name of "Ontario Bible College and Ontario Theological Seminary".

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College. Rights and liabilities continued

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, regulations, resolutions and appointments of the College until amended, repealed or revoked. By-laws, etc., continued

(4) The Charter Corporation is dissolved on the day this Act comes into force. Charter Corporation dissolved

3.—(1) The objects of the College are, Objects

(a) to train men and women for Christian service at home and abroad in the knowledge and practical use of the Bible on an interdenominational basis; and

(b) to develop Christian character and maturity through sound Biblical and theological instruction, and through the practice of a devotional life, both personal and corporate, through Christian service opportunities and through a thorough understanding of man and contemporary issues in our society from a Christian perspective.

(2) The College shall be carried on without the purpose of gain for its members and all profits or other accretions to the College shall be used in promoting its objects. Non-profit corporation

4.—(1) The affairs of the College shall be managed by the Board of Governors, each of whom, at the time of his election or within ten days thereafter and throughout his term of office, shall be a member of the College. Board of Governors

(2) The Board shall consist of twenty-five persons until it is reduced or increased in size in accordance with subsection (11). Composition

(3) The president of the Alumni Association shall be an *ex officio* member of the Board. *Ex officio* membership

(4) Until the Board is reconstituted in accordance with subsection (5), the members of the Board shall be the persons named in the Schedule hereto. First members

- Election and term of office (5) Subject to subsections (3), (9) and (10), the Governors shall be elected by the members of the College at the annual meeting of the members and shall hold office for a period of three years.
- Staggered terms (6) The Board may by by-law provide for the election and retirement of Governors in rotation.
- Re-election, maximum term of office (7) Subject to section 8, a retiring Governor is eligible for re-election, if otherwise qualified, except that no member of the Board shall serve for more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person shall again be eligible for membership on the Board.
- Idem (8) The limit of three consecutive terms referred to in subsection (7) does not include service on the Board prior to the day this Act comes into force, service on the Board as the President of the College or the president of the Alumni Association, or service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (9).
- Vacancies (9) Where a quorum of Governors remains in office, any vacancy occurring in the Board may be filled for the remainder of the term of the person whose membership is vacant by the Governors then in office from among the qualified members of the College but, where the vacancy is not filled by the Board, the vacancy shall be filled at the next annual meeting of the members of the College at which the Governors for the ensuing term are elected, and the person so elected shall serve for the remainder of the term of the person whose membership is vacant.
- Idem (10) If, as a result of a vacancy occurring in the Board, there is no longer a quorum of the Board, the remaining members of the Board shall forthwith call a meeting of the members of the College to fill all vacancies on the Board.
- Variation (11) Notwithstanding subsection (2), the Board may by by-law reduce or increase the size of the Board but the Board shall not be reduced to less than twenty-one Governors and such by-law shall not become effective until such time as it has been confirmed by the members of the College.
- Quorum (12) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall a quorum be less than two-fifths of the Board.
- Majority vote (13) Questions arising at any meeting of the Board shall be decided by a majority of votes.
- Deciding vote (14) In case of an equality of votes, the chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

(15) Subject to subsection (16), no person shall be elected a ^{Citizenship} member of the Board unless he is a Canadian citizen.

(16) Subsection (15) does not apply to a person who was a ^{Idem} member of the Board of the Charter Corporation on the day before this Act comes into force.

(17) The government, conduct, management and control of ^{Powers} the College and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Cabinet and the faculty;
- (c) to appoint, promote, suspend and remove the administrative officers of the College and the members of the administrative staff;
- (d) to appoint and promote members of the faculty and academic officers;
- (e) to grant tenure and leave to and to suspend and remove the academic officers and members of the faculty;
- (f) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (g) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, provided that where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (h) to federate or affiliate the College with any other institution of higher learning;
- (i) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;

- (j) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (k) to invest all money that comes into the College that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (l) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property and for the purpose of drawing a revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (m) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and reinvest any principal in such manner as may from time to time be determined;
- (n) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the fund or funds of the College;
- (o) to enact by-laws to regulate the admission of individuals of Christian character who are in full accord with and subscribe to the doctrinal statement of the College as set out in the by-laws and who are in agreement with the aims and objectives of the College as members and to establish classes of members and the qualifications of and the conditions of such classes of membership;
- (p) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,

and to affix the corporate seal of the College thereto;
and

- (q) to establish from time to time the membership year of the Board.

(18) Subject to subsections (19) and (20), a meeting of the Board shall be open to the public and prior notice of the meeting shall be given to the members of the Board and to the public in such manner as the Board, by by-law, shall determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board. Meeting open to the public

(19) Where matters confidential to the College are to be considered, the part of the meeting concerning such matters may be held *in camera*. Meetings in camera

(20) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board and the individual. Idem

5.—(1) There shall be a Cabinet of the College, to be known as the President's Cabinet, composed of, Cabinet

- (a) the President of the College;
- (b) the Dean of Ontario Bible College;
- (c) the Dean of any academic unit;
- (d) the administrative assistants to the President of the College; and
- (e) such other persons as may be appointed by the Board.

(2) The Cabinet and the faculty, acting together, shall have the following powers and duties: Powers and duties of Cabinet and faculty

1. To make recommendations to the Board to establish and terminate programs and courses of study.
2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.
3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.

4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Bachelor of Sacred Music, Master of Theology, Master of Religious Education, Master of Theological Studies, Master of Divinity, Doctor of Ministry, Doctor of Theology and the honorary degree of Doctor of Divinity.
6. To appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, provided that where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Cabinet, the faculty or a combination thereof.
7. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 6.

By-laws open
for public
inspection

6.—(1) The by-laws of the College shall be open to examination by the public during normal business hours.

Publication
of by-laws

(2) The College shall publish its by-laws from time to time in such manner as it considers proper.

Members of
the College

7.—(1) Membership of the College will be comprised of the members of the Charter Corporation and such other individuals as are from time to time admitted as members by the Board, but at no time shall the membership number be less than that of the Board.

Admission
of members

(2) Notwithstanding subsection 4 (13), members of the College shall be admitted by a two-thirds vote of the Board at a meeting duly called to consider their election or at a regular meeting of the Board.

Annual
meeting

(3) Members of the College shall meet annually for the purpose of receiving the audited financial reports and other reports, to elect Governors, to appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the College at least annually, and for the general transaction of any business which might arise.

R.S.O. 1980,
c. 405

Special or
general
meetings

(4) The Board may call special or general meetings of the members of the College at any time.

Quorum

(5) Unless the by-laws otherwise provide, a majority of the members of the College constitutes a quorum for the transaction

of business, but in no case shall a quorum be less than two-fifths of the members.

(6) Unless specifically otherwise provided herein, questions arising at any meeting of the members of the College shall be decided by a majority of the votes. Majority
vote

(7) Each member in good standing shall be entitled to one vote on each question arising at any special or general meeting of the members. Voting

(8) In case of an equality of votes, the President of the College, in addition to his original vote, shall have a second and deciding vote. Deciding
vote

(9) Notice of the time and place of every special or general meeting shall be given to each member of the College by sending notice by prepaid post or telegraph ten days before the time fixed for the holding of such meeting. Notice

(10) Any meeting of the members of the College may be adjourned to any time and from time to time and such business may be transacted at such adjourned meeting as might have been transacted at the original meeting from which such adjournment took place and no notice shall be required of any such adjourned meeting. Adjourned
meetings

8.—(1) There shall be a President, a secretary and a treasurer, or in lieu of a secretary and a treasurer, a secretary-treasurer of the College, a chairman, and a vice-chairman of the Board, and such other officers as the Board may determine from time to time. Officers

(2) The President of the College, the chairman and vice-chairman of the Board shall be elected by the Board from among the Governors appointed or elected under section 4 at the first meeting of the Board after the annual meeting of the College but, in default of such elections, the then incumbents being members of the Board shall hold office until their successors are elected. Election of
President,
chairman and
vice-chairman

(3) The secretary and treasurer or secretary-treasurer of the College and any other officers that may be appointed by the Board need not be members of the Board or of the College. Appointment
of officers

(4) The chairman of the Board shall preside at meetings of the Board and, in his absence, the vice-chairman shall preside at such meetings or, in their absence, the President. Chairman to
preside at
meetings of
the Board

(5) The President shall preside at all meetings of the College. President to
preside at
meetings of
the College

Absence of
President

(6) When the President is absent or unable to act, his duties and powers may be exercised by some other officer appointed by the Board for the purpose and, in the exercise of any such duty or power, the absence or inability of the President shall be presumed with reference thereto.

Property
of Charter
Corporation

9. All property heretofore or hereafter, by statute or otherwise, granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions, departments, or the College or any of its academic units or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the College.

Reference
to Charter
Corporation
deemed
reference
to College

10. For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the College.

Application of
R.S.O. 1980,
cc. 63, 65

11. The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the College.

Dissolution

12. Upon the dissolution of the College and after the payment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of to charitable organizations in Canada having objects of a religious nature as similar as possible to those of the College.

