

1984

c 41 Barrie-Vespra Annexation Act, 1984

Ontario

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Bibliographic Citation

Barrie-Vespra Annexation Act, 1984, SO 1984, c 41

Repository Citation

Ontario (1984) "c 41 Barrie-Vespra Annexation Act, 1984," *Ontario: Annual Statutes*: Vol. 1984, Article 43.

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CHAPTER 41

**An Act respecting the City of Barrie and
the Township of Vespra**

Assented to June 27th, 1984

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) “annexed area” means the land annexed to the City of Barrie under section 2;
- (b) “City” means The Corporation of the City of Barrie;
- (c) “Minister” means the Minister of Municipal Affairs and Housing;
- (d) “Township” means The Corporation of the Township of Vespra.

2. On the 1st day of July, 1984, the portion of the Township of Vespra described in the Schedule is annexed to the City of Barrie.

Annexation
of part of
Vespra
to Barrie

3.—(1) All the assets and liabilities of the Township attributable on the 1st day of July, 1984, to the annexed area become assets and liabilities of the City without compensation.

Assets and
liabilities

(2) The Minister may appoint a committee of arbitrators for the purpose of determining the assets and liabilities, including reserve funds, of the Township attributable to the annexed area.

Committee of
arbitrators

(3) The committee shall consist of the treasurer of the City, the treasurer of the Township and such other person or persons as the Minister may appoint.

Composition

Determi-
nation
of assets and
liabilities

(4) The committee shall make a determination of the assets and liabilities, including reserve funds attributable to the annexed area, together with the determination of any financial adjustments that may be necessary.

Notification
of determi-
nation

(5) The committee shall notify the clerk of the City, the clerk of the Township and the Ontario Municipal Board of the determination made under subsection (4), and, unless the council of either municipality informs the Board in writing within thirty days of the notification that it objects to such determination, the determination shall be given effect to by order of the Board.

Determi-
nation
of O.M.B.

(6) Where objection is made to the Ontario Municipal Board under subsection (5), the Board may by order make all such adjustments of assets and liabilities as between the Township and the City as the Board may consider equitable, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made under this subsection.

R.S.O. 1980,
c. 347

Annexation
of further
lands

4. The City shall not apply for the annexation of any further lands in the Township of Vespra before the 1st day of January, 2012, unless the Township agrees to such annexation.

Unpaid taxes

5.—(1) All taxes levied under any general or special Act and uncollected in the annexed area which are due and unpaid on the 31st day of December, 1984, shall after that date be taxes due and payable to the City and may be collected and recovered by the City as if the taxes had been imposed by the City.

Special roll

(2) The clerk of the Township shall forthwith after the 31st day of December, 1984 prepare and furnish to the clerk of the City a special collector's roll showing all arrears of taxes or special rates assessed against the lands in the annexed area up to the 31st day of December, 1984, and the persons assessed therefor.

Trans-
Canada
Pipe Line

6. Notwithstanding that any portion of the Trans-Canada Pipe Line is situate within the annexed area, for assessment and taxation purposes, that portion of the Pipe Line situate in the Township of Vespra immediately before the annexation provided for in section 2, shall be deemed to continue to be situate in the Township of Vespra.

By-laws

7.—(1) On and after the 1st day of July, 1984, the by-laws of the City extend to the annexed area and the by-laws of the Township cease to apply to such area, except by-laws relating to highways and by-laws passed by the Township under sec-

tion 34 of the *Planning Act, 1983* or a predecessor of that section which shall remain in force until amended or repealed by the council of the City, and except by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of the Township. 1983, c. 1

(2) On and after the 1st day of July, 1984, By-law No. 83-15 of the Township, in so far as it applies to the annexed area, shall be deemed to be a by-law of the City and to have been submitted to the Ontario Municipal Board for approval. Zoning by-law of Township deemed by-law of City

(3) The provisions of the official plan of the Township as they pertain to the annexed area shall be deemed to be provisions of the official plan of the City. Official plan

(4) The Minister shall remain seized of the portions of the official plan submitted to the Minister by the Township for approval that pertain to the annexed area and that as of the 1st day of July, 1984 have not been approved by the Minister and when and if such additional portions are approved they shall be deemed to be provisions of the official plan of the City. Deferred portions of official plan

8.—(1) Notwithstanding any general or special Act, the Minister may provide at any time by order, that in the years 1985, 1986, 1987 and 1988 and in the manner specified in the order, the council of the City shall levy and impose on the whole of the annexed area and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section. Rates of taxation

(2) An order made under subsection (1) may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of the annexed area lower than the rates generally applicable in the City to reflect the extent to which the annexed area does not receive City services, and the rates may vary among the defined areas. Idem

9. The City shall pay to the Township and to the County of Simcoe, as compensation for any loss of assessment caused by the annexation provided for in section 2, such amount and in such manner as the Minister determines and in making his determination, the Minister shall have regard to the loss of assessment, the impact on grants under the *Ontario Unconditional Grants Act*, and such other matters as the Minister may consider appropriate. Compensation for loss of assessment
R.S.O. 1980, c. 359

Taxes

10. In the year 1984 the Township shall levy, collect and retain taxes on the lands in the annexed area and the City shall not levy or collect any taxes on the lands in the annexed area until the year 1985.

