

1980

# c 365 Oxford (County of) Act

Ontario

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## CHAPTER 365

## County of Oxford Act

## INTERPRETATION

## 1. In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg, the Township of Blandford-Blenheim, the Township of East Zorra-Tavistock, the Township of Zorra, the Township of Norwich and the Township of South-West Oxford all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "County" means the County of Oxford;
- (d) "County Council" means the council of the County;
- (e) "county road" means a road forming part of the county road system established under Part III;
- (f) "debt" includes any obligation for the payment of money;
- (g) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (h) "highway" and "road" means a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (i) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (j) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of an area municipality or of two or more area municipalities or parts thereof;
- (k) "local municipality" means in the year 1974 any local municipality or portion thereof in the County;
- (l) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 2 (1) or the local municipality to which such part is annexed;
- (m) "Minister" means the Minister of Intergovernmental Affairs;
- (n) "Ministry" means the Ministry of Intergovernmental Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money;
- (p) "Municipal Board" means the Ontario Municipal Board;
- (q) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1974, c. 57, s. 1; O. Reg. 987/74, *revised*.

## PART I

### AREA MUNICIPALITIES

Constitution  
of area muni-  
cipalities

2.—(1) On the 1st day of January, 1975,

- (a) The City of Woodstock is continued as a city municipality.
- (b) The Town of Ingersoll is continued as a town municipality.

- (c) The Town of Tillsonburg is continued as a town municipality and portions of the Township of Dereham described as follows are annexed to such town:

FIRSTLY, part of the Township of Dereham, commencing at the southeast angle of the Township of Dereham;

THENCE northerly along the east boundary of the Township of Dereham to the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Dereham to the point of commencement;

SECONDLY, part of the Township of Dereham, commencing at the intersection of the south boundary of the Township of Dereham and the southerly prolongation of the west limit of Lot 8 in Concession XII;

THENCE northerly along the west limit of Lot 8 in concessions XII, XI and X, respectively, to the centre line of Concession X;

THENCE easterly along the centre line of Concession X to the east limit of Lot 3 in Concession X;

THENCE southerly along the east limit of Lot 3 in Concession X and its prolongation to an angle in the Town of Tillsonburg;

THENCE westerly and southerly following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to the point of commencement.

- (d) The Corporation of the Township of Blandford and The Corporation of the Township of Blenheim are amalgamated as a township municipality bearing the name of The Corporation of the Township of Blandford-Blenheim.
- (e) The Corporation of the Township of East Zorra and The Corporation of the Village of Tavistock are amalgamated as a township municipality bearing the name of The Corporation of the Township of East Zorra-Tavistock, and the portion of the Township of North Oxford described as follows, is annexed to such Township:

COMMENCING at the intersection of the north boundary of the Township of North Oxford and the northerly prolongation of the west limit of Lot 26 in Concession I;

THENCE southerly to and along the west limit of Lot 26 in Concession I and its prolongation to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the City of Woodstock;

THENCE following the boundaries between the Township of North Oxford and the City of Woodstock to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (f) The Corporation of the Township of East Nissouri, The Corporation of the Village of Embro and The Corporation of the Township of West Zorra are amalgamated as a township municipality bearing the name of The Corporation of the Township of Zorra and the portion of the Township of North Oxford, described as follows, is annexed to such Township:

COMMENCING at the northwest angle of the Township of North Oxford;

THENCE southerly along the west boundary of the Township of North Oxford and its prolongation in accordance with subsection 11 (1) of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the separated Town of Ingersoll;

THENCE following the boundaries between the Township of North Oxford and the separated Town of Ingersoll to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the boundary of the Village of Beachville;

THENCE following the boundaries between the Township of North Oxford and the Village of Beachville to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the southerly prolongation of the east limit of Lot 25 in Concession I of the Township of North Oxford;

THENCE northerly to and along the east limit of said Lot 25 and its prolongation to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

(g) The Corporation of the Township of East Oxford, The Corporation of the Township of North Norwich, The Corporation of the Village of Norwich and The Corporation of the Township of South Norwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norwich.

(h) The Corporation of the Village of Beachville and The Corporation of the Township of West Oxford are amalgamated as a township municipality bearing the name of The Corporation of the Township of South-West Oxford, and the portion of the Township of Dereham, described as follows, is annexed to such Township:

COMMENCING at the intersection of the east boundary of the Township of Dereham and the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary of the Town of Tillsonburg to its northeast angle;

THENCE northerly to and along the east limit of Lot 3 in Concession X in the Township of Dereham to the centre line of Concession X;

THENCE westerly along the centre line of Concession X to the west limit of Lot 8 in Concession X;

THENCE southerly along the west limit of Lot 8 in concessions X, XI and XII and its prolongation to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to its southwest angle;

THENCE northerly along the west boundary of the Township of Dereham to its northwest angle;

THENCE easterly along the north boundary of the Township of Dereham to its northeast angle;

THENCE southerly along the east boundary of the Township of Dereham to the point of commencement.  
1974, c. 57, s. 2 (1).

Portion  
of Zorra  
annexed to  
South-West  
Oxford

(2) The portion of the Township of Zorra described as follows is annexed to the Township of South-West Oxford on the 1st day of July, 1978:

That tract of land situate in the Township of Zorra, in the County of Oxford, formerly in the Township of North Oxford and described as Part 1 on a Reference Plan of part of Lot 21, Concession 1, deposited in the Land Registry Office for the Registry Division of Oxford (No. 41) as 41R-1365.

Application  
of subs. (5)

(3) Subsection (5) applies with necessary modifications to the annexation provided for in subsection (2). 1978, c. 36, s. 1.

Dissolution  
of police  
villages

(4) The following police villages are dissolved on the 1st day of January, 1975:

1. The Police Village of Bright.
2. The Police Village of Burgessville.
3. The Police Village of Drumbo.
4. The Police Village of Innerkip.
5. The Police Village of Otterville.
6. The Police Village of Plattsville.
7. The Police Village of Princeton.
8. The Police Village of Thamesford.

(5) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 28th day of June, 1974, pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1974, c. 57, s. 2 (2, 3).

Amalgamations, annexations and dissolutions deemed by O.M.B. orders R.S.O. 1980, cc. 347, 302

**3.—**(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition of area municipal councils

1. The City of Woodstock—eight members, five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the County Council, and three of whom shall be elected by a general vote of the electors as members of the council of the area municipality.
2. The Town of Ingersoll—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected by a general vote of the electors as members of the council of the area municipality.
3. The Town of Tillsonburg—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected by a general vote of the electors as members of the council of the area municipality.
4. The Township of Blandford-Blenheim—six members, one of whom shall be elected by a general vote of



the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected by wards as members of the council of the area municipality.

5. The Township of East Zorra-Tavistock—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected by wards as members of the council of the area municipality.
6. The Township of Zorra—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected by wards as members of the council of the area municipality.
7. The Township of Norwich—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected by wards as members of the council of the area municipality.
8. The Township of South-West Oxford—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected by wards as members of the council of the area municipality. 1974, c. 57, s. 3 (1); 1980, c. 32, s. 1.

Where  
acclamation  
or equality  
of votes

(2) If, after any election in an area municipality, by reason of acclamation or equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the County Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the County Council. 1979, c. 69, s. 1 (1), *part*.

Amalgama-  
tion of  
wards, etc.,  
by O.M.B.

(3) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the County Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the County Council, as provided for in this Act. 1976, c. 73, s. 1.