Commence-
ment

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

Short title

14. The short title of this Act is the *Ontario Bible College and Ontario Theological Seminary Act, 1982*.

SCHEDULE

FIRST GOVERNORS

Dr. Victor Adrian
Mr. Hugh James Anderson
Mr. David George Cleveland Andrus
Dr. Steward Lorne Boehmer
Mr. Harold Nelson Botsford
Mr. William Thomas David Cross
Mr. Alexander David Fisher
Mr. Douglas Vivian Gonder
Dr. Gerald Baden Griffiths
Mr. Howard Eldon Hunt
Mr. Gordon Henry Johnson
Mr. John Isaac Love
Dr. William David Edison Matthews
Mr. John Alexander McCleery
Mr. Robert McClintock
Mr. Lorne Percy Millar
Mr. Geoffrey Lloyd Moore
Rev. Howard Dorman Quinton
Mr. James Thornton Rawson
Mr. Derrick Kenneth Schwartzel
Mr. Allen Norman Scott
Mr. Leonard Claude Simmonds
Miss Patricia Ann Slade
Mr. Roy Gordon Tredgett
Mr. Wilfred Joseph Wright





An Act respecting Ontario Bible
College and Ontario Theological Seminary

1st Reading

November 8th, 1982

2nd Reading

3rd Reading

MR. WILLIAMS

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting Ontario Bible College and
Ontario Theological Seminary**

MR. WILLIAMS

*(Reprinted as amended by the Committee on
Regulations and Other Statutory Instruments)*

EXPLANATORY NOTE

The purpose of the Bill is to incorporate Ontario Bible College and Ontario Theological Seminary as a degree granting institution.

BILL Pr45

1982

An Act respecting Ontario Bible College and Ontario Theological Seminary

WHEREAS Ontario Bible College hereby represents that it Preamble
 or its predecessors have been in existence since 1894; that the predecessors of Ontario Bible College are Toronto Bible College and The London Bible Institute; that the said Toronto Bible College was founded in 1894 in Toronto and incorporated by declaration of incorporation, dated the 14th day of January, 1898, under the name "The Toronto Bible Training School"; that its name was changed by order-in-council, dated the 10th day of December, 1912, to "The Toronto Bible College"; that it was reincorporated by letters patent dated the 20th day of January, 1916, as "Toronto Bible College" with the purpose "to train men and women for Christian work at home and abroad in the knowledge and practical use of the English Bible on an inter-denominational basis"; that its objects were extended by supplementary letters patent, dated the 17th day of November, 1955 "to award degrees on compliance with prescribed standards and completion of prescribed courses of study ..."; that its provisions relating to membership were varied by supplementary letters patent dated the 12th day of August, 1960; that The London Bible Institute was incorporated by letters patent dated the 9th day of December, 1938; that its name was changed by supplementary letters patent dated the 7th day of July, 1950 to "The London Bible Institute and Theological Seminary" and its objects were extended "to grant the following degrees, namely Bachelor of Theology, Bachelor of Religious Education, Bachelor of Divinity, Doctor of Divinity and otherwise generally such advanced degrees in the field of religious study as may be appropriate ..."; that its name was changed by supplementary letters patent dated the 2nd day of March, 1962 to "London College of Bible and Missions"; that its name was changed to "Ontario Bible College" by supplementary letters patent dated the 27th day of September, 1968; that Toronto Bible College and Ontario Bible College amalgamated by letters patent of amalgamation dated the 1st day of May, 1971 to form one corporation under the name "Ontario Bible College" with the continuing rights "to grant the following degrees, namely Bachelor of

Theology, Bachelor of Religious Education, Doctor of Divinity and other appropriate degrees in the field of religious study"; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

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

Interpre-
tation

1.—(1) In this Act,

- (a) "academic unit" means a college, faculty, school, institute, seminary, department or other academic division of the College so designated by the Board;
- (b) "Alumni Association" means the association of individuals who have received degrees, diplomas or certificates from the College and who are no longer registered as students;
- (c) "Board" means the Board of Governors of the College;
- (d) "Cabinet" means the President's Cabinet of the College;
- (e) "Charter Corporation" means Ontario Bible College as it existed immediately prior to the coming into force of this Act;
- (f) "College" means Ontario Bible College and Ontario Theological Seminary;
- (g) "faculty" means all persons employed by the College who hold the academic rank of professor, associate professor, assistant professor, lecturer or instructor;
- (h) "student" means a person who is registered as such in a program or course of study at the College that leads to a degree, diploma or certificate of the College;
- (i) "year" means the membership year of the Board as established by the Board.

Application of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the College, except to the extent that it is inconsistent with this Act.

Charter
Corporation
reincorporated

2.—(1) The members of the College from time to time are hereby constituted a body corporate with perpetual succession

and a common seal under the name of "Ontario Bible College and Ontario Theological Seminary".

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College. Rights and liabilities continued

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, regulations, resolutions and appointments of the College until amended, repealed or revoked. By-laws, etc., continued

(4) The Charter Corporation is dissolved on the day this Act comes into force. Charter Corporation dissolved

3.—(1) The objects of the College are, Objects

(a) to train men and women for Christian service at home and abroad in the knowledge and practical use of the Bible on an interdenominational basis; and

(b) to develop Christian character and maturity through sound Biblical and theological instruction, and through the practice of a devotional life, both personal and corporate, through Christian service opportunities and through a thorough understanding of man and contemporary issues in our society from a Christian perspective.

(2) The College shall be carried on without the purpose of gain for its members and all profits or other accretions to the College shall be used in promoting its objects. Non-profit corporation

4.—(1) The affairs of the College shall be managed by the Board of Governors, each of whom, at the time of his election or within ten days thereafter and throughout his term of office, shall be a member of the College. Board of Governors

(2) The Board shall consist of twenty-five persons until it is reduced or increased in size in accordance with subsection (11). Composition

(3) The president of the Alumni Association shall be an *ex officio* member of the Board. *Ex officio* membership

(4) Until the Board is reconstituted in accordance with subsection (5), the members of the Board shall be the persons named in the Schedule hereto. First members

Election and term of office

(5) Subject to subsections (3), (9) and (10), the Governors shall be elected by the members of the College at the annual meeting of the members and shall hold office for a period of three years.

Staggered terms

(6) The Board may by by-law provide for the election and retirement of Governors in rotation.

Re-election, maximum term of office

(7) Subject to section 8, a retiring Governor is eligible for re-election, if otherwise qualified, except that no member of the Board shall serve for more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person shall again be eligible for membership on the Board.

Idem

(8) The limit of three consecutive terms referred to in subsection (7) does not include service on the Board prior to the day this Act comes into force, service on the Board as the President of the College or the president of the Alumni Association, or service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (9).

Vacancies

(9) Where a quorum of Governors remains in office, any vacancy occurring in the Board may be filled for the remainder of the term of the person whose membership is vacant by the Governors then in office from among the qualified members of the College but, where the vacancy is not filled by the Board, the vacancy shall be filled at the next annual meeting of the members of the College at which the Governors for the ensuing term are elected, and the person so elected shall serve for the remainder of the term of the person whose membership is vacant.

Idem

(10) If, as a result of a vacancy occurring in the Board, there is no longer a quorum of the Board, the remaining members of the Board shall forthwith call a meeting of the members of the College to fill all vacancies on the Board.

Variation

(11) Notwithstanding subsection (2), the Board may by by-law reduce or increase the size of the Board but the Board shall not be reduced to less than twenty-one Governors and such by-law shall not become effective until such time as it has been confirmed by the members of the College.

Quorum

(12) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall a quorum be less than two-fifths of the Board.

Majority vote

(13) Questions arising at any meeting of the Board shall be decided by a majority of votes.

Deciding vote

(14) In case of an equality of votes, the chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

(15) Subject to subsection (16), no person shall be elected a ^{Citizenship} member of the Board unless he is a Canadian citizen.

(16) Subsection (15) does not apply to a person who was a ^{Idem} member of the Board of the Charter Corporation on the day before this Act comes into force.

(17) The government, conduct, management and control of ^{Powers} the College and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Cabinet and the faculty;
- (c) to appoint, promote, suspend and remove the administrative officers of the College and the members of the administrative staff;
- (d) to appoint and promote members of the faculty and academic officers;
- (e) to grant tenure and leave to and to suspend and remove the academic officers and members of the faculty;
- (f) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (g) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, provided that where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (h) to federate or affiliate the College with any other institution of higher learning;
- (i) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;

- (j) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (k) to invest all money that comes into the College that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (l) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property and for the purpose of drawing a revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (m) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and reinvest any principal in such manner as may from time to time be determined;
- (n) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the fund or funds of the College;
- (o) to enact by-laws to regulate the admission of individuals of Christian character who are in full accord with and subscribe to the doctrinal statement of the College as set out in the by-laws and who are in agreement with the aims and objectives of the College as members and to establish classes of members and the qualifications of and the conditions of such classes of membership;
- (p) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,

and to affix the corporate seal of the College thereto;
and

(g) to establish from time to time the membership year of the Board.

