

1989

c 11 Municipal Statute Law Amendment Act, 1989 (No. 1)

Ontario

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CHAPTER 11

**An Act to amend the Municipal Act and certain
other Acts related to Municipalities**

Assented to February 27th, 1989

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

1. Subsection 81 (1) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out “and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the seventh, eighth and ninth lines.

2. Section 112a of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 24, section 1, is amended by adding thereto the following subsections:

(4a) The power to make grants under clause (4) (b) includes the power to make loans, to charge interest on the loans and to guarantee loans. Grant
includes
loans

(4b) A guarantee of loan made under this section shall be deemed to be a debt for the purposes of section 149 and, where the term of the loan in respect of which the guarantee is made extends beyond the current year, the guarantee shall be deemed to be an act to which section 64 of the *Ontario Municipal Board Act* applies. Guarantee
deemed to
be debt

R.S.O. 1980,
c. 347

3. Clause 149 (2) (v) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 31, section 4, is amended by striking out “and 50” in the fourth line and inserting in lieu thereof “50 and 50a”.

4. Subsection 180 (2) of the said Act is amended by striking out “ratepayers assessed as owners and resident in the municipality” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

5.—(1) Subsection 196 (11) of the said Act is amended by striking out “subsections (16) and (17)” in the second line and inserting in lieu thereof “subsection (18)”.

(2) Subsection 196 (18) of the said Act is amended by striking out “(13), (14) and (15)” in the eighth line and inserting in lieu thereof “(16) and (17)”.

6. Paragraph 28 of section 208 of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the third line and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

7.—(1) Paragraph 18 of section 210 of the said Act is amended by adding thereto the following clause:

- (a) A by-law passed under this paragraph may,
 - (i) apply to the whole municipality or to any defined areas thereof, and
 - (ii) prescribe different standards for the height and description of lawful fences in different defined areas of the municipality.

(2) Paragraph 21 of the said section 210 is repealed and the following substituted therefor:

Barbed wire
fences

21. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or other barbed material and for prohibiting or regulating the erection of fences made wholly or partly of barbed wire or other barbed material.

- (a) A by-law passed under this paragraph may be made applicable to the whole municipality or to any defined areas thereof.

(3) Paragraph 29 of the said section 210 is repealed and the following substituted therefor:

Discharge of
fire-arms

29. For the purpose of public safety, for prohibiting or regulating the discharge of guns or other fire-arms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the municipality or in any defined areas thereof.

(4) Paragraph 30 of the said section 210, as amended by the Statutes of Ontario, 1986, chapter 64, section 37, is repealed and the following substituted therefor:

30. For regulating the sale of fireworks or any class thereof and for prohibiting the sale of fireworks or any class thereof on any days during the year specified in the by-law. Sale of fireworks

(5) Paragraph 121 of the said section 210 is amended by striking out “except privately-owned parking lots where a fee is charged for the privilege of parking vehicles” in the fourth, fifth and sixth lines.

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

225b.—(1) In this section, “municipality” includes a metropolitan, regional or district municipality or the County of Oxford. Interpretation

(2) By-laws may be passed by the councils of municipalities for participating in programs which allow such participation and which are established and administered by a ministry of the Crown in right of Ontario. Participation in provincial programs

(3) The council of a municipality may enter into agreements with a minister of the Crown in right of Ontario to provide for the financing and operation of a program under subsection (2). Agreements

9. Clause 313 (4) (e) of the said Act is amended by striking out “trees” in the third line and inserting in lieu thereof “land to which the tree is appurtenant”.

10.—(1) Subsection 368b (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(2) If the Minister of Revenue considers that within a county, or within any class or classes of real property within a county, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property in the county, or of real property of that class, as the case may be, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each local municipality as will, in the Minister of Revenue’s opinion, County wide assessment update

- (a) eliminate or reduce inequalities in the assessment of real property in the county and, for that purpose, the Minister of Revenue may name a day that the assessment commissioner in whose region the county is situated shall return a new assessment roll

for the assessment at market value of real property in all municipalities in the county; or

- (b) where the assessment is in respect of a parcel or parcels of real property within any class or classes of real property within a county, eliminate or reduce inequalities in the assessment of any class or classes of real property and, for that purpose, the Minister of Revenue may make regulations,
 - (i) prescribing the classes of real property into which all the real property in the county shall be divided,
 - (ii) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the county,
 - (iii) providing that any equalization of assessment pursuant to a regulation made under sub-clause (ii) shall not alter, as between classes of real property throughout the county, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

When
direction
effective

(2a) A direction to which clause (2) (a) applies is effective upon publication of a notice of the direction in *The Ontario Gazette*.