(4) Notwithstanding section 8, the Lieutenant Governor <sup>Order of L. G. in C.</sup> in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the County Council as is considered advisable following an order of the Municipal Board under subsection (3). 1977, c. 36, s. 1.

4. Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the County, the Minister may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3 (3) should be deferred until the inquiry had been completed and considered, and thereupon all proceedings in any such application are stayed until the Minister gives notice to the Municipal Board that they may be continued. 1980, c. 32, s. 2. <sup>Stay of proceedings pending completion of inquiry</sup>

5. No area municipality shall have a Board of Control. 1974, <sup>No Board of Control</sup> c. 57, s. 5.

## PART II

## ESTABLISHMENT OF THE COUNTY COUNCIL

County  
continued

**6.**—(1) The County of Oxford is continued and on and after the 1st day of January, 1975 shall exercise the powers and duties and be subject to the obligations and liabilities provided for in this Act. 1974, c. 57, s. 6 (1).

Deemed  
municipality  
under  
R.S.O. 1980,  
c. 303, 347

(2) The County, on and after the 1st day of January, 1975, shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*.

Minister's  
authority

(3) The Minister may by order deem the County to be a regional municipality for the purposes of any general or special Act.

County deemed  
not municip-  
ality for  
purposes of  
R.S.O. 1980,  
c. 302

(4) The County shall not, except as provided for in this Act, be a municipality for the purposes of the *Municipal Act* on and after the 1st day of January, 1975. 1974, c. 57, s. 6 (4-6).

County  
Council to  
exercise cor-  
porate  
powers

**7.**—(1) The powers of the County shall be exercised by the County Council and, except where otherwise provided, the jurisdiction of the County Council is confined to the County.

Powers  
exercised by  
by-law

(2) Except where otherwise provided, the powers of the County Council shall be exercised by by-law.

Not to be  
quashed as  
unreasonable

(3) A by-law passed by the County Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or the supposed unreasonableness of its provisions or any of them. 1974, c. 57, s. 7.

Composition  
of County  
Council

**8.**—(1) The County Council shall comprise twenty members consisting of,

- (a) the mayor of each area municipality;
- (b) five members of council of the City of Woodstock elected as members of the County Council under section 3; and
- (c) one member of council of each area municipality, except the City of Woodstock, elected as members of the County Council under section 3. 1974, c. 57, s. 8 (1).

Term of  
office

(2) The term of office of the County Council shall be two years. 1974, c. 57, s. 8 (3).

9.—(1) At the first meeting of the County Council after a regular election at which a quorum is present, the County Council shall organize as a council and elect from among its members a warden who shall hold office for that term of the council and until his successor is elected, and at such meeting the clerk shall preside until the warden is elected, and the warden so elected shall retain his seat on the council of the area municipality to which he was elected. 1978, c. 36, s. 3 (1).

Election of  
warden

(2) At the first meeting of the County Council in any year at which the warden is to be elected, the Council shall conduct a draw by lot to determine the area municipality which shall cast the additional vote in the event of a tie to elect the warden. 1974, c. 57, s. 9 (3).

Idem

(3) If, at the first meeting of the County Council after a regular election, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for the term of the council and until his successor is elected in accordance with this Act. 1978, c. 36, s. 3 (2).

Failure  
to elect  
warden

10.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First  
meeting  
of area  
councils

(2) The first meeting of the County Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the County Council. 1978, c. 36, s. 4.

First  
meeting  
of County  
Council

(3) The warden, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Oath of  
allegiance  
and declara-  
tion of  
qualification

(4) No business shall be proceeded with at the first meeting of the County Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

Declaration  
of office  
R.S.O. 1980,  
c. 302

(5) The County Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. 1974, c. 57, s. 10 (2-4).

When  
County  
Council  
deemed  
organized

**Quorum,  
voting**

**11.**—(1) Eleven members of the County Council representing four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

**One vote**

(2) Each member of the County Council has one vote only. 1974, c. 57, s. 11.

**Place of  
meeting**

**12.** Subject to section 10, all meetings of the County Council shall be held at such place within the County and at such times as the County Council from time to time appoints. 1974, c. 57, s. 12.

**Vacancies,  
warden**

**13.**—(1) When a vacancy occurs in the office of a warden who has been elected under subsection 9 (1), the County Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a warden who shall be a member of the County Council, to hold office for the remainder of the term of his predecessor.

**Idem**

(2) If the County Council fails to elect a warden within twenty days as required by subsection (1), the Lieutenant Governor in Council may appoint a person as warden to hold office for the remainder of the term of his predecessor. 1974, c. 57, s. 13 (1, 2).

**Other  
members**

(3) When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor. 1974, c. 57, s. 13 (3); 1976, c. 73, s. 2.

**Where head  
of council in-  
capacitated**

(4) In the event that the head of the council of an area municipality is for any reason unable to fulfil his duties as a member of the County Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the County Council who shall act in the place and stead of the head of council during his incapacity but no such by-law shall have effect for a period longer than one month from its effective date. 1974, c. 57, s. 13 (4).

**Committees**

**14.** The County Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1974, c. 57, s. 15 (1).

**Procedural  
by-laws**

**15.** The County Council may pass by-laws for governing the proceedings of the County Council and any of its

committees, the conduct of its members and the calling of meetings. 1974, c. 57, s. 16.

**16.**—(1) The warden is the head of the County Council and is the chief executive officer of the County. Head of  
County  
Council

(2) The County Council may by by-law appoint a chief administrative officer, who, Chief  
administrative  
officer

(a) shall have such general control and management of the administration of the government and affairs of the County and perform such duties as the County Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the County Council; and

(d) shall receive such salary as the County Council by by-law determines.

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (2) of this section. 1974, c. 57, s. 17. Application of  
R.S.O. 1980,  
c. 302

**17.**—(1) When the warden is absent or refuses to act, or his office is vacant, the County Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the warden. Acting  
warden

(2) The County Council may by by-law appoint a member of the County Council to act from time to time in the place and stead of the warden when the warden is absent from the County or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the warden. 1974, c. 118, s. 1. Idem

**18.**—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141 and 247 of the *Municipal Act* apply with necessary modifications to the County. Application of  
R.S.O. 1980,  
c. 302

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the County Council and to every local board of the County. 1974, c. 57, s. 19. Idem

Application of  
R.S.O. 1980,  
c. 302

(3) Sections 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the County Council. 1980, c. 32, s. 3.

Appointment  
of clerk

**19.**—(1) The County Council shall appoint a clerk whose duty it is,

- (a) to record truly, without note or comment, all resolutions, decisions and other proceedings of the County Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the County Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the County Council.

Deputy  
clerk

(2) The County Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting  
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the County Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. 1974, c. 57, s. 20.

Minutes  
open to  
inspection

**20.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the County made to the County Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the County to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix.

Index of  
by-laws  
affecting  
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the County Council that affect land or the use thereof in the County but do not directly affect the title to land.

Copies  
certified  
by clerk  
to be  
receivable  
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be

certified under his hand and the seal of the County, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1974, c. 57, s. 21.

**21.**—(1) The County Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the County and preserve and file all accounts of the County and shall perform such other duties as may be assigned to him by the County Council. Appointment of treasurer

(2) The County Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer. Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the County Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1974, c. 57, s. 22. Acting treasurer

**22.**—(1) The treasurer shall receive and safely keep all moneys of the County and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the County Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the County Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

(2) Notwithstanding subsection (1), the County Council may by by-law, Signing of cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The County Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. Petty cash fund



When  
member may  
be paid

(4) Except where otherwise expressly provided by this Act, a member of the County Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with the *Municipal Conflict of Interest Act*.