(18) Subject to subsections (19) and (20), a meeting of the Board shall be open to the public and prior notice of the meeting shall be given to the members of the Board and to the public in such manner as the Board, by by-law, shall determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board. ^{Meeting open to the public}

(19) Where matters confidential to the College are to be considered, the part of the meeting concerning such matters may be held *in camera*. ^{Meetings in camera}

(20) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board and the individual. ^{Idem}

5.—(1) There shall be a Cabinet of the College, to be known as the President's Cabinet, composed of, ^{Cabinet}

- (a) the President of the College;
- (b) the Dean of Ontario Bible College;
- (c) the Dean of any academic unit;
- (d) the administrative assistants to the President of the College; and
- (e) such other persons as may be appointed by the Board.

(2) The Cabinet and the faculty, acting together, shall have the following powers and duties: ^{Powers and duties of Cabinet and faculty}

1. To make recommendations to the Board to establish and terminate programs and courses of study.
2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.
3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.

4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Bachelor of Sacred Music, Master of Theology, Master of Religious Education, Master of Theological Studies, Master of Divinity, Doctor of Ministry, Doctor of Theology and the honorary degree of Doctor of Divinity.
6. To appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, provided that where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Cabinet, the faculty or a combination thereof.
7. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 6.

By-laws open
for public
inspection

6.—(1) The by-laws of the College shall be open to examination by the public during normal business hours.

Publication
of by-laws

(2) The College shall publish its by-laws from time to time in such manner as it considers proper.

Members of
the College

7.—(1) Membership of the College will be comprised of the members of the Charter Corporation and such other individuals as are from time to time admitted as members by the Board, but at no time shall the membership number be less than that of the Board.

Admission
of members

(2) Notwithstanding subsection 4 (13), members of the College shall be admitted by a two-thirds vote of the Board at a meeting duly called to consider their election or at a regular meeting of the Board.

Annual
meeting

(3) Members of the College shall meet annually for the purpose of receiving the audited financial reports and other reports, to elect Governors, to appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the College at least annually, and for the general transaction of any business which might arise.

R.S.O. 1980,
c. 405

Special or
general
meetings

(4) The Board may call special or general meetings of the members of the College at any time.

Quorum

(5) Unless the by-laws otherwise provide, a majority of the members of the College constitutes a quorum for the transaction

of business, but in no case shall a quorum be less than two-fifths of the members.

(6) Subject to the provisions of this or any other Act and the by-laws of the College, questions arising at any meeting of the members of the College shall be decided by a majority of the votes.

Voting

(7) Each member in good standing shall be entitled to one vote on each question arising at any special or general meeting of the members.

Idem

(8) In case of an equality of votes, the President of the College, in addition to his original vote, shall have a second and deciding vote.

Deciding
vote

(9) Notice of the time and place of every special or general meeting shall be given to each member of the College by sending notice by prepaid post or telegraph ten days before the time fixed for the holding of such meeting.

Notice

(10) Any meeting of the members of the College may be adjourned to any time and from time to time and such business may be transacted at such adjourned meeting as might have been transacted at the original meeting from which such adjournment took place and no notice shall be required of any such adjourned meeting.

Adjourned
meetings

8.—(1) There shall be a President, a secretary and a treasurer, or in lieu of a secretary and a treasurer, a secretary-treasurer of the College, a chairman, and a vice-chairman of the Board, and such other officers as the Board may determine from time to time.

Officers

(2) The President of the College, the chairman and vice-chairman of the Board shall be elected by the Board from among the Governors appointed or elected under section 4 at the first meeting of the Board after the annual meeting of the College but, in default of such elections, the then incumbents being members of the Board shall hold office until their successors are elected.

Election of
President,
chairman and
vice-chairman

(3) The secretary and treasurer or secretary-treasurer of the College and any other officers that may be appointed by the Board need not be members of the Board or of the College.

Appointment
of officers

(4) The chairman of the Board shall preside at meetings of the Board and, in his absence, the vice-chairman shall preside at such meetings or, in their absence, the President.

Chairman to
preside at
meetings of
the Board

President to
preside at
meetings of
the College
Absence of
President

(5) The President shall preside at all meetings of the College.

(6) When the President is absent or unable to act, his duties and powers may be exercised by some other officer appointed by the Board for the purpose and, in the exercise of any such duty or power, the absence or inability of the President shall be presumed with reference thereto.

Property
of Charter
Corporation

9. All property heretofore or hereafter, by statute or otherwise, granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions, departments, or the College or any of its academic units or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the College.

Reference
to Charter
Corporation
deemed
reference
to College

10. For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the College.

Application of
R.S.O. 1980,
cc. 63, 65

11. The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the College.

Dissolution

12. Upon the dissolution of the College and after the payment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of to charitable organizations in Canada having objects of a religious nature as similar as possible to those of the College.

Commence-
ment

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

Short title

14. The short title of this Act is the *Ontario Bible College and Ontario Theological Seminary Act, 1982*.

SCHEDULE

FIRST GOVERNORS

Dr. Victor Adrian
Mr. Hugh James Anderson
Mr. David George Cleveland Andrus
Dr. Steward Lorne Boehmer
Mr. Harold Nelson Botsford
Mr. William Thomas David Cross
Mr. Alexander David Fisher
Mr. Douglas Vivian Gonder
Dr. Gerald Baden Griffiths
Mr. Howard Eldon Hunt
Mr. Gordon Henry Johnson
Mr. John Isaac Love
Dr. William David Edison Matthews
Mr. John Alexander McCleery
Mr. Robert McClintock
Mr. Lorne Percy Millar
Mr. Geoffrey Lloyd Moore
Rev. Howard Dorman Quinton
Mr. James Thornton Rawson
Mr. Derrick Kenneth Schwartzel
Mr. Allen Norman Scott
Mr. Leonard Claude Simmonds
Miss Patricia Ann Slade
Mr. Roy Gordon Tredgett
Mr. Wilfred Joseph Wright





An Act respecting Ontario Bible
College and Ontario Theological Seminary

1st Reading

November 8th, 1982

2nd Reading

3rd Reading

MR. WILLIAMS

*(Reprinted as amended by the Committee
on Regulations and Other Statutory
Instruments)*

BILL Pr45

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting Ontario Bible College and
Ontario Theological Seminary**

MR. WILLIAMS



BILL Pr45

1982

An Act respecting Ontario Bible College and Ontario Theological Seminary

WHEREAS Ontario Bible College hereby represents that it ^{Preamble} or its predecessors have been in existence since 1894; that the predecessors of Ontario Bible College are Toronto Bible College and The London Bible Institute; that the said Toronto Bible College was founded in 1894 in Toronto and incorporated by declaration of incorporation, dated the 14th day of January, 1898, under the name "The Toronto Bible Training School"; that its name was changed by order-in-council, dated the 10th day of December, 1912, to "The Toronto Bible College"; that it was reincorporated by letters patent dated the 20th day of January, 1916, as "Toronto Bible College" with the purpose "to train men and women for Christian work at home and abroad in the knowledge and practical use of the English Bible on an inter-denominational basis"; that its objects were extended by supplementary letters patent, dated the 17th day of November, 1955 "to award degrees on compliance with prescribed standards and completion of prescribed courses of study ..."; that its provisions relating to membership were varied by supplementary letters patent dated the 12th day of August, 1960; that The London Bible Institute was incorporated by letters patent dated the 9th day of December, 1938; that its name was changed by supplementary letters patent dated the 7th day of July, 1950 to "The London Bible Institute and Theological Seminary" and its objects were extended "to grant the following degrees, namely Bachelor of Theology, Bachelor of Religious Education, Bachelor of Divinity, Doctor of Divinity and otherwise generally such advanced degrees in the field of religious study as may be appropriate ..."; that its name was changed by supplementary letters patent dated the 2nd day of March, 1962 to "London College of Bible and Missions"; that its name was changed to "Ontario Bible College" by supplementary letters patent dated the 27th day of September, 1968; that Toronto Bible College and Ontario Bible College amalgamated by letters patent of amalgamation dated the 1st day of May, 1971 to form one corporation under the name "Ontario Bible College" with the continuing rights "to grant the following degrees, namely Bachelor of

Theology, Bachelor of Religious Education, Doctor of Divinity and other appropriate degrees in the field of religious study”; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

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

Interpre-
tation

1.—(1) In this Act,

- (a) “academic unit” means a college, faculty, school, institute, seminary, department or other academic division of the College so designated by the Board;
- (b) “Alumni Association” means the association of individuals who have received degrees, diplomas or certificates from the College and who are no longer registered as students;
- (c) “Board” means the Board of Governors of the College;
- (d) “Cabinet” means the President’s Cabinet of the College;
- (e) “Charter Corporation” means Ontario Bible College as it existed immediately prior to the coming into force of this Act;
- (f) “College” means Ontario Bible College and Ontario Theological Seminary;
- (g) “faculty” means all persons employed by the College who hold the academic rank of professor, associate professor, assistant professor, lecturer or instructor;
- (h) “student” means a person who is registered as such in a program or course of study at the College that leads to a degree, diploma or certificate of the College;
- (i) “year” means the membership year of the Board as established by the Board.

Application of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the College, except to the extent that it is inconsistent with this Act.

