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c 27 Education Statute Law Amendment Act, 1988

Ontario

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CHAPTER 27

An Act to amend the Education Act and certain other Acts related to Education*Assented to June 1st, 1988*

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

1. Paragraph 37 of subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

37. "population" means the population as determined by the latest enumeration taken under subsection 14 (1) of the *Assessment Act*.

R.S.O. 1980,
c. 31

2. Section 10 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 4, 1984, chapter 60, section 4 and 1986, chapter 64, section 12, is further amended by adding thereto the following subsections:

(10) The Lieutenant Governor in Council may make regulations, Regulations

(a) prescribing the persons who shall make the determinations that are required to be made under subsections 206a (5) and (7) and the distribution that is required to be made under subsection 206a (11) and an alternative distribution that is required to be made under subsection 206a (17) and the manner in which and the time by which they shall be made;

(b) governing the distribution of information that relates to the determinations that are required to be made under subsections 206a (5) and (7) and distributions that are required to be made under subsection 206a (11) and an alternative distribution that is required to be made under subsection 206a (17) and information that relates to appeals and applications with respect to such determinations and distributions;

- (c) governing the nomination procedures for the election of members to boards from areas, including electoral areas established under subsections 277i (3) and (4), that are composed of all or part of two or more municipalities;
- (d) prescribing the duties to be performed by the clerks of the municipalities referred to in clause (c) and by the secretaries of boards in respect of nominations and elections.

Consistency
with
*Municipal
Elections Act*
R.S.O. 1980,
c. 308

(11) A regulation made under clause (10) (c) or (d) shall not be inconsistent with the *Municipal Elections Act* except to the extent necessary to ensure that the nominations and the election referred to in those clauses are carried out in an efficient and orderly manner.

3. Subsection 53 (4) of the said Act is amended by striking out “pursuant to subsection 59 (9)” in the fifth line and inserting in lieu thereof “under subsection 206a (11) or (17)”.

4. Subsection 54 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 15, is further amended by adding thereto the following clause:

- (f) provide for the continuation of representation when a municipality is detached from one school division and added to another.

5.—(1) Subsection 55 (1) of the said Act is amended by striking out “sections 52 to 59” in the third and fourth lines and inserting in lieu thereof “sections 52 to 56, section 136i, and Parts VII-A and XI-A”.

(2) Subsection 55 (4) of the said Act is amended by inserting after “board” in the first line “other than a member of a French-language or English-language section”.

6. Subsections 56 (4), (5), (6), (7) and (8) of the said Act are repealed.

7. Sections 57 and 58 of the said Act are repealed.

8. Section 59 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 16 and 1984, chapter 60, section 6, is repealed.

9. Section 61 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 17, is repealed.

10. Subsection 83 (6) of the said Act is repealed.

11. Subsection 88 (3) of the said Act is amended by striking out "section 90 or 100" in the eighth line and inserting in lieu thereof "section 100 or subsection 206a (6)".

12. Subsection 90 (1), as amended by the Statutes of Ontario, 1982, chapter 32, section 27, and subsections 90 (2) and (3) of the said Act are repealed.

13. Section 91 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 28, is repealed.

14. Section 92 of the said Act is repealed.

15.—(1) Subsection 103 (4) of the said Act is amended by striking out "section 90" in the fifth line and inserting in lieu thereof "subsection 206a (6)".

(2) Subsection 103 (7) of the said Act is amended by striking out "subsection 113 (21)" in the fifth line and inserting in lieu thereof "subsection 206a (11) or (17)".

16.—(1) Subsection 105 (2) of the said Act is amended by adding thereto the following clause:

- (d) providing for the continuation of representation when a municipality is detached from one combined school zone and added to another.

(2) Subsection 105 (4) of the said Act is amended by striking out "sections 113 to 115" in the last line and inserting in lieu thereof "sections 115 and 206a".

17. Subsection 106 (2) of the said Act is repealed.

18. Subsections 110 (4), (5), (6), (7) and (8) of the said Act are repealed.

19. Subsection 112 (3) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 18, is repealed.

20. Section 113 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 37 and 1984, chapter 60, section 7, is repealed.

21. Subsection 115 (1) of the said Act is amended by inserting after "sections 105 to 118" in the third line "and section 206a".

