

1980

c 28 Art Gallery of Ontario Act

Ontario

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CHAPTER 28

Art Gallery of Ontario Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the board of trustees of the Gallery;
- (b) "Gallery" means the Art Gallery of Ontario;
- (c) "member of the executive committee" means a trustee of the Board elected to the executive committee by the Board from among its members according to the by-laws of the Board. R.S.O. 1970, c. 29, s. 1; 1978, c. 74, s. 1.

2.—(1) The Art Gallery of Ontario is continued as a corporation without share capital and, subject to the provisions of this Act, has and may hold, possess and enjoy all the property, rights, powers and privileges that it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, rules and regulations of The Art Gallery of Toronto now in force shall continue in force until amended or repealed.

Art Gallery
of Ontario
continued

(2) The Art Gallery of Ontario shall consist of the trustees for the time being of the Board. R.S.O. 1970, c. 29, s. 2.

Constitution
of cor-
poration

3. The objects of the Gallery are,

Objects of
Gallery

- (a) to cultivate and advance the cause of the visual arts in Ontario;
- (b) to conduct programs of education in the origin, development, appreciation and techniques of the visual arts;
- (c) to collect and exhibit works of art and displays and to maintain and operate a gallery and related facilities as required for this purpose; and
- (d) to stimulate the interest of the public in matters undertaken by the Gallery. R.S.O. 1970, c. 29, s. 3.

4.—(1) The affairs of the Gallery shall be managed and controlled by a board of trustees consisting of twenty-seven trustees as follows:

Board of
trustees

- (a) five persons appointed by The College of Founders of the Art Gallery of Ontario;
- (b) ten persons elected by the membership of the Gallery;
- (c) two persons appointed by the council of The Municipality of Metropolitan Toronto, one of whom shall be a person who is both a member of the council of the City of Toronto and a member of the council of The Municipality of Metropolitan Toronto; and
- (d) ten other persons appointed by the Lieutenant Governor in Council. R.S.O. 1970, c. 29, s. 4 (1); 1972, c. 72, s. 1; 1978, c. 74, s. 2 (1).

Term of
office

(2) A trustee appointed under clause (1) (a) or (c) or elected under clause (1) (b) shall hold office for a term of one year or until his successor is appointed or elected, as the case may be, and, subject to subsection (3), a trustee appointed under clause (1) (d) shall hold office for a term of three years or until his successor is appointed. 1978, c. 74, s. 2 (2).

Idem

(3) Of the trustees first appointed under clause (1) (d) after the coming into force of this section, three shall hold office for a term of one year, three for a term of two years and four for a term of three years, and each trustee shall hold office until his successor is appointed. 1972, c. 72, s. 2 (1), *part*.

Vacancies

(4) Where a vacancy occurs for any reason in the office of trustee, the vacancy may be filled,

- (a) in the case of a vacancy of a trustee appointed under clause (1) (a), by appointment by The College of Founders of the Art Gallery of Ontario;
- (b) in the case of a vacancy of a trustee elected under clause (1) (b), by appointment by the remaining trustees elected by the membership of the Gallery;
- (c) in the case of a vacancy of a trustee appointed under clause (1) (c), by appointment by the council of The Municipality of Metropolitan Toronto; and
- (d) in the case of a vacancy of a trustee appointed under clause (1) (d), by appointment by the Lieutenant Governor in Council,

and a person so appointed shall hold office for the remainder of the term of his predecessor except that, in the case of a vacancy

referred to in clause (1) (b), the person so appointed shall hold office until the next annual meeting of the membership of the Gallery. 1978, c. 74, s. 2 (3).

(5) A trustee appointed or elected under subsection (1) is eligible for reappointment or re-election, as the case may be, but no trustee appointed under clause (1) (d) is eligible for reappointment on the expiration of his second consecutive term until at least one year has elapsed from the expiration of such term. 1972, c. 72, s. 2 (1), *part*. Eligibility for re-election or reappointment

(6) Notwithstanding subsection (5), a trustee who is a member of the executive committee may be reappointed on the expiration of his second consecutive term. 1978, c. 74, s. 2 (4). Term of office

(7) The trustees shall annually elect from among themselves a president and one or more vice-presidents. President, vice-presidents

(8) The president shall preside at all meetings of the Board and, in his absence, a vice-president shall preside, and, in the absence of the president and the vice-presidents, the members present at a meeting shall elect one of themselves to preside. R.S.O. 1970, c. 29, s. 4 (4, 5). Presiding officer

5. The Board may, Powers of Board

(a) make by-laws, rules and regulations,

(i) for the administration of its affairs, including the fixing of a quorum of the Board,

(ii) governing the use by the public of the facilities, property and equipment of the Gallery and requiring the payment of fees for the admission of the public or any class thereof to such facilities and property, and prescribing the amounts of such fees,

(iii) providing for membership in the Gallery and prescribing the qualifications and terms of membership and the fees to be paid therefor, and providing for and regulating meetings of members including the conduct of a mail ballot to decide any issue in respect of which the members are entitled to vote, subject to the requirement that the members be mailed information concerning the issue at least thirty days in advance of the final date for the return of mail ballots, and

