

1986

## c 19 Regional Municipality of Sudbury Statute Law Amendment Act, 1986

Ontario

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## CHAPTER 19

**An Act to amend the  
Regional Municipality of Sudbury Act  
and the Education Act**

*Assented to June 12th, 1986*

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

**1.—(1)** Section 68 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**68.** In this Part,

Definitions

“commercial assessment” means the total, according to the last returned assessment roll, of,

- (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,
- (b) business assessment, and
- (c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

“rateable property” includes business and other assessment made under the *Assessment Act*;

R.S.O. 1980.  
c. 31

“regional rating by-law” means a by-law passed under subsection 71 (2);

“residential and farm assessment” means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in

clauses (a) and (c) of the definition of "commercial assessment";

"weighted assessment" means for the relevant area the total of,

- (a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and
- (b) the commercial assessment.

**(2) Section 71, as amended by the Statutes of Ontario, 1984, chapter 45, section 12, and sections 72 to 76 of the said Act are repealed and the following substituted therefor:**

Definition

**71.—(1)** In this section, "total net regional levy" means a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted under section 70; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of the debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Regional rating by-law

(2) For purposes of raising the total net regional levy, the Regional Council, on or before the 30th day of June in 1986 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each area municipality to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipality rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

Determination of commercial rate

(3) The rate that the Regional Council shall direct to be levied on commercial assessment under subsection (2) shall be determined by multiplying the total net regional levy by 1,000 and dividing the product by the total of the weighted assessments for all the area municipalities.

Determination of residential rate

(4) The rate that the Regional Council shall direct to be levied on the residential and farm assessment under subsection (2) shall be 85 per cent of the rate that it directs to be levied on commercial assessment.

(5) In each year, the council of each area municipality shall levy, in accordance with the regional rating by-law passed for that year, the rates specified in the by-law.

Area municipality to adopt rates

(6) The assessment for real property that is exempt from taxation for regional purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the total of the weighted assessments for all the area municipalities for purposes of subsection (3).

Tax exempt real property

(7) The full value of all rateable property shall be used in determining,

Full value to be used

- (a) the rates to be levied under subsections (3) and (4); and
- (b) the assessment on which the levy shall be made under subsection (5),

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980, c. 31

(8) A regional rating by-law shall specify the amount to be raised in an area municipality as a result of a levy being made in that area municipality in accordance with the by-law and the by-law,

Instalment and advance payments

- (a) may require specified portions of that amount to be paid to the treasurer of the Regional Corporation on or before specified dates; and
- (b) may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment required, or portion thereof, made in advance by any area municipality.

(9) The amount specified to be raised in an area municipality pursuant to a regional rating by-law shall be deemed to be taxes and is a debt of the area municipality to the Regional Corporation and the treasurer of the area municipality shall pay the amount owing by the area municipality to the treasurer of the Regional Corporation on or before the dates and in the portions specified in the regional rating by-law.

Payment

(10) If an area municipality fails to make any payment, or portion thereof, as provided in the regional rating by-law, the area municipality shall pay to the Regional Corporation interest on the amount in default at the rate of 15 per cent per

Default

annum from the due date of the payment, or such lower rate as the Regional Council may by by-law determine, from the date payment is due until it is made.

Extension  
of time

(11) The Minister by order may extend the time for passing a regional rating by-law in any year and such an order may be made notwithstanding that the time limit set out in subsection (2) has expired.

Determi-  
nation  
of  
school rates

**71a.**—(1) In each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall determine the rates to be levied by each area municipality to provide the sums required for public, separate and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within an area municipality.

Idem  
R.S.O. 1980,  
c. 129

(2) The determinations required by subsection (1) shall be made in accordance with subsection 222 (1) of the *Education Act*.

Direction to  
area  
municipalities

(3) On or before the 1st day of March in each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall direct the council of each area municipality to levy the rates determined by the particular Board in respect of the area municipality under subsection (1) and shall advise the area municipality of the amount of money to be raised by levying those rates.

Area  
municipality  
to levy and  
collect

(4) In each year, the council of an area municipality shall levy rates in accordance with the directions under subsection (3) upon all property in the area municipality rateable for public, secondary or separate school purposes, as may be appropriate.