County
levy, etc.

11. The Township shall, in 1984, pay the levy for county purposes and the amounts required by law to be provided for school purposes and such amounts as may be levied by boards or commissions directly on the Township, in the amounts that would have been paid if the lands in the annexed area had remained in the Township of Vespra for the whole of that year, and the Minister may take into account the moneys so paid when determining the amount of any grants under section 12.

Grants

12.—(1) The Minister may, by order, provide for the payment of grants to the Township or to the City or to the County of Simcoe under such terms and conditions as the Minister considers appropriate.

Moneys

(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1985, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

Member of
City council

13.—(1) The council of the Township may, by by-law passed within sixty days of the coming into force of this Act, designate the head of the council or such other member of council or a person who is a resident in the annexed area who is qualified to be a member of the Township council as the by-law appoints as a member of the council of the City and the person appointed shall hold office for the remainder of the term of the present City council and is entitled to receive all such remuneration as is payable to a regular member of the City council.

Application
of
1983, c. 8.

(2) A member of the council of the Township who is also a member of the council of the City under subsection (1), does not, by reason only of being a member of both councils, have an indirect pecuniary interest for the purposes of the *Municipal Conflict of Interest Act, 1983* in respect of any matter that is the subject of consideration by either council.

Redivision
of wards

14.—(1) For the purposes of the general election to be held in 1985, the Minister may, by order, redivide the City into wards taking into consideration the land annexed to the City by section 2 and such wards shall remain in effect until altered by the Ontario Municipal Board.

(2) An order made under subsection (1) may provide for the composition of the council of the City which composition shall remain in effect until altered in accordance with the provisions of the *Municipal Act*, and may provide that the composition of council shall be deemed to have been provided for by by-law of the City.

Composition
of council

R.S.O. 1980,
c. 302

15. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the opinion of the Minister are necessary or advisable to carry out effectively the purposes or intent of this Act.

Powers of
L.G. in C.

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

Commence-
ment

17. The short title of this Act is the *Barrie-Vespra Annexation Act, 1984*.

Short title

SCHEDULE

Commencing at the intersection of the southerly boundary of the Township of Vespra and the westerly boundary of the City of Barrie;

Thence westerly along the southerly boundary of the said Township to a point distant 105 metres measured westerly therealong from the centre line of the road allowance between concessions VII and VIII;

Thence northerly 61 metres to the southeasterly angle of Part 1 as shown on a Plan deposited in the Land Registry Office for the Registry Division of Simcoe (No. 51) as Number 51R-8915;

Thence north 31° 58' west along the easterly limit of the said Part 167.64 metres to the northeasterly angle of the said Part;

Thence north 31° 58' west 90.5 metres more or less to a point distant 156.17 metres measured south 31° 58' east from the line between the northerly and southerly halves of Lot 24 in Concession VIII;

Thence south 58° 59' west 50 metres more or less to an angle in Part 1 as shown on a Plan deposited in the said Registry Office as Number 51R-3074;

Thence north 31° 58' west along an easterly limit of the said Part 107.41 metres to an angle in the said Part 1;

Thence north 58° 59' east along a limit of the said Part 80.54 metres to the westerly limit of Part 3 as shown on the said Plan Number 51R-3074;

Thence north 31° 58' west along the westerly limit of parts 3 and 2 as shown on the said Plan 48.77 metres to the line between the northerly and southerly halves of Lot 24 in Concession VIII;

Thence south 58° 59' west along the said line 15.25 metres to the easterly angle of Part 3 as shown on a Plan deposited in the said Registry Office as Number 51R-4226;

Thence north $31^{\circ} 58' 50''$ west along the easterly limit of the said Part 59.66 metres to the northeasterly angle of the said Part;

Thence north $70^{\circ} 12'$ east along the southerly limit of Part 8 as shown on the said Plan 36.88 metres to a point;

Thence north $31^{\circ} 58'$ west crossing the lands of Ontario Hydro 51.45 metres to an easterly angle of Part 1 as shown on the said Plan;

Thence north $19^{\circ} 45' 10''$ west 63.3 metres to a point on a limit of the said Part 1;

Thence south $70^{\circ} 14' 50''$ west 24.38 metres more or less to an angle in the said Part;

Thence north $20^{\circ} 10' 40''$ west along a limit of the said Part 42 metres to an angle in the said Part;

