

1980

c 85 Conservation Authorities Act

Ontario

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CHAPTER 85

Conservation Authorities Act

1. In this Act,

Interpre-
tation

- (a) "administration costs" means salaries and travelling expenses of members and employees of an authority, office rent, maintenance and purchase of office equipment, expenses connected with exhibits, visual equipment and printed matter for educational purposes, and all expenditures necessary for carrying out the objects of an authority other than capital expenses and maintenance costs of approved projects;
- (b) "advisory board" means an advisory board appointed by an authority;
- (c) "authority" means a conservation authority established by or under this Act or a predecessor of this Act;
- (d) "executive committee" means the executive committee appointed by an authority;
- (e) "land" includes buildings and any estate, term, easement, right or interest in, to, over or affecting land;
- (f) "maintenance costs" means all expenditures required specifically in relation to the operation or maintenance of an approved project;
- (g) "Minister" means the Minister of Natural Resources;
- (h) "municipality" means a city, town, village, township or improvement district, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 69 of that Act;
- (i) "participating municipality" means a municipality that is designated by or under this Act as a participating municipality;

R.S.C. 1970,
c. I-6

(j) "project" means a work undertaken by an authority for the furtherance of its objects;

R.S.O. 1980,
c. 126

(k) "referee" means the referee appointed under the *Drainage Act*;

(l) "watershed" means an area drained by a river and its tributaries. R.S.O. 1970, c. 78, s. 1; 1972, c. 1, s. 84 (1).

Calling of
meeting

2.—(1) Where the councils of any two or more municipalities situate either wholly or partly within a watershed by resolution request the Minister to call a meeting for the establishment of an authority for the watershed or any defined part thereof, the Minister shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or such part thereof.

Represent-
atives at
meeting

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers:

1. Where the population is 250,000 or more, five representatives.
2. Where the population is 100,000 or more but less than 250,000, four representatives.
3. Where the population is 50,000 or more but less than 100,000, three representatives.
4. Where the population is 10,000 or more but less than 50,000, two representatives.
5. Where the population is less than 10,000, one representative.

Authority
of repre-
sentatives

(3) The representatives so appointed have authority to vote and generally act on behalf of their respective municipalities at such meeting.

Quorum

(4) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time. R.S.O. 1970, c. 78, s. 2.

3.—(1) Upon receipt by the Minister of a resolution passed at a meeting or adjourned meeting held under section 2 and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of an authority, the Lieutenant Governor in Council may establish a conservation authority and designate the municipalities that are the participating municipalities and the area over which the authority has jurisdiction. R.S.O. 1970, c. 78, s. 3 (1). Establishment of authority

(2) Where a municipality is only partly within the watershed, the Lieutenant Governor in Council may include the whole or that part of the municipality in the area over which the authority has jurisdiction. 1973, c. 98, s. 1. Area over which authority has jurisdiction

(3) The name of each authority shall be determined by the Lieutenant Governor in Council and shall conclude with the words "conservation authority". Name of authority

(4) Every authority is a body corporate. Corporate body

(5) Every authority may, for its purposes, borrow on the promissory note of the authority, at such rate of interest as the Minister approves, such moneys as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities. R.S.O. 1970, c. 78, s. 3 (3-5). Borrowing power

4.—(1) Where a regional municipality has been established, the regional municipality, on and after the 1st day of January after it is established, Regional municipality to act in place of local municipalities

(a) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for such purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and

(b) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction of a conservation authority and shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities.

Present members when regional municipality established

(2) When a regional municipality is established, the members of an authority then holding office who were appointed by a local municipality wholly or partly within the regional municipality shall continue to hold office until their respective terms of office expire and shall be deemed to have been appointed by the regional municipality. R.S.O. 1970, c. 78, s. 4.

Interpretation

5.—(1) In this section, “Metropolitan Conservation Authority” means The Metropolitan Toronto and Region Conservation Authority.

Metropolitan Conservation Authority continued

(2) The Metropolitan Toronto and Region Conservation Authority is continued and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1980, as it may be altered under this Act.