Charter
Corporation
reincorporated

2.—(1) The members of the College from time to time are hereby constituted a body corporate with perpetual succession

and a common seal under the name of "Ontario Bible College and Ontario Theological Seminary".

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College. Rights and liabilities continued

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, regulations, resolutions and appointments of the College until amended, repealed or revoked. By-laws, etc., continued

(4) The Charter Corporation is dissolved on the day this Act comes into force. Charter Corporation dissolved

3.—(1) The objects of the College are, Objects

(a) to train men and women for Christian service at home and abroad in the knowledge and practical use of the Bible on an interdenominational basis; and

(b) to develop Christian character and maturity through sound Biblical and theological instruction, and through the practice of a devotional life, both personal and corporate, through Christian service opportunities and through a thorough understanding of man and contemporary issues in our society from a Christian perspective.

(2) The College shall be carried on without the purpose of gain for its members and all profits or other accretions to the College shall be used in promoting its objects. Non-profit corporation

4.—(1) The affairs of the College shall be managed by the Board of Governors, each of whom, at the time of his election or within ten days thereafter and throughout his term of office, shall be a member of the College. Board of Governors

(2) The Board shall consist of twenty-five persons until it is reduced or increased in size in accordance with subsection (11). Composition

(3) The president of the Alumni Association shall be an *ex officio* member of the Board. *Ex officio* membership

(4) Until the Board is reconstituted in accordance with subsection (5), the members of the Board shall be the persons named in the Schedule hereto. First members

- Election and term of office (5) Subject to subsections (3), (9) and (10), the Governors shall be elected by the members of the College at the annual meeting of the members and shall hold office for a period of three years.
- Staggered terms (6) The Board may by by-law provide for the election and retirement of Governors in rotation.
- Re-election, maximum term of office (7) Subject to section 8, a retiring Governor is eligible for re-election, if otherwise qualified, except that no member of the Board shall serve for more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person shall again be eligible for membership on the Board.
- Idem (8) The limit of three consecutive terms referred to in subsection (7) does not include service on the Board prior to the day this Act comes into force, service on the Board as the President of the College or the president of the Alumni Association, or service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (9).
- Vacancies (9) Where a quorum of Governors remains in office, any vacancy occurring in the Board may be filled for the remainder of the term of the person whose membership is vacant by the Governors then in office from among the qualified members of the College but, where the vacancy is not filled by the Board, the vacancy shall be filled at the next annual meeting of the members of the College at which the Governors for the ensuing term are elected, and the person so elected shall serve for the remainder of the term of the person whose membership is vacant.
- Idem (10) If, as a result of a vacancy occurring in the Board, there is no longer a quorum of the Board, the remaining members of the Board shall forthwith call a meeting of the members of the College to fill all vacancies on the Board.
- Variation (11) Notwithstanding subsection (2), the Board may by by-law reduce or increase the size of the Board but the Board shall not be reduced to less than twenty-one Governors and such by-law shall not become effective until such time as it has been confirmed by the members of the College.
- Quorum (12) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall a quorum be less than two-fifths of the Board.
- Majority vote (13) Questions arising at any meeting of the Board shall be decided by a majority of votes.
- Deciding vote (14) In case of an equality of votes, the chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

(15) Subject to subsection (16), no person shall be elected a ^{Citizenship} member of the Board unless he is a Canadian citizen.

(16) Subsection (15) does not apply to a person who was a ^{Idem} member of the Board of the Charter Corporation on the day before this Act comes into force.

(17) The government, conduct, management and control of ^{Powers} the College and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Cabinet and the faculty;
- (c) to appoint, promote, suspend and remove the administrative officers of the College and the members of the administrative staff;
- (d) to appoint and promote members of the faculty and academic officers;
- (e) to grant tenure and leave to and to suspend and remove the academic officers and members of the faculty;
- (f) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (g) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, provided that where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (h) to federate or affiliate the College with any other institution of higher learning;
- (i) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;

- (j) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (k) to invest all money that comes into the College that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (l) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property and for the purpose of drawing a revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (m) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and reinvest any principal in such manner as may from time to time be determined;
- (n) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the fund or funds of the College;
- (o) to enact by-laws to regulate the admission of individuals of Christian character who are in full accord with and subscribe to the doctrinal statement of the College as set out in the by-laws and who are in agreement with the aims and objectives of the College as members and to establish classes of members and the qualifications of and the conditions of such classes of membership;
- (p) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,

and to affix the corporate seal of the College thereto;
and

(q) to establish from time to time the membership year of the Board.

(18) Subject to subsections (19) and (20), a meeting of the Board shall be open to the public and prior notice of the meeting shall be given to the members of the Board and to the public in such manner as the Board, by by-law, shall determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board. Meeting open to the public

(19) Where matters confidential to the College are to be considered, the part of the meeting concerning such matters may be held *in camera*. Meetings in camera

(20) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board and the individual. Idem

5.—(1) There shall be a Cabinet of the College, to be known as the President's Cabinet, composed of, Cabinet

(a) the President of the College;

(b) the Dean of Ontario Bible College;

(c) the Dean of any academic unit;

(d) the administrative assistants to the President of the College; and

(e) such other persons as may be appointed by the Board.

(2) The Cabinet and the faculty, acting together, shall have the following powers and duties: Powers and duties of Cabinet and faculty

1. To make recommendations to the Board to establish and terminate programs and courses of study.
2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.
3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.

4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Bachelor of Sacred Music, Master of Theology, Master of Religious Education, Master of Theological Studies, Master of Divinity, Doctor of Ministry, Doctor of Theology and the honorary degree of Doctor of Divinity.
6. To appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, provided that where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Cabinet, the faculty or a combination thereof.
7. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 6.

By-laws open
for public
inspection

6.—(1) The by-laws of the College shall be open to examination by the public during normal business hours.

Publication
of by-laws

(2) The College shall publish its by-laws from time to time in such manner as it considers proper.

Members of
the College

7.—(1) Membership of the College will be comprised of the members of the Charter Corporation and such other individuals as are from time to time admitted as members by the Board, but at no time shall the membership number be less than that of the Board.

Admission
of members

(2) Notwithstanding subsection 4 (13), members of the College shall be admitted by a two-thirds vote of the Board at a meeting duly called to consider their election or at a regular meeting of the Board.

Annual
meeting

(3) Members of the College shall meet annually for the purpose of receiving the audited financial reports and other reports, to elect Governors, to appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the College at least annually, and for the general transaction of any business which might arise.

R.S.O. 1980,
c. 405

Special or
general
meetings

(4) The Board may call special or general meetings of the members of the College at any time.

Quorum

(5) Unless the by-laws otherwise provide, a majority of the members of the College constitutes a quorum for the transaction

of business, but in no case shall a quorum be less than two-fifths of the members.

(6) Subject to the provisions of this or any other Act and the by-laws of the College, questions arising at any meeting of the members of the College shall be decided by a majority of the votes. Voting

(7) Each member in good standing shall be entitled to one vote on each question arising at any special or general meeting of the members. Idem

(8) In case of an equality of votes, the President of the College, in addition to his original vote, shall have a second and deciding vote. Deciding vote

(9) Notice of the time and place of every special or general meeting shall be given to each member of the College by sending notice by prepaid post or telegraph ten days before the time fixed for the holding of such meeting. Notice

(10) Any meeting of the members of the College may be adjourned to any time and from time to time and such business may be transacted at such adjourned meeting as might have been transacted at the original meeting from which such adjournment took place and no notice shall be required of any such adjourned meeting. Adjourned meetings

8.—(1) There shall be a President, a secretary and a treasurer, or in lieu of a secretary and a treasurer, a secretary-treasurer of the College, a chairman, and a vice-chairman of the Board, and such other officers as the Board may determine from time to time. Officers

(2) The President of the College, the chairman and vice-chairman of the Board shall be elected by the Board from among the Governors appointed or elected under section 4 at the first meeting of the Board after the annual meeting of the College but, in default of such elections, the then incumbents being members of the Board shall hold office until their successors are elected. Election of President, chairman and vice-chairman

(3) The secretary and treasurer or secretary-treasurer of the College and any other officers that may be appointed by the Board need not be members of the Board or of the College. Appointment of officers

(4) The chairman of the Board shall preside at meetings of the Board and, in his absence, the vice-chairman shall preside at such meetings or, in their absence, the President. Chairman to preside at meetings of the Board

President to
preside at
meetings of
the College
Absence of
President

(5) The President shall preside at all meetings of the College.

(6) When the President is absent or unable to act, his duties and powers may be exercised by some other officer appointed by the Board for the purpose and, in the exercise of any such duty or power, the absence or inability of the President shall be presumed with reference thereto.

Property
of Charter
Corporation

9. All property heretofore or hereafter, by statute or otherwise, granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions, departments, or the College or any of its academic units or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the College.

Reference
to Charter
Corporation
deemed
reference
to College

10. For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the College.

Application of
R.S.O. 1980,
cc. 63, 65

11. The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the College.

Dissolution

12. Upon the dissolution of the College and after the payment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of to charitable organizations in Canada having objects of a religious nature as similar as possible to those of the College.

