

1980

c 306 Municipal Corporations Quieting Orders Act

Ontario

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CHAPTER 306

Municipal Corporations Quieting Orders Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Municipal Board;
- (b) "Ministry" means the Ministry of Intergovernmental Affairs;
- (c) "municipality" means a county, city, town, village or township;
- (d) "quieting order" means an order establishing the legal existence or corporate status of a municipality, or establishing its proper area and boundaries or any of its boundaries, in order to quiet doubts affecting the same. R.S.O. 1970, c. 287, s. 1; 1972, c. 3, s. 17 (2).

2.—(1) Upon the application of the council of a municipality, the Board may make a quieting order respecting the municipality.

Power
to make
quieting
order

(2) A quieting order may be made retroactive in its effect and operation for the purpose and to the extent provided therein, except that it does not affect or prejudice the rights of any person in any action, litigation or other proceeding pending at the time when the order is made. R.S.O. 1970, c. 287, s. 2.

Retroactive
effect of
order

3.—(1) Where the council of a municipality is aware of any doubt affecting the legal existence or corporate status or proper area and boundaries of the municipality, or any of its boundaries, it may apply to the Board for a quieting order.

Application
for quieting
order

(2) The application shall be in duplicate, shall specify the nature of the doubt that exists and shall be accompanied by a proposed description of the boundaries to be established.

Particulars
of
application

(3) Upon receipt of an application for a quieting order, the secretary of the Board shall transmit one copy to the Ministry. R.S.O. 1970, c. 287, s. 3; 1972, c. 1, s. 1.

Duplicate
copy for
Ministry

Public hearing

4.—(1) Except as provided in subsections (2), (3) and (4), the Board before making any order under section 2 shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

Notice to provide for filing of objections

(2) The Board may direct that the notice to be given shall state that anyone objecting to the making of a quieting order may, within such time from the giving of the notice as may be prescribed by the Board, file his objection to the making of the quieting order with the clerk of the municipality that has made the application, or on whose behalf the application has been made by the Ministry.

Where no objection filed

(3) Where notice has been given under subsection (2), the Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, make a quieting order respecting the municipality without holding a public hearing.

Where objections filed

(4) If one or more objections have been filed with the clerk within the time specified in the notice, the Board shall hold a public hearing. R.S.O. 1970, c. 287, s. 4; 1972, c. 1, s. 1.

Effect of quieting order

5. Every quieting order made by the Board is according to its tenor valid and binding for all purposes and upon all municipalities and persons. R.S.O. 1970, c. 287, s. 5.

Publication of quieting orders

6. Forthwith after the issue of a quieting order, the applicant shall,

- (a) publish the order locally in such manner as the Board may direct;
- (b) publish in *The Ontario Gazette* notice of the making of the order and the date thereof;
- (c) file a certified copy with the Ministry; and
- (d) register a certified copy in the proper land registry office, as in the case of an order of the Board registered under section 63 of the *Registry Act*, which section applies. R.S.O. 1970, c. 287, s. 6; 1972, c. 1, s. 1.

R.S.O. 1980, c. 445

Powers of Ministry

7. The Ministry may,

- (a) authorize the board of trustees of an improvement district or of a police village to apply under this Act for a quieting order with respect to the improvement

district or police village, as the case may be, and for such purpose all the provisions of this Act apply with necessary modifications;

- (b) require the council of any municipality to apply for a quieting order with respect to the municipality and upon neglect or failure of the council to apply for the order within sixty days after being so required, the Ministry may on behalf of the council and in the name of the municipality apply to the Board for the quieting order. R.S.O. 1970, c. 287, s. 7; 1972, c. 1, s. 1.

8. The fee payable upon an application under this Act shall be fixed by the Board, but shall not exceed \$15. R.S.O. 1970, c. 287, s. 8. ^{Fee of Board}

