

1984

## c 10 Municipality of Metropolitan Toronto Amendment Act, 1984 (No. 1)

Ontario

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## CHAPTER 10

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

*Assented to May 1st, 1984*

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

**1.—(1) Subsection 127 (4) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 9, section 6, is repealed and the following substituted therefor:**

(4) Where the estimates for public elementary or for secondary school purposes of a board of education in the Metropolitan Area that are approved in whole or in part by the School Board have been reduced in accordance with clause 133 (1) (b) by the application of a surplus, the School Board shall reduce the apportionment for public elementary or for secondary school purposes, as the case requires, to the area municipality in which the board of education has jurisdiction in an amount computed in accordance with subsection (4a).

Reduction of  
apportionment

(4a) The following rules apply in respect of the reduction of an apportionment under subsection (4) in relation to a specific year:

Rules for  
reduction

1. Compute for the immediately preceding year the proportion that the total rateable property for public elementary school purposes or for secondary school purposes, as the case requires, in the area municipality was of the total rateable property in relation to the Metropolitan Area.
2. Compute in respect of the immediately preceding year the proportion that the estimates of the board of education approved by the School Board for public elementary school purposes or for secondary school purposes, as the case requires, was of the

aggregate of the estimates of all of the boards of education approved by the School Board.

- 3. Divide the proportion computed under Rule 1 by the proportion computed under Rule 2.
- 4. Where the quotient computed under Rule 3 is equal to or greater than one, the apportionment shall be reduced by an amount equal to the amount of the surplus mentioned in subsection (4).
- 5. Where the quotient computed under Rule 3 is less than one, the apportionment shall be reduced by an amount computed by multiplying the surplus mentioned in subsection (4) by the quotient computed under Rule 3.

**(2) Section 127 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 9, section 6, is further amended by adding thereto the following subsections:**

Transfer of balance of surplus

(6a) Every board of education shall transfer to the School Board an amount equal to the difference between the amount of the surplus of the board of education mentioned in clause 133 (1) (b) and an amount equal to the amount computed in respect of the board of education under subsection (4a).

Application of amount transferred

(6b) The School Board shall apply amounts transferred to it under subsection (6a) to reduce the estimates submitted by it to the Metropolitan Council.

**(3) Sub-subclause 127 (7) (c) (i) (B) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 6, is repealed and the following substituted therefor:**

(B) the quotient obtained by dividing the commercial assessment by 0.85, and

. . . . .

**2.—(1) Clause 130j (1) (c) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 8, is repealed.**

**(2) Clause 130j (2) (b) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 8, is repealed and the following substituted therefor:**

- (b) does not exceed the aggregate of the amounts that are required to be transferred to the board of education under sections 133 and 133a for public ele-

mentary school purposes or for secondary school purposes, as the case requires, by the council of the area municipality in which the board of education has jurisdiction and by the School Board.

**(3) Subsection 130j (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 8, exclusive of the clauses, is repealed and the following substituted therefor:**

(4) Where the increase in the apportionment mentioned in subsection (3) exceeds the aggregate of the amounts mentioned in clause (2) (b) that are required to be transferred to the board of education for public elementary school purposes, the board of education,

Termination of employment, additional elementary school teachers

. . . . .

**(4) Subsection 130j (5) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 8, exclusive of the clauses, is repealed and the following substituted therefor:**

(5) Where the increase in the apportionment mentioned in subsection (3) exceeds the aggregate of the amounts mentioned in clause (2) (b) that are required to be transferred to the board of education for secondary school purposes, the board of education,

Termination of employment, secondary school teachers

. . . . .

**3.—(1) Subsection 133 (4) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 9, section 9, is repealed and the following substituted therefor:**

(4) If the estimates of a board of education are not approved in whole by the School Board, the board of education may submit to the council of the area municipality in which the board of education has jurisdiction the estimates of the board of education that were submitted to the School Board as adjusted in accordance with subsections (4a) and (4b) and a requisition of the amount of the estimates for public elementary school purposes and for secondary school purposes required to be raised by the council.

