

1988

c 19 Municipality of Metropolitan Toronto Amendment Act, 1988 (No. 2)

Ontario

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Bibliographic Citation

Municipality of Metropolitan Toronto Amendment Act, 1988 (No. 2), SO 1988, c 19

Repository Citation

Ontario (1988) "c 19 Municipality of Metropolitan Toronto Amendment Act, 1988 (No. 2)," *Ontario: Annual Statutes*: Vol. 1988, Article 22.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1988/iss1/22

CHAPTER 19

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

Assented to February 11th, 1988

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

1.—(1) Section 1 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 18, section 1, is further amended by adding thereto the following clauses:

(ga) “local ward” means a ward established for the purpose of electing a councillor or councillors to the council of an area municipality;

.

(ja) “metropolitan councillor” means a person described in clauses 5 (1) (b) to (g);

.

(ka) “metropolitan ward” means a ward established for the purpose of electing a metropolitan councillor to the Metropolitan Council.

(2) Clauses 1 (l) and (m) of the said Act are repealed and the following substituted therefor:

(l) “Minister” means the Minister of Municipal Affairs;

(m) “Ministry” means the Ministry of Municipal Affairs.

2.—(1) Subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 18, section 2, is repealed and the following substituted therefor:

(1) The Metropolitan Council shall be composed of,

Composition
of
Metropolitan
Council

- (a) the head of council of each area municipality;
- (b) one person elected by the electors of the area municipality of the Borough of East York;
- (c) four persons elected by the electors of the area municipality of the City of Etobicoke;
- (d) seven persons elected by the electors of the area municipality of the City of North York;
- (e) six persons elected by the electors of the area municipality of the City of Scarborough;
- (f) eight persons elected by the electors of the area municipality of the City of Toronto; and
- (g) two persons elected by the electors of the area municipality of the City of York.

(2) Subsection 5 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 10, section 39, is repealed.

(3) Subsection 5 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 2, section 1, is repealed and the following substituted therefor:

Division into
metropolitan
wards

(3) Subject to subsection (4), and in accordance with section 5a, each area municipality shall be divided into a number of metropolitan wards equal to the number of metropolitan councillors provided for in subsection (1).

(4) Subsection 5 (4) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 10, section 39, is repealed and the following substituted therefor:

Deeming
provision

(4) The Borough of East York shall be deemed to be one metropolitan ward.

(5) Subsections 5 (5), (6), (7) and (8) of the said Act are repealed and the following substituted therefor:

Election by
ward

(5) One metropolitan councillor shall be elected by the electors of each metropolitan ward.

Time of
election,
term of
office

(6) The election of the metropolitan councillors as provided for in subsections (1) and (5) shall be held at the regular elections, and the metropolitan councillors so elected shall hold office for a three year term and until their successors are elected and the new Metropolitan Council is organized.

(7) A person is eligible to be elected a metropolitan councillor for an area municipality if he or she is eligible to be elected a member of the council of that area municipality under the *Municipal Elections Act*, or to be appointed to fill a vacancy in the office of a member so elected, but no person, except a head of the council of an area municipality, may be a member of the Metropolitan Council and the council of an area municipality at the same time.

Eligibility for office of metropolitan councillor
R.S.O. 1980, c. 308

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

5a.—(1) Each area municipality shall, within thirty days of the date upon which this section comes into force, submit to the Minister a proposal with respect to the boundaries of the metropolitan wards, the number of local wards and their boundaries and the number of councillors to be elected from each local ward in that area municipality.

Proposal to be submitted to Minister

(2) The proposal of each area municipality shall be consistent with the criteria set out in subsections (4), (5) and (6).

Nature of proposal

(3) After the expiration of the time for the submission of proposals by the area municipalities, the Minister shall submit to the Lieutenant Governor in Council a recommendation with respect to,

Minister to submit proposal to Lieutenant Governor in Council

- (a) the boundaries to be established for metropolitan wards;
- (b) the number of local wards;
- (c) the boundaries to be established for local wards; and
- (d) the number of councillors to be elected from each local ward,

in each area municipality.