Full value  
to be used

(5) The full value of all applicable rateable property shall be used in determining,

- (a) the weighted assessment for each area municipality for purposes of apportioning among the area municipalities the sums required for school purposes by The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board;
- (b) the rates mentioned in subsection (1); and

- (c) the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the *Education Act*, R.S.O. 1980, c. 129

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto. R.S.O. 1980, c. 31

(6) For the purposes of determining and levying rates for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board, a reference in the *Education Act* to "commercial assessment" or "residential and farm assessment" shall be deemed to be a reference to such assessments as defined in this Part and not as defined in section 220 of that Act. Definitions in R.S.O. 1980, c. 129, s. 220

(7) Subsection 219 (2) of the *Education Act* does not apply to the determination of rates under subsection (1). Non-application of R.S.O. 1980, c. 129, s. 219 (2)

(8) Except as provided in this section, the *Education Act* continues to apply to the levying of rates and collecting of taxes for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board. Application of R.S.O. 1980, c. 129

**71b.**—(1) In this section,

Definitions

"area municipality levy" means the amount required for area municipality purposes under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding those amounts required to be raised for regional and school purposes; R.S.O. 1980, c. 302

"special area municipality levy" means an amount to be raised by an area municipality that is not included in the area municipality levy, but excluding those amounts required to be raised for regional and school purposes.

(2) The council of each area municipality, in each year in accordance with subsections (3) and (4), shall levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the area municipality levy and the special area municipality levy. Area municipality levies

(3) The rates to be levied in each year, on commercial assessment for each separate levy specified in subsection (2), shall be determined by multiplying the sum required for each levy by 1,000 and dividing the product, Determination of commercial mill rates

- (a) by the weighted assessment for the area municipality, in the case of an area municipality levy; and
- (b) by the weighted assessment determined on the basis of the assessment that is rateable for the purpose of raising the special area municipality levy, in the case of a special area municipality levy.

Determination of residential mill rates

(4) The rates to be levied in each year, on residential and farm assessment for each separate levy specified in subsection (2), shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

Non-application of R.S.O. 1980, c. 302, s. 158; c. 359, s. 7

(5) Section 158 of the *Municipal Act* and section 7 of the *Ontario Unconditional Grants Act* do not apply to an area municipality.

Area municipality levy

(6) A reference in any other Act to a levy by a local municipality under section 158 of the *Municipal Act* shall, with respect to an area municipality, be deemed to be a reference to a levy under this section.

Tax exempt real property

(7) The assessment for real property that is exempt from taxation for area municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

Interim financing, Regional Council

**71c.**—(1) The Regional Council, before the adoption of the estimates for the year, may by by-law requisition from each area municipality a sum not exceeding 50 per cent of the amount that under subsection 71 (8) was, in the regional rating by-law for the preceding year, specified to be raised in the particular area municipality and subsections 71 (8), (9) and (10) apply with necessary modifications to the amount requisitioned.

Final instalment reduced

(2) The amount of any requisition made under subsection (1) in any year upon an area municipality shall be deducted when determining the amount of the portions to be paid in that year by the area municipality to the treasurer of the Regional Corporation pursuant to the provision in the regional rating by-law authorized by clause 71 (8) (a).

Interim financing, area municipalities

**71d.**—(1) The council of an area municipality may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable commercial

assessment and on the rateable residential and farm assessment in the area municipality.

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

By-law in  
December of  
preceding  
year

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Determi-  
nation  
of rate

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Assessment  
roll

(5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on that assessment for that year under sections 71, 71a and 71b.

Interim levy  
deducted  
from  
final levy

(6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 71, 71a and 71b, the treasurer of the area municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 71, 71a and 71b.

Interim levy  
in excess of  
final levy

(7) The provisions of the *Municipal Act* with respect to the levy of rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

Application  
of  
R.S.O. 1980,  
c. 302

**71e.** Where a direction has been made under subsection 74 (1) that a new assessment roll be returned for taxation in the current year, the Minister by order,

Power of  
Minister

- (a) may prescribe the maximum sum that may be requisitioned from each area municipality under subsection 71c (1); and
- (b) may prescribe the maximum rates that may be levied by the council of each area municipality under subsection 71d (1).



