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c Pr47 City of Ottawa Act, 1988

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CHAPTER Pr47

An Act respecting the City of Ottawa

Assented to December 15th, 1988

Whereas The Corporation of the City of Ottawa, herein called the Corporation, was empowered by *The City of Ottawa Act, 1960-61*, being chapter 120, to establish and maintain hospitals; that the Corporation by by-law established the Riverside Hospital of Ottawa; that it is desirable to revise the special legislation; and whereas the Corporation, with the concurrence of the Riverside Hospital of Ottawa, hereby applies for special legislation in respect of the matters that pertain to the Riverside Hospital of Ottawa; and whereas the Corporation further applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may pass by-laws for the establishment, erection, furnishing and maintenance of a hospital for the reception, care and treatment of persons affected with a disability, disease or illness or of a hospital for convalescent persons and, subject to the approval of the Ontario Municipal Board, may pass by-laws for the issue of debentures therefor.

Establishment and maintenance of hospital authorized

(2) The management and control of each hospital established under subsection (1) is vested in a board of trustees.

Board of trustees

(3) Subject to the *Public Hospitals Act*, the board of trustees shall,

Duties of board of trustees
R.S.O. 1980,
c. 410

(a) operate, maintain and manage the hospital; and

(b) manage all the real and personal property used for the purposes of the hospital.

(4) The board of trustees of each hospital shall be composed of,

Composition of board

R.S.O. 1980,
c. 410

- (a) such persons as are provided for under the *Public Hospitals Act*;
- (b) the mayor of the City of Ottawa;
- (c) the executive director of the hospital;
- (d) the president of the hospital auxiliary; and
- (e) not fewer than eight nor more than eleven trustees appointed by the council of the Corporation.

Restriction

(5) Not more than three of the trustees appointed under clause (4) (e) shall be members of the council of the Corporation.

Residency
requirement
where
hospital land
outside City

(6) So long as land is owned or leased outside the City of Ottawa for the purposes of the hospital, at least one but not more than two trustees appointed under clause (4) (e) shall be a resident of The Regional Municipality of Ottawa-Carleton, but not of the City of Ottawa, at the time of the appointment.

Trustees
appointed by
Corporation

(7) The council of the Corporation may by by-law prescribe in respect of the trustees appointed under clause (4) (e),

- (a) the number of trustees;
- (b) the conditions of eligibility for appointment;
- (c) the time and manner of appointment;
- (d) the commencement of the term of office; and
- (e) the term of office.

Power of
board

(8) Each board of trustees, subject to the approval of the council of the Corporation, has the power to alter, expand or enlarge the hospital and establish other hospitals or similar institutions.

Real
property in
City

(9) The council of the Corporation may,

- (a) acquire by gift or purchase;
- (b) subject to the *Expropriations Act*, expropriate; or
- (c) lease,

R.S.O. 1980,
c. 148

any real property within the City of Ottawa that is necessary or desirable for the alteration, expansion or enlargement of

the hospital or for the establishment of other hospitals or similar institutions.

(10) The council of the Corporation may acquire by gift or purchase or lease any real property within The Regional Municipality of Ottawa-Carleton, but not within the City of Ottawa, that is necessary or desirable for the alteration, expansion or enlargement of the hospital or for the establishment of other hospitals or similar institutions.

Real
property in
region

(11) Each board of trustees is a corporation under such name as may be approved by the Lieutenant Governor in Council upon petition by the Corporation.

Corporation

(12) Subject to the *Public Hospitals Act*, each board of trustees may sell or dispose of any personal property no longer required for its purposes, but the proceeds derived from the sale or disposal shall be held and applied for the purposes of each board of trustees.

Disposal of
personal
property
R.S.O. 1980,
c. 410

(13) Except as provided by the *Public Hospitals Act* and subject to clause (4) (c), no member of the medical staff or employee of any hospital nor the spouse of a member or employee of any hospital is eligible to be a trustee of that hospital.

Persons
ineligible to
be trustees

(14) A trustee who is a member of the council of the Corporation shall cease to be a trustee on the day on which he or she ceases to be a member of the council of the Corporation.