R.S.O. 1980,  
c. 305

Treasurer's  
liability  
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the County Council, unless another disposition of it is expressly provided for by statute. 1974, c. 57, s. 23.

Bank  
accounts

**23.** Subject to subsection 22 (3), the treasurer shall,

- (a) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council;
- (b) deposit all money received by him on account of the County, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the County entirely separate from his own money and from that of any other person,

and notwithstanding subsection 22 (1), the County Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1974, c. 57, s. 24.

Monthly  
statement

**24.**—(1) The treasurer shall prepare and submit to the County Council, monthly, a statement of the money at the credit of the County.

Notice to  
sureties

(2) Where the treasurer is removed from office or absconds, the County Council shall forthwith give notice to his sureties. 1974, c. 57, s. 25.

Appointment  
of auditors

**25.**—(1) The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the County Council and the auditor or auditors so appointed shall audit the

accounts and transactions of the County and of every local board of the County, except school boards. 1977, c. 36, s. 2.

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the County and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. 1974, c. 57, s. 26 (2). <sup>Cost of audit</sup>

(3) No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than for services within his professional capacity. 1974, c. 57, s. 26 (3); 1976, c. 73, s. 3. <sup>Disqualification of auditors</sup>

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the County Council or any local board of the County that do not conflict with the duties prescribed by the Ministry. 1974, c. 57, s. 26 (4). <sup>Duties of auditors</sup>

**26.—**(1) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the County or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 28th day of June, 1974 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the County or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System and be deemed not to have resigned from his previous employment. <sup>Pensions</sup>

(2) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. <sup>Idem</sup>

Sick leave  
credits

(3) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the municipality or local board thereof until the County or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the County whereupon the County or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

## Holidays

(4) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or local board thereof, the County or local board thereof shall during the first year of his employment by the County or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of  
employment

(5) The County shall offer to employ every person who, on the 1st day of April, 1974, is employed in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the County under this Act and who continues to be so employed until the 31st day of December, 1974. 1974, c. 57, s. 27 (1-5).

Application of  
R.S.O. 1980,  
c. 348

(6) The County shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

Placement of  
staff

(7) The Minister may by order do all such things as may be necessary to facilitate the placement of staff in the structure of both the County and area municipalities including providing for the protection of pension benefits, sick leave credits and holiday entitlements.

Pension  
rights and  
sick leave  
credits

(8) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination  
of  
employment

(9) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1974, c. 57, s. 27 (7-10).

## PART III

## COUNTY ROAD SYSTEM

**27. In this Part,**Interpre-  
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway. 1974, c. 57, s. 28.

**28.—**(1) On and after the 1st day of January, 1975, all roads on the 31st day of December, 1974, under the jurisdiction and control of the County shall continue to form part of the county road system, together with those roads which on the 31st day of December, 1974, are under the jurisdiction and control of the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission.

(2) The County Council may by by-law from time to time add roads to or remove roads from the county road system, including such boundary line roads or portions thereof between the County and an adjoining county or regional municipality as may be agreed upon between the County Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the County to the County and the highway shall for all purposes be deemed to be part of the county road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*.

R.S.O. 1980,  
c. 421

(4) Where a road or part thereof forms part of the county road system, jurisdiction and control and the soil and freehold thereof are vested in the County.

Vesting of  
roads in  
County

Removal of  
roads from  
county road  
system

(5) The Lieutenant Governor in Council may remove any road from the county road system.

Roads  
removed from  
system

(6) Where a road or a part thereof is removed from the county road system, except by reason of it being stopped-up pursuant to subsection 38 (1), such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the County in respect of such road.

Status of land  
acquired for  
widening  
county road

(7) Notwithstanding subsection (10), where the County acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system.

Idem

(8) When land abutting on a county road is dedicated for, or apparently for, widening the county road, the land so dedicated is part of the county road and the jurisdiction and control and the soil and freehold thereof is vested in the County subject to any rights in the soil reserved by the person who dedicated the land. 1974, c. 57, s. 29 (1-8).

Consolidating  
by-law

(9) The County Council shall, from time to time, pass a by-law consolidating all by-laws relating to the county road system. 1980, c. 32, s. 4.

Approval  
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the County Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

R.S.O. 1980,  
c. 446 not to  
apply

(11) The *Regulations Act* does not apply to an order in council made under this section. 1974, c. 57, s. 29 (10, 11).

Plans of  
construction  
and  
maintenance

**29.** The County Council shall adopt a plan of road construction and maintenance, and from time to time thereafter

shall adopt such other plans as may be necessary. 1974, c. 57, s. 30.

**30.** Where the County proposes the construction, improvement or alteration of a county road, it shall furnish the Minister with such detailed information as he may require. 1974, c. 57, s. 31.

Furnishing  
of information  
to Minister

**31.** Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1974, c. 57, s. 32.

Contribution  
towards  
expenditures  
R.S.O. 1980,  
c. 421

**32.** The roads included in the county road system shall be maintained and kept in repair by the County. 1974, c. 57, s. 33.

Maintenance  
and repair

**33.** The County has, in respect of the roads included in the county road system, all the rights, powers, benefits, and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission and the County may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the Woodstock Suburban Roads Commission or the Ingersoll Suburban Roads Commission, as the case may be, might have done if the roads had not become part of the county road system. 1974, c. 57, s. 34.

Power  
over roads  
assumed

**34.—(1)** The County is not by reason of a road forming part of the county road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the county road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks  
excepted

R.S.O. 1980,  
c. 302

**(2)** An area municipality may construct a sidewalk or other improvement or service on a county road, and the County may contribute to the cost of such sidewalk, improve-

Area  
municipalities  
may construct  
sidewalks,  
etc.

ment or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council expressed by resolution.

How cost  
provided

(3) The cost of any such sidewalk, improvement or service constructed on a county road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,  
c. 250

Area muni-  
cipality to con-  
form to  
requirements  
and be  
responsible  
for damage

(4) An area municipality when constructing such a sidewalk, improvement or service on a county road shall conform to any requirements or conditions imposed by the County Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. 1974, c. 57, s. 35.

Installation of  
traffic control  
devices

**35.**—(1) The County may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the county road system.

Relocation of  
intersecting  
roads

(2) The County may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the county road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection (2), the County constructs a new road in lieu of the public road, the County may close the public road at the point of intersection with the county road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction  
of sidewalk,  
etc., on area  
municipality  
road

(4) Where the County constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1974, c. 57, s. 36.

Intersection  
of other  
roads by  
county road

**36.** Where a county road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the county road to its full width across the road so intersected is a part of the county road system. 1974, c. 57, s. 37.

**37.** The County Council may pass by-laws for establishing New roads and laying out new roads and for amending the by-law passed under section 28 by adding such new roads to the county road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. 1974, c. 57, s. 38.

**38.—**(1) With respect to the roads in the county road Powers and liabilities of County system and the regulation of traffic thereon, the County has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways. R.S.O. 1980, cc. 302, 198

(2) The County Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the County or any area municipality as part of its passenger transportation service. Establishment of bus lanes  
1974, c. 57, s. 39.

**39.—**(1) The County Council may by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near county road

- (a) any gasoline pump within forty-five metres of any limit of a county road;
- (b) any sign, notice or advertising device within 400 metres of any limit of a county road. 1974, c. 57, s. 40 (1); 1978, c. 87, s. 35 (1).

(2) A by-law passed under this section may provide for Permits the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1974, c. 57, s. 40 (2).