Present participating municipalities

(3) The municipalities that were participating municipalities of the Metropolitan Conservation Authority on the 31st day of December, 1980, shall continue to be participating municipalities until otherwise provided under subsection (4). 1971, c. 64, s. 2, *part.*

Designation of participating municipalities, area and appointment of members

(4) The Lieutenant Governor in Council may designate,

(a) the municipalities that are the participating municipalities of the Metropolitan Conservation Authority; and

(b) the area over which the Metropolitan Conservation Authority has jurisdiction. 1971, c. 64, s. 2, *part.*; 1973, c. 98, s. 2.

Members

(5) Notwithstanding section 14, the number of members appointed to the Metropolitan Conservation Authority by The Municipality of Metropolitan Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities. 1971, c. 64, s. 2, *part.*

Hamilton Region Conservation Authority continued

6.—(1) The Hamilton Region Conservation Authority is continued and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1980, as it may be altered under this Act.

Present participating municipalities

(2) The municipalities that were participating municipalities of the Hamilton Region Conservation Authority on the 31st day of December, 1980, shall continue to be participating municipalities until otherwise provided under subsection (3).

(3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction. Designation of participating municipalities

(4) Notwithstanding section 14, the number of members appointed by the City of Hamilton shall, at all times, be equal to the total number of members appointed by the other participating municipalities. 1971, c. 64, s. 3. Members

7.—(1) The Grand River Conservation Authority is continued as a conservation authority under this Act. R.S.O. 1970, c. 78, s. 7 (1). Grand River Conservation Authority continued

(2) The Lieutenant Governor in Council may, Designation of participating municipalities and appointment of members

(a) designate the municipalities that are the participating municipalities of the Grand River Conservation Authority and the area over which it has jurisdiction; and

(b) notwithstanding section 14, appoint not more than eight members to the Authority for a term of three years. R.S.O. 1970, c. 78, s. 7 (2); 1973, c. 98, s. 3.

(3) Each member of the Grand River Conservation Authority appointed by the Lieutenant Governor in Council shall hold office until the first meeting of the Grand River Conservation Authority after the term for which he was appointed has expired. R.S.O. 1970, c. 78, s. 7 (3). Term of office of members appointed

8. The Lieutenant Governor in Council may designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities. 1973, c. 98, s. 4. Grouping of municipalities

9. Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of an authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply with necessary modifications. R.S.O. 1970, c. 78, s. 8. Establishment of authority

Meeting for
enlargement
of authority

10.—(1) Where,

- (a) an authority has been established for one or more watersheds; and
- (b) the council of a municipality by resolution requests the Minister to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include one or more watersheds,

the Minister shall fix a time and place for such a meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality situate either wholly or partly within the watershed or watersheds to be included.

Repre-
sentatives

- (2) With respect to each municipality so notified, subsection 2 (2) applies.

Quorum

(3) At any meeting called under this section, a quorum consists of the number of members of the existing authority required to constitute a quorum of the authority and two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than two members of the authority and three municipal representatives are present at a meeting or an adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time.

Enlargement
of authority

(4) Upon receipt by the Minister of a joint resolution passed at a meeting or adjourned meeting held under subsection (3) and at which a quorum was present by not less than two-thirds of the members of the authority and not less than two-thirds of the municipal representatives thereat requesting the enlargement of the area over which the authority has jurisdiction to include one or more watersheds, the Lieutenant Governor in Council may enlarge the area accordingly and may designate the additional municipalities that are the participating municipalities and the area over which the enlarged authority has jurisdiction. R.S.O. 1970, c. 78, s. 9.

Amalgama-
tion of
authorities

11.—(1) Where,

- (a) two or more authorities have been established for two or more adjoining watersheds or parts thereof; and
- (b) one or more of such authorities by resolution requests the Minister to call a meeting to consider the establishment of one authority to have jurisdiction over the areas then under the separate jurisdictions of such authorities,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of each of the authorities concerned and the council of each municipality that is a participating municipality with respect to any of the authorities concerned.