Idem

(15) A trustee shall cease to be eligible to serve as a member of the board of trustees if any of the eligibility requirements set out in subsection (6) or prescribed by the council under clause (7) (b) are not maintained.

Idem

(16) Where a vacancy occurs among the members of the board of trustees who are appointed under clause (4) (e), the council of the Corporation shall immediately appoint a person to fill the vacancy and, where the vacancy occurs before the expiry of the term of the vacating member, the appointee shall hold office for the remainder of the unexpired term of the vacating member.

Vacancies

(17) A majority of the members of each board of trustees constitutes a quorum, except that where there are vacancies on the board, a majority of the members in office constitutes a quorum.

Quorum

(18) Each board of trustees that is managing and controlling a hospital established under *The City of Ottawa Act*,

Continuation
of board of
trustees
1960-61,
c. 120

1960-61 is hereby continued as a corporation without share capital under this Act.

Transition

(19) Every member of the board of trustees of each hospital in office immediately before the coming into force of this Act shall continue to hold office until the term of office of the member expires.

Estimates to be submitted to council

(20) Before the beginning of the fiscal year of the hospital, each board of trustees shall submit to the council of the Corporation, for approval, estimates of its revenues and expenditures for the fiscal year in its operating fund and all reserve and trust funds, and estimates of expenditures in its capital fund for the next five fiscal years, together with an estimate of the sources of funding of such capital expenditures, including receipts from the sale of assets.

Preparing estimates

(21) In preparing the estimates for the operating funds, the board of trustees shall make due allowance for a surplus of any previous year that will be available and shall provide for any operating deficit of any previous year and may provide for anticipated revenues on account of operations from all sources, including the Ministry of Health, any municipality, and transfers to or from other funds, but the board of trustees shall not budget for a surplus or deficit to be incurred in the fiscal year to which the estimates relate.

Restrictions on issues of debentures

(22) The board of trustees shall not authorize or proceed with, or provide any moneys for, any undertaking, work or project the cost of which is to be provided in whole or in part by the issue of debentures or other forms of long term debt or is to be provided in whole or in part from the revenues of a future year until the approval of the council of the Corporation has been obtained.

R.S.O. 1980, c. 302 applies

(23) Subsection 71 (3) of the *Municipal Act* applies to the estimates referred to in subsection (20).

Financial statements

(24) Each board of trustees shall deliver to the council of the Corporation a copy of the financial statements for each fiscal year, prepared by the auditors of the board of trustees, together with the comments of the auditors thereon, immediately after the financial statements have been approved by the board of trustees.

Appointment of auditor

(25) The council of the Corporation shall appoint the auditor of each board of trustees in the same manner as it appoints its own auditor.

Powers of board of trustees

(26) Each board of trustees,

- (a) may enter into agreements to provide pension or superannuation benefits for the employees of its hospital under a plan approved by the Ministry of Health;
- (b) may invest in securities authorized by law for investment by trustees under the *Trustee Act*; R.S.O. 1980,
c. 512
- (c) subject to the *Public Hospitals Act*, may establish charges for hospital services; R.S.O. 1980,
c. 410
- (d) may enact by-laws and regulations for the operation and management of the hospital and for establishing the duties and responsibilities of the members of the board of trustees, including attendance requirements for meetings; and
- (e) may enter into an agreement with any municipal corporation in Ontario for the payment by the municipal corporation of a grant or grants to the board of trustees towards the capital cost of construction of the hospital or for equipment for the hospital.

(27) The by-laws and regulations made by a board of trustees before the coming into force of this Act remain valid in so far as they are not inconsistent with this Act until they are revoked or replaced. Transition

2.—(1) The council of the Corporation may pass by-laws requiring the driver of, By-laws
requiring
surrender of
driver's
licence and
vehicle
permit

- (a) a cab or other vehicle used for hire or any class thereof;
- (b) a refreshment vehicle;
- (c) a driving school vehicle; or
- (d) any other class of vehicle that is regulated under a by-law passed by the council of the Corporation for the licensing, regulating and governing of any trade, calling, business or occupation or of the person carrying on or engaged in it,

to surrender for reasonable inspection, upon the demand of the chief licence inspector of the Corporation or a licence inspector appointed by by-law, his or her driver's licence issued under section 18 of the *Highway Traffic Act* or under the law of another jurisdiction and the permit for the vehicle R.S.O. 1980,
c. 198

issued under section 7 of the *Highway Traffic Act* or under the law of another jurisdiction.

