

1987

## c 12 Regional Municipality of Hamilton-Wentworth Statute Law Amendment Act, 1987

Ontario

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## CHAPTER 12

**An Act to amend the  
Regional Municipality of Hamilton-Wentworth Act  
and the Municipal Elections Act**

*Assented to February 12th, 1987*

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

**1. Clause 1 (a) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (a) “area municipality” means the municipality or corporation of the City of Hamilton, the Town of Dundas, the City of Stoney Creek, the Town of Ancaster, the Town of Flamborough and the Township of Glanbrook, all as constituted or continued by section 2.

**2. Section 2 of the said Act is amended by adding thereto the following subsections:**

(5) Effective the 1st day of January, 1984, The Corporation of the Town of Stoney Creek is erected into a city municipality bearing the name The Corporation of the City of Stoney Creek. City of  
Stoney Creek

(6) Effective the 1st day of January, 1985, The Corporation of the Township of Flamborough is erected into a town municipality bearing the name The Corporation of the Town of Flamborough. Town of  
Flamborough

**3. Paragraphs 3 and 5 of subsection 3 (1) of the said Act are repealed and the following substituted therefor:**

3. The City of Stoney Creek—seven members elected by wards and one member elected by general vote of the electors of such municipality.

. . . . .

5. The Town of Flamborough—seven members elected by wards and one member elected by general vote of the electors of such municipality.

**4. Sections 6 and 7 of the said Act are repealed and the following substituted therefor:**

Composition  
of Regional  
Council

**6.** The Regional Council shall consist of twenty-eight members composed of,

- (a) a chairman elected by general vote of the electors of all the area municipalities;
- (b) the mayor of each area municipality;
- (c) sixteen members of council from the City of Hamilton being the remainder of the council of the City;
- (d) one member of council from the Town of Dundas elected by general vote of the electors of the said area municipality as a member of the Regional Council and the council of such area municipality;
- (e) one member of council from the City of Stoney Creek elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (f) one member of council from the Town of Ancaster elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (g) one member of council from the Town of Flamborough elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality; and
- (h) the member of the council of the Township of Glanbrook elected by general vote.

Qualifi-  
cations of  
chairman

**7.—(1)** A person is qualified to hold office as chairman of the Regional Council,

- (a) if the person is entitled to be an elector under section 12 or 13 of the *Municipal Elections Act* for the election of members of the council of an area municipality; and
- (b) if the person is not disqualified by this or any other Act from holding the office of chairman.

R.S.O. 1980,  
c. 308

(2) For the purpose of electing the chairman of the Regional Council,

Election of  
chairman

- (a) the clerk of the area municipality with the greatest number of electors shall be the returning officer for the election;
- (b) the nominations for chairman shall be filed with the clerk of the area municipality with the greatest number of electors who shall send the names of the candidates to the clerk of each of the other area municipalities by registered mail within forty-eight hours after the closing of nominations; and
- (c) the clerk of each area municipality shall be the returning officer for the vote to be recorded in such area municipality and shall forthwith report the vote recorded to the clerk of the area municipality with the greatest number of electors who shall prepare the final summary and announce the vote.

**5. Section 8 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 46, section 4, is further amended by adding thereto the following subsection:**

(3a) Where a person is elected as chairman of the Regional Council, the clerk of the area municipality with the greatest number of electors, forthwith after the election, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of the person who has been so elected and the person shall not take the office of chairman until the clerk of the Regional Corporation has received such a certificate in respect of the person.

Idem

**6. Subsections 11 (1), (2) and (3) of the said Act are repealed and the following substituted therefor:**

(1) If a vacancy occurs in the office of chairman of the Regional Council, sections 45, 46 and 47 of the *Municipal Act* apply with necessary modifications to the filling of the vacancy as though that office were the office of mayor.

Vacancy in  
office of  
chairman  
R.S.O. 1980,  
c. 302

Where  
chairman  
member of  
area council

(2) Where in filling a vacancy a member of the council of an area municipality becomes chairman, the person shall be deemed to have resigned as a member of such council, and the person's seat on such council thereby becomes vacant.

**7. Clause 61 (b) of the said Act is repealed and the following substituted therefor:**

(b) "area municipality" means the municipality or corporation of the Town of Ancaster, the Town of Dundas, the City of Stoney Creek, the Town of Flamborough and the Township of Glanbrook.

**8. Subsections 62 (6), (7), (8) and (9) of the said Act are repealed.**

**9.—(1) Subsection 65 (1) of the said Act is amended by striking out "Township" in the second line and inserting in lieu thereof "Town".**

(2) Clause 65 (2) (a) of the said Act is amended by striking out "Township" in the second line and inserting in lieu thereof "Town".

(3) Clause 65 (2) (b) of the said Act is amended by striking out "Township" in the second line and inserting in lieu thereof "Town".

**10. Subsection 66 (1) of the said Act is repealed and the following substituted therefor:**

Where  
Ontario  
Hydro  
to distribute  
and supply  
power

(1) Ontario Hydro shall continue to distribute and supply power in those areas of the towns of Ancaster and Flamborough and the Township of Glanbrook that Ontario Hydro served immediately before the 19th day of June, 1980.

**11.—(1) Clause 2 (a) of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subclause:**

(v) chairman of the council of The Regional Municipality of Hamilton-Wentworth.

(2) Clause 44 (7) (a) of the said Act is amended by adding thereto the following subclause:

(vi) chairman of the council of The Regional Municipality of Hamilton-Wentworth.

(3) Subsection 49 (1) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 29, section 12, is further amended by adding thereto the following paragraph:

- 2a. In The Regional Municipality of Hamilton-Wentworth, the elector is entitled to vote once only for one candidate for chairman of the Regional Council.

(4) Section 49 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 37, section 10 and 1986, chapter 29, section 12, is further amended by adding thereto the following subsection:

(1a) Notwithstanding subsection (1), an elector whose name appears on the polling list for more than one polling subdivision in The Regional Municipality of Hamilton-Wentworth shall not vote in more than one of such polling subdivisions in an election for the office of chairman of the Regional Council.

One vote for chairman of Regional Council

**12.—(1)** This Act, except sections 4, 5, 6 and 11, comes into force on the day it receives Royal Assent.

Commencement

(2) Sections 4, 5, 6 and 11 come into force on the 1st day of December, 1988.

Idem

(3) Notwithstanding subsection (2), the regular elections to be held in 1988 under the *Municipal Elections Act* shall be conducted as if sections 4, 5, 6 and 11 were in force.

First election of chairman R.S.O. 1980, c. 308

**13.** The short title of this Act is the *Regional Municipality of Hamilton-Wentworth Statute Law Amendment Act, 1987.*

Short title