Commence-
ment

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

Short title

14. The short title of this Act is the *Ontario Bible College and Ontario Theological Seminary Act, 1982*.

SCHEDULE

FIRST GOVERNORS

Dr. Victor Adrian
Mr. Hugh James Anderson
Mr. David George Cleveland Andrus
Dr. Steward Lorne Boehmer
Mr. Harold Nelson Botsford
Mr. William Thomas David Cross
Mr. Alexander David Fisher
Mr. Douglas Vivian Gonder
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Mr. James Thornton Rawson
Mr. Derrick Kenneth Schwartzel
Mr. Allen Norman Scott
Mr. Leonard Claude Simmonds
Miss Patricia Ann Slade
Mr. Roy Gordon Tredgett
Mr. Wilfred Joseph Wright





An Act respecting Ontario Bible
College and Ontario Theological Seminary

1st Reading

November 8th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. WILLIAMS

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Orillia

MR. McLEAN

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr46

1982

An Act respecting the City of Orillia

WHEREAS The Corporation of the City of Orillia, herein ^{Preamble} called the Corporation, hereby represents that *The Town of Orillia Act, 1960*, being chapter 159, validated and confirmed a by-law of the Corporation which established The Leacock Memorial Home Board and provided for the operation and maintenance of The Stephen Leacock Memorial Home; that *The City of Orillia Act, 1970*, being chapter 159, established The Orillia Parks, Community Centres and Recreation Commission to perform the functions of a board of parks management, community centre board and recreation commission; that the powers of the said Board and the said Commission may now be exercised by the council of the Corporation under the *Municipal Act*; and ^{R.S.O. 1980, c. 302} whereas the council of the Corporation considers it in the best interests of its citizens that the functions of the said Board and the said Commission be placed under the direct control of the council; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

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

1. The Leacock Memorial Home Board and The Orillia ^{Commission and Board dissolved} Parks, Community Centres and Recreation Commission are hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the Board and the Commission and all of their undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

2. All by-laws of the Board and the Commission shall ^{By-laws continued} continue as by-laws of the Corporation until amended or repealed.

3. Upon the dissolution of the Board and the Commission, ^{Employees of Commission} the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the

foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Repeals

4. The following are repealed:

1. *The Town of Orillia Act, 1960*, being chapter 159.

2. *The City of Orillia Act, 1970*, being chapter 159.

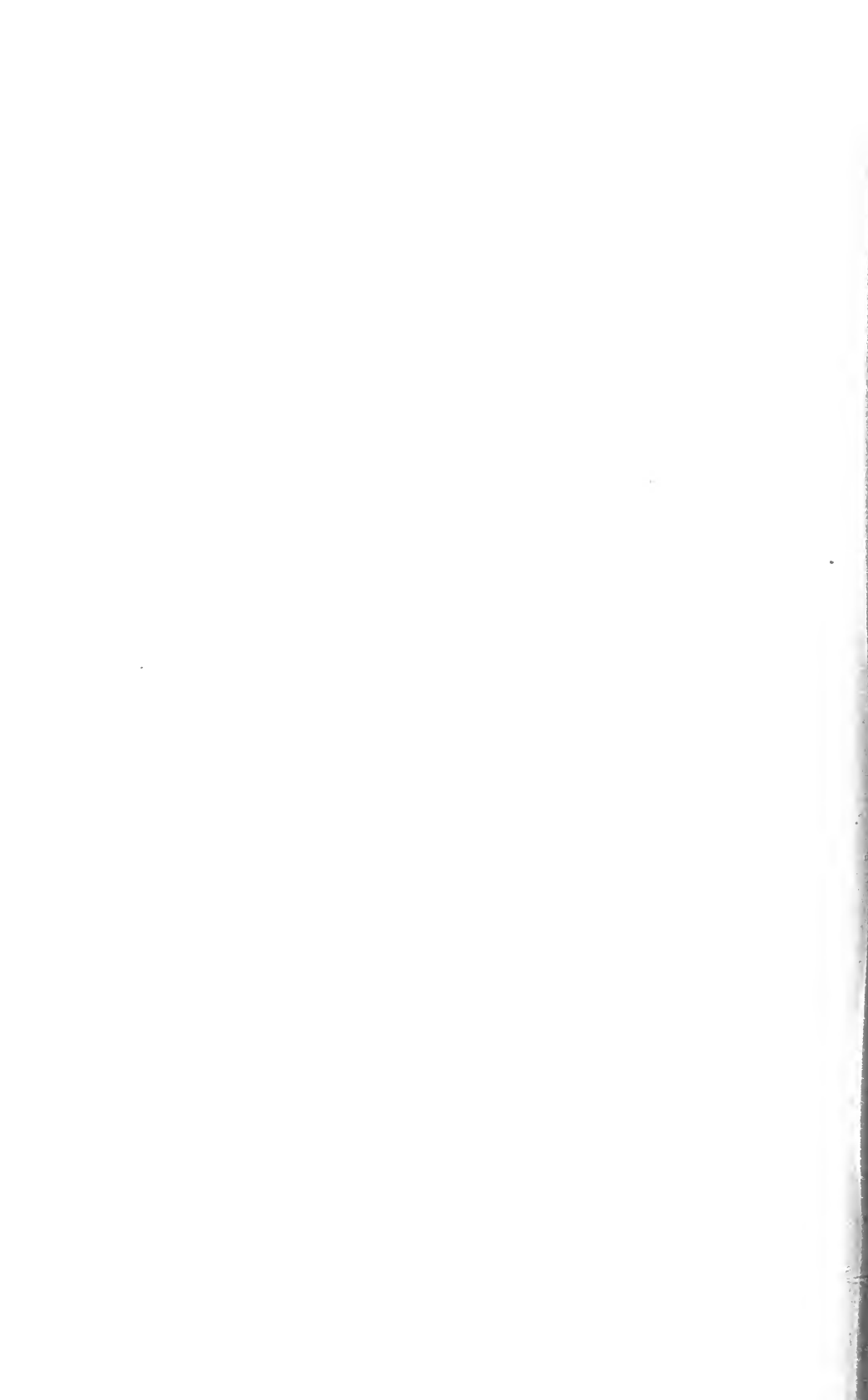
Commence-
ment

5. This Act comes into force on the 1st day of January, 1983.

Short title

6. The short title of this Act is the *City of Orillia Act, 1982*.







An Act respecting the City of Orillia

1st Reading

November 15th, 1982

2nd Reading

3rd Reading

MR. MCLEAN

(Private Bill)

BILL Pr46

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Orillia

MR. MCLEAN



BILL Pr46

1982

An Act respecting the City of Orillia

WHEREAS The Corporation of the City of Orillia, herein Preamble called the Corporation, hereby represents that *The Town of Orillia Act, 1960*, being chapter 159, validated and confirmed a by-law of the Corporation which established The Leacock Memorial Home Board and provided for the operation and maintenance of The Stephen Leacock Memorial Home; that *The City of Orillia Act, 1970*, being chapter 159, established The Orillia Parks, Community Centres and Recreation Commission to perform the functions of a board of parks management, community centre board and recreation commission; that the powers of the said Board and the said Commission may now be exercised by the council of the Corporation under the *Municipal Act*; and R.S.O. 1980, c. 302 whereas the council of the Corporation considers it in the best interests of its citizens that the functions of the said Board and the said Commission be placed under the direct control of the council; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

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

1. The Leacock Memorial Home Board and The Orillia Commission and Board dissolved Parks, Community Centres and Recreation Commission are hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the Board and the Commission and all of their undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

2. All by-laws of the Board and the Commission shall By-laws continued continue as by-laws of the Corporation until amended or repealed.

3. Upon the dissolution of the Board and the Commission, Employees of Commission the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the

foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Repeals

4. The following are repealed:

1. *The Town of Orillia Act, 1960*, being chapter 159.

2. *The City of Orillia Act, 1970*, being chapter 159.

Commence-
ment

5. This Act comes into force on the 1st day of January, 1983.

Short title

6. The short title of this Act is the *City of Orillia Act, 1982*.







An Act respecting the City of Orillia

1st Reading

November 15th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. MCLEAN

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Ukrainian Cultural Centre

MR. SHYMKO

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr47

1982

An Act respecting the Ukrainian Cultural Centre

WHEREAS the Ukrainian Cultural Centre, herein called the Centre, hereby represents that it was incorporated by letters patent dated the 17th day of June, 1957; that the Centre is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Centre has a freehold interest in lands and premises known municipally as 83-85 Christie Street, in the City of Toronto; that the Centre hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of Toronto, from municipal taxation except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

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

1. In this Act,

Interpre-
tation

- (a) "Centre" means the Ukrainian Cultural Centre;
- (b) "Corporation" means The Corporation of the City of Toronto;
- (c) "council" means the council of the Corporation.

2.—(1) The council may pass by-laws exempting from taxes for municipal or school purposes, or both, other than local improvement rates, the land, as defined in the *Assessment Act*, of the Centre, being the lands and buildings known as 83-85 Christie Street, as described in the Schedule, so long as the land is occupied and used solely for the purposes of the Centre.

