

1983

## c 14 Municipality of Metropolitan Toronto Amendment Act, 1983 (No. 2)

Ontario

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## CHAPTER 14

**An Act to amend the  
Municipality of Metropolitan Toronto Act**

*Assented to February 23rd, 1983*

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

**1. Section 4 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed.** s. 4,  
repealed

**2. Section 24 of the said Act is amended by adding thereto the following subsection:** s. 24,  
amended

(1a) Notwithstanding any other Act, in any proceeding to which a local board of the Metropolitan Corporation or any other body established by or under this Act is a party, costs adjudged to the local board or other body shall not be disallowed or reduced merely because the solicitor or the counsel who earned such costs, or in respect of whose services the costs are charged, was a salaried officer of such board or other body or of the Metropolitan Corporation performing such services in the discharge of his duty and remunerated therefor by his salary or for that or for any other reason was not entitled to recover any costs from the local board or other body in respect of the services so rendered and the costs recovered by or on behalf of the local board or other body in any such case shall be paid into the general funds of the local board or other body or of the Metropolitan Corporation.

Costs of local board, etc., in any proceeding

**3. The said Act is amended by adding thereto the following section:** s. 65a,  
enacted

**65a.**—(1) The Metropolitan Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Metropolitan Corporation and that is transported to those sewage works for receipt and disposal by the Metropolitan Corporation.

Disposal of liquid or solid material

Terms and  
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Metropolitan Corporation.

s. 209 (3),  
(b, c),  
re-enacted

**4.—(1) Clauses 209 (3) (b) and (c) of the said Act are repealed and the following substituted therefor:**

(b) for the purposes of trade centres and trade and agricultural fairs such as, but not limited to, the annual Canadian National Exhibition and Royal Agricultural Winter Fair;

(c) for the holding of displays, agricultural activities, sporting events, athletic contests, public entertainments and meetings.

s. 209 (7),  
repealed

**(2) Subsection 209 (7) of the said Act is repealed.**

s. 209 (12),  
re-enacted

**(3) Subsection 209 (12) of the said Act is repealed and the following substituted therefor:**

Agreements

(12) The Metropolitan Corporation may enter into agreements with The Board of Governors of Exhibition Place, the Canadian National Exhibition Association, the Royal Agricultural Winter Fair or other persons respecting the use, operation and maintenance of such assumed lands and any buildings or structures on such assumed lands, and any other matter or thing that the Metropolitan Council considers desirable for the full and effective use of such assumed lands, buildings or structures for the purposes set out in subsection (3).

s. 209 (13),  
repealed

**(4) Subsection 209 (13) of the said Act is repealed.**

s. 209 (14),  
re-enacted

**(5) Subsection 209 (14) of the said Act is repealed and the following substituted therefor:**

Idem

(14) The Metropolitan Corporation may enter into agreements with The Board of Governors of Exhibition Place or the Canadian National Exhibition Association appointing the Board or the Association as its agent to carry out any of the powers of the Metropolitan Corporation under this section, and, upon the execution of any such agreement, the Board or the Association, as the case may be, is authorized to exercise such powers, subject to such restrictions as may be set out in the agreement.

**5. Section 210 of the said Act is repealed and the following substituted therefor:**

s. 210,  
re-enacted;  
ss. 210a,  
210b,  
enacted

**210.—(1)** In this section and in sections 210a and 210b,

Interpre-  
tation

- (a) “Association” means the Canadian National Exhibition Association;
- (b) “Board” means the Board of Governors established under subsection (2);
- (c) “Exhibition Place” means those lands vested in the Metropolitan Corporation under subsection 209 (1), including any buildings or structures erected thereon.

(2) There is hereby established a corporation without share capital under the name “The Board of Governors of Exhibition Place” having as its purpose and objects the operation, management and maintenance of Exhibition Place.

Board  
established

(3) The *Corporations Act* does not apply to the Board.

R.S.O. 1980,  
c. 95,  
not to apply

(4) The Board shall consist of fourteen members composed of,

Composition  
of Board

- (a) eleven members appointed by the Metropolitan Council composed of,
  - (i) three members of the Metropolitan Council,
  - (ii) three members nominated by the Association, and
  - (iii) five members who are not members of the Metropolitan Council;
- (b) the chairman of the Metropolitan Council;
- (c) the mayor of the City of Toronto; and
- (d) the president of the Association.

(5) The members of the Board appointed by the Metropolitan Council under clause (4) (a) shall hold office for a term not exceeding the term of the Council that appointed them and until their successors are appointed, and all such members are eligible for reappointment.

Term of  
office

Chairman,  
vice-  
chairman,  
quorum

(6) The Board shall elect a chairman from among its members and may elect a vice-chairman, and a majority of the members of the Board constitutes a quorum for the transaction of business at meetings of the Board.

Powers of  
Board

(7) The Board shall have,

- (a) a head office in the Metropolitan Area;
- (b) a corporate seal upon which its corporate name shall appear;
- (c) capacity to sue and be sued in its own name;
- (d) capacity to enter into contracts, including contracts of employment, in its own name; and
- (e) all powers incidental or conducive to the attainment of the purpose and objects of the Board set out in subsection (2).