22.—(1) Subsection 116 (1) of the said Act is amended by inserting after “sections 105 to 118” in the third line “and section 206a”.

(2) Subsection 116 (2) of the said Act is amended by striking out “and shall consist of sixteen trustees” in the third and fourth lines.

(3) Subsections 116 (3), (4), (5) and (6) of the said Act are repealed.

23. Subsection 144 (2) of the said Act is amended by inserting after “Part IV” in the sixth line “and Part VII-A”.

24. The said Act is amended by adding thereto the following Part:

PART VII-A

TRUSTEE REPRESENTATION

Public and Separate School Boards

Definitions

206a.—(1) In this Part,

“board” means a board of education, an urban separate school board, a district combined separate school board or a county combined separate school board;

“coterminous Roman Catholic separate school board” means a Roman Catholic separate school board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a public board;

“electoral group” of a board means a category of persons that reside within the area of jurisdiction of the board;

“public school electoral group” means, with respect to a board, the electoral group that comprises exclusively persons who are public school supporters or public school electors and includes the dependants of the public school supporters and public school electors of the board;

“public school English-language electoral group” means the part of the public school electoral group that comprises exclusively persons who are not members of the public school French-language electoral group;

“public school French-language electoral group” means the part of the public school electoral group that comprises

exclusively persons who have the right under subsection 23 (1) or (2), without regard to subsection 23 (3) of the *Charter of Rights and Freedoms* to have their children receive their primary and secondary school instruction in the French language in Ontario and who choose to vote only for the members of the French-language component of the board and includes the dependants of these persons;

“public school supporter” means a ratepayer who is not a separate school supporter;

“separate school electoral group” means, with respect to a board, the electoral group that comprises exclusively persons who are separate school supporters or separate school electors and includes the dependants of the separate school supporters and separate school electors of the board;

“separate school English-language electoral group” means the part of the separate school electoral group that comprises exclusively persons who are not members of the separate school French-language electoral group;

“separate school French-language electoral group” means the part of the separate school electoral group that comprises exclusively persons who have the right under subsection 23 (1) or (2), without regard to subsection 23 (3) of the *Charter of Rights and Freedoms*, to have their children receive their primary and secondary school instruction in the French-language in Ontario and who choose to vote only for the members of the French-language component of the board and includes the dependants of these persons;

“total English-language electoral group” means,

- (a) for a public board where the coterminous Roman Catholic separate school board is not a Roman Catholic school board, the electoral group comprising the public school English-language electoral group and the separate school English-language electoral group,
- (b) for a public board where the coterminous Roman Catholic separate school board is a Roman Catholic school board, the public school English-language electoral group,
- (c) for a separate school board, the separate school English-language electoral group;

“total French-language electoral group” means,

- (a) for a public board where the coterminous Roman Catholic separate school board is not a Roman Catholic school board, the electoral group comprising the public school French-language electoral group and the separate school French-language electoral group,
- (b) for a public board where the coterminous Roman Catholic separate school board is a Roman Catholic school board, the public school French-language electoral group,
- (c) for a separate school board, the separate school French-language electoral group.

Elections

(2) The election of members of a board shall be conducted by the same officers and in the same manner as the election of members of the council of a municipality.

Change of boundaries

(3) The boundaries of the area of jurisdiction of a board or of a municipality that are to be altered as a result of,

- (a) a regulation made under subsection 54 (1) or 105 (2);
- (b) the establishment of a separate school zone under section 107;
- (c) an order of the Ontario Municipal Board;
- (d) an order of the Lieutenant Governor in Council under the *Municipal Boundary Negotiations Act, 1981*; or
- (e) any other Act,

1981, c. 70

R.S.O. 1980
c. 308

on or before the 1st day of January next following a regular election under the *Municipal Elections Act* shall be deemed, for the purposes of this Part, to have been so altered.

New city

(4) A new city that is to be erected on or before the 1st day of January next following a regular election under the *Municipal Elections Act* shall be deemed, for the purposes of this Part, to have been so erected.

Number of
members on
a board

(5) Subject to the increased number of members that may result from the application of rules 11, 12 and 13 of subsection (8) and the additional person that may be appointed by the board under section 165 to represent the interests of Indian pupils, the number of members on a board shall be deter-

mined in accordance with subsection (6) by the person prescribed by the regulations.