- (iv) governing the election of trustees to the Board by the membership of the Gallery under clause 4 (1) (b);
- (b) appoint a Director of the Gallery;
- (c) appoint, promote, transfer or remove such officers, clerks and servants as it considers necessary from time to time for the proper conduct of the affairs of the Gallery and may delegate all or a part of the authority for so doing to the Director;
- (d) fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of officers and members of the staff of the Gallery;
- (e) delegate to the Director the authority to fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of the staff of the Gallery;
- (f) provide for the retirement and superannuation of persons mentioned in clauses (b) and (c);
- (g) appoint by resolution a trustee or trustees of the Board, or any other person or persons, to execute on behalf of the Board any documents and other instruments in writing and to affix the corporate seal of the Gallery thereto;
- (h) appoint committees from the trustees of the Board and such other committees as are considered desirable, and confer upon any such committees authority to act for the Board with respect to any matter or classes of matters;
- (i) enter into agreements with any association or organization to promote the objects of the Gallery;
- (j) enter into agreements with one or more universities, colleges or schools in areas consistent with the objects of the Gallery; and
- (k) generally conduct and manage the business and affairs of the Gallery. R.S.O. 1970, c. 29, s. 5; 1972, c. 72, s. 3; 1978, c. 74, s. 3.

Fiscal
year

6. The fiscal year of the Gallery shall extend from the 1st day of April of any year to the 31st day of March of the year next following. 1972, c. 72, s. 4, *revised*.

7. All trusts, gifts, devises and bequests that have heretofore been or shall hereafter be made to or in favour of or intended for The Art Gallery of Toronto shall be held and enjoyed by the Art Gallery of Ontario. R.S.O. 1970, c. 29, s. 7.

Trusts,
bequests,
etc.

8. The Gallery has, in addition to the powers, rights and privileges mentioned in section 26 of the *Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the estate or property or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding. R.S.O. 1970, c. 29, s. 8.

Property
R.S.O. 1980,
c. 219

9. In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails. 1972, c. 72, s. 5.

Conflict
R.S.O. 1980,
c. 95

10. The real and personal property vested in the Gallery and any lands and premises leased to and occupied by the Gallery are not liable to taxation for municipal or school purposes so long as they are actually used and occupied for the purposes of the Gallery. 1972, c. 72, s. 6.

Tax
exemption

11. Real property vested in the Gallery is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property conferred after the 8th day of July, 1966, shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto. R.S.O. 1970, c. 29, s. 10.

Property
of Gallery
not liable
to be exprop-
riated

12. The property and the income, revenues, issues and profits of all property of the Gallery shall be applied solely to achieving the objects of the Gallery. R.S.O. 1970, c. 29, s. 11.

Application
of property

13. The Board may borrow money upon the credit of the Gallery, and may issue bonds, debentures or other securities of the Gallery, and may pledge or sell them for such sums or at such prices as may be considered expedient or necessary, and may hypothecate, mortgage or pledge all or any of the real or personal property, rights or powers of the Gallery to secure any bonds, debentures or other securities and any indebtedness of or money borrowed for the purposes of the Gallery. R.S.O. 1970, c. 29, s. 12.

Borrowing
powers

Investment
of funds

14. The funds of the Gallery not immediately required for its purposes and the proceeds of all property that come to the Gallery, subject to any trust or trusts affecting them, may be invested and reinvested in such investments as the Board considers proper. R.S.O. 1970, c. 29, s. 13.

Auditors
R.S.O. 1980,
c. 405

15. The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Gallery at least once a year. 1972, c. 72, s. 7.

Annual
report, etc.

16.—(1) The Board shall submit to the Minister of Culture and Recreation an annual report and such other reports as he may request from time to time.

Tabling

(2) The Minister of Culture and Recreation shall submit the annual report to the Lieutenant Governor in Council and shall then lay such report before the Assembly if it is in session or, if not, at the next ensuing session. 1972, c. 72, s. 8; O. Reg. 53/76.

Trust
property

17. Nothing in this Act authorizes the Board to alienate, hypothecate, mortgage or pledge any real or personal property given, devised or bequeathed to it with a condition annexed to such gift that the property shall not be alienated, hypothecated, mortgaged or pledged. R.S.O. 1970, c. 29, s. 16.

Conveyance
of lands to
Toronto
authorized

18. Notwithstanding section 17 and the condition attached to a deed dated the 17th day of February, 1911, registered in the Registry Office for the Registry Division of Toronto as No. 23798S between Goldwin Larratt Smith, of the City of Toronto, Solicitor, surviving Executor and Trustee of the Last Will and Testament of Harriette Elizabeth Mann Smith, deceased, and James Frederick Smith and the said Goldwin Larratt Smith, of the same place, Solicitors, Executors and Trustees of the Last Will and Testament of Goldwin Smith, deceased, and the Art Museum of Toronto, the Gallery may convey, release, quit claim or otherwise dispose of to The Corporation of the City of Toronto the lands set forth in the Schedule. 1972, c. 72, s. 9.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in The Municipality of Metropolitan Toronto (formerly in the County of York) and Province of Ontario being composed of:

Firstly: Part of Park Lot 13 in the First Concession from the Bay, in the original Township of York but now in the said City of Toronto, the said parcel of land being designated as Part 7 on a plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357.

Secondly: Part of Park Lots 13 and 14 in the First Concession from the Bay, in the original Township of York but now in the said City of Toronto, the said parcels of land being designated as Parts 13 and 14 on said plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357.

1972, c. 72, Sched.