By-laws

(8) The Board may enact by-laws regulating its proceedings and providing for the conduct and management of its affairs.

General  
policies

(9) The Metropolitan Council may by by-law establish general policies to be followed in the operation, management and maintenance of Exhibition Place.

Local board

(10) The Board is a local board of the Metropolitan Corporation.

Deemed  
society under  
R.S.O. 1980,  
c. 14, for  
grant  
purposes

(11) The Board for purposes of receiving grants shall be deemed to be a society under the *Agricultural Societies Act* and the provisions of that Act respecting grants apply to the Board.

Surplus or  
deficit

(12) The Metropolitan Corporation shall be entitled to receive any surplus resulting from the operations of the Board and shall be responsible for any deficit incurred by the Board.

Borrowing  
powers

(13) The Board may, with the prior approval of the Metropolitan Council, borrow money for the purpose of acquiring working capital, but nothing in this subsection authorizes the Board to issue debentures.

Budget

(14) The Board shall submit to the Metropolitan Council its budget for the current year at the time and in the form prescribed by the Metropolitan Council, and the budget shall be subject to approval, with or without modification, by the Metropolitan Council.

(15) After the approval of the Board's annual budget by the Metropolitan Council any and all spending by the Board shall be in accordance with the approved budget in such level of detail as the Metropolitan Council determines.

Spending in  
accordance  
with budget

(16) The Board may enter into agreements with the Association for the use of any of the Board's employees or equipment by the Association for purposes of carrying out an agreement entered into by the Association with the Metropolitan Corporation under subsection 209 (12) or (14).

Agreements

(17) A member of the Board does not have an indirect pecuniary interest, for the purposes of the *Municipal Conflict of Interest Act, 1983*, in respect of a contract, proposed contract or other matter between the Board and the Association by reason only of the member being also a member or officer of the Association.

Where no  
indirect  
pecuniary  
interest  
1983, c. 8

**210a.**—(1) Upon the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place, the Exhibition Stadium Corporation and The Board of Management of the Exhibition Stadium Corporation are dissolved and all the assets and liabilities of that Corporation are vested in the Board and the Board shall stand in the place and stead of the Exhibition Stadium Corporation for all purposes of any agreements to which the Exhibition Stadium Corporation was a party.

Corporation  
and Board  
dissolved

(2) Upon the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place,

Agreements

- (a) all previous agreements entered into by the Metropolitan Corporation with the Association under subsections 209 (12) and (14), or the predecessors thereof, are hereby declared to be null and void and the rights and obligations arising from those agreements are hereby extinguished;
- (b) the following assets that constitute the reserves of the Association are vested in the Metropolitan Corporation:

1. Reserve for Workmen's Compensation.
2. Prize Guarantee Fund.
3. Reserve for rehabilitation of buildings.

4. Reserve for inventory of materials and supplies;
- (c) all of the assets of the Association, other than those referred to in clause (b), are vested in the Board, with the exception of memorabilia, archives, souvenirs, medals, art works and other similar items;
  - (d) all agreements entered into by the Exhibition Stadium Corporation with the Association and assumed by the Board under subsection (1), are hereby declared to be null and void and the rights and obligations arising from those agreements are hereby extinguished;
  - (e) the Board shall stand in the place and stead of the Association for all purposes of any agreement, except agreements to which clauses (a) or (d) apply, heretofore entered into by the Association in the exercise of its management, control or operation of Exhibition Place; and
  - (f) the Metropolitan Corporation shall be responsible for any liability incurred by the board in respect of any agreement to which clause (e) applies.

Offer of  
employment

**210b.**—(1) The Board shall offer to employ,

- (a) every person who, on the 4th day of October, 1982, is employed by the Association as a permanent employee in connection with the operation, management and maintenance of Exhibition Place and who continues to be so employed until the date of the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place; and
- (b) every person who, on the 15th day of March, 1982, is employed by the Exhibition Stadium Corporation and who continues to be so employed until the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place.

Wages and  
salary

- (2) Any person who accepts employment under subsection (1) shall be entitled to receive a wage or salary for the one-year period next following the commencement of his employment

with the Board of not less than he was receiving on the 4th day of October, 1982.

(3) Where any person accepts employment under subsection (1), Pension benefits

(a) he shall continue as, or become a member of, the Ontario Municipal Employees Retirement System, as the case requires, on his transfer date; and

(b) with respect to pension benefits accrued prior to the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place, his employment with the Association or with the Exhibition Stadium Corporation, as the case may be, shall be deemed to be employment with the Board.

(4) The Board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 4th day of October, 1982. Participation in O.M.E.R.S.

(5) Any sick leave credits standing on the day an agreement is entered into between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place to the credit of any person who accepts employment under subsection (1) shall be placed to the credit of such employee in any sick leave credit plan established by the Board. Sick leave

(6) Any person who accepts employment under subsection (1) shall be entitled during 1983 to holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the Association or the Exhibition Stadium Corporation, as the case may be. Holidays

(7) Nothing in this section prevents the Board from terminating the employment of an employee for cause. Termination of employment

**6. Subsection 227 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".** s. 227 (22), amended

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

**8. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1983 (No. 2)*.** Short title