Tax
exemptionR.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Idem

3.—(1) Without restricting the generality of section 2, the council may provide that a by-law passed under section 2 does

Agreement
to repay
where lands
sold

not come into force unless the Centre enters into an agreement with the Corporation whereby, if the land exempted from taxes is sold, leased or otherwise disposed of, then the taxes foregone in the preceding period of ten years or in the period since the by-law was passed, whichever period is shorter, shall immediately become payable to the Corporation.

Transfer of agreement

(2) An agreement entered into under subsection (1) may provide that, if the Centre sells, leases or otherwise disposes of the exempted land and acquires other land which it occupies and uses solely for its purposes, the Corporation may postpone the collection of the taxes foregone until such time as the substituted land is disposed of by sale, lease or otherwise.

Transfer of exemption

(3) Where an agreement has been entered into under subsection (1) and the Centre sells, leases or otherwise disposes of the land and acquires other land which it occupies and uses solely for its purposes, the City may, by by-law, transfer the tax exemption under section 2 to the substituted land.

Registration of agreement

(4) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the land described therein and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Idem

(5) Where land is substituted for the land described in an agreement made under subsection (1), the Corporation may register the agreement against the title of the substituted land, notwithstanding that the substituted land is not described in the original agreement and, upon registration of an agreement under this subsection, the land described in an agreement registered under subsection (4) is discharged from the lien or charge described in that subsection and the amounts payable under the agreement shall, until paid, be a lien or charge upon the substituted land and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Reimbursement of other taxing authorities

(6) Where the Corporation receives a payment under an agreement made under subsection (1), the Corporation shall retain for its own use, its share of the taxes foregone and shall reimburse The Municipality of Metropolitan Toronto and The Board of Education for the City of Toronto and The Metropolitan Toronto School Board and the Metropolitan Separate School Board for their share of the taxes foregone.

Repeal of by-law

(7) Notwithstanding that an agreement has been entered into under subsection (1), the council may at any time repeal a by-law

passed under section 2 or under subsection (3) without affecting the validity of the agreement and the repeal of the by-law does not accelerate the time for the repayment under the agreement of any taxes foregone.

4. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 2 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*. Deemed exemption R.S.O. 1980, cc. 314, 31

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

6. The short title of this Act is the *Ukrainian Cultural Centre Act, 1982*. Short title

SCHEDULE

Those parcels of land situate in the City of Toronto, in The Municipality of Metropolitan Toronto, described as Section M-227, parcels 20-1, 23-1, 28-1 in the Land Titles Division of Metropolitan Toronto (No. 66).





An Act respecting the
Ukrainian Cultural Centre

1st Reading

November 18th, 1982

2nd Reading

3rd Reading

MR. SHYMKO

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Ukrainian Cultural Centre

MR. SHYMKO

*(Reprinted as amended by the Committee on Regulations and other Statutory
Instruments)*

EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

BILL Pr47

1982

An Act respecting the Ukrainian Cultural Centre

WHEREAS the Ukrainian Cultural Centre, herein called the Centre, hereby represents that it was incorporated by letters patent dated the 17th day of June, 1957; that the Centre is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Centre has a freehold interest in lands and premises known municipally as 83-85 Christie Street, in the City of Toronto; that the Centre hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of Toronto, from municipal taxation except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

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

1. In this Act,

Interpre-
tation

(a) "Centre" means the Ukrainian Cultural Centre;

(b) "Corporation" means The Corporation of the City of Toronto;

(c) "council" means the council of the Corporation.

2.—(1) The council may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of the Centre, being the lands and buildings known as 83-85 Christie Street, as described in the Schedule, so long as the land is occupied and used solely for the purposes of the Centre.

Tax
exemptionR.S.O. 1980,
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(3) Where an agreement has been entered into under subsection (1) and the Centre sells, leases or otherwise disposes of the land and acquires other land which it occupies and uses solely for its purposes, the City may, by by-law, transfer the tax exemption under section 2 to the substituted land.

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(4) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the land described therein and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

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Those parcels of land situate in the City of Toronto, in The Municipality of Metropolitan Toronto, described as Section M-227, parcels 20-1, 23-1, 28-1 in the Land Titles Division of Metropolitan Toronto (No. 66).





An Act respecting the
Ukrainian Cultural Centre

1st Reading

November 18th, 1982

2nd Reading

3rd Reading

MR. SHYMKO

*(Reprinted as amended by the Committee
on Regulations and other Statutory
Instruments)*

BILL Pr47

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Ukrainian Cultural Centre

MR. SHYMKO



BILL Pr47

1982

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An Act respecting the
Ukrainian Cultural Centre

1st Reading

November 18th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. SHYMKO

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Glanworth Investments Limited

MR. COUSENS

EXPLANATORY NOTE

The purpose of the Bill is to revive Glanworth Investments Limited.

BILL Pr48

1982

An Act to revive Glanworth Investments Limited

WHEREAS Joanne Overzet hereby represents that Glanworth Investments Limited, herein called the Corporation, was incorporated by letters patent dated the 22nd day of May, 1968; that the Minister of Consumer and Commercial Relations by order dated the 7th day of July, 1980 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with *The Corporations Tax Act, 1972*, being chapter 143, and declared the Corporation to be dissolved on the 7th day of July, 1980; that the applicant was the sole director and holder of all the issued shares of the Corporation at the time of its dissolution; that the failure to comply with the said Act occurred by reason of inadvertence; that the Corporation, at the time of its dissolution, was carrying on active business and active business has continued to be carried on in the name of the Corporation since that time; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

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

1. Glanworth Investments Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

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

3. The short title of this Act is the *Glanworth Investments Limited Act, 1982*.

An Act to revive
Glanworth Investments Limited

1st Reading

December 6th, 1982

2nd Reading

3rd Reading

MR. COUSENS .

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Glanworth Investments Limited

MR. COUSENS

*(Reprinted as amended by the Committee on Regulations and Other
Statutory Instruments)*

EXPLANATORY NOTE

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BILL Pr48

1982

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2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is the *Glanworth Investments Limited Act, 1983*.

Preamble

Revival

Commence-
ment

Short title

An Act to revive
Glanworth Investments Limited

1st Reading

December 6th, 1982

2nd Reading

3rd Reading

MR. COUSENS

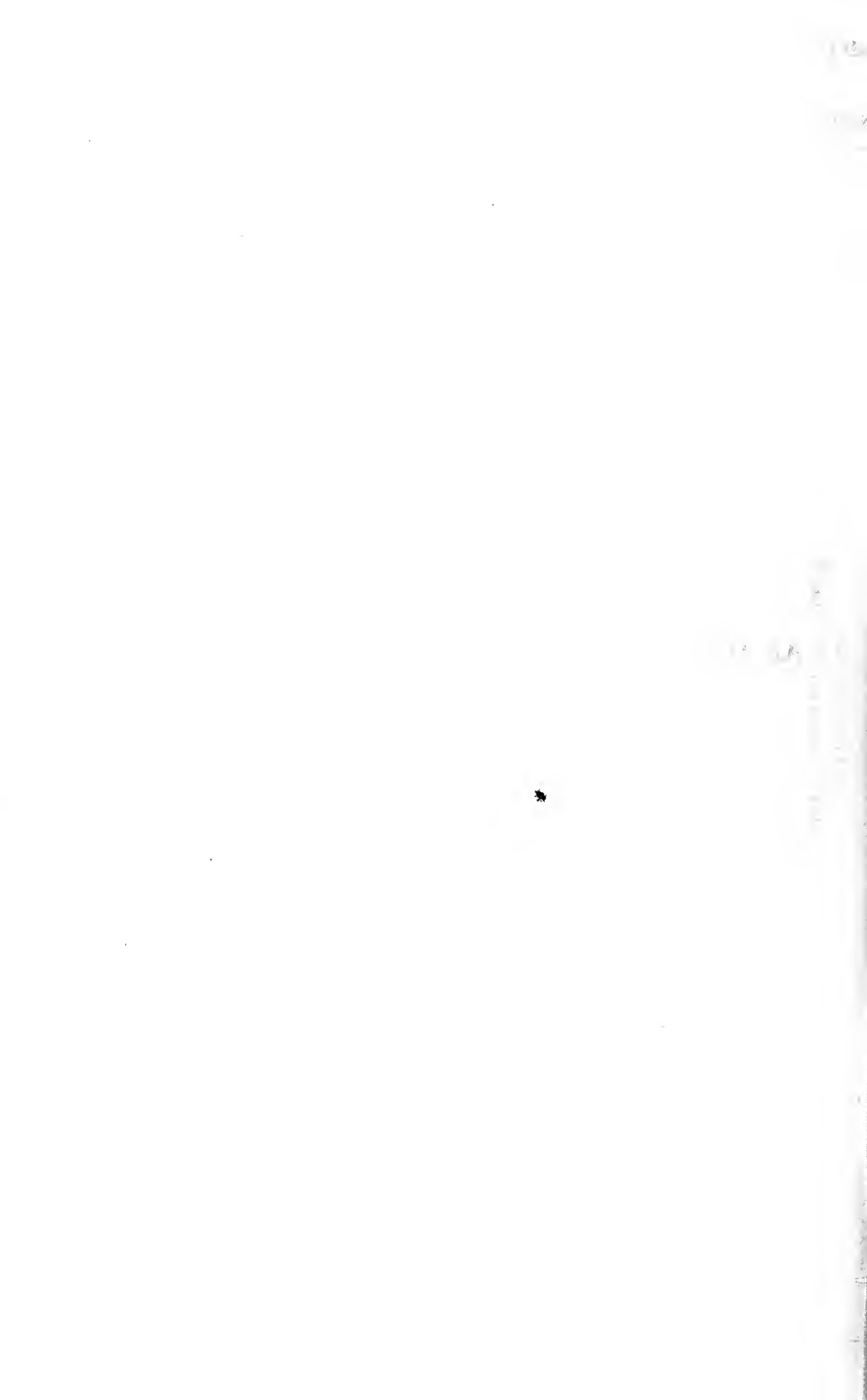
*(Reprinted as amended by the Committee
on Regulations and Other Statutory
Instruments)*