(6) A determination of the number of members on a board shall be made using the following rules, that shall be applied in order beginning with rule 1: Rules for determination

1. For a public board where the coterminous Roman Catholic separate school board is a Roman Catholic school board, the population of the separate school electoral group shall be deemed to be zero.
2. For a separate school board, the population of the public school electoral group shall be deemed to be zero.
3. The total population of all electoral groups of the board shall be equal to the sum of the populations of the public school electoral group and the separate school electoral group.
4. Subject to rule 6, the total number of members of a divisional board, an urban separate school board, a district combined separate school board or a county combined separate school board shall be the number of members set out in column 2 of the following table opposite the total population of all electoral groups of the board set out in column 1 of the following table:

TABLE

Column 1	Column 2
Total population of all electoral groups of the board	Total number of members
Less than 5,000 persons	8
5,000 or more, up to and including 8,999 persons	10
9,000 or more, up to and including 14,999 persons	12
15,000 or more, up to and including 49,999 persons	14
50,000 or more, up to and including 115,999 persons	15
116,000 or more, up to and including 182,999 persons	17

183,000 or more, up to and including 282,999 persons	18
283,000 or more, up to and including 382,999 persons	19
383,000 or more, up to and including 482,999 persons	20
483,000 or more persons	21

5. Subject to rule 6, the total number of members on a board of education that is not a divisional board shall be the number of members as set out in column 2 of the following table opposite the total population of all electoral groups of the board set out in column 1 of the following table:

TABLE

Column 1	Column 2
Total population of all electoral groups of the board	Total number of members
Less than 140,000 persons	8
140,000 or more, up to and including 234,999 persons	10
235,000 or more, up to and including 329,999 persons	13
330,000 or more, up to and including 424,999 persons	16
425,000 or more persons	19

6. Where a board approves, by a resolution passed by an affirmative vote of three-quarters of the members of the board in the year immediately preceding the year of a regular election under the *Municipal Elections Act* or before the 10th day of August, 1988, an increase or decrease of either one or two in the number of members of the board, the number of members of the board shall be deemed to be so increased or decreased for the next two subsequent regular elections.

R.S.O. 1980, c. 308

Number of members for each electoral group of a board

- (7) The number of members to be elected at each regular election under the *Municipal Elections Act* by the electors for each of the electoral groups of a board shall be determined in accordance with subsection (8) by the person prescribed by the regulations.

(8) A determination referred to in subsection (7) shall be made using the following rules, that shall apply in order starting with rule 1:

Rules for
determination

1. For a public board, where the coterminous Roman Catholic separate school board is a Roman Catholic school board, the population of the separate school electoral group shall be deemed to be zero.
2. For a separate school board, the population of the public school electoral group shall be deemed to be zero.
3. If the board is not required to establish either a French-language or English-language section under Part XI-A then,
 - i. the population of the public school French-language electoral group shall be added to the population of the public school English-language electoral group and this total population shall be deemed to be the population of the public school English-language electoral group for the purposes of the subsequent rules in this subsection,
 - ii. the population of the separate school French-language electoral group shall be added to the population of the separate school English-language electoral group and this total population shall be deemed to be the population of the separate school English-language group for the purposes of the subsequent rules in this subsection, and
 - iii. the population of the total French-language electoral group shall be deemed to be zero.
4. If the board is required to establish an English-language section under Part XI-A, a reference in rule 5, 6 or 7 to English-language shall be deemed to be a reference to French-language and a reference to French-language shall be deemed to be a reference to English-language.
5. The number of members to be elected by the electors of the public school English-language electoral group shall be calculated in accordance with the formula set out in subsection (9).