(4) The recommendation under subsection (3) shall provide for the establishment of,

Criteria for recommendation

- (a) the number of metropolitan wards in each area municipality that is equal to the number of persons to be elected to the Metropolitan Council from that area municipality under subsection 5 (1); and
- (b) such number of local wards in each area municipality as the Minister may recommend provided there

are not less than two local wards in any area municipality.

Boundaries of local wards

(5) Where the Minister recommends the establishment of a number of local wards in an area municipality that is equal to the number of metropolitan wards in that area municipality, the boundaries of the local wards shall be identical to the boundaries of the metropolitan wards in that area municipality.

Idem

(6) Where the Minister recommends the establishment of a number of local wards in an area municipality that is a multiple in whole numbers of the number of metropolitan wards in that area municipality, each local ward shall be located entirely within one metropolitan ward.

Number of councillors from each local ward

(7) Subject to clause 152 (1) (b), the Minister shall recommend to the Lieutenant Governor in Council the number of councillors to be elected from the local wards in each area municipality.

Order

(8) Upon receipt of the recommendation of the Minister, the Lieutenant Governor in Council shall, by order, subject to subsections (4), (5), (6) and (7), establish in each area municipality,

- (a) the boundaries of the metropolitan wards;
- (b) the number of local wards;
- (c) the boundaries of the local wards; and
- (d) the number of councillors to be elected from each local ward.

Criteria for different recommendation

(9) Notwithstanding clause (4) (a), subsections (8), 5 (3) and 5 (5), the Minister may recommend, and the Lieutenant Governor in Council may establish, a number of metropolitan wards in an area municipality that is less than the number of persons to be elected to the Metropolitan Council from that area municipality under subsection 5 (1) if an equal number of persons are to be elected from each metropolitan ward in that area municipality.

Alteration of metropolitan wards by O.M.B.

R.S.O. 1980, c. 302

5b.—(1) Notwithstanding the *Municipal Act*, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors of that area municipality under section 13 of the *Municipal Act*, the Municipal Board may, after the 1st day of December, 1988,

by order, divide, redivide or alter any or all of the metropolitan wards within that area municipality.

(2) In making an order under subsection (1), the Municipal Board shall, Contents of order

- (a) establish in the area municipality a number of metropolitan wards equal to the number of metropolitan councillors to be elected from that area municipality;
- (b) have regard for the guidelines for the delineation of metropolitan wards established by the Minister;
- (c) designate the name or number each metropolitan ward shall bear; and
- (d) divide, redivide or alter any or all of the local wards in that area municipality in accordance with subsection 152b (2), and designate the name or number each local ward shall bear.

(3) An order made under subsection (1) shall come into effect on the 1st day of December in the year in which regular elections under the *Municipal Elections Act* occur but the regular elections held in that year shall be conducted as if the order was in effect. Effective date of order
R.S.O. 1980,
c. 308

(4) Where the Minister inquires into the structure, organization and methods of operation of one or more area municipalities or the Metropolitan Corporation, the Minister may give notice to the Municipal Board of such inquiry and that any application and any petition made under subsection (1) should be deferred until the inquiry has been completed and thereupon all proceedings in any such application or petition are stayed until the Minister gives notice to the Municipal Board that they may be continued. Inquiry by Minister

5c.—(1) At the first meeting of the Metropolitan Council in each year after a regular election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman a metropolitan councillor to hold office for the term of the council and until his or her successor is elected or appointed in accordance with this Act. Election of chairman

(2) The chairman may be elected by secret ballot if so decided by resolution of the Metropolitan Council. Secret ballot

(3) The clerk of the Metropolitan Corporation shall preside at each such first meeting or, if there is no clerk, the members Clerk to preside

present shall select a member to preside, and the person so selected may vote as a member.

Adjournment

(4) If, at such first meeting after a regular election, a chairman is not elected, the presiding officer may adjourn the meeting and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a metropolitan councillor as chairman to hold office for the term of the council and until his or her successor is elected or appointed in accordance with this Act.