Bill Pr48

An Act to revive Glanworth Investments Limited

Mr. Cousens

<i>1st Reading</i>	December 6th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983



Bill Pr48

1982

An Act to revive Glanworth Investments Limited

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Preamble

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

1. Glanworth Investments Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

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

Commencement

3. The short title of this Act is the *Glanworth Investments Limited Act, 1983*.

Short title

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2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting the Certified General Accountants
Association of Ontario**

MR. WILLIAMS

EXPLANATORY NOTE

The Bill provides for the continuation of The Certified General Accountants Association of Ontario as a corporation incorporated under a special Act of the Legislature.

Under the Bill, the members of the Association will be given the exclusive right to use the designation Certified General Accountant.

BILL Pr50

1982

An Act respecting the Certified General Accountants Association of Ontario

WHEREAS The Certified General Accountants Association of Ontario hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 2nd day of August, 1957; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation "Certified General Accountant"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; Preamble

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,

Interpretation

- (a) "Association" means The Certified General Accountants Association of Ontario;
- (b) "Board" means the Board of Governors of the Association;
- (c) "by-law" means a by-law of the Association;
- (d) "registered" means registered as a member under this Act, and "registration" has a corresponding meaning;
- (e) "registrar" means the registrar of the Association;
- (f) "student" means a student of the Association as provided for in this Act.

2.—(1) The Certified General Accountants Association of Ontario is hereby continued as a corporation without share cap- Association continued

ital and the persons registered as members of the Association on the day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.

Continuation
of present
Board

(2) The members of the Board and the officers of the Association in office immediately prior to the coming into force of this Act are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters
patent
revoked

(3) The letters patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act
corporation

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Association are,

- (a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of an accountant or auditor;
- (b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association; and
- (c) to maintain discipline among members of the Association and students.

Powers

4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Board of
Governors

5.—(1) The affairs of the Association shall be managed by the Board of Governors.

Composition

(2) The Board shall consist of not fewer than fifteen or more than thirty-five members of the Association, as the Board may from time to time determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment to the Board of up to three persons who are not members of the Association.

Idem

(4) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elec-

tions, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws.

(5) At any meeting of the Board, a majority of the members of the Board constitutes a quorum. ^{Quorum}

(6) The Board shall elect from its number a president, an executive vice-president and three other vice-presidents and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be a member of the Board. ^{Chairman, etc.}

(7) In the case of the death, resignation or incapacity of any member of the Board, the office shall be declared vacant by the Board and the Board shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and, for the purposes of this subsection, absence from three consecutive meetings of the Board may be treated by the Board as incapacity. ^{Vacancies}

(8) The Board shall appoint a registrar, who need not be a member of the Board, and the registrar shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Board. ^{Registrar}

6. At any general or special meeting, members of the Association may be represented and vote by proxy, but, ^{Proxies}

- (a) no proxy shall be exercised by a person who is not a member of the Association; and
- (b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

7.—(1) The Board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Board may pass by-laws, ^{By-laws}

- (a) prescribing the qualifications for and conditions of registration for students;
- (b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of the Association shall be examined, and for granting certifi-

cates to students and candidates who have successfully passed the examinations;

- (c) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Association;
- (e) governing the calling, holding and conducting of meetings of the Board and of the members of the Association;
- (f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association; and
- (g) authorizing the making of grants for any purpose that may tend to advance accounting knowledge and education, or improve standards of practice in accounting, or support and encourage public information and interest in the past and present role of accounting in society.

Confirmation
of by-laws

(2) Every new by-law or change to an existing by-law is effective when it is passed by the Board but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.

Inspection
of by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Membership

8.—(1) The Association will grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,

- (a) is of good character;
- (b) is not less than eighteen years of age;
- (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and

(d) has passed such examinations as the Board may set or approve in accordance with the by-laws.

(2) The registrar shall keep a register in which shall be entered ^{Register} the names of all members of the Association in good standing and only those persons so registered are members entitled to the privileges of membership in the Association.

(3) The register shall be open to examination by the public at ^{Inspection of register} the head office of the Association during normal office hours.

(4) An individual who is qualified for membership in the ^{Appeals} Association who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Divisional Court a record of the ^{Record} proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal.

(6) An appeal under this section may be made on questions of ^{Powers of Court} law or fact, or both, and the Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper.

9.—(1) Every member of the Association may use the designation ^{Designation} "Certified General Accountant" and may use after his name the initials "C.G.A." indicating that he is a Certified General Accountant.

(2) Any person in Ontario who, not being a registered member ^{Offence} of the Association, takes or uses the designation "Certified General Accountant" or "C.G.A." alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that he is a Certified General Accountant is guilty of an offence.

(3) In every case where registration is an issue, the production ^{Evidence} of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of

the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without any proof of his signature or of his being in fact the registrar.

Idem (4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Right to practise unaffected **10.** This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as an accountant or auditor in the Province of Ontario.

Surplus **11.** Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Commencement **12.** This Act comes into force on the day it receives Royal Assent.

Short title **13.** The short title of this Act is the *Certified General Accountants Association of Ontario Act, 1982*.





An Act respecting the Certified General
Accountants Association of Ontario

1st Reading

December 2nd, 1982

2nd Reading

3rd Reading

MR. WILLIAMS

(Private Bill)

Bill Pr50

An Act respecting the Certified General Accountants Association of Ontario

Mr. Williams

1st Reading December 2nd, 1982

2nd Reading

3rd Reading

Royal Assent

*(Reprinted as amended by the
Committee on Regulations and other Statutory Instruments)*

EXPLANATORY NOTE

The Bill provides for the continuation of The Certified General Accountants Association of Ontario as a corporation incorporated under a special Act of the Legislature.

Under the Bill, the members of the Association will be given the exclusive right to use the designation Certified General Accountant.

Bill Pr50

1982

An Act respecting the Certified General Accountants Association of Ontario

Whereas The Certified General Accountants Association of Ontario hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 2nd day of August, 1957; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation "Certified General Accountant"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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,

Interpretation

- (a) "Association" means The Certified General Accountants Association of Ontario;
- (b) "Board" means the Board of Governors of the Association;
- (c) "by-law" means a by-law of the Association;
- (d) "registered" means registered as a member under this Act, and "registration" has a corresponding meaning;
- (e) "registrar" means the registrar of the Association;
- (f) "student" means a student of the Association as provided for in this Act.

2.—(1) The Certified General Accountants Association of Ontario is hereby continued as a corporation without share

Association continued

capital and the persons registered as members of the Association on the day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.

Continuation
of present
Board

(2) The members of the Board and the officers of the Association in office immediately prior to the coming into force of this Act are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters
patent
revoked

(3) The letters patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act
corporation

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Association are,

- (a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of an accountant;
- (b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association; and
- (c) to maintain discipline among members of the Association and students.

Powers

4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Board of
Governors

5.—(1) The affairs of the Association shall be managed by the Board of Governors.

Composition

(2) The Board shall consist of not fewer than fifteen or more than thirty-five members of the Association, as the Board may from time to time determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment to the Board of up to three persons who are not members of the Association.

(4) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws. Idem

(5) At any meeting of the Board, a majority of the members of the Board constitutes a quorum. Quorum

(6) The Board shall elect from its number a president, an executive vice-president and three other vice-presidents and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be a member of the Board. Chairman, etc.

(7) In the case of the death, resignation or incapacity of any member of the Board, the office shall be declared vacant by the Board and the Board shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and, for the purposes of this subsection, absence from three consecutive meetings of the Board may be treated by the Board as incapacity. Vacancies

(8) The Board shall appoint a registrar, who need not be a member of the Board, and the registrar shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Board. Registrar

6. At any general or special meeting, members of the Association may be represented and vote by proxy, but, Proxies

- (a) no proxy shall be exercised by a person who is not a member of the Association; and
- (b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

7.—(1) The Board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Board may pass by-laws, By-laws

- (a) prescribing the qualifications for and conditions of registration for students;
- (b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of

the Association shall be examined, and for granting certificates to students and candidates who have successfully passed the examinations;

- (c) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Association;
- (e) governing the calling, holding and conducting of meetings of the Board and of the members of the Association;
- (f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association; and
- (g) authorizing the making of grants for any purpose that may tend to advance accounting knowledge and education, or improve standards of practice in accounting, or support and encourage public information and interest in the past and present role of accounting in society.

