

1980

c 349 Ontario Municipal Improvement Corporation Act

Ontario

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CHAPTER 349

Ontario Municipal Improvement Corporation Act

1. In this Act,

Interpre-
tation

- (a) "municipality" means a county, city, town, village, township or improvement district, and "municipal" has a corresponding meaning;
- (b) "school board" means a board as defined in paragraph 3 of subsection 1 (1) of the *Education Act*;
- (c) "Treasurer" means the Treasurer of Ontario and Minister of Economics. R.S.O. 1970, c. 325, s. 1; 1972, c. 3, s. 17 (1); 1979, c. 100, s. 1.

R.S.O. 1980,
c. 129

2.—(1) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, constituted on behalf of Her Majesty in right of Ontario as a body corporate and politic, without share capital, is continued.

Corporation
continued

(2) The Corporation shall be composed of not fewer than three and not more than five members appointed by the Lieutenant Governor in Council.

Membership

(3) The *Corporations Act* does not apply to the Corporation.

Application
of R.S.O.
1980, c. 95

(4) The members for the time being of the Corporation shall form and be its board of directors and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board.

Board of
directors

(5) Subject to the regulations, the affairs of the Corporation are under the management and control of the board of directors and in the absence of the chairman, or if at any time that office is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.

Manage-
ment

(6) In the administration of the affairs of the Corporation, the board of directors shall be assisted by such officers and other employees in the public service of Ontario as the Treasurer may assign for the purpose.

Adminis-
tration

Remuneration

(7) The Corporation may pay such of its members as are not officers in the public service of Ontario such remuneration and expense allowance as are from time to time fixed by the Lieutenant Governor in Council.

Quorum

(8) A majority of the directors for the time being constitutes a quorum at meetings of the board of directors. R.S.O. 1970, c. 325, s. 2.

Objects

3.—(1) The objects of the Corporation are,

(a) to purchase from any municipality in Ontario having a population less than 20,000 debentures issued by it for any municipal purpose;

(b) to purchase from any municipality in Ontario having a population of 20,000 or more debentures issued by it for any of the following municipal works and undertakings:

1. Water works and water supply distribution systems.

2. Sewage works, treatment works, sewer systems or sewers, as defined in section 218 of the *Municipal Act*.

3. Plants and works for the incineration of garbage, refuse and waste.

4. Drainage works under the *Drainage Act*;

(c) to purchase from any municipality in Ontario, including a metropolitan, regional or district municipality, having a population of 100,000 or more, debentures issued by it for the erection or alteration of stadia; and

(d) to purchase from any municipality in Ontario, including a metropolitan, regional or district municipality or from any school board, debentures issued by it for school board undertakings. R.S.O. 1970, c. 325, s. 3 (1); 1974, c. 77, s. 1; 1979, c. 100, s. 2.

R.S.O. 1980,
c. 302

R.S.O. 1980,
c. 126

Determination of population

(2) The Corporation shall determine the population of a municipality for the purpose of subsection (1) as of the business day next preceding the day on which the Lieutenant Governor in Council approves the purchase of debentures under subsection 9 (1), and such determination is final. R.S.O. 1970, c. 325; s. 3 (2).

4.—(1) Subject to the approval of the Lieutenant Governor in Council and to section 14, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation considers requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:

Borrowing powers

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine; and
- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Corporation may determine.

(2) The purposes of the Corporation, without limiting the generality thereof, include,

Purposes of Corporation

- (a) the carrying out of the objects of the Corporation mentioned in section 3;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer in respect of any advances; and
- (d) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security.

Sale, etc., of Corporation's securities

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for

Authorization

the purposes of the Corporation in the amount authorized is conclusive evidence to that effect.

Sealing,
signing,
etc.

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the secretary or other officer of the Corporation.

Mechanical
reproduction
of seal and
signature
authorized

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office. R.S.O. 1970, c. 325, s. 4.

Securities of
Corporation
redeemable
in advance

5. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof. R.S.O. 1970, c. 325, s. 5.