## Definitions

**72.**—(1) In this section,

“payment in lieu of taxes” means an amount that an area municipality is eligible to receive under,

- R.S.O. 1980,  
c. 31 (a) subsection 26 (3), (4) or (5) of the *Assessment Act*,
- R.S.O. 1980,  
c. 209 (b) subsection 7 (6) of the *Housing Development Act*, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,
- R.S.O. 1980,  
c. 302 (c) section 160 and subsection 160a (3) of the *Municipal Act*,
- R.S.O. 1980,  
c. 311 (d) subsection 4 (1), (2) or (3) of the *Municipal Tax Assistance Act*,
- R.S.O. 1980,  
c. 361 (e) section 42 of the *Ontario Water Resources Act*,
- R.S.O. 1980,  
c. 384 (f) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act,
- 1980-81-  
82-83,  
c. 37 (Can.) (g) the *Municipal Grants Act, 1980* (Canada), or
- (h) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498 of the *Municipal Act*;

“taxes for local purposes” means the taxes levied by an area municipality for local purposes under subsection 71b (2), excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“taxes for regional purposes” means the taxes levied by an area municipality for regional purposes as specified in a regional rating by-law, excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“total taxes for all purposes” means the sum of the amounts levied by an area municipality under sections 71, 71a and 71b, excluding any adjustments under section 32 or 33 of the *Assessment Act*.

(2) Where an area municipality is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the Regional Corporation a portion equal to the amount obtained by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total of,

Area municipalities to share payments in lieu of taxes

- (a) the taxes for local purposes for the year; and
- (b) the taxes for regional purposes for the year.

(3) Notwithstanding subsection (2), if an area municipality is eligible to receive a payment in lieu of taxes for any year under,

Sharing of certain payments

- (a) subsection 26 (3), (4) or (5) of the *Assessment Act*; R.S.O. 1980, c. 31
- (b) section 42 of the *Ontario Water Resources Act*; R.S.O. 1980, c. 361
- (c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including the portion payable to a school board in accordance with subsection 46 (9) of that Act; or R.S.O. 1980, c. 384
- (d) the *Municipal Grants Act, 1980* (Canada), 1980-81-82-83, c. 37 (Can.)

and the calculation of the payments is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total taxes for all purposes for the year.

(4) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation showing an estimate of the amount that the area municipality will be required to pay to the Regional Corporation for the year under subsection (2).

Treasurer to provide estimate of share

(5) Where an area municipality is required to pay a portion of a payment in lieu of taxes to the Regional Corporation under subsection (2), or to a school board, the provisions of,

Allocation of payments in lieu of taxes

- (a) subsections 26 (7) and (9) of the *Assessment Act*;
- (b) subsection 7 (10) of the *Housing Development Act*; R.S.O. 1980, c. 209

R.S.O. 1980,  
c. 302 (c) subsections 160 (12) and (16) and subsection 160a (4) of the *Municipal Act*; and

R.S.O. 1980,  
c. 384 (d) subsection 46 (7) of the *Power Corporation Act*,

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

Payment of  
portion of  
telephone  
and  
telegraph tax  
R.S.O. 1980,  
c. 302

**73.**—(1) Each area municipality shall pay a portion of the tax levied under subsections 161 (12) and (13) of the *Municipal Act* to the Regional Corporation and The Sudbury Board of Education in the proportion that the taxes levied on commercial assessment in the year for each such body bears to the total taxes on commercial assessment for all purposes other than separate school purposes.

Exclusion of  
taxes added  
to  
collector's  
roll  
R.S.O. 1980,  
c. 31

(2) In determining the taxes levied on commercial assessment under subsection (1), there shall be excluded any adjustments under section 32 or 33 of the *Assessment Act*.

Statement by  
treasurer

(3) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and The Sudbury Board of Education showing an estimate of the amount which the area municipality will be required to pay to that body for the year under subsection (1).

Exclusion of  
R.S.O. 1980,  
c. 302, s. 161  
(18-24)

(4) Subsections 161 (18) to (24) of the *Municipal Act* do not apply if payments are made by an area municipality under subsection (1).