Deemed
direction,
County of
Huron
R.S.O. 1980,
c. 31

(2b) The proclamation by the Lieutenant Governor in Council under section 70 of the *Assessment Act* for the assessment at market value of real property in all municipalities in the County of Huron for the 1988 taxation year shall be deemed to be a direction of the Minister of Revenue to which clause (2) (a) applies for the purposes of the 1988 and subsequent taxation years and no notice under subsection (2a) is required.

(2) Section 368b of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is amended by adding thereto the following subsection:

(3a) A direction under subsection (2) does not apply to a city, separated town or separated township which has not requested that the direction be made unless, Direction upon request

(a) a direction has been made by the Minister of Revenue under subsection (7); and

(b) the city, separated town or separated township had requested a direction under subsection (2) before the direction was made under subsection (7).

(3) Subsection 368b (13) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(13) For purposes of subsection 24 (16) of the *Assessment Act*, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which clause (2) (a) applies shall be deemed to be an assessment update of all property within that local municipality under section 70 of the *Assessment Act*. Taxation of pipe lines
R.S.O. 1980,
c. 31

(13a) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which clause (2) (b) applies shall be deemed to be an assessment update of all property within that local municipality under subsection 63 (3) of the *Assessment Act*. Idem

(4) Subsection 368b (15) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(15) A direction to which clause (2) (a) applies or a regulation made under clause (2) (b) may be made retroactive to the 1st day of December of the year preceding the year in which it was made. Retroactive direction or regulation

11. Subsection 368c (1) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:

(1) Sections 368d to 368l apply where a different assessment of lands in a local municipality in the county has been instituted pursuant to a direction of the Minister of Revenue under subsection 368b (2). Different assessment generally throughout the county

12.—(1) Subsection 19 (1) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other

person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth, ninth and tenth lines.

(2) Subsection 113 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Section 123 of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the sixth and seventh lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

13.—(1) Subsection 21 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth, ninth and tenth lines.

(2) Subsection 253 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

14.—(1) Subsection 22 (1) of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth and ninth lines.

(2) Subsection 122 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Subsection 136 (2) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second and third lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

15.—(1) Subsection 21 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth, ninth and tenth lines.

(2) Subsection 134 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Subsection 152 (2) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second and third lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

(4) Subsection 153 (7) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second line and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

16.—(1) Subsection 21 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth, ninth and tenth lines.

(2) Subsection 117 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Subsection 132 (2) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second and third lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

(4) Subsection 133 (4) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the fourth line and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

17.—(1) Subsection 21 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth, ninth and tenth lines.

(2) Subsection 127 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Subsection 141 (2) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second and third lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

18.—(1) Subsection 20 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth, ninth and tenth lines.

(2) Subsection 139 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Subsection 154 (2) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second and third lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

19.—(1) Subsection 20 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the ninth, tenth and eleventh lines.

(2) Subsection 166 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Subsection 180 (2) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second and third lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

(4) Subsection 181 (2) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second and third lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

(5) Subsection 182 (2) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second and third lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

20.—(1) Subsection 24 (1) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth, ninth and tenth lines.

(2) Subsection 169 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

21.—(1) Subsection 21 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth and ninth lines.

(2) Subsection 122 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Subsection 136 (2) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second and third lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

22.—(1) Subsection 20 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the eighth, ninth and tenth lines.

(2) Subsection 109 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Subsection 122 (1) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the sixth and seventh lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

23.—(1) Subsection 20 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the

issue thereof is authorized” in the eighth, ninth and tenth lines.

(2) Subsection 157 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Section 172 of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the sixth and seventh lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

24.—(1) Subsection 20 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out “and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized” in the ninth and tenth lines.

(2) Subsection 158 (2) of the said Act is amended by striking out “ratepayers of an area municipality assessed as owners and resident therein” in the fourth and fifth lines and inserting in lieu thereof “electors of the municipality”.

(3) Section 172 of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the sixth and seventh lines and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

(4) Subsection 173 (8) of the said Act is amended by striking out “*Ministry of Culture and Recreation Act*” in the second line and inserting in lieu thereof “*Ministry of Tourism and Recreation Act, 1982*”.

Commence-
ment

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

Short title

26. The short title of this Act is the *Municipal Statute Law Amendment Act, 1989*.