Thence south $69^{\circ} 41' 50''$ west along a limit of the said Part 15.19 metres to an angle in the said Part;

Thence north $20^{\circ} 18' 10''$ west 70.25 metres to a point on a limit of the said Part;

Thence south $70^{\circ} 14' 50''$ west along a limit of the said Part 21.3 metres more or less to an angle in the said Part;

Thence north $20^{\circ} 15' 10''$ west 135.94 metres to a point on a limit of the said Part;

Thence south $69^{\circ} 56' 40''$ west 26.2 metres more or less to an angle in the said Part;

Thence north $20^{\circ} 12' 10''$ west along a limit of the said Part 65.51 metres to a point;

Thence south $69^{\circ} 47' 30''$ west along a limit of the said Part 11.84 metres to a point;

Thence north $20^{\circ} 11' 30''$ west 77.91 metres to a limit of the said Part;

Thence south $70^{\circ} 14' 50''$ west 18.9 metres more or less to an angle in the said Part;

Thence northwesterly following the easterly limits of the said Part to the intersection of easterly limit of the Trans Canada Pipeline and the northerly angle of the said Part 1;

Thence north $31^{\circ} 52' 30''$ west 26.04 metres to an angle in the said Plan Number 51R-4226;

Thence north $57^{\circ} 30'$ east to and along the southerly limit of Part 10 as shown on the said Plan 121.92 metres to the easterly limit of Lot 23 in Concession VIII;

Thence north $31^{\circ} 52' 30''$ west along the said easterly limit 20.44 metres to the northeasterly angle of the said Lot;

Thence northerly along the easterly limit of Lot 22 in Concession VIII to the northeasterly angle of the said Lot;

Thence easterly to and along the northerly limit of Lot 22 in Concession VII to the easterly limit of the Trans Canada Pipeline as shown on a Plan

registered in the said Registry Office as Routine Pipeline Plan Number 131530;

Thence northerly along the easterly limit of the said Pipeline to the westerly limit of the easterly half of Lot 20 in Concession VII;

Thence northerly along the said westerly limit to the northerly limit of the said Lot;

Thence easterly along the southerly limit of Lot 19 in concessions VII and VI to the easterly limit of the westerly half of Lot 19 in Concession VI;

Thence northerly along the said easterly limit to the southerly limit of the Trans Canada Pipeline as shown on a Plan registered in the said Registry Office as Number 131529;

Thence easterly along the southerly limit of the said Pipeline to the easterly limit of the said Lot 19 in Concession VI;

Thence northerly along the easterly limit of the said Lot to the northeast-erly angle of the said Lot;

Thence easterly to and along the northerly limit of the westerly half of Lot 19 in Concession V to the westerly limit of the easterly half of Lot 18 in Concession V;

Thence northerly along the said westerly limit to a point distant 208.59 metres measured southerly therealong from the northerly limit of the east-erly half of the said Lot 18;

Thence easterly to the southwest-erly angle of Part 1 as shown on a Plan deposited in the said Registry Office as Number 51R-12176;

Thence easterly along the southerly limit of the said Part 182.9 metres to the westerly limit of the King's Highway Number 27;

Thence easterly to a point on the westerly limit of Lot 18 in Concession III distant 200 metres measured southerly therealong from the northwest-erly angle of the said Lot;

Thence southerly along the said westerly limit to the southwest-erly angle of the said Lot 18;

Thence easterly along the southerly limit of the westerly half of Lot 18 in Concession III to the line between the east and west halves of Concession III;

Thence southerly along the said line to a point distant 179.96 metres meas-ured northerly therealong from the southwest-erly angle of the easterly half of Lot 20 in Concession III;

Thence easterly and parallel with the southerly limit of the said easterly half of Lot 20, 44.99 metres to a point;

Thence southerly and parallel with the westerly limit of the said half of Lot 20, 179.96 metres to the northerly limit of the road allowance between lots 20 and 21;

Thence easterly along the northerly limit of the said road allowance to the westerly high water mark of Little Lake;

Thence easterly along the southerly high water mark of the said Lake, including docks or extremities, to the northerly limit of Lot 6 in Concession I W.P.R.;

Thence easterly along the northerly limit of the said Lot 6 to the easterly limit of the King's Highway Number 400;

Thence southerly along the easterly limit of the said Highway 59.3 metres to the easterly limit of the said Plan Number 302;

Thence southerly along the said easterly limit to intersect a line parallel with and distant 57.91 metres measured northerly at right angles from the southerly limit of the said Lot 6.

Thence easterly along the said parallel line to the easterly boundary of the Township of Vespra;

Thence southerly along the said easterly boundary to the northerly boundary of the City of Barrie;

Thence westerly following the boundaries between the City of Barrie and the Township of Vespra to the place of commencement.