Payment of  
payments  
in lieu  
and  
telephone  
and telegraph  
levies

**73a.**—(1) An amount payable by an area municipality to the Regional Corporation under subsection 72 (2) or to the Regional Corporation or The Sudbury Board of Education under subsection 73 (1) is a debt of the area municipality to the Regional Corporation or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable in each year on account thereof as follows:

1. A first instalment equal to 19 per cent of the amount payable in the preceding year, on or before the 28th day of February.
2. A second instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of March.

3. A third instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of April.
4. A fourth instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of June.
5. A fifth instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of July.
6. A sixth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

(2) The Regional Council may by by-law provide for an alternative number of instalments and due dates for amounts payable by area municipalities to the Regional Corporation under subsection (1). Alternative payment schedule

(3) The Sudbury Board of Education, by agreement each year with a majority of the area municipalities within the Regional Area that represent at least two-thirds of the total weighted assessment for all of the area municipalities, may provide for an alternative number of instalments and due dates thereof other than those provided in subsection (1) which shall be applicable to all area municipalities. Idem

(4) The amount payable under subsection 72 (2) or 73 (1) by an area municipality shall be credited by the Regional Corporation or school board to its general revenues. General revenues

(5) If an area municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the area municipality shall pay to the Regional Corporation or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or Regional Corporation may by by-law determine from time to time. Default

(6) Where the total amount paid for the year under subsection (1) exceeds the total amount payable for the year under subsections 72 (2) and 73 (1), the area municipality shall notify the Regional Corporation or the school board, as the case may be, of the amount of the overpayment and the Regional Corporation or school board shall forthwith pay that amount to the area municipality. Overpayment

Region-wide  
reassessment

**74.**—(1) If the Minister of Revenue considers that, within any class or classes of real property within the Regional Area, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each area municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

- (a) prescribing the classes of real property into which the real property in the Regional Area shall be divided for the purpose of this subsection;
- (b) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the Regional Area;
- (c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the Regional Area, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

Application  
of new  
assessment  
roll

(2) If the assessment roll of an area municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (1),

- (a) the assessment roll to be returned for that area municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and
- (b) the assessment roll to be returned for taxation in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the *Assessment Act* up to the date when the assessment roll is returned in each such following year.

R.S.O. 1980,  
c. 31

Exception

(3) Notwithstanding subsection (2), where the assessor is of the opinion that an assessment to be shown on the assessment

roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

(4) For the purpose of every Act, the assessment roll of an area municipality returned under subsection (2) shall be deemed to be the assessment roll of the area municipality returned under the *Assessment Act*.

Status of  
assessment  
roll

R.S.O. 1980,  
c. 31

(5) In 1987 for purposes of taxation in 1988 or in 1988 for purposes of taxation in 1989, the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory  
return of  
updated roll  
in 1987 or  
1988

(6) In every fourth year following the most recent direction under subsection (1), the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory  
return of  
updated roll  
every fourth  
year

(7) Except as provided in subsections (5) and (6), the Minister of Revenue shall not make a direction under subsection (1) unless the Regional Council, by resolution, has requested that a direction be made.

Resolution  
required

(8) Except as provided in subsection (9), the *Assessment Act* and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (2).

Provisions of  
R.S.O. 1980,  
c. 31

(9) Subsections 63 (1) and (3) and sections 64 and 65 of the *Assessment Act* do not apply to an area municipality or to the assessment roll of any area municipality in respect of 1986 and subsequent years.

Idem

(10) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Powers on  
appeal

Where property described in class prescribed under subs. (1)

(11) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the Regional Area under subsection (1), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (1) for the Regional Area is not similar to real property described in another class prescribed under subsection (1) for the Regional Area, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

No amendment to collector's roll  
R.S.O. 1980,  
c. 31

(12) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the *Assessment Act* until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (1) is at least in the sum of \$5,000 at market value or, if the assessment in the Regional Area is at less than market value, at an equivalent rate.

Table of rates for pipe lines

(13) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of an area municipality under a direction of the Minister of Revenue under subsection (1) shall be deemed to be a reassessment of all property within that area municipality under subsection 63 (3) of the *Assessment Act*.

Rights of appeal preserved

(14) Nothing in section 71, 71a or 71b in any way deprives any person of any right of appeal provided for in the *Assessment Act* or affects the operation of subsection 36 (6) of that Act.