**40.—**(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council. 1974, c. 57, s. 41 (1); 1976, c. 73, s. 4 (1). By-laws of area municipalities regulating traffic



County Council may approve by-law in whole or in part

(2) A by-law submitted for approval of the County Council in compliance with subsection (1) may be approved in whole or in part and, where part only of a by-law is approved, that part only shall become operative.

Withdrawal of approval

(3) The County Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 73, s. 4 (2).

Signal-light devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the County Council, and the County Council may delegate any of its powers in respect of the operation of such devices to an officer of the County designated in the by-law.

Contribution toward cost of signal-light

(5) The County may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1974, c. 57, s. 41 (2, 3).

Traffic control within thirty metres of county roads  
R.S.O. 1980, c. 198

(6) Subject to the *Highway Traffic Act*, the County Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a county road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1974, c. 57, s. 41 (4); 1978, c. 87, s. 35 (2).

Agreements for pedestrian walks

41. The County Council may by by-law authorize agreements between the County and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highways upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1974, c. 57, s. 42.

Disputes as to maintenance, etc., of bridges and highways  
R.S.O. 1980, c. 302

42.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the County and an adjoining municipality where such bridge or highway is included in the county road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the County Council and the council of a municipality in respect of any

such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the County Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the County or the corporation of the municipality.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the County, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities, in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing  
by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1974, c. 57, s. 43.

Term of  
order

43. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system. 1974, c. 57, s. 44.

Boundary  
bridges  
between area  
municipi-  
palities  
R.S.O. 1980,  
c. 302

44. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the County and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system. 1974, c. 57, s. 45.

Boundary  
bridges  
between  
County and  
adjoining  
municipalities

45.—(1) The County Council has, with respect to all land lying within a distance of forty-five metres from any limit of a county road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. 1974, c. 57, s. 46 (1); 1978, c. 87, s. 35 (3).

Restrictions

R.S.O. 1980,  
c. 379

Conflict with  
local by-laws

R.S.O. 1980,  
c. 379

(2) In the event of conflict between a by-law passed under subsection (1) by the County Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the County Council prevails to the extent of such conflict. 1974, c. 57, s. 46 (2).

Controlled-  
access roads

**46.**—(1) The County Council may by by-law designate any road in the county road system, or any portion thereof, as a controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the County Council may by by-law close any municipal road that intersects or runs into a county controlled-access road.

Notice of  
application  
for approval  
for closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the County within such time as the Municipal Board shall direct.

Order of  
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval the County may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The County, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (4).

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations. Time for appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just. Leave to appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court and the decision of the Divisional Court is final. Practice and procedure on appeal

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1974, c. 57, s. 47. R.S.O. 1980, c. 347, s. 95 not to apply

**47.** The County Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a county controlled-access road. 1974, c. 57, s. 48. Private roads, etc., opening upon county controlled-access road

**48.—(1)** The County may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a county controlled-access road in contravention of a by-law passed under section 47. Notice

(2) Every notice given under subsection (1) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the County Council may by resolution direct any officer, employee or agent of the County to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure Compensation

or facility constructed or used as a means of access to a controlled-access road designated under subsection 46 (1) was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 47, in which case the making of compensation is subject to any provisions of such by-law. 1974, c. 57, s. 49.

County  
liability  
where road  
forms part of  
system

**49.**—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the county road system.

Idem

(2) Where a road forms part of the county road system, the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1974, c. 57, s. 50 (1, 2).

R.S.O. 1980,  
c. 250

Default

(3) Where the County fails to make any payment required by subsection (2), the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 69, s. 3.

Settling of  
doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the county road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1974, c. 57, s. 50 (4).

Stopping-up  
highways

**50.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the County by registered mail.

Agreement

(2) If the County objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the County Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1974, c. 57, s. 51.

**51.** Subsection 46 (1) of the *Public Transportation and Highway Improvement Act* does not apply to the County. 1976, c. 73, s. 5. R.S.O. 1980, c. 421, s. 46 (1) not to apply

**52.** Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the county road system. 1974, c. 57, s. 53. Application of R.S.O. 1980, c. 421

## PART IV

### MUNICIPAL HYDRO-ELECTRIC SERVICE

**53.** In this Part,

Interpretation

(a) "accumulated net retail equity" means the portion of the equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(b) "electrical service area" means an area supplied with retail power by a commission referred to in section 54;

(c) "hydro-electric commission" means,

(i) a hydro-electric commission or public utility commission or public utilities commission entrusted with the control and management of works for the retail supply of power and established or deemed to be established under Part III of the *Public Utilities Act*, and

R.S.O. 1980, c. 423

(ii) a committee of the council of a municipality entrusted with the control and management of works for the retail supply of power on the 31st day of December, 1974;

(d) "power" means electrical power and includes electrical energy;

(e) "regulations" means the regulations made under this Part;

(f) "retail distribution facilities" means works for the transmission and supply of power at voltages less

than 50 kilovolts other than works located within a transformer station that transforms power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts. 1977, c. 60, s. 1, *revised*.

Com-  
missions  
continued

1977, c. 60

R.S.O. 1980,  
cc. 423, 384

Com-  
position,  
Woodstock  
Public  
Utility  
Commission  
R.S.O. 1980,  
c. 308

Idem,  
Ingersoll  
Public  
Utility  
Commission

Idem,  
Tillsonburg  
Public  
Utility  
Commission

Idem,  
Blandford-  
Blenheim  
Public  
Utility  
Commission

**54.—(1)** The hydro-electric commission for each of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg, the Township of Blandford-Blenheim, the Township of East Zorra-Tavistock, the Township of Norwich, the Township of South-West Oxford and the Township of Zorra established by *The Oxford Municipal Hydro-Electric Service Act, 1977* is continued and each commission shall be deemed to be a commission established under Part III of the *Public Utilities Act*, and a municipal commission within the meaning of the *Power Corporation Act*.

(2) The commission for the City of Woodstock shall be known as the Woodstock Public Utility Commission and shall consist of the mayor of the City of Woodstock and four additional members who are qualified electors under the *Municipal Elections Act* in the City of Woodstock.

(3) The commission for the Town of Ingersoll shall be known as the Ingersoll Public Utility Commission and shall consist of the mayor of the Town of Ingersoll and four additional members who are qualified electors under the *Municipal Elections Act* in the Town of Ingersoll.

(4) The commission for the Town of Tillsonburg shall be known as the Tillsonburg Public Utility Commission and shall consist of the mayor of the Town of Tillsonburg and four additional members who are qualified electors under the *Municipal Elections Act* in the Town of Tillsonburg.

(5) The commission for the Township of Blandford-Blenheim shall be known as the Blandford-Blenheim Public Utility Commission and shall consist of the mayor of the Township of Blandford-Blenheim and four additional members who are qualified electors under the *Municipal Elections Act* in the Township of Blandford-Blenheim,

- (a) one of whom is a customer of the commission in the electrical service area commonly known as Drumbo;
- (b) one of whom is a customer of the commission in the electrical service area commonly known as Platts-ville;
- (c) one of whom is a customer of the commission in the electrical service area commonly known as Prince-ton; and

- (d) one of whom is a customer of the commission in one of the electrical service areas commonly known as Drumbo, Plattsville and Princeton.

(6) The commission for the Township of East Zorra-Tavistock shall be known as the East Zorra-Tavistock Public Utility Commission and shall consist of the mayor of the Township of East Zorra-Tavistock and two additional members who are qualified electors under the *Municipal Elections Act* in the Township of East Zorra-Tavistock and who are customers of the commission.