4.—(1) Subsection 6 (1) of the said Act is amended by striking out “after the councils of the area municipalities have held their first meetings under subsection (2), but in any event” in the second, third and fourth lines.

(2) Subsections 6 (3) and (4) of the said Act are repealed and the following substituted therefor:

Certification
of qualifi-
cation

(3) Where a person is elected as a member of the Metropolitan Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Metropolitan Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat on the Metropolitan Council to which the person has become entitled until the clerk of the Metropolitan Corporation has received such a certificate in respect of that person.

5. Subsection 8 (2) of the said Act is repealed and the following substituted therefor:

Votes

(2) Each member of the Metropolitan Council has only one vote.

6. Section 9 of the said Act is repealed and the following substituted therefor:

Term of
office, heads
of council

9. The members of the Metropolitan Council who are heads of council hold office while they hold the office that entitled them to such membership.

7.—(1) Subsection 10 (1) of the said Act is amended by striking out “person” in the third line and inserting in lieu thereof “metropolitan councillor”.

(2) Subsection 10 (2) of the said Act is repealed and the following substituted therefor:

(2) Where a vacancy occurs in the office of the chairman who has been elected under subsection 5c (1), the Metropolitan Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who shall be a metropolitan councillor to hold office for the remainder of the term of his or her predecessor. Idem

(3) Subsection 10 (3) of the said Act is amended by striking out "person" in the third line and inserting in lieu thereof "metropolitan councillor".

(4) Clause 10 (3c) (b) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 29, section 2, is amended by striking out "member of the council of an area municipality" in the first and second lines and inserting in lieu thereof "metropolitan councillor".

(5) Subsection 10 (3e) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 29, section 2, is amended by striking out "or the council of the area municipality, as the case may be" in the third and fourth lines.

(6) Subsection 10 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 2, section 2, is repealed and the following substituted therefor:

(4) Where a vacancy occurs on or before the 31st day of March of an election year, as defined in the *Municipal Elections Act*, in the office of a member who is a metropolitan councillor, Vacancies
R.S.O. 1980,
c. 308

(a) the Metropolitan Council shall appoint a person to fill that vacancy, and sections 45 and 47 of the *Municipal Act* apply with necessary modifications to the filling of every such vacancy; or R.S.O. 1980,
c. 302

(b) the clerk of the area municipality for which the vacancy occurs shall hold an election to fill the vacancy in accordance with section 92 of the *Municipal Elections Act*,

as determined by by-law of the Metropolitan Council.

(4a) Where a vacancy occurs after the 31st day of March of an election year, as defined in the *Municipal Elections Act*, in the office of a member who is a metropolitan councillor, the Metropolitan Council shall fill every such vacancy and subsection 46 (3) of the *Municipal Act* applies with necessary modifications to the filling of the vacancy. Idem

(7) Section 10 of the said Act is amended by adding thereto the following subsection:

Where head
of council
incapacitated

(4b) In the event that the head of a council of an area municipality is for any incapacity unable to fulfil the duties as a member of the Metropolitan Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Metropolitan Council who shall act in the place and stead of the head of council during the incapacity but no such by-law shall have effect for a period longer than one month from its effective date.

(8) Subsection 10 (5) of the said Act is repealed and the following substituted therefor:

Election
expenses

(5) The Metropolitan Corporation shall pay all reasonable expenses incurred by the area municipality with respect to the election under clause (4) (b).

Resignation
of chairman

(6) The chairman may resign his or her office by notice in writing filed with the clerk of the Metropolitan Corporation and the office then becomes vacant.

Vacancy
when council
not in session

(7) Where for any cause a vacancy occurs in the office of the chairman when the Metropolitan Council is not in session, the clerk of the Metropolitan Corporation shall forthwith notify the members of the vacancy and, if required in writing to do so by a majority of them, the clerk shall call a special meeting of the Metropolitan Council to fill the vacancy.

8. Section 11 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 29, section 3, 1984, chapter 18, section 3 and 1985, chapter 2, section 3, is repealed.

9. Section 13 of the said Act is repealed and the following substituted therefor:

Committees

13.—(1) The Metropolitan Council may establish standing or other committees, including an executive committee, and assign to them such duties as it considers expedient.