(2) With respect to each municipality so notified, subsection 2 ^{Representatives}
(2) applies.

(3) At any meeting called under this section, a quorum ^{Quorum} consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time.

(4) Upon receipt by the Minister of a resolution passed ^{Establishment of new authority} at a meeting or adjourned meeting held under subsection (3) and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of one authority for the watersheds or parts of watersheds concerned, the Lieutenant Governor in Council may establish an authority accordingly, dissolve the existing authorities, and designate the municipalities that are the participating municipalities and the area over which the new authority has jurisdiction.

(5) Upon the establishment of a new authority and ^{Assets and liabilities of former authorities} the dissolution of the existing authorities under subsection (4), all the assets and liabilities of the dissolved authorities vest in and become assets and liabilities of the new authority. R.S.O. 1970, c. 78, s. 10.

12. Where,

(a) an authority has been established and has under ^{Enlargement of authority having jurisdiction in part of a watershed} its jurisdiction part of a watershed; and

(b) the council of a municipality, situate either wholly or partly within any defined part of the watershed not under the jurisdiction of the authority, by resolution requests the Minister to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include such defined part,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality either wholly or

partly within such defined part, and the provisions of subsections 10 (2) (3) and (4) apply with necessary modifications. R.S.O. 1970, c. 78, s. 11; 1973, c. 98, s. 5.

Participating municipalities following annexation, etc.

13. Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. R.S.O. 1970, c. 78, s. 12.

Members of authority

14.—(1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers prescribed by subsection 2 (2) for the appointment of representatives, and each member shall hold office until the first meeting of the authority after the term for which he was appointed has expired. R.S.O. 1970, c. 78, s. 13 (1).

Idem

(2) Where the total number of members that may be appointed under subsection (1) is less than four, the Lieutenant Governor in Council may increase the total number of members that may be appointed and determine the number of members that a participating municipality may appoint. 1973, c. 98, s. 6.

Qualification

(3) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction.

Term

(4) No member of an authority shall be appointed to hold office for more than three years at any one time. R.S.O. 1970, c. 78, s. 13 (2, 3).

Where part only of municipality under an authority

(5) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and such population shall be deemed to be the same proportion of the total population of the whole municipality as the area of that part of the municipality is of the total area of the municipality. R.S.O. 1970, c. 78, s. 13 (4); 1978, c. 87, s. 24.

Members appointed by Lieutenant Governor in Council

(6) Where a grant is made to an authority under section 40, the Lieutenant Governor in Council may appoint not more than three members of the authority for a term of three years, and each such member shall hold office for the term for which he was appointed and until his successor is appointed. R.S.O. 1970, c. 78, s. 13 (5).

15.—(1) The first meeting of an authority shall be held ^{Meetings} at such time and place as may be determined by the Minister and, in each year thereafter, the authority shall hold at least one meeting before the 1st day of March and at least one meeting ~~after~~ after the 1st day of July and such other meetings as it considers necessary to effectively conduct the affairs of the authority.

(2) Within fifteen days after any meeting of an authority ^{Copies of minutes to members} or of an executive committee, the secretary-treasurer of the authority shall send a copy of the minutes of the meeting to each member of the authority. R.S.O. 1970, c. 78, s. 14.

16.—(1) Each member of an authority is entitled to one ^{Votes} vote, and, in the event of a tie vote, the chairman has a second or deciding vote.

(2) At any meeting of an authority, a quorum consists ^{Quorum} of one-third of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case two such members constitute a quorum.

(3) A majority vote of the members present at any ^{Majority vote} meeting is required upon all matters coming before the meeting. R.S.O. 1970, c. 78, s. 15.

17.—(1) At the first meeting of an authority and there- ^{Chairman, vice-chairmen} after at the first meeting held in each year, the authority shall appoint a chairman and one or more vice-chairmen from among the members of the authority, but, where a grant is made to an authority under section 40, the Lieutenant Governor in Council may appoint the chairman from among the members of the authority.