Idem.  
East Zorra-  
Tavistock  
Public  
Utility  
Commission

R.S.O. 1980,  
c. 308

(7) The commission for the Township of Norwich shall be known as the Norwich Public Utility Commission and shall consist of the mayor of the Township of Norwich and four additional members who are qualified electors under the *Municipal Elections Act* in the Township of Norwich.

Idem.  
Norwich  
Public  
Utility  
Commission

- (a) one of whom is a customer of the commission in the electrical service area commonly known as Burgessville;
- (b) two of whom are customers of the commission in the electrical service area commonly known as Norwich; and
- (c) one of whom is a customer of the commission in the electrical service area commonly known as Otterville.

(8) The commission for the Township of South-West Oxford shall be known as the South-West Oxford Public Utility Commission and shall consist of the mayor of the Township of South-West Oxford and two additional members who are qualified electors under the *Municipal Elections Act* in the Township of South-West Oxford and who are customers of the commission.

Idem.  
South-West  
Oxford  
Public  
Utility  
Commission

(9) The commission for the Township of Zorra shall be known as the Zorra Public Utility Commission and shall consist of the mayor of the Township of Zorra and four additional members who are qualified electors under the *Municipal Elections Act* in the Township of Zorra,

Idem.  
Zorra Public  
Utility  
Commission

- (a) two of whom are customers of the commission in the electrical service area commonly known as Embro; and
- (b) two of whom are customers of the commission in the electrical service area commonly known as Thamesford. 1977, c. 60, s. 2 (1-9).



Additional  
members of  
com-  
missions

(10) The additional members of each commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1978, the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

Eligibility  
of members  
of council

(11) Members of the council of an area municipality served by a commission may be appointed as members of the commission, but the members of the council shall not form a majority of the commission.

Term of  
office

(12) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(13) The council of an area municipality served by a commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. 1977, c. 60, s. 2 (12-15).

Resignation

(14) A resignation from the council of a member of a council who is a member of a commission shall be deemed to be a resignation from both the commission and the council. 1977, c. 60, s. 2 (17).

Powers  
of com-  
missions  
R.S.O. 1980,  
c. 423

**55.—(1)** Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power, shall, on and after the 1st day of April, 1978, be exercised on behalf of each area municipality by the commission established in respect of that area municipality and not by the council of any municipality or any other body.

Idem

(2) Subject to subsections (3) and (5) and to any subsisting contracts for the supply of power to customers within the meaning of section 37a of *The Ontario Energy Board Act*, being chapter 312 of the Revised Statutes of Ontario, 1970, on and after the 1st day of April, 1978, each commission has the sole right to supply power within the area municipality in respect of which it is established, and, on behalf of the area municipality, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality, without electoral assent or other approval or authorization and such contract shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

R.S.O. 1980,  
c. 302

Where  
Ontario  
Hydro to  
continue to  
supply  
power

(3) Notwithstanding subsection (2), but subject to section 56, Ontario Hydro shall continue to supply power in those areas of the townships of Blandford-Blenheim, East Zorra-Tavistock, Norwich, South-West Oxford, and Zorra that it served immediately

before the 8th day of December, 1977, and subsections (8) and (9) and section 59 do not apply.

(4) Except where inconsistent with the provisions of this Part, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions.

Application  
of  
R.S.O. 1980,  
c. 384

(5) With the consent of a commission, Ontario Hydro may supply power directly to customers within the municipality in respect of which the commission is established.

Direct  
customers

(6) Such management and control of works for the distribution and supply of power within the area municipalities as are exercised by hydro-electric commissions and Ontario Hydro immediately before the 8th day of December, 1977, remain entrusted to them to and including the 31st day of March, 1978, but, subject to subsections (7) and (8), any of the assets, powers and responsibilities of such commissions may by agreement be transferred before that date to a commission referred to in section 54.

Tran-  
sitional

(7) On the 1st day of April, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions distributing and selling power in an area municipality to the extent that they pertain to the distribution and supply of power in the municipality, are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the municipality.

Transfer of  
assets and  
liabilities

(8) Subject to subsections (3) and (5), section 56 and the regulations, each commission shall acquire, on behalf of the area municipality served by the commission, the retail distribution facilities within the municipality used by Ontario Hydro on the 31st day of March, 1978, in the retail distribution of power, including equipment leased by Ontario Hydro to retail customers within the municipality for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Purchase  
of retail  
distribu-  
tion  
facilities  
from  
Ontario  
Hydro

(9) If the price of the facilities referred to in subsection (8) has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to the *Arbitrations Act* in accordance with subsection (8) and the regulations, and the decision of the arbitrator shall not be subject to appeal.

Where price  
to be deter-  
mined by  
arbitration

R.S.O. 1980,  
c. 25

## Tillsonburg

(10) The references to the 1st day of April, 1978 in subsections (1), (2) and (7) and sections 59 and 60 shall be deemed to refer to the 1st day of January, 1978 and the references to the 31st day of March, 1978 in subsections (6) and (8) and section 59 shall be deemed to refer to the 31st day of December, 1977 both in respect of the Town of Tillsonburg. 1977, c. 60, s. 3.

Application  
of section

**56.**—(1) This section applies when retail power is supplied in any area municipality by both Ontario Hydro and a commission referred to in section 54.

Oxford  
Power  
Supply  
Review  
Committee

(2) At least once in every five years, there shall be appointed a committee to be known as the Oxford Power Supply Review Committee composed of eight members, one of whom shall be appointed by the council of each area municipality.

## Duties

(3) The Committee shall review the retail supply of power in the County and shall include in its review an evaluation of,

(a) the supply of power throughout the County by a single hydro-electric commission; and

(b) the supply of power throughout an area municipality by a commission.

## Report

(4) Each Committee shall complete its review within twelve months from the date that it is fully constituted and shall file its report forthwith with Ontario Hydro and send copies of the report to the clerk of the County, to the clerk of each area municipality and to each commission. 1977, c. 60, s. 4.

Vesting  
of real  
property

**57.**—(1) All real property transferred pursuant to section 55 to the control and management of a commission or otherwise acquired by or for the commission, shall be vested in the area municipality served by the commission.

Disposi-  
tion of real  
property

(2) Where a commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to retain the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater and the area municipality may sell, lease or other-

wise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.

2. In the event that the area municipality served by the commission does not wish to retain the real property in accordance with paragraph 1, the area municipality shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with the *Public Utilities Act*. 1977, c. 60, s. 5. R.S.O. 1980,  
c. 423

**58.** Except as otherwise provided in this Act, sections 93 to 116 apply, with necessary modifications, to any borrowing for the purposes of a commission. 1977, c. 60, s. 6. Borrowing

**59.—(1)** In this section, “transfer date”, when used in respect of an employee of a hydro-electric commission or Ontario Hydro, means the date on which a commission assumes liability for the payment of the wages or salary of the employee. Interpre-  
tation

(2) On or before the 31st day of March, 1978, each hydro-electric commission in the area municipalities and Ontario Hydro shall designate those of their full-time employees who were employed in the distribution and supply of power in the municipalities on the 1st day of March, 1977, and who continued such employment until the 31st day of March, 1978 or until their transfer dates, as the case may be, and the commissions established in respect of those municipalities shall offer employment to the employees so designated. Transfer of  
employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date. Wages or  
salaries

(4) Each commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 8th day of December, 1977, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System. Participa-  
tion in  
O.M.E.R.S.  
  