Confirmation
of by-laws

(2) Every new by-law or change to an existing by-law is effective when it is passed by the Board but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.

Inspection of
by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Membership

8.—(1) The Association will grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,

- (a) is of good character;
- (b) is not less than eighteen years of age;

(c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and

(d) has passed such examinations as the Board may set or approve in accordance with the by-laws.

(2) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing and only those persons so registered are members entitled to the privileges of membership in the Association. Register

(3) The register shall be open to examination by the public at the head office of the Association during normal office hours. Inspection of register

(4) An individual who is qualified for membership in the Association who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction. Appeals

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Divisional Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal. Record

(6) An appeal under this section may be made on questions of law or fact, or both, and the Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper. Powers of Court

9.—(1) Every member of the Association may use the designation "Certified General Accountant" and may use after his name the initials "C.G.A." indicating that he is a Certified General Accountant. Designation

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Certified General Accountant" or "C.G.A." alone or in combination with any other word, name, title, initial or description, or Offence

implies, suggests or holds out that he is a Certified General Accountant is guilty of an offence.

Evidence

(3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without any proof of his signature or of his being in fact the registrar.

Idem

(4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Right to practise unaffected

10.—(1) This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as an accountant in the Province of Ontario.

Application of R.S.O. 1980, c. 405

(2) The rights and privileges of a member of the Association do not include the right to practise as a public accountant, as defined in the *Public Accountancy Act*, unless the member is licensed under that Act.

Surplus

11. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Commencement

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

Short title

13. The short title of this Act is the *Certified General Accountants Association of Ontario Act, 1982*.

Bill Pr50

*(Chapter Pr6
Statutes of Ontario, 1983)*

An Act respecting the Certified General Accountants Association of Ontario

Mr. Williams

<i>1st Reading</i>	December 2nd, 1982
<i>2nd Reading</i>	February 8th, 1983
<i>3rd Reading</i>	February 8th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill Pr50**1982**

**An Act respecting the Certified General
Accountants Association of Ontario**

Whereas The Certified General Accountants Association of Ontario hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 2nd day of August, 1957; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation "Certified General Accountant"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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

1. In this Act,

Interpre-
tation

- (a) "Association" means The Certified General Accountants Association of Ontario;
- (b) "Board" means the Board of Governors of the Association;
- (c) "by-law" means a by-law of the Association;
- (d) "registered" means registered as a member under this Act, and "registration" has a corresponding meaning;
- (e) "registrar" means the registrar of the Association;
- (f) "student" means a student of the Association as provided for in this Act.

2.—(1) The Certified General Accountants Association of Ontario is hereby continued as a corporation without share

Association
continued

capital and the persons registered as members of the Association on the day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.

Continuation
of present
Board

(2) The members of the Board and the officers of the Association in office immediately prior to the coming into force of this Act are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters
patent
revoked

(3) The letters patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act
corporation

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Association are,

- (a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of an accountant;
- (b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association; and
- (c) to maintain discipline among members of the Association and students.

Powers

4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Board of
Governors

5.—(1) The affairs of the Association shall be managed by the Board of Governors.

Composition

(2) The Board shall consist of not fewer than fifteen or more than thirty-five members of the Association, as the Board may from time to time determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment to the Board of up to three persons who are not members of the Association.

(4) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws. Idem

(5) At any meeting of the Board, a majority of the members of the Board constitutes a quorum. Quorum

(6) The Board shall elect from its number a president, an executive vice-president and three other vice-presidents and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be a member of the Board. Chairman,
etc.

(7) In the case of the death, resignation or incapacity of any member of the Board, the office shall be declared vacant by the Board and the Board shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and, for the purposes of this subsection, absence from three consecutive meetings of the Board may be treated by the Board as incapacity. Vacancies

(8) The Board shall appoint a registrar, who need not be a member of the Board, and the registrar shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Board. Registrar

6. At any general or special meeting, members of the Association may be represented and vote by proxy, but, Proxies

(a) no proxy shall be exercised by a person who is not a member of the Association; and

(b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

7.—(1) The Board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Board may pass by-laws, By-laws

(a) prescribing the qualifications for and conditions of registration for students;

(b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of

the Association shall be examined, and for granting certificates to students and candidates who have successfully passed the examinations;

- (c) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Association;
- (e) governing the calling, holding and conducting of meetings of the Board and of the members of the Association;
- (f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association; and
- (g) authorizing the making of grants for any purpose that may tend to advance accounting knowledge and education, or improve standards of practice in accounting, or support and encourage public information and interest in the past and present role of accounting in society.

Confirmation
of by-laws

(2) Every new by-law or change to an existing by-law is effective when it is passed by the Board but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.

Inspection of
by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Membership

8.—(1) The Association will grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,

- (a) is of good character;
- (b) is not less than eighteen years of age;

(c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and

(d) has passed such examinations as the Board may set or approve in accordance with the by-laws.

(2) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing and only those persons so registered are members entitled to the privileges of membership in the Association. Register

(3) The register shall be open to examination by the public at the head office of the Association during normal office hours. Inspection of register

(4) An individual who is qualified for membership in the Association who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction. Appeals

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Divisional Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal. Record

(6) An appeal under this section may be made on questions of law or fact, or both, and the Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper. Powers of Court

9.—(1) Every member of the Association may use the designation "Certified General Accountant" and may use after his name the initials "C.G.A." indicating that he is a Certified General Accountant. Designation

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Certified General Accountant" or "C.G.A." alone or in combination with any other word, name, title, initial or description, or Offence

implies, suggests or holds out that he is a Certified General Accountant is guilty of an offence.

Evidence

(3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without any proof of his signature or of his being in fact the registrar.

Idem

(4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Right to practise unaffected

10.—(1) This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as an accountant in the Province of Ontario.

Application of R.S.O. 1980, c. 405

(2) The rights and privileges of a member of the Association do not include the right to practise as a public accountant, as defined in the *Public Accountancy Act*, unless the member is licensed under that Act.

Surplus

11. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Commencement

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

Short title

13. The short title of this Act is the *Certified General Accountants Association of Ontario Act, 1983*.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Beth Sholom Synagogue

MR. ROTENBERG

EXPLANATORY NOTE

The purpose of the Bill is to revive Beth Sholom Synagogue.

BILL Pr51

1982

An Act to revive Beth Sholom Synagogue

WHEREAS Mendel Green, Philip Stein, Alexander Serota ^{Preamble} and Samuel Zale hereby represent that Beth Sholom Synagogue, herein called the Corporation, was incorporated by letters patent dated the 25th day of January, 1947; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are the directors of Beth Sholom Synagogue; that the notice of default in filing annual returns was apparently sent to each of the persons of record on the files of the Ministry of Consumer and Commercial Relations; that, through inadvertence, the annual returns for the Corporation were not filed; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the religious and other charitable functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

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

1. Beth Sholom Synagogue is hereby revived and is, subject <sup>Corporation
revived</sup> to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

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

Short title

3. The short title of this Act is the *Beth Sholom Synagogue Act, 1982*.







An Act to revive Beth Sholom Synagogue

1st Reading

December 7th, 1982

2nd Reading

3rd Reading

MR. ROTENBERG

(Private Bill)

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Beth Sholom Synagogue

MR. ROTENBERG

*(Reprinted as amended by the Committee on Regulations and Other
Statutory Instruments)*

EXPLANATORY NOTE

The purpose of the Bill is to revive Beth Sholom Synagogue.

BILL Pr51

1982

An Act to revive Beth Sholom Synagogue

WHEREAS Mendel Green, Philip Stein, Alexander Serota ^{Preâmbles} and Samuel Zale hereby represent that Beth Sholom Synagogue, herein called the Corporation, was incorporated by letters patent dated the 25th day of January, 1947; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are directors of Beth Sholom Synagogue; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the religious and other charitable functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

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

1. Beth Sholom Synagogue is hereby revived and is, subject ^{Corporation revived} to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

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

Short title

3. The short title of this Act is the *Beth Sholom Synagogue Act, 1983*.





An Act to revive Beth Sholom Synagogue

1st Reading

December 7th, 1982

2nd Reading

3rd Reading

MR. ROTENBERG

*(Reprinted as amended by the Committee
on Regulations and Other Statutory
Instruments)*

Bill Pr51

An Act to revive Beth Sholom Synagogue

Mr. Rotenberg

<i>1st Reading</i>	December 7th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill Pr51

1982

An Act to revive Beth Sholom Synagogue

Whereas Mendel Green, Philip Stein, Alexander Serota and Samuel Zale hereby represent that Beth Sholom Synagogue, herein called the Corporation, was incorporated by letters patent dated the 25th day of January, 1947; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are directors of Beth Sholom Synagogue; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the religious and other charitable functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

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

1. Beth Sholom Synagogue is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

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

Short title

3. The short title of this Act is the *Beth Sholom Synagogue Act, 1983*.