(2) Subject to subsection (1), upon the death of the ^{Death of chairman or vice-chairman} chairman or a vice-chairman, or upon the incapacity of the chairman or a vice-chairman to act, or upon the chairman or a vice-chairman ceasing to be a member of the authority, the remaining members may appoint a member to fill such vacancy.

(3) In the event of the absence of the chairman and ^{Absence of chairman and vice-chairmen} the vice-chairmen from any meeting of an authority, the members present shall appoint an acting chairman who, for the purposes of such meeting, has all the powers and shall perform all the duties of the chairman. R.S.O. 1970, c. 78, s. 16.

Appoint-
ment of
employees

18.—(1) An authority shall appoint a secretary-treasurer and may appoint such other employees as it considers necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority.

Advisory
boards

(2) An authority may appoint one or more advisory boards. R.S.O. 1970, c. 78, s. 17.

Executive
committee

19.—(1) The authority may appoint an executive committee from among the members of the authority.

Chairman,
vice-
chairmen

(2) The chairman and vice-chairmen of the authority shall be the chairman and vice-chairmen of the executive committee.

Appoint-
ment by
Lieutenant
Governor in
Council

(3) Where a grant is made to an authority under section 40, the Lieutenant Governor in Council may appoint a member of the authority to the executive committee. R.S.O. 1970, c. 78, s. 18.

Objects

20. The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. R.S.O. 1970, c. 78, s. 19.

Powers of
authorities

21. For the purposes of accomplishing its objects, an authority has power,

- (a) to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;
- (c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to the approval of the Lieutenant Governor in Council, to sell, lease or otherwise dispose of land so acquired;

- (d) to lease for a term of one year or less, without the approval of the Lieutenant Governor in Council, land acquired by the authority;
- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (f) to enter into such agreements for the purchase of materials, employment of labour and such other purposes as may be necessary for the due carrying out of any project;
- (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
- (h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
- (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
- (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
- (k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
- (l) to use lands that are owned or controlled by the authority for such purposes, not inconsistent with its objects, as it considers proper;
- (m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- (n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations;

(o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;

(p) to cause research to be done;

(q) generally to do all such acts as are necessary for the due carrying out of any project. R.S.O. 1970, c. 78, s. 20; 1971, c. 64, s. 4; 1972, c. 1, s. 2; 1972, c. 4, s. 12.

Grants
access

22. An authority and any municipality may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the authority used or to be used for park or recreational purposes. R.S.O. 1970, c. 78, s. 21.

Water
control
structures,
authority
of Minister
to operate

23. Notwithstanding any powers conferred upon an authority by this Act, the Minister or his representative may, when and for such periods as he considers necessary in the public interest, issue instructions for or take over the operation of all water control structures of an authority. R.S.O. 1970, c. 78, s. 22.

Approval
of project

24.—(1) Before proceeding with a project, the authority shall file plans and a description thereof with and obtain the approval in writing of the Minister, and, where any portion of the cost of a project is to be raised in a subsequent year or years, shall also obtain the approval of the Ontario Municipal Board. R.S.O. 1970, c. 78, s. 23 (1).

Exception

(2) Notwithstanding subsection (1), the approval of the Ontario Municipal Board is not required in respect of a project that is composed of phases, each of which can be implemented in any year without a participating municipality being required to raise funds for a phase other than in the year of implementation of the phase, provided that each phase shall be deemed to be a project for the year of its implementation for the purposes of section 25. 1973, c. 98, s. 7.

Notice re
raising of
portion
of cost

(3) When the statement of apportionment of the cost of any project requires a municipality to raise any portion of the cost in a subsequent year or years, the council shall, within thirty days after it receives the notice of

apportionment, notify the authority in writing whether such portion of the cost will be provided by the issue of debentures or raised by taxation in the subsequent year or years.

(4) When a municipal council has, in accordance with subsection 25 (2), notified the secretary of the Ontario Municipal Board that it is dissatisfied with any such apportionment, the time allowed for notifying the authority under subsection (3) shall be reckoned from the date of the order confirming or varying the apportionment.