R.S.O. 1980,  
c. 348

Supple-  
mentary  
agreements

(5) Where a person who accepts employment under this section with a commission is entitled to the benefit of a supplementary agreement between a hydro-electric commission operating within an area municipality and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission.

Transfer of  
pension  
credits from  
Ontario  
Hydro plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension  
guarantee

(7) Notwithstanding subsection (5), a person who accepts employment under this section with a commission and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit to which he would have been entitled under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1977, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (5) shall be apportioned and paid as provided by the regulations.

Group life  
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of

a common group life insurance plan covering all eligible employees of his new employer.

(9) On or before the 31st day of December, 1979, each commission shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the employee was entitled immediately before his transfer date. Idem

(10) A person who accepts employment under this section shall continue to enjoy as a term of his employment the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits. Sick leave

(11) The commissions shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the area municipalities by hydro-electric commissions. Life insurance provided to pensioners

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination for cause

(13) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1977, c. 60, s. 7. Special circumstances

**60.** For the purposes of section 134 of *The County of Oxford Act, 1974*, the 1st day of April, 1978 is the date determined by the Minister in respect of all areas within the County, and on that date the municipal hydro-electric commissions supplying electrical power and energy in the County are dissolved and the by-laws establishing them passed pursuant to section 37 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. 1977, c. 60, s. 8. Dissolution of existing commissions 1974, c. 57

**61.** The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purposes of subsection 55 (8) in respect of,

- (i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,
  - (ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,
  - (iii) the method of determining the amount of any component of the accumulated net retail equity,
  - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
  - (v) the method of calculating accumulated depreciation or any component of accumulated depreciation,
  - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
  - (vii) the method of payment of the price of the facilities;
- (b) for the purposes of subsection 59 (7), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1977, c. 60, s. 9.

## PART V

### PLANNING

Planning area

R.S.O. 1980,  
c. 379

Designated  
municipality

Separate  
meeting as  
planning  
board not  
required

**62.—**(1) On and after the 1st day of January, 1975, the County shall be a municipality and a planning area for the purposes of the *Planning Act* and shall be known as the Oxford Planning Area.

(2) The County Council shall be the Planning Board of the Oxford Planning Area and may be or may constitute or appoint a land division committee for the purpose of granting consents referred to in section 29 of the *Planning Act*. 1974, c. 57, s. 54 (1, 2).

(3) Where the County Council meets in respect of matters pertaining to planning for the purposes of the *Planning Act*, no

separate meeting of the Council as a planning board is required. 1978, c. 36, s. 8.

(4) Notwithstanding subsection (2) of this section, subsection 12 (2) of the *Planning Act* does not apply to the County Council. 1979, c. 69, s. 4. R.S.O. 1980, c. 379, s. 12 (2) not to apply

(5) The County Council may appoint such advisory and planning committees as it deems necessary. 1974, c. 57, s. 54 (3). Advisory committees

**63.**—(1) All planning areas and subsidiary planning areas that are included in the Oxford Planning Area together with the boards thereof including the Oxford County Planning Board are dissolved on the 1st day of January, 1975, and no area municipality shall, except as provided in subsections (2), (3) and (4), exercise any powers under the *Planning Act*. Planning areas and subsidiary planning areas dissolved

(2) The land division committee constituted for the County of Oxford and all committees of adjustment heretofore constituted by the council of a municipality in the Oxford Planning Area are dissolved on the 1st day of January, 1975, and the council of each area municipality is deemed to be a committee of adjustment under section 48 of the *Planning Act*, but notwithstanding the provisions of such Act no such council shall have any authority to grant consents referred to in section 29 of such Act. 1974, c. 57, s. 55 (1, 2). Committees of adjustment

(3) The council of an area municipality may exercise the powers provided in section 22, except subsection (12), sections 24, 39, 40, 41, 42, 43, 44, 45, 46, and section 49, except subsection (3), of the *Planning Act*, but in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers the by-law passed by the County Council shall prevail. 1980, c. 32, s. 5. Powers under R.S.O. 1980, c. 379

(4) The County Council may delegate to the council of an area municipality any of its powers in respect of subdivision agreements. 1974, c. 57, s. 55 (5). Delegation of powers re subdivision agreements

**64.** The County Council, before the 31st day of December, 1978, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the County, and all existing official plans in the Oxford Planning Area shall be deemed to be official plans of the County. 1974, c. 57, s. 56. Official plan



## PART VI

## HEALTH AND WELFARE SERVICES

Liability for  
hospitali-  
zation of  
indigents  
R.S.O. 1980,  
cc. 410, 389

**65.**—(1) The County shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants and no area municipality has any liability under such provisions.

Existing  
liabilities  
transferred

(2) The County is liable for the hospitalization and burial, after the 31st day of December, 1974, of an indigent person or his dependant who was in hospital on the 31st day of December, 1974, and in respect of whom any local municipality within the County was liable because the indigent person was a resident of such local municipality.

Proviso

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1975. 1974, c. 57, s. 57.

Aid to  
hospitals

**66.**—(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. 1974, c. 57, s. 58 (1).

Payment of  
principal and  
interest to  
area muni-  
cipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1) prior to the 1st day of January, 1975 and, if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 69, s. 5.

Hospital costs  
form part of  
County levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 86. 1974, c. 57, s. 58 (3).

Health unit  
continued

**67.**—(1) The health unit serving the County on the 31st day of December, 1974, is continued under the name of the Oxford County Board of Health on and after the 1st day of January, 1975.

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the County shall not be altered except by order of the Minister of Health. 1974, c. 57, s. 59. Boundaries fixed

**68.**—(1) On and after the 1st day of January, 1975, the Oxford County Board of Health shall be composed of, Constitution of health board

- (a) not more than seven members of the County Council appointed by the County Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. 1974, c. 57, s. 60 (1).

(2) Notwithstanding the provisions of any other Act, the expenses incurred by the Oxford County Board of Health in establishing and maintaining the health unit and performing its functions under the *Public Health Act* or any other Act shall be accounted for, borne and paid by the County. 1974, c. 57, s. 60 (3). Expenses of board  
R.S.O. 1980, c. 409

**69.**—(1) For the purposes of the following Acts, the County shall be deemed to be a city and no area municipality shall be deemed to be a municipality: County deemed city under

- 1. *Anatomy Act*. R.S.O. 1980, c. 21
- 2. *Mental Hospitals Act*. R.S.O. 1980, c. 263
- 3. *Sanatoria for Consumptives Act*. R.S.O. 1980, c. 463
- 4. *War Veterans Burial Act*. R.S.O. 1980, c. 527

(2) For the purposes of the following Acts, no area municipality shall be deemed to be a municipality and the County shall have sole responsibility as a county for all matters provided for in such Acts. County responsibility under

- 1. *Day Nurseries Act*. R.S.O. 1980, c. 111
- 2. *General Welfare Assistance Act*. R.S.O. 1980, c. 188
- 3. *Homemakers and Nurses Services Act*. 1974, c. 57, s. 61. R.S.O. 1980, c. 200

**70.**—(1) No area municipality has any authority to establish, erect and maintain a home for the aged under the *Homes for the Aged and Rest Homes Act*. Liability for homes for aged  
R.S.O. 1980, c. 203

Assets and liabilities vest in county

(2) The home for the aged known as Woodingford Lodge and all the assets and liabilities thereof vest solely in the County on and after the 1st day of January, 1975.

Levy

(3) The costs of operating and maintaining Woodingford Lodge shall form part of the levy under section 86. 1974, c. 57, s. 62.