Regulations may be retroactive

(15) A regulation made under subsection (1) may be made retroactive to the 1st day of December of the year preceding the year in which it was made.

Minister may make grants

**75.—(1)** Where the Minister is of the opinion that property taxes in a municipality may be unduly increased because of changes made to the assessment rolls of area municipalities under a direction under subsection 74 (1), the Minister may make a grant to the Regional Corporation or an area municipality under such terms and conditions as the Minister considers necessary in the circumstances and an area municipality and the Regional Corporation has the authority to apply and shall apply the grant in accordance with the terms and conditions, if any.

(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1987, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Payment out of Consolidated Revenue Fund

(3) If a by-law is passed by an area municipality under subsection 362 (1) of the *Municipal Act*, the by-law may be made applicable to rateable property in any one or more merged areas in the area municipality as though each such merged area were a separate municipality, but nothing in this subsection authorizes an area municipality to charge a reduction in whole or in part pursuant to subclause 362 (1) (c) (iii) of that Act only to one or more merged areas.

Limiting increases in taxes following change in assessment base  
R.S.O. 1980, c. 302

(4) Where changes are made in the assessment rolls of area municipalities under a direction of the Minister of Revenue under subsection 74 (1), and, in relation to either or both the District of Sudbury Welfare Administration Board and the Nickel District Conservation Authority, the changes directly affect the relative cost sharing responsibility of any municipality beyond the Regional Area or cause within the Regional Area substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations,

Board apportionments

- (a) prescribing an alternative basis, to that specified under the *District Welfare Administration Boards Act*, for apportioning the amounts required by the District of Sudbury Welfare Administration Board from each municipality within the district board area;
- (b) prescribing an alternative basis, to that specified under the *Conservation Authorities Act*, for apportioning the amounts required by the Nickel District Conservation Authority from each municipality under the conservation authority area,

R.S.O. 1980, c. 122

R.S.O. 1980, c. 85

as the case may be.

(5) A regulation made under subsection (4) may be made retroactive to a date not earlier than the 1st day of January of the year in which it is made.

Regulations may be retroactive

**2.—(1) Section 130 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:**



Non-application

(10) This section does not apply to The Sudbury District Roman Catholic Separate School Board.

**(2) Section 214 of the said Act is amended by adding thereto the following subsection:**

Non-application

(6) Subsections (3) and (5) do not apply to an area municipality in The Regional Municipality of Sudbury.

**(3) The said Act is amended by adding thereto the following section:**

Regulations for apportionment, Sudbury District Roman Catholic Separate School Board  
Idem

**214a.**—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by The Sudbury District Roman Catholic Separate School Board for separate school purposes for any year among the municipalities or parts thereof and localities in the district combined separate school zone.

(2) In any year in which a regulation made under subsection (1) is in force, the sums mentioned in that subsection shall be apportioned among the municipalities or parts thereof and localities in the district combined separate school zone in accordance with the regulation.

Where estimated data used

(3) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or an underpayment by a municipality or part thereof, other than an area municipality as defined in the *Regional Municipality of Sudbury Act* or by a locality, determined on the basis of actual data, shall be adjusted in the levy for the following year.

R.S.O. 1980, c. 441

**(4) Section 222 of the said Act is amended by adding thereto the following subsection:**

Non-application

(4) Subsection (2) does not apply to an area municipality in The Regional Municipality of Sudbury.

**(5) Section 225 of the said Act is repealed and the following substituted therefor:**

This Part to prevail where conflict  
R.S.O. 1980, c. 441

**225.** In the event of a conflict between any provision in sections 220 to 224 and any provision in any other Act, other than the *Regional Municipality of Sudbury Act*, the provision in sections 220 to 224 prevails.

Transition

**3.** Nothing in this Act affects the validity of an interim levy made by the Regional Council or by the council of an area municipality under section 74 of the *Regional Municipality of*

***Sudbury Act*** as it read before the coming into force of this Act and subsections 71 (8), (9) and (10) and subsection 71c (2) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by the Regional Council in 1986 and subsections 71d (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by an area municipality.

**4.** This Act shall be deemed to have come into force on the 1st day of January, 1986. Commence-  
ment

**5.** The short title of this Act is the *Regional Municipality of Sudbury Statute Law Amendment Act, 1986*. Short title