Time for notice where apportionment under review

(5) Where any municipality is required to obtain the approval of the Ontario Municipal Board with respect to the raising of moneys in connection with any project of the authority, the application of the authority under subsection (1) shall be considered an application for such approval on behalf of the municipality.

Application for approval on behalf of municipality

(6) Notwithstanding the *Lakes and Rivers Improvement Act*, a project for the construction of dams or other works on a lake or river that has been approved under this section does not require approval under that Act. R.S.O. 1970, c. 78, s. 23 (2-5).

Approval under R.S.O. 1980, c. 229

25.—(1) When an authority has determined the proportion of the total benefit of any project afforded to all the participating municipalities that is afforded to each of them, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by registered mail.

Notice of apportionment

(2) Any municipal council that is dissatisfied with any such apportionment may, within thirty days after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the authority in writing by registered mail that it applies for a review of the apportionment by the Ontario Municipal Board.

Review of apportionment by O.M.B.

(3) Upon such application, the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing.

Hearing

(4) The Ontario Municipal Board has authority to take evidence, to confirm or vary the apportionment of the authority and to fix and award costs, and its decision is final and conclusive and is not open to appeal.

Powers of O.M.B. on hearing

Variation of apportionment

(5) In the event of the authority varying any apportionment made by it, the provisions of this section apply with necessary modifications. R.S.O. 1970, c. 78, s. 24.

Determination of capital expenditure

26.—(1) An authority may, from time to time, determine what moneys will be required for capital expenditure in connection with any project.

Portion to be raised by participating municipalities

(2) The portion of the moneys so required that each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities.

How money to be raised

(3) Upon notice in writing of the amount required to be raised, signed by the secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise such moneys as may be required by the authority for capital expenditure, subject only to such conditions as the Ontario Municipal Board may impose as to the time and manner of the raising of such moneys.

Enforcement of payment

(4) Subject to subsection (3), an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority.

Where only part of municipality in area

(5) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the moneys required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality.

Limited benefit

(6) Where the council of a participating municipality is of opinion that the major part of the benefit to be derived from a specific work accrues to a limited area of the municipality, the council, with the approval of the Minister, may by by-law provide that a specified portion of the moneys required to be raised by that municipality for capital expenditure in connection with that work shall be defrayed by a special rate upon the rateable property in that area, which area shall be defined in the by-law, and that the balance of such moneys shall be defrayed by a special rate upon the rateable property in the remaining portion of the municipality within the area over which the authority has jurisdiction. R.S.O. 1970, c. 78, s. 25.

Interpretation

27.—(1) In subsection (3), “equalized assessment” means the assessment upon which taxes are levied in the year

preceding the year in which the proportion will be payable as adjusted by the application of the equalization factor based on such assessment provided by the Ministry of Revenue. R.S.O. 1970, c. 78, s. 26 (1); 1972, c. 3, s. 17 (2).

(2) After determining the approximate maintenance costs for the succeeding year, the authority shall apportion such costs to the participating municipalities according to the benefit derived or to be derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality.

Apportionment of maintenance costs

(3) After determining the approximate administration costs for the succeeding year, the authority shall apportion such costs to the participating municipalities in the proportion that the equalized assessment of the municipality or part bears to the equalized assessment of the whole area under the jurisdiction of the authority, and the amount apportioned to each municipality shall be levied against each such municipality.

Apportionment of administration costs

(4) An authority may establish a minimum sum that may be levied for administration costs by the authority against a participating municipality, and, where the amount apportioned to any municipality under subsection (3) is less than such minimum sum, the authority may levy the minimum sum against such municipality.

Minimum levy for administration costs

(5) The secretary-treasurer of the authority, forthwith after the amounts have been apportioned under subsections (2), (3) and (4), shall certify to the clerk of each participating municipality the total amount that has been levied under such subsections, and such amount shall be collected by the municipality in the same manner as municipal taxes for general purposes.