6. The number of members to be elected by the electors of the total French-language electoral group shall be calculated in accordance with the formula set out in subsection (9).
7. The number of members to be elected by the electors of the separate school English-language electoral group shall be calculated in accordance with the formula set out in subsection (9).
8. Where the sum of the number of members obtained using rules 5, 6 and 7 is less than the total number of members determined by the rules in subsection (6), the number of members to be elected by the electors of the electoral group whose number of members calculated under subsection (9) differs from the next lower integer by the greatest amount shall be increased by one.
9. Where the sum of the number of members obtained using rules 5, 6 and 7 is greater than the total number of members determined by the rules in subsection (6), the number of members to be elected by the electors of the electoral group whose number of members calculated under subsection (9) differs from the next higher integer by the greatest amount shall be decreased by one.
10. Where rule 8 or 9 is applied but cannot operate because the numbers of members calculated under subsection (9) for two or more electoral groups differ from the applicable integers by the same amount, the electoral group that shall have its number of members increased or decreased by one member shall be the largest electoral group.
11. Where the number of members calculated under rule 5 is less than three but greater than zero, then the number of members shall be deemed to be three.
12. Where the number of members calculated under rule 6 is less than three but greater than zero, then the number of members shall be deemed to be three.
13. Where the number of members calculated under rule 7 is less than one but greater than zero, then the number of members shall be deemed to be one.

(9) For the purposes of rules 5, 6 and 7 of subsection (8), the number of members shall be calculated using the following formula:

Calculation of number of members for purposes of rules 5, 6 and 7

$$\text{number of members} = \frac{a \times b}{c}$$

where a = the total number of members of the board determined by the rules in subsection (6)

b = the population of the electoral group to which the rule applies

c = the total population of all electoral groups of the board determined under rule 3 of subsection (6).

(10) For the purposes of rules 5, 6 and 7 of subsection (8) and rule 2 of subsection (18), the calculation shall be correct to the nearest integer with the fraction one-half being raised to the next higher integer.

Idem

(11) After the determinations required under this section are made, a distribution of those members that represent the electors of an electoral group of the board shall be made in accordance with subsection (12) by the person prescribed by the regulations to,

Distribution of members

- (a) the municipalities or combination of municipalities that comprise the area of jurisdiction of a board; or
- (b) the electoral areas established under subsection (21) or combination of such electoral areas in a municipality.

(12) A distribution shall be made separately for each electoral group for which a distribution is not otherwise provided under section 277i or subsection 277t (1) according to the following rules that shall be applied in order beginning with rule 1:

Rules for distribution

1. Calculate the electoral quotient for each municipality and electoral area using the following formula:

$$\text{electoral quotient} = \frac{a \times b}{c}$$

where a = the population of the electoral group resident in the municipality or electoral area

b = the total number of members that represents the electors of the electoral group calculated by the rules in subsection (8)

c = the total population of the electoral group.

2. The number of members that represent the electors of the electoral group for a municipality or electoral area shall be, as nearly as practicable, its electoral quotient.
3. Two or more adjoining municipalities or two or more adjoining electoral areas within a municipality may be combined so that the sum of the electoral quotients of the municipalities or electoral areas so combined is as nearly as practicable an integer.
4. The number of members that represent the electors of the electoral group for a combination of municipalities or for a combination of electoral areas within a municipality shall be as nearly as practicable, the sum of the electoral quotients of the municipalities or electoral areas so combined.

Designation
by board

(13) A board may by a resolution passed by an affirmative vote of three-quarters of the members of the board designate one or more municipalities wholly or partly within the area of jurisdiction of the board as a low population municipality or municipalities.

Resolution
by members
representing
electoral
group

(14) Where a board has made a designation under subsection (13), the members of the board who represent an electoral group may direct, by a resolution passed by an affirmative vote of three-quarters of those members, that,

- (a) an alternative distribution of members representing that electoral group be made to the municipality or municipalities designated by the board under subsection (13); and
- (b) the sum of the electoral quotients for the municipality or municipalities be increased by one or by two.

Effect of
resolution
R.S.O. 1980,
c. 308

(15) A resolution passed under subsection (13) or (14) shall be passed in the year of a regular election under the *Municipal Elections Act* and shall be effective only for the purposes of the regular election to be held in that year.

(16) A resolution under subsection (13) or (14) has no effect unless it is made not later than five days after the date on which a distribution under subsection (11) is required to be made. Idem

(17) Pursuant to a resolution passed by the members of an electoral group of a board under subsection (14), an alternative distribution of those members that represent the electors of an electoral group of the board shall be made in accordance with subsection (18) by the person prescribed by the regulations to, Distribution of members

- (a) the municipalities or combination of municipalities that comprise the area of jurisdiction of a board; or
- (b) the electoral areas established under subsection (21) or combination of such electoral areas in a municipality.