Estimates to council of area municipality

(4a) The estimates mentioned in subsection (4) shall be adjusted as follows:

Adjustment of estimates

1. The board of education shall adjust the estimates to include and to make due allowance for the revenues to be derived from the School Board pursuant to the estimates approved by the School Board.

2. The board of education shall adjust the estimates so that the difference between the estimates of amounts required by the board of education for public elementary school purposes and the revenues for such purposes to be derived by the board of education from the School Board pursuant to the estimates approved by the School Board shall not exceed a sum computed by,
  - i. dividing the estimates of the board of education for public elementary school purposes approved by the School Board by the aggregate of the estimates of all the boards of education for public elementary school purposes approved by the School Board,
  - ii. multiplying the quotient computed under subparagraph i by one and one-half mills in the dollar upon the total rateable property (as defined in section 127) in the Metropolitan Area for public elementary school purposes, and
  - iii. reducing the product computed under subparagraph ii by an amount equal to the amount of any deficit used to increase the apportionment to the area municipality under section 127 for public elementary school purposes.
3. The board of education shall adjust the estimates so that the difference between the estimates of amounts required by the board of education for secondary school purposes and the revenues for such purposes to be derived by the board of education from the School Board pursuant to the estimates approved by the School Board shall not exceed a sum computed by,
  - i. dividing the estimates of the board of education for secondary school purposes approved by the School Board by the aggregate of the estimates of all the boards of education for secondary school purposes approved by the School Board,
  - ii. multiplying the quotient computed under subparagraph i by one mill in the dollar upon the total rateable property (as defined in section

127) in the Metropolitan Area for secondary school purposes, and

- iii. reducing the product computed under subparagraph ii by an amount equal to the amount of any deficit used to increase the apportionment to the area municipality under section 127 for secondary school purposes.

(4b) The estimates, as adjusted under subsection (4a) shall be further adjusted as follows: Further adjustment

1. The board of education shall divide the amount that, having regard for the computations required by subsection (4a), the board of education determines is necessary for its purposes by the amount of the estimates of the board of education that have been approved by the School Board as adjusted in accordance with subsection (4a), but excluding the adjustment in subparagraph iii of paragraph 2 or in subparagraph iii of paragraph 3, as the case requires, of subsection (4a).
2. The board of education shall multiply the quotient obtained under paragraph 1 by,
  - i. one and one-half mills in the dollar upon the total rateable property (as defined in section 127) in the area municipality for public elementary school purposes, or
  - ii. one mill in the dollar upon the total rateable property (as defined in section 127) in the area municipality for secondary school purposes.

(4c) A board of education that submits estimates and a requisition to the council of an area municipality under subsection (4) shall transmit to the School Board a copy of the estimates and requisition. Transmittal of copy to School Board

(4d) A board of education must submit its estimates and requisition under subsection (4) and transmit a copy under subsection (4b) within twenty days after the School Board notifies the board of education under subsection (2) of the extent to which its estimates have been approved by the School Board. Time limit

**(2) Subsection 133 (5) of the said Act is repealed and the following substituted therefor:**

Local levy

(5) The council of an area municipality shall levy and collect each year the moneys requisitioned for the year for public elementary school purposes or for secondary school purposes, or both, in accordance with subsection (4) by the board of education that has jurisdiction in the area municipality.

Where levy  
equal to  
need

(5a) Where the moneys to be levied and collected by the council of an area municipality under subsection (5) are equal to the amount the board of education that has jurisdiction in the area municipality has determined, having regard for the computations required by subsection (4a), is necessary for the purposes of the board of education, the council shall transfer the moneys it is required to levy and collect to the board of education from time to time as required by the board of education, but not later than the 15th day of December in the year for which the moneys were requisitioned under subsection (5).

Where levy  
less than  
need

(5b) Where the moneys to be levied and collected by the council of an area municipality under subsection (5) are less than the amount the board of education that has jurisdiction in the area municipality has determined, having regard for the computations required by subsection (4a), is necessary for the purposes of the board of education,

- (a) the council shall transfer the moneys it is required to levy and collect to the board of education from time to time as required by the board of education, but not later than the 15th day of December in the year for which the moneys were requisitioned under subsection (5); and
- (b) the School Board shall transfer to the board of education an amount equal to the difference between the amount the board of education has determined, having regard for the computations required by subsection (4a), is necessary for the purposes of the board of education and the amount of the moneys the council of the area municipality is required to transfer under clause (a) to the board of education.