Notice of apportionment

(6) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may be charged only against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes.

Levy where only part of municipality in area

(7) An authority may enforce payment against any participating municipality of any portion of the maintenance costs or administration costs levied against such municipality as a debt due by such municipality to the authority. R.S.O. 1970, c. 78, s. 26 (2-7).

Enforcement of payment

Regulations
by authority

28.—(1) Subject to the approval of the Lieutenant Governor in Council, an authority may make regulations applicable in the area under its jurisdiction,

- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, swamps, and natural or artificially constructed depressions in rivers or streams;
- (b) prohibiting or regulating or requiring the permission of the authority for the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or water-course;
- (c) regulating the location of ponds used as a source of water for irrigation;
- (d) providing for the appointment of officers to enforce any regulation made under this section or section 29;
- (e) prohibiting or regulating or requiring the permission of the authority for the construction of any building or structure in or on a pond or swamp or in any area susceptible to flooding during a regional storm, and defining regional storms for the purposes of such regulations; and
- (f) prohibiting or regulating or requiring the permission of the authority for the placing or dumping of fill of any kind in any defined part of the area over which the authority has jurisdiction in which in the opinion of the authority the control of flooding or pollution or the conservation of land may be affected by the placing or dumping of fill. R.S.O. 1970, c. 78, s. 27 (1); 1971, c. 64, s. 5 (1); 1973, c. 98, s. 8 (1-3).

Exceptions

- (2) No regulation made under this section,
 - (a) shall limit the use of water for domestic or live stock purposes;
 - (b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
 - (c) shall interfere with any rights or powers of Ontario Hydro or of any board or commission that is perform-

ing its functions for or on behalf of the Government of Ontario; or

(d) shall interfere with any rights or powers under the *Public Utilities Act*. R.S.O. 1970, c. 78, s. 27 (2); 1971, c. 64, s. 5 (2); 1973, c. 57, s. 19. R.S.O. 1980, c. 423

(3) Before refusing permission required under a regulation made under clause (1) (b), (e) or (f), the authority, or where the power to issue permission has been delegated to its executive committee, the executive committee shall hold a hearing to which the applicant shall be a party. Hearing

(4) After holding a hearing under subsection (3), the authority or committee, as the case may be, shall give written reasons for its refusal to the applicant. Reasons for decision

(5) An applicant who has been refused permission may, within thirty days of the receipt of the reasons for the decision, appeal to the Minister who may dismiss the appeal or grant the permission. 1973, c. 98, s. 8 (4). Appeal

(6) Every person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or to a term of imprisonment of not more than three months. Offence

(7) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection 6 for constructing a building or structure or placing or dumping fill in contravention of any regulation made under this section, may order the person convicted to remove any such building, structure or fill within such time as the court orders, and, if such person fails to comply with such order, the authority having jurisdiction in the area in which such building, structure or fill is situated may cause the building, structure or fill to be removed, and the cost thereof shall be borne and paid by the person convicted and is recoverable by the authority by action in a court of competent jurisdiction. R.S.O. 1970, c. 78, s. 27 (3, 4). Order for removal of fill, structure, etc.

29.—(1) Subject to the approval of the Lieutenant Governor in Council, an authority may make regulations applicable to lands owned by the authority, Regulations

(a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;

- (b) providing for the protection and preservation from damage of the property of the authority;
- (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
- (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof; and
- (h) subject to the *Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires.

R.S.O. 1980,
c. 173

Offence

(2) Every person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 78, s. 28.

Regulations

30. Subject to the approval of the Minister, an authority shall make regulations,

- (a) providing for the calling of meetings of the authority and prescribing the procedure at such meetings;
- (b) prescribing the powers and duties of the secretary-treasurer;
- (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority; and
- (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,

(ii) the power to raise money, and

(iii) the power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the works approved by the authority.