Residents of other homes for aged

**71.**—(1) The County shall pay to the committee or board of management of any home for the aged located outside the County the cost of maintenance in such home, incurred after the 31st day of December, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Amount of maintenance payment

(2) The amount payable by the County under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1974, c. 57, s. 63.

Area municipality not deemed municipality under R.S.O. 1980, c. 66

**72.** No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. 1974, c. 57, s. 64.

Liability under order made under R.S.C. 1970, c. J-3

**73.** Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the County, and the sums of money required to be paid under such order shall be paid by the County and not by the area municipality. 1974, c. 57, s. 66.

Information

**74.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act. 1974, c. 57, s. 67.

Adjustments

**75.** In the event that there is any doubt as to whether the County is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1974, c. 57, s. 68.

Grants, etc., to approved corporations under R.S.O. 1980, c. 201

**76.** The County may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1974, c. 57, s. 69.

## PART VII

## POLICE

**77.** On and after the 1st day of January, 1975, each police force within the County shall continue to have jurisdiction in the area in which each police force had jurisdiction on the 31st day of December, 1974. 1974, c. 57, s. 70. Police jurisdiction

**78.** All existing boards of commissioners of police and police committees are dissolved on the 31st day of December, 1974, and new boards of commissioners of police or police committees shall be established in the manner provided for in the *Police Act* in those area municipalities in which a local police force has jurisdiction. 1974, c. 57, s. 71. Boards of commissioners of police  
R.S.O. 1980, c. 381

**79.** In any area municipality in which a police force has jurisdiction and such police force does not provide police service to the entire area municipality, the council of such area municipality shall be entitled to establish a police area to which the costs of policing shall be charged. 1974, c. 57, s. 72. Area rating

**80.** Notwithstanding the provisions of sections 77, 78 and 79, the County Council may make application to the Minister for a review of the policing services being provided in the County. 1974, c. 57, s. 73. Policing services reviewed

## PART VIII

## COUNTY WATERWORKS SYSTEM

**81.—(1)** On and after the 1st day of January, 1975, the County shall have the sole responsibility for the supply and distribution of water and the financing thereof in the County and all the provisions of any general Act relating to the supply and distribution of water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water and the financing thereof by an area municipality or a local board thereof, including the *Local Improvement Act*, apply with necessary modifications to the County, except the power to establish a public utilities commission. County to be sole distributor of water  
R.S.O. 1980, c. 250

**(2)** On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water, including the financing thereof, except as provided in subsection (7). No area municipality to distribute water

Vesting of  
water supply  
facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely or primarily for the purposes of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the County or for any area municipality are vested in the County effective the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

County  
liability

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection (3), but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement. 1974, c. 57, s. 76 (1-4).

R.S.O. 1980,  
c. 250

Default

(5) If the County fails to make any payment as required by subsection (4), the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 69, s. 7.

Water supply  
agreements

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the supply and distribution of water and the financing thereof, the County shall, on the 1st day of January, 1975, stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Idem

(7) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements. 1974, c. 57, s. 76 (6, 7).

## PART IX

### COUNTY SEWAGE WORKS

County  
responsible  
for sanitary  
sewage

**82.**—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the collection and disposal of all sewage including the financing thereof,

except as provided for in subsection (7), in the County and all of the provisions of any general Act relating to the collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage and the financing thereof, by an area municipality or a local board thereof including the *Local Improvement Act* apply with necessary modifications to the County, except the power to establish a public utilities commission. R.S.O. 1980, c. 250

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage and financing thereof, except as provided in subsections (7) and (9). No area municipality to collect sanitary sewage

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection (7), and all real and personal property of any nature whatsoever used solely or primarily for the purpose of the collection and disposal of such sewage in the County by any area municipality is vested in the County on the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of sanitary sewage facilities

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection (3), but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of the local improvement work. 1974, c. 57, s. 77 (1-4). County liability

(5) If the County fails to make any payment as required by subsection (4), the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 69, s. 8. Default

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, including the financing thereof, except as provided Agreements

for in subsection (7), the County Council shall stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

**Land drainage** (7) The County shall be responsible for undertaking the land drainage system including storm sewers with respect to county roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the County as the County Council deems necessary and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

**Assumption of area municipal land drainage systems** (8) Where the County undertakes a program provided for in subsection (7), the County may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections (4) and (5) shall apply thereto, with necessary modifications.

**Idem** (9) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements. 1974, c. 57, s. 77 (6-9).

## PART X

### FINANCES

**Interpretation** **83.** In this Part, "rateable property" includes business and other assessment made under the *Assessment Act*. 1974, c. 57, s. 78.

**Application of** **84.**—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the County. 1974, c. 57, s. 79 (3).

**County deemed municipality for purposes of** (2) The County shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 69, s. 9.

### YEARLY ESTIMATES AND LEVIES

**Yearly estimates** **85.**—(1) The County Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the County, including the sums required by law to be provided by the County for any local board

of the County, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. 1974, c. 57, s. 80 (1, 2).

Allowance  
to be made  
in estimates

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the County. 1974, c. 57, s. 80 (6).

Application  
of  
R.S.O. 1980,  
cc. 31, 302

**86.**—(1) The County Council in each year shall, subject to sections 81 and 82, levy against the area municipalities a sum sufficient,

Levy on  
area  
municipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the County falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the County is liable under this Act.

(2) The County Council shall ascertain and by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.

Apportion-  
ment

(3) Subject to subsection (9), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the County, according to the last revised assessment rolls.

Idem

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Assessment



Copy to  
County and  
area municipi-  
palities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the County and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment  
of by-law  
where  
necessary  
following  
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the County Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the County; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the County only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the County shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed  
assessments,  
etc., not  
to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*.

R.S.O. 1980,  
c. 31

Assessment  
to include  
valuations  
on properties  
for which  
payments in  
lieu of taxes  
paid

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valua-

tions of all properties for which payments in lieu of taxes which include a payment in respect of County levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act* and subsection 8 (1) of the *Ontario Unconditional Grants Act*. R.S.O. 1980,  
cc. 302, 402,  
359

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection (10) and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the County and the appropriate area municipality of such valuations. Valuation  
of  
properties

(12) One by-law or several by-laws for making the levies may be passed as the County Council may consider expedient. Levy  
by-laws

(13) Subject to subsection 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the County levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. County levy

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the County and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the County at the times and in the amounts specified by the by-law of the County Council mentioned in subsection (2). 1974, c. 57, s. 81 (1-14). Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the County Council determines, from the date payment is due until it is made. 1979, c. 69, s. 10. Default

**87.—**(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding. Equalized  
assessment  
of merged  
areas

## Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas  
R.S.O. 1980,  
c. 302, 31

(3) The net County levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. 1974, c. 57, s. 82 (1-3).

## Levy

**88.**—(1) Notwithstanding section 86, the County Council may, in any year before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the County Council in the preceding year against that area municipality and subsections 86 (14) and (15) apply to such levy.

Levy under  
s. 87 to  
be reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of levy made under section 86.

Levy by  
area  
municipality  
before  
estimates  
adopted

(3) Notwithstanding section 87, the council of an area municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. 1974, c. 57, s. 83 (2-4).

Levy under  
s. 87 to  
be reduced

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 87.

Application of  
R.S.O. 1980,  
c. 302, s. 159  
(5)

(5) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section. 1974, c. 57, s. 83 (5, 6).