(18) An alternative distribution for an electoral group shall be made according to the following rules that shall be applied in order beginning with rule 1: Rules for distribution

1. Place the municipalities in two groups, one of which shall be comprised of the municipality or municipalities designated under subsection (13) and one of which shall be comprised of the remaining municipalities.
2. Calculate the sum of the electoral quotients, determined under subsection (12), for each group of municipalities.
3. For the group of municipalities that is designated under subsection (13), add to the sum of the electoral quotients the number one or two as determined by resolution of the electoral group passed under subsection (14).
4. For the group of the remaining municipalities, subtract from the sum of the electoral quotients one or two, as the case may be.
5. Calculate the alternative electoral quotient for each municipality and electoral area using the following formula:

$$\text{alternative electoral quotient} = \frac{a \times b}{c}$$

where a = the population of the electoral group resident in the municipality or electoral area

b = the number calculated by rule 3 or 4, as the case requires

c = the total population of the electoral group resident in the group of municipalities to which the municipality or electoral area belongs.

6. The number of members that represent the electors of the electoral group for a municipality or electoral area shall be, as nearly as practicable, its alternative electoral quotient.
7. Two or more adjoining municipalities that were placed under rule 1 in the same group or two or more adjoining electoral areas within a municipality may be combined so that the sum of the alternative electoral quotients of the municipalities or electoral areas so combined is as nearly as practicable an integer.
8. The number of members that represent the electors of the electoral group for a combination of municipalities or for a combination of electoral areas shall be, as nearly as practicable, the sum of the alternative electoral quotients of the municipalities or electoral areas so combined.

Effect of
alternative
distribution

R.S.O. 1980,
c. 308

(19) An alternative distribution of those members that represent the electors of an electoral group that is made under subsection (17) shall, in lieu of the distribution that is required to be made under subsection (11), be the distribution for those members at the next regular election under the *Municipal Elections Act* and for the purposes of sections 206b and 206c shall be deemed to be a distribution made under subsection 206a (11).

Election by
general vote

(20) The members representing an electoral group for a municipality shall be elected by general vote of the electors eligible to vote in the municipality for those members.

Electoral
areas in a
municipality

(21) Notwithstanding subsection (20), where the number of members representing an electoral group to be elected under that subsection may be two or more, the council of the municipality may, where so requested by the board, by by-law divide the municipality into two or more electoral areas for

the purposes of an election under the *Municipal Elections Act* and a member representing an electoral group for an electoral area shall be elected by general vote of the electors eligible to vote in the electoral area for that member. R.S.O. 1980,
c. 308

(22) A by-law referred to in subsection (21) and a by-law repealing any such by-law shall not be passed later than the 1st day of February in the year of a regular election under the *Municipal Elections Act* and shall take effect for the purpose of the regular election next following the passing of the by-law and remain in force until repealed. Time for
passing by-
law

(23) Notwithstanding section 277i, where a municipality is divided into wards, an electoral area may include one or more wards but each ward shall be located entirely within the electoral area. Wards in
electoral
areas

(24) Where two or more municipalities or electoral areas are combined for the election of one or more members who represent an electoral group, the member or members shall be elected by a general vote of the electors eligible to vote in the combined municipalities or combined electoral areas, as the case may be, for those members. Election in
combined
municipalities

Appeal

206b.—(1) After the determinations are made as required under subsections 206a (5) and (7) and the distribution is made as required under subsection 206a (11) with respect to a board, the determinations and the distribution or the distribution may be appealed to a judge. Appeal

(2) An appeal under this section shall be made by the council of any municipality concerned or a board on behalf of any territory without municipal organization that is deemed a district municipality. Idem

(3) An appeal on a distribution only may be made only where the distribution allots to a municipality or to a combination of municipalities a number of members to be elected by the electors of an electoral group that is different from the electoral quotient of the municipality or the sum of the electoral quotients for the combined municipalities by an amount that is greater than 0.05 times the total number of members to be elected by the electoral group. Appeal on
distribution

(4) An appeal shall be made within twenty days after the date prescribed by the regulations for a determination to be made. Time for
appeal

