

1982

c 11 Charities Accounting Amendment Act, 1982

Ontario

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CHAPTER 11

An Act to amend the
Charities Accounting Act*Assented to June 15th, 1982*

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

1. The *Charities Accounting Act*, being chapter 65 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections: ss. 6a-6d. enacted

6a. In sections 6b, 6c and 6d,

Interpre-
tation

(a) "charitable purpose" means,

- (i) the relief of poverty,
- (ii) education,
- (iii) the advancement of religion, and
- (iv) any purpose beneficial to the community, not falling under subclause (i), (ii) or (iii);

(b) "land" includes an interest in land.

6b.—(1) A person who holds land for a charitable purpose shall hold the land only for the purpose of actual use or occupation of the land for the charitable purpose. Actual use or occupation of land for charitable purpose

(2) Where in the opinion of the Public Trustee, land held for a charitable purpose, Vesting in Public Trustee

(a) has not been actually used or occupied for the charitable purpose for a period of three years;

(b) is not required for actual use or occupation for the charitable purpose; and

- (c) will not be required for actual use or occupation for the charitable purpose in the immediate future,

the Public Trustee may vest the land in the Public Trustee by registering a notice in the land registry office to that effect and stating that he intends to sell the land, and shall, where practicable, deliver a copy of the notice to the person who held the land for the charitable purpose.

Sale by
Public
Trustee

(3) Where land vests in the Public Trustee under subsection (2), the Public Trustee shall cause the land to be sold with all reasonable speed and shall apply the proceeds of sale, less his reasonable expenses in respect of the sale, to the charitable purpose.

Computation
of time

(4) Where land has been granted or devised in reversion or remainder for a charitable purpose, the three year period referred to in clause (2) (a) shall be calculated from the date on which the interest of the person to whom the land had been so devised or granted becomes an interest in possession.

Order to
revest and
sanctioning
retention
for period

(5) If, upon application to the Supreme Court by any person having an interest, the court is satisfied that the land,

- (a) has been actually used or occupied for the charitable purpose within the preceding three years;
- (b) is required for actual use or occupation for the charitable purpose; or
- (c) will be required for actual use or occupation for the charitable purpose in the immediate future,

the court may make an order revesting in a charity land that has vested in the Public Trustee under subsection (2) and sanctioning retention of the land by the charity for a period that is specified in the order.

Renewal
of period

(6) Where in an application under subsection (5), the court finds that land is not required for actual use or occupation for the charitable purpose but will be required for actual use or occupation in the immediate future, the period specified in the order under subsection (5) shall not exceed three years, but on application by any person having an interest, the court may make an order extending the period for a further period not exceeding three years.

Effect of
sanction of
retention

(7) The Public Trustee shall not cause the land to vest in him under subsection (2) during any period for which the retention is sanctioned by an order under subsection (5) or (6).

6c.—(1) Subject to section 6b, a municipal corporation or local board thereof, a university or a public hospital may receive, hold and enjoy real or personal property devised, bequeathed or granted to it for a charitable purpose, upon the terms expressed in the devise, bequest or grant.

Authority for certain public bodies to receive property for charitable purposes

(2) A municipal corporation or local board thereof, university or public hospital holding property under subsection (1) may enter into an agreement with the person devising, bequeathing or granting the property for the holding, management, administration or disposition of the property.

Agreement re administration

(3) This section applies notwithstanding that the devise, bequest or grant was made before it was authorized by this section.

Application of section

6d.—(1) Where any two or more persons allege a breach of a trust created for a charitable purpose or seek the direction of the court for the administration of a trust for a charitable purpose, they may apply to the Supreme Court and the court may hear the application and make such order as it considers just for the carrying out of the trust under the law.

Application for order re carrying out trust

(2) An application under subsection (1) shall be upon notice to the Public Trustee who may appear and be represented by counsel at the hearing.

Notice to Public Trustee

(3) Where the court is of the opinion that the public interest can be served by an investigation of the matter alleged in the application, the court may make an order directing the Public Trustee to make such investigation as the Public Trustee considers proper in the circumstances and report in writing thereon to the court and the Attorney General.

Investigation by Public Trustee

(4) In making an investigation directed under subsection (3), the Public Trustee has and may exercise any of the powers conferred on him by this Act and any of the powers of a commissioner under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act.

Powers of Public Trustee

R.S.O. 1980, c. 411

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is the *Charities Accounting Amendment Act, 1982*.

Commencement

Short title