Lost
debentures

6. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board may require. R.S.O. 1970, c. 325, s. 6.

Guarantee
of payment
by Province

7.—(1) The Lieutenant Governor in Council may authorize the Treasurer to guarantee payment by the Province of Ontario of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act.

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon

the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever. R.S.O. 1970, c. 325, s. 7.

8. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds. R.S.O. 1970, c. 325, s. 8. Trustees, etc., investments in debentures

9.—(1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase, Purchase of municipal or school board debentures

(a) from any municipality in Ontario in a category mentioned in section 3, debentures issued by the municipality for any of the purposes mentioned in section 3; and

(b) from any school board, debentures issued by it for school board undertakings.

(2) The Corporation shall not purchase any municipal or school board debentures under the authority of this Act until, Approval and validation required

(a) the Ontario Municipal Board has issued its order under section 64 of the *Ontario Municipal Board Act* authorizing the municipality or school board to proceed with the work or undertaking with respect to which the debentures are required; and R.S.O. 1980, c. 347

(b) the municipality or school board has had the debentures validated by the Ontario Municipal Board under sections 58 to 60 of the *Ontario Municipal Board Act*. 1979, c. 100, s. 3.

(3) The effective rate of interest at which the Corporation may purchase debentures shall be determined from time to time by the Lieutenant Governor in Council. R.S.O. 1970, c. 325, s. 9 (3). Interest

10. Notwithstanding the *Public Utilities Act* or any other Act, every debenture of a municipality or school board purchased by the Corporation under the authority of this Act, with respect to payment of principal and interest thereon, ranks *pari passu* with all other debentures of that municipality or school board and the payment of principal and interest thereon. 1979, c. 100, s. 4. Debentures to rank *pari passu* R.S.O. 1980, c. 423

11. The Corporation has power, with the approval of the Treasurer and subject to the regulations, to sell, hypothecate or otherwise dispose of any debentures purchased by the Sale, etc., of municipal debentures purchased by Corporation

Corporation under the authority of this Act. R.S.O. 1970, c. 325, s. 11.

Audit

12. The books and accounts of the Corporation shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council may designate and such auditor shall make an annual report of the audit to the Treasurer and the Treasurer shall table the report in the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 325, s. 12.

Sale of Corporation's securities to Province and provincial advances to Corporation authorized

13.—(1) The Lieutenant Governor in Council may authorize the Treasurer,

- (a) to purchase any debentures, bills or notes of the Corporation; and
- (b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council considers expedient.

Idem

(2) The moneys required for the purposes of subsection (1) shall be paid out of the Consolidated Revenue Fund. R.S.O. 1970, c. 325, s. 13.

Limit of borrowing powers

14.—(1) The Corporation shall not borrow or raise by way of loan any sums of money if, after giving effect to such borrowing or loan, the aggregate principal amount of the outstanding debentures, bills and notes issued by the Corporation, of temporary loans raised by the Corporation and of outstanding advances to the Corporation from the Treasurer, would exceed \$150,000,000.

Application of section

(2) This section does not apply to moneys borrowed or raised by way of loan for the purposes mentioned in clauses 4 (2) (b) and (c). R.S.O. 1970, c. 325, s. 14.

Regulations

15. The Lieutenant Governor in Council may make regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the arrangements that the Corporation may make for purchase of debentures of municipalities or school boards and the purchase of such debentures;
- (c) the mode in which municipalities or school boards may apply to the Corporation for its purchase of their

debentures and the forms, records and proofs to be furnished with such applications;

- (d) the conditions to be imposed in regard to the purchase by the Corporation of debentures of municipalities or school boards;
- (e) the consideration and granting by the Corporation of applications for its purchase of debentures of municipalities or school boards;
- (f) the sale, hypothecation or other disposition by the Corporation of any debentures of municipalities or school boards purchased by the Corporation;
- (g) any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 325, s. 15; 1979, c. 100, s. 5.

16. The Treasurer shall administer this Act and the regulations made under this Act. R.S.O. 1970, c. 325, s. 16. Administration of Act