(2) Every authority shall make regulations under subsection (1) within one year after its establishment. R.S.O. 1970, c. 78, s. 29. Time for making regulations

31. The *Expropriations Act* applies where land is expropriated by an authority or where land is injuriously affected by an authority in the exercise of its statutory powers. 1971, c. 64, s. 6. Application of R.S.O. 1980, c. 148

32.—(1) Where any land required for the carrying out of a project or a part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman of the authority shall be deposited with the Minister, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister. R.S.O. 1970, c. 78, s. 31 (1); 1972, c. 4, s. 12. Affecting Crown land

(2) Where a project or a part thereof may interfere with a public work of Ontario or of Ontario Hydro, the authority shall file with the Minister of Government Services or with Ontario Hydro, as the case may be, a plan and description of the project or a part thereof together with a statement of the interference with the public work that may occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Government Services or of Ontario Hydro, as the case may be. R.S.O. 1970, c. 78, s. 31 (2); 1973, c. 2, s. 2; 1973, c. 57, s. 19. Interference with public work

(3) Where a project or a part thereof will interfere with a public road or highway, the authority shall file with the Minister of Transportation and Communications a plan and description of the project or a part thereof together with a statement of the interference with the public road or highway that will occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Transportation and Communications. R.S.O. 1970, c. 78, s. 31 (3); 1972, c. 1, s. 100 (2). Interference with highway

Costs,
how to be
borne

(4) The cost of rebuilding any road, highway, bridge, public work or work of Ontario Hydro or any part thereof and the cost of any other work that any of the Ministers of the Crown or Ontario Hydro may require to be done under this section shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario or Ontario Hydro, as the case may be. R.S.O. 1970, c. 78, s. 31 (4); 1973, c. 57, s. 19.

Assessment
of lands of
authority
R.S.O. 1980,
cc. 302, 31

33.—(1) Land vested in an authority, except works erected by an authority for the purposes of a project, is taxable for municipal purposes by levy under subsection 158 (3) of the *Municipal Act* upon the assessment of such land determined in each year by the Ministry of Revenue based on the assessed value of the land at the market value thereof in accordance with section 18 of the *Assessment Act* as if the works erected by the authority on such land had not been erected. R.S.O. 1970, c. 78, s. 32 (1); 1972, c. 1, s. 84 (2).

Assessment
of rented
property

(2) Notwithstanding subsection (1), section 17 of the *Assessment Act* applies with necessary modifications in respect of lands vested in an authority. R.S.O. 1970, c. 78, s. 32 (2).

Valuation
notice

(3) The Ministry of Revenue shall, on completion of the valuation of such land, deliver or mail to each authority concerned and to the clerk of each municipality in which any of such land is situate a notice setting out the valuation of such land in the municipality. R.S.O. 1970, c. 78, s. 32 (3); 1972, c. 1, s. 84 (2).

Appeal

(4) Any such municipality or the authority may appeal to the Ontario Municipal Board against the valuation of the land in the municipality.

Notice of
appeal

(5) A notice of appeal to the Ontario Municipal Board under subsection (4) shall be sent by the party appealing, by registered mail, to the secretary of the Board within twenty-one days after the notice of valuation has been delivered or mailed under subsection (3).

Hearing

(6) Upon receipt of a notice of appeal, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof to all parties concerned in the appeal at least fourteen days before the hearing.

Jurisdiction
on appeal

(7) The Ontario Municipal Board upon appeal shall determine the amount at which the land in question shall be

valued, and the decision of the Board is final and binding. R.S.O. 1970, c. 78, s. 32 (4-7).

(8) The assessment of land under subsection (1) shall be determined by the Ministry of Revenue^{First assessment} in each year for the purpose of taxation in the following year. R.S.O. 1970, c. 78, s. 32 (8); 1972, c. 1, s. 84 (2).

34.—(1) Where the carrying out of a project will require the use of a cemetery or other place of interment of human remains, the authority shall acquire other suitable lands^{Cemetery lands} for the interment of the bodies contained in the cemetery or other place of interment.