- Time for decision (5) The judge shall make a decision with respect to an appeal within thirty days after the appeal is commenced.
- Decision of judge on appeal (6) The judge on an appeal under this section may,
- (a) vary a determination or distribution that is the subject of the appeal; or
 - (b) confirm that a determination or distribution that is the subject of the appeal was made in accordance with section 206a.
- Idem (7) The decision of a judge on an appeal under this section is final and the appropriate person prescribed by the regulations to make the determination or distribution shall forthwith make such changes as the judge requires.
- Where no appeal (8) Where an appeal is not made or is not made within a time referred to in subsection (4), a board shall be deemed to be properly constituted notwithstanding any defect in a determination or distribution.

Applications

- Application for determination or distribution **206c.**—(1) An application may be made to a judge to make,
- (a) the determinations that are required to be made under subsections 206a (5) and (7) and the distribution that is required to be made under subsection 206a (11); or
 - (b) the distribution that is required to be made under subsection 206a (11),

where the determinations and the distribution are not made or a distribution is not made.

- Idem (2) An application under this section shall be made by the council of any municipality concerned or a board on behalf of any territory without municipal organization that is deemed a district municipality.
- Time for application (3) An application shall be made within twenty days after the date prescribed by the regulations for a determination to be made.
- Time for determination (4) The judge shall make the determinations and distribution or the distribution, as the case requires, within thirty days after the application is commenced.

(5) A determination or distribution made by a judge under subsection (4) is not subject to appeal and shall be deemed to be a determination or distribution made under section 206a.

Determi-
nation or
distribution
final

(6) Where,

No determi-
nation or
distribution

(a) determinations and distributions are not made;

(b) a distribution is not made; or

(c) the judge does not deal with the application within the thirty day time period required,

the determinations and distribution or the distribution, as the case may be, at the last regular election under the *Municipal Elections Act* shall be deemed to be the determinations and distribution or the distribution for the purposes of the next regular election.

R.S.O. 1980,
c. 308

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

206d.—(1) Upon the application of a board authorized by a resolution thereof, or upon the application of petitioners in accordance with subsection (4), the Ontario Municipal Board may, by order,

Electoral
areas

(a) divide or redivide a municipality within the area of jurisdiction of a school board into electoral areas and shall designate the name or number each electoral area shall bear and shall declare the date the division or redivision shall take effect;

(b) alter or dissolve any or all of the electoral areas created by an order under clause (a) and shall declare the date when such alterations or dissolutions shall take effect; and

(c) notwithstanding the *Municipal Elections Act* or section 206a or the regulations, make such provisions as are considered necessary for the holding of elections of members to the board by electors in electoral areas created or altered under this subsection.

R.S.O. 1980,
c. 308

(2) Notwithstanding clause (1) (a) or (b), the Ontario Municipal Board may not create an electoral area under those clauses that contains part only of a ward.

Limitation

(3) While a provision of an order of the Ontario Municipal Board authorized by subsection (1) is in effect for the pur-

Election

poses of an election, the members of the board to be elected at the election by electors shall be elected in accordance with the provision of the order and not in accordance with subsection 206a (21).

Petition

(4) A petition of 150 or more persons who are qualified to elect members to the board may be presented to a school board requesting the board to apply to the Ontario Municipal Board to divide or redivide a municipality within the area of jurisdiction of the board into electoral areas or to alter or dissolve any or all of the existing electoral areas created by order of the Ontario Municipal Board, and if the board refuses or neglects to make the application within one month after receipt by the board of the petition, the petitioners or any of them may apply to the Ontario Municipal Board for the division, redivision, alteration or dissolution, as the case may be.

Electoral
area

(5) An electoral area established by the Ontario Municipal Board under this section shall be deemed to be an electoral area referred to in subsection 206a (21).

26. Section 277f of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.

27.—(1) Subsection 277i (8) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended by striking out “other members” in the sixth line and inserting in lieu thereof “members of the French-language section”.

(2) Subsection 277i (11) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.

28.—(1) Subsection 277q (2) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.

(2) Subsection 277q (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended by striking out “subsections (1) and (2)” in the second line and inserting in lieu thereof “subsection (1)”.

(3) Subsection 277q (5) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended by striking out “subsections (1) and (2)” in the second line and inserting in lieu thereof “subsection (1)”.

