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c 87 City of Thunder Bay Act, 1982

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CHAPTER 87

An Act respecting the City of Thunder Bay

Assented to November 18th, 1982

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 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.

(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 redevelopment 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

(8) 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