Chairman of
executive
committee

(2) Where the Metropolitan Council establishes an executive committee, the chairman of the Metropolitan Council shall be the chairman of and a member of such committee.

Delegation to
executive
committee

(3) If the Metropolitan Council establishes an executive committee, the Metropolitan Council may by by-law,

- (a) authorize the executive committee to exercise the powers set out in section 12 and subsection 97 (3); and
- (b) delegate authority to the executive committee under section 200.

10.—(1) Subsection 152 (1) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 10, section 39, is repealed and the following substituted therefor:

(1) The council of each area municipality shall be composed of a mayor elected by general vote who shall be the head of council and, Composition
of council

- (a) if the area municipality has two or three wards, two or three councillors for each ward; or
- (b) if the area municipality has four or more wards, one, two or three councillors for each ward.

(2) Subsection 152 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 10, section 39, is repealed and the following substituted therefor:

(2) The council of each area municipality may establish standing or other committees and assign to them such duties as it considers expedient. Committees

(3) Subsections 152 (3) and (4) of the said Act are repealed and the following substituted therefor:

(3) Notwithstanding sections 67 and 68 of the *Municipal Act*, no area municipality shall have a board of control. No boards of
control
R.S.O. 1980,
c. 302

(4) Subsection 152 (5) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 18, section 12, is repealed.

11. Section 152a of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 2, section 4 and amended by the Statutes of Ontario, 1987, chapter 10, section 39, is repealed.

12. The said Act is further amended by adding thereto the following section:

**152b.—(1) Notwithstanding the *Municipal Act*, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of the electors of that area municipality in accordance with section 13 of the *Municipi-* Alteration of
local wards
by O.M.B.
R.S.O. 1980,
c. 302**

pal Act, the Municipal Board may, after the 1st day of December, 1988, by order,

- (a) divide or redivide the area municipality into two or more local wards and shall designate the name or number each local ward shall bear;
- (b) alter any or all of the local wards in the area municipality; or
- (c) subject to subsection 152 (1), vary the composition of the council of the area municipality,

provided that the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, shall be the head of council of the area municipality, and shall be a member of the Metropolitan Council.

Contents of
order

(2) In making an order under subsection (1), the Municipal Board shall, subject to clause (1) (a),

- (a) establish in the area municipality a number of local wards equal to the number of metropolitan wards in that area municipality with the boundaries of the local wards being identical to the boundaries of the metropolitan wards in that area municipality; or
- (b) establish in the area municipality a number of local wards equal to a multiple in whole numbers of the number of metropolitan wards in that area municipality and divide or redivide each of the metropolitan wards into two or more local wards, as the case may be, but each local ward shall be located entirely within one metropolitan ward.

Effective
date of order

R.S.O. 1980,
c. 308

(3) An order made under subsection (1) shall come into effect on the 1st day of December in the year in which regular elections under the *Municipal Elections Act* occur but the regular elections held in that year shall be conducted as if the order was in effect.

Inquiry by
Minister

(4) Where the Minister inquires into the structure, organization and methods of operation of one or more area municipalities or the Metropolitan Corporation, the Minister may give notice to the Municipal Board of such inquiry and that any application and any petition made under subsection (1) should be deferred until the inquiry has been completed and thereupon all proceedings in any such application or petition

are stayed until the Minister gives notice to the Municipal Board that they may be continued.

13. Subsection 245 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 18, section 17, is amended by inserting after "78b" in the second line "96 (1)".

14. Section 5a of the said Act, as enacted by section 3 of this Act, is repealed on the 1st day of December, 1988 but any order of the Lieutenant Governor in Council under section 5a remains valid until altered by an order of the Municipal Board under section 5b. Transitional
and repeal

15.—(1) This Act, except section 2, sections 4 to 11 and section 13, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 2, sections 4 to 11 and section 13 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* in the area municipalities shall be conducted as if section 2, sections 4 to 11 and section 13 were in force. Idem
R.S.O. 1980,
c. 308

16. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1988 (No. 2)*. Short title