Where levy  
greater  
than need

(5c) Where the moneys to be levied and collected by the council of an area municipality under subsection (5) are greater than the amount the board of education that has jurisdiction in the area municipality has determined, having regard for the computations required by subsection (4a), is necessary for the purposes of the board of education,

- (a) the council shall transfer to the board of education from time to time as required by the board of edu-

ation, but not later than the 15th day of December in the year for which the moneys were requisitioned under subsection (5), amounts that in the aggregate do not exceed the amount the board of education has determined is necessary for its purposes; and

- (b) the council shall transfer to the School Board, at the same times as amounts are transferred under clause (a), amounts that in the aggregate are equal to the difference between the amount of moneys that the council is required to levy and collect and the aggregate of the amounts that the council is required under clause (a) to transfer to the board of education.

**4. The said Act is amended by adding thereto the following sections:**

**133a.**—(1) In this section, “Board of Education” means Interpretation  
The Board of Education for the City of Toronto.

(2) Where in the years 1984, 1985, 1986 and 1987 the Board of Education determines that more moneys are necessary for its public elementary school purposes than will be obtained under other sections in this Part, the Board of Education may submit to the council of the City of Toronto with the estimates submitted under subsection 133 (4) a requisition for such additional moneys. City of Toronto, transitional

(3) The maximum amount that may be requisitioned under subsection (2) is the amount of money that would be raised by a levy of, Maximum amount

- (a) 0.4 mills in the dollar in the year 1984;
- (b) 0.3 mills in the dollar in the year 1985;
- (c) 0.2 mills in the dollar in the year 1986; and
- (d) 0.1 mills in the dollar in the year 1987,

upon the total rateable property (as defined in section 127) in the City of Toronto for public elementary school purposes.

(4) The council of the City of Toronto shall levy and collect in the year the moneys requisitioned in accordance with subsections (2) and (3) for the year by the Board of Education and shall transfer the moneys to the Board of Education from time to time as required by the Board of Education, but not Levy



later than the 15th day of December in the year for which the moneys were requisitioned.

Application  
of moneys  
transferred to  
School Board

**133b.**—(1) The School Board shall apply moneys transferred to it in each year under section 133 by the councils of the area municipalities,

- (a) firstly, for the purpose of the transfers to boards of education that the School Board is required to make in the year under section 133; and
- (b) secondly, to reduce the estimates submitted by the School Board to the Metropolitan Council in the next year.

Reduction  
of estimates  
in current  
year

(2) Where, in any year, the School Board complies with clause (1) (a) before submitting its estimates to the Metropolitan Council, the School Board may apply any amount remaining out of the moneys transferred to it under section 133 to reduce its estimates in the year instead of the next year.

Increase of  
estimates in  
current year

(3) Where, in any year, sufficient moneys are not transferred to the School Board under section 133 to enable it to comply with clause (1) (a) and the School Board has not submitted its estimates for the year to the Metropolitan Council, the School Board may include in the estimates the amount that it considers necessary to enable it to comply with clause (1) (a).

Short term  
borrowing

(4) Where, in any year, sufficient moneys are not transferred to the School Board under section 133 to enable it to comply with clause (1) (a) and the School Board has submitted its estimates for the year to the Metropolitan Council, the School Board may borrow the moneys required to enable it to comply with clause (1) (a) by promissory note until sufficient moneys are transferred to the School Board under section 133 or by the Metropolitan Council.

Elementary  
school  
purposes

(5) Moneys levied and collected upon requisitions for public elementary school purposes shall be applied under subsection (1) in respect of public elementary school purposes.

Secondary  
school  
purposes

(6) Moneys levied and collected upon requisitions for secondary school purposes shall be applied under subsection (1) in respect of secondary school purposes.

**5. This Act shall be deemed to have come into force on the 1st day of January, 1984.** Commence-  
ment

**6. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1984.*** Short title