(4) Clause 277q (6) (a) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended

by striking out “subsections (1) and (2)” in the second and third lines and inserting in lieu thereof “subsection (1)”.

(5) Clause 277q (6) (b) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.

(6) Clause 277q (6) (d) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed and the following substituted therefor:

(d) shall ensure that public notice is given that the board qualifies under this Part to have a French-language section.

(7) Subsection 277q (7) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended by striking out “subsections (1) and (2)” in the second line and inserting in lieu thereof “subsection (1)”.

(8) Clause 277q (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.

(9) Clause 277q (9) (d) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed and the following substituted therefor:

(d) shall ensure that public notice is given that the board qualifies under this Part to have a French-language section,

29.—(1) Subsection 118 (2) 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 10, is repealed.

(2) Subsection 118 (3) of the said Act is repealed.

(3) Subsection 118 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 9, section 2, is repealed.

(4) Subsections 120b (3), (5), (6), (7), (11) and (12) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 13, are repealed and the following substituted therefor:

(3) The Council is a body corporate.

Body
corporate

(5) Subsection 121 (2) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, 1986, chapter 21, section 6 and 1986, chapter 29, section 13, is repealed and the following substituted therefor:

Members of School Board

(2) On and after the 1st day of December, 1988, the School Board shall be composed of the chairman of, and other members appointed by, each board of education in Metropolitan Toronto in accordance with subsection (2a).

Numbers of members

(2a) The total number of members, including the chairman, representing each board of education shall be the number of members set out in column 2 of the following table opposite the total population of all electoral groups of the board set out in column 1 of the following table:

TABLE

Column 1	Column 2
Total population of all electoral groups of the board of education	Total number of members
Less than 112,500 persons	1
112,500 or more, up to and including 187,499 persons	2
187,500 or more, up to and including 262,499 persons	3
262,500 or more, up to and including 337,499 persons	4
337,500 or more, up to and including 412,499 persons	5
412,500 or more persons	6

(6) Subsection 121 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 29, section 13, is repealed and the following substituted therefor:

Alternate members

(3) A board of education, for which only one member is also a member of the School Board, may appoint one of its members as an alternate member of the School Board and the alternate member may attend the meetings of the School Board and of its committees, but shall not vote in meetings of the School Board or of its committees except in the absence of the chairman of the board of education to which the alternate member belongs.

(7) Subsection 121 (6) of the said Act is repealed.

(8) Subsection 122 (3) of the said Act is repealed and the following substituted therefor:

(3) A person who is entitled to be a member of the School Board under subsection 121 (2) or an alternate member of the School Board under subsection 121 (3) shall not take a seat on the School Board until the person has filed at the first meeting of the School Board a certificate under the hand of the secretary of the board of education and under the seal of such board certifying that the person is entitled to be a member or an alternate member, as the case may be. Certificate of qualification

(9) Subsection 122 (5) of the said Act is amended by striking out "at least nine" in the second line and inserting in lieu thereof "a majority of the".

(10) Subsection 124 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 9, section 4, is repealed and the following substituted therefor:

(1) The number of members of the School Board necessary to form a quorum is the majority of the number of members of which the School Board is composed under subsection 121 (2) and the concurring votes of a majority of the members of the School Board present who are entitled to vote on any matter are necessary to carry the matter. Quorum voting

(11) Subsection 124 (3) of the said Act is repealed.

(12) Subsections 125 (4) and (5) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 9, section 5, are repealed.

(13) Subsections 126 (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

(2) If a vacancy occurs in the office of an appointed member, the board of education of which the person was a member shall, within fifteen days after the vacancy occurs, appoint a successor from among its members to hold office for the remainder of the term of the person. Other members

(3) The chairman of the School Board may resign the office as chairman without resigning from the board of education to which the chairman belongs. Resignation of chairman

30. Section 151 of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is repealed.

31. Section 145 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed.

32. Section 158 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed.

33.—(1) Subsection 153 (2) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out “composed of seventeen members” in the third line.

(2) Subsection 153 (3) of the said Act is repealed.

(3) Subsections 153 (3a), (3b), (3c) and (3d) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 49, section 21, are repealed.