Restriction (2) A by-law passed under subsection (1) does not empower a licence inspector to stop a moving vehicle.

3. Section 4 of the *Ottawa Civic Hospital Act, 1983*, being chapter Pr38, is repealed and the following substituted therefor:

Board of Trustees

4.—(1) The affairs of the Corporation shall be managed by a Board of Trustees.

Composition of Board

(2) The Board shall be composed of,

R.S.O. 1980, c. 410

(a) such persons as are provided for under the *Public Hospitals Act*;

(b) the mayor of the City of Ottawa;

(c) one nominee of the Ottawa Civic Hospital Auxiliary; and

(d) sixteen trustees appointed by the council of The Corporation of the City of Ottawa.

Residence requirement

(3) A trustee appointed under clause (2) (d) shall, at the time of the appointment to the Board, be a resident of The Regional Municipality of Ottawa-Carleton and shall cease to be eligible to serve as a trustee if the residency requirement is not maintained.

Idem

(4) At least eight of the trustees appointed under clause (2) (d) shall be residents of the City of Ottawa at the time of their appointment and shall cease to be eligible to serve as a trustee if the residency requirement is not maintained.

Restrictions

(5) No officer or employee of the Corporation shall be appointed under clause (2) (d) as a trustee and not more than two of the trustees appointed under clause (2) (d) shall be members of the council of The Corporation of the City of Ottawa.

Term of office

(6) The trustees appointed under clause (2) (d) shall serve for a term of three years and until their successors are appointed, but no such trustee shall serve for more than three consecutive terms, except, a trustee who has served three consecutive terms is again eligible for appointment to the Board on the expiration of one year after having completed the third of three consecutive terms.

(7) Service on the Board of The Trustees of the Ottawa Civic Hospital before the coming into force of this Act constitutes service on the Board for the purposes of subsection (6). Idem

(8) Where a vacancy occurs among the trustees appointed under clause (2) (d), the council of The Corporation of the City of Ottawa shall immediately appoint a person to fill the vacancy and, where the vacancy occurs before the expiry of the term of the vacating trustee, the appointee shall hold office for the remainder of the unexpired term of the vacating trustee. Vacancies

(9) The Board may by resolution passed by two-thirds of the votes cast by the members present at a meeting duly called for the purpose declare the seat of a trustee appointed under clause (2) (d) vacant if, in the opinion of the Board, the member has contravened this Act or the by-laws of the Corporation. Declaration of vacancy

(10) The Board shall appoint annually at its first meeting in each fiscal year one of the trustees appointed under clause (2) (d) to be the chairperson and may appoint one of its trustees appointed under that clause to be vice-chairperson who shall, in the absence of the chairperson or if the office of the chairperson is vacant, act in the chairperson's place and the Board may appoint such other officers as the Board considers necessary. Chairperson, etc.

(11) Questions arising at any meeting of the Board shall be decided by a majority of votes. Votes

(12) The services of the trustees shall be given without remuneration, except for actual disbursements incurred in connection with the affairs of the Corporation and approved by the Board, but this subsection does not prevent an *ex officio* trustee from receiving a salary or other remuneration for his or her employment by or services rendered to the Corporation otherwise than as a trustee. Remuneration

(13) Every member of the Board of The Trustees of the Ottawa Civic Hospital in office immediately before the coming into force of this Act shall continue to hold office until the term of office of the member expires. Transition

4. The following are repealed:

Repeals

1. Section 1 of *The City of Ottawa Act, 1960-61*, being chapter 120.

2. Section 1 of *The City of Ottawa Act, 1979*, being chapter 135.
3. Section 3 of *The City of Ottawa Act, 1980*, being chapter 118.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *City of Ottawa Act, 1988*.