(2) The authority shall forward a notice to the owner of each lot in the cemetery or other place of interment, but, if the owner or his whereabouts is unknown, the notice shall, wherever possible, be forwarded to some other person having an interest in the plot through relationship or otherwise to a deceased person buried therein.^{Notice to plot owners}

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,^{Publication of notice}

- (a) that the cemetery or other place of interment has been acquired for the purposes of the authority;
- (b) that other land, describing it, has been acquired by the authority for the purpose of reintering the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and
- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in the cemetery or other place of interment to be removed to any other place of interment at his own expense if he obtains permission from the authority and effects the removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority determines.

Authority
to remove
bodies

(4) The authority has full power to cause the removal of any body from such cemetery or place of interment to any lands acquired under subsection (1) notwithstanding any other Act and to authorize the removal by any other person of any such body for reinterment in any other cemetery or place of interment.

Removal of
headstones

(5) Where a body is removed and reinterred, any headstone or other stone shall be removed and re-erected at the place of reinterment.

Conveyance
of lands for
reinterment

(6) The authority shall render land, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey the land to the owner of the cemetery or other place of interment from which the bodies were removed. R.S.O. 1970, c. 78, s. 33.

Use of
water power

35.—(1) Subject to the right of an authority to use any water power created upon lands vested in it for its own uses, which does not include the marketing or sale of power, Ontario Hydro has the sole right to use such water power, but Ontario Hydro may consent to the use of any such water power by any person on such terms and conditions as are satisfactory to it and to the authority. R.S.O. 1970, c. 78, s. 34 (1); 1973, c. 57, s. 19.

Compensa-
tion for
water power

(2) Ontario Hydro shall pay to the authority an annual, reasonable compensation for the use of any such water power used by Ontario Hydro. R.S.O. 1970, c. 78, s. 34 (2); 1973, c. 57, s. 19.

Determina-
tion of
compensa-
tion

(3) Where the authority and Ontario Hydro are unable to agree upon the amount of compensation payable, the amount shall be determined by a committee of three members comprising a person appointed by the Minister, the chief engineer of Ontario Hydro and an engineer to be agreed upon by both of them, or, in the event that they are unable to agree, appointed by the Lieutenant Governor in Council, and the engineer so agreed upon or appointed shall act as chairman of the committee, and there is no appeal from the committee, but, after ten annual payments of compensation, the amount of compensation shall be redetermined by a like committee at the request of either the authority or Ontario Hydro. R.S.O. 1970, c. 78, s. 34 (3); 1973, c. 57, s. 19.

Charge for
additional
power

(4) Subject to review by Ontario Hydro, an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any

additional power generated from increased head or flow due to the works undertaken by the authority. R.S.O. 1970, c. 78, s. 34 (4); 1973, c. 57, s. 19.

(5) This section does not apply to water power reserved to the Crown under the *Public Lands Act*. R.S.O. 1970, c. 78, s. 34 (5). When section not to apply R.S.O. 1980, c. 413

36. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the assent of the electors. R.S.O. 1970, c. 78, s. 35. Assent of electors not necessary

37. The *Municipal Conflict of Interest Act* applies with necessary modifications to a member of a conservation authority. 1973, c. 98, s. 10. Conflict of interest R.S.O. 1980, c. 305

38. All moneys required by this Act to be raised for the purposes of an authority shall be paid to the authority, and the authority may spend such moneys as it considers proper, except that no salary, expenses or allowances of any kind shall be paid to any of the members of the authority without the approval of the Ontario Municipal Board. R.S.O. 1970, c. 78, s. 37. Moneys to be paid to authority

39.—(1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under the *Public Accountancy Act*. Annual audit R.S.O. 1980, c. 405

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his professional capacity. Auditor

(3) An authority shall, upon receipt of the auditor's report of his examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister. R.S.O. 1970, c. 78, s. 38. Auditor's report

40. Grants may be made by the Minister to any authority out of the moneys appropriated therefor by the Legislature in accordance with such conditions and procedures as may be prescribed by the Lieutenant Governor in Council. R.S.O. 1970, c. 78, s. 39. Grants