(4) Subsections 153 (4) and (5) of the said Act are repealed.

(5) Subsection 154 (4) of the said Act is repealed.

(6) Section 155 of the said Act is amended by inserting after “Part III” in the first line “and Part VII-A”.

34. Section 140 of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed.

35. Section 123 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed.

36. Section 173 of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed.

37. Section 137 of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is repealed.

38.—(1) Subsection 2 (3) of *The Metropolitan Separate School Board Act, 1953*, being chapter 119, is repealed and the following substituted therefor:

(3) The Metropolitan Board shall consist of such number of members as is determined in accordance with Part VII-A of the *Education Act*.

(2) Section 4 of the said Act is repealed and the following substituted therefor:

4. Notwithstanding the *Municipal Elections Act*, the oath to be taken by a voter shall be as set out in Schedule B.

Oath
R.S.O. 1980,
c. 308

(3) Clauses 13 (b), (c) and (d) of the said Act are repealed.

(4) Section 17 of the said Act is repealed and the following substituted therefor:

17. Except as otherwise provided in this Act, the Metropolitan Board shall be an urban separate school board within the meaning of the *Education Act* and with respect to the district shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban separate school board by that Act.

Metropolitan
Board to be
urban
separate
school board
R.S.O. 1980,
c. 129

(5) Schedule A to the said Act is repealed.

39. Section 3 of *The City of Sault Ste. Marie Act, 1977*, being chapter 103, is repealed.

40. Clause 32 (d) of *The City of Timmins-Porcupine Act, 1972*, being chapter 117, is repealed.

41.—(1) Notwithstanding that sections 1 to 40 do not come into force until the 1st day of December, 1988, the regular elections to be held in 1988 under the *Municipal Elections Act* shall be conducted and the determinations and distributions in respect of those elections, including appeals and applications with respect thereto, shall be made as if sections 1 to 40, except section 25, of this Act were in force.

Transition

R.S.O. 1980,
c. 308

(2) Notwithstanding that sections 1 to 40 do not come into force until the 1st day of December, 1988, where members of a board were elected in a municipality to represent areas established or continued under subsection 59 (23) or 113 (19) of the *Education Act* or under clause 32 (d) of *The City of Timmins-Porcupine Act, 1972* or to represent zones established by the Municipal Board under subsection 153 (3a) of the *Regional Municipality of Ottawa-Carleton Act* or to represent wards at the regular election held under the *Municipal Elections Act* in 1985, those areas, zones or wards or those areas, zones or wards as altered prior to the 2nd day of February, 1988, shall, unless dissolved, be deemed to be electoral areas established prior to that date under subsection 206a (21) of the *Education Act*, as enacted by section 24 of this Act, as if that subsection were in force.

Idem

R.S.O. 1980,
c. 129
1972, c. 117
R.S.O. 1980,
cc. 439, 308

Idem

(3) Notwithstanding subsection (2), for purposes of the election of members of the Metropolitan Separate School Board or of a board of education in Metropolitan Toronto, the local wards established by the Lieutenant Governor in Council for the regular elections to be held in 1988 in an area municipality within the meaning of the *Municipality of Metropolitan Toronto Act* shall be deemed to be electoral areas established, prior to the 2nd day of February, 1988, by the council of the area municipality at the request of the Metropolitan Separate School Board or of the board of education, as the case may be, under subsection 206a (21) of the *Education Act*, as enacted by section 24 of this Act, as if that subsection were in force.

R.S.O. 1980,
c. 314

Idem

(4) The Minister may by order increase or decrease the total number of members to be elected to the Metropolitan Toronto French-language School Council by one or two members for the purposes of the regular elections to be held in 1988 under the *Municipal Elections Act*.

Idem

(5) Notwithstanding subsection (2), where a municipality within the area of jurisdiction of a board was divided into wards on the 1st day of February, 1988, the board may, by resolution made on or before the 10th day of August, 1988, establish the wards as electoral areas for the purposes of the election of members of the board in the regular elections to be held in 1988 under the *Municipal Elections Act*.

R.S.O. 1980,
c. 308Commence-
ment

42.—(1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 40 come into force on the 1st day of December, 1988.

Short title

43. The short title of this Act is the *Education Statute Law Amendment Act, 1988*.