Rates under  
R.S.O. 1980,  
c. 129

**89.**—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 87 (1).

Rates for  
public  
school  
purposes on  
commercial  
assessment  
R.S.O. 1980,  
c. 129

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 87 (1).

Rates for  
public  
school  
purposes on  
residential  
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 87 (1).

Rates for  
secondary  
school  
purposes on  
commercial  
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 87 (1).

Rates for  
secondary  
school  
purposes on  
residential  
assessment

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with the regulation. 1974, c. 57, s. 84.

Regulations  
under  
R.S.O. 1980,  
c. 129  
to apply

#### ADJUSTMENTS

90. The Minister may provide from time to time by order that, in the year or years and in the manner specified

Transitional  
adjustments

in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1974, c. 57, s. 85.

#### RESERVE FUNDS

Reserve  
funds of  
municipalities

**91.**—(1) Reserve funds established by local municipalities for purposes for which the County has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the County and the assets of such reserve funds are vested in the County.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the County has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1974, c. 57, s. 89.

#### TEMPORARY LOANS

Current  
borrowings

**92.**—(1) The County Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the warden and treasurer to borrow from time to time by way of promissory note such sums as the County Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the County for the year, including the amounts required for principal and interest falling due within the year upon any debt of the County and the sums required by law to be provided by the County Council for any local board of the County.

Limit upon  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the County as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the County as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of previous year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the County and signed by the warden or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the warden or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

(7) The County Council may by by-law provide or authorize the warden and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the County for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the warden and treasurer. Execution of agreements

(9) If the County Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalties for excess borrowings

(10) If the County Council authorizes the application of any revenues of the County charged under the authority of this section otherwise than in repayment of the loan of this section otherwise than in repayment of the loan Penalty for mis-application of revenues by County Council

secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty  
for mis-  
application  
of revenues  
by officials

(11) If any member of the County Council or officer of the County knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving  
as to  
penalties

R.S.O. 1980,  
c. 303

(12) Subsections (9), (10) and (11) do not apply to the County Council or any member of the County Council or officer of the County acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the County is made with the consent of the lender in whose favour a charge exists. 1977, c. 36, s. 3.

#### DEBT

Debt  
R.S.O. 1980,  
c. 347

**93.**—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the County Council may borrow money for the purposes of,

- (a) the County;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the County.

Liability

(2) All debentures issued pursuant to a by-law passed by the County Council under the authority of this Act are direct, joint and several obligations of the County and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the County and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1974, power to issue debentures.

(4) When an area municipality, on or before the 31st day of December, 1974, <sup>Uncompleted works</sup>

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the *Ontario Municipal Board Act*; and

R.S.O. 1980,  
c. 347

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the County Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the County for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 97 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the County shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. 1974, c. 57, s. 91.

Bonds,  
debentures,  
etc., trustee  
investments

R.S.O. 1980,  
c. 512

**94.**—(1) Where the County has entered into an agreement under the *Ontario Water Resources Act* whereby the County is entitled to receive moneys from the Crown, the County Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Temporary  
borrowing  
R.S.O. 1980,  
c. 361

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the County under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the County has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances. 1976, c. 73, s. 6.

Application  
of proceeds

**95.** Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the County may by by-law incur a debt or issue debentures for the purposes set forth in subsection 93 (1) and, notwithstanding any general or special Act,

Power to  
incur debt  
or issue  
debentures



such by-law may be passed without the assent of the electors of the County. 1974, c. 57, s. 92.

Idem

**96.**—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the County Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the County Council has been obtained.

Proviso

(2) Nothing in subsection (1) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. 1974, c. 57, s. 93.

R.S.O. 1980,  
c. 347

Borrowing  
pending  
issue and  
sale of  
debentures

**97.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 36, s. 4 (1).

Interest  
on proceeds  
transferred

(3) The County may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

Application  
of proceeds  
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be

bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 110, shall be transferred to the area municipality.

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1974, c. 57, s. 94 (3-5).

Hypotheca-  
tion not to  
prevent sub-  
sequent sale  
of debentures

(6) The signature of the warden or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 36, s. 4 (2).

Signature  
of warden,  
etc., may be  
mechanically  
reproduced

**98.**—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Principal  
and interest  
payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

Sinking  
fund  
debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

When  
debentures  
to be  
payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the County such sums at the times and in the amounts specified in the by-law.

Special levy  
against area  
municipi-  
palities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided

General  
levy

for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by  
area municipi-  
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4).

Instalment  
debentures  
and  
debentures  
to refund  
existing  
debentures  
at maturity

(7) Notwithstanding subsection (5), the County Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion

of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the County. <sup>Levies a debt</sup>

(10) The County Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the County Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 1974, c. 57, s. 95 (1-10). <sup>By-law to change mode of issuing debentures</sup>

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the County Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 1974, c. 57, s. 95 (11); 1976, c. 73, s. 7 (1). <sup>Debentures when to be dated and issued</sup>

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date. <sup>Date of debentures</sup>

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year. <sup>Idem</sup>

(14) The Municipal Board, on the application of the County Council, the council of any area municipality or any <sup>Extension of time for issue</sup>

person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application  
after time  
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective  
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-  
tion

(17) Notwithstanding any general or special Act, the County Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consoli-  
dating  
debenture  
by-laws  
R.S.O. 1980,  
c. 302

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the County.

Redemption  
before  
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the County on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily

newspaper of general circulation in the County and in such other manner as the by-law may provide.

5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures <sup>Annual rates</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the County Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

**Principal  
levies**

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

**Consoli-  
dated bank  
accounts**

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the County shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

**Sinking  
fund  
committee**

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the County and two members appointed by the County Council, and the two appointed members may be paid, out of the current fund of the County, such annual remuneration as the County Council determines. 1974, c. 57, s. 95 (12-24).

**Alternate  
members**

(25) The County Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the County, such remuneration as the County Council determines. 1976, c. 73, s. 7 (2).

**Chairman**

(26) The treasurer of the County shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

**Security**

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the County shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security.

R.S.O. 1980,  
c. 302

**Quorum**

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments

must be approved by a majority of all the members of the committee.

(29) All assets of the sinking fund, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. <sup>Control of sinking fund assets</sup>

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. <sup>Withdrawals from bank accounts</sup>

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. 1974, c. 57, s. 95 (26-31). <sup>Investments</sup>

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, <sup>Idem</sup>

(a) in securities in which a trustee may invest under the *Trustee Act*;

R.S.O. 1980,  
c. 512

(b) in debentures of the County;

(c) in temporary advances to the County pending the issue and sale of any debentures of the County;

(d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. 1974, c. 57, s. 95 (32); 1976, c. 73, s. 7 (3).

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. <sup>Deposit of securities with Treasurer of Ontario</sup>

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee. <sup>Release of securities by Treasurer of Ontario</sup>



Sinking  
fund  
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws shall be deemed one debt and be represented by one sinking fund account.

Earnings  
credited  
to sinking  
fund  
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause (a).

Sinking fund  
requirements

(37) The treasurer of the County shall prepare and lay before the County Council in each year, before the annual County levies are made, a statement showing the sums that the County Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the County contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250.

Failure  
to levy

(39) If the County Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the County Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where  
amount in  
sinking fund  
account more  
than  
sufficient  
to pay debt

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay

the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the County Council or the council of an area municipality, may authorize the County Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the County or otherwise than is provided in this section. <sup>No diversion of sinking funds</sup>

(42) When there is a surplus in a sinking fund account, <sup>Surplus</sup> the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the County or of an area municipality,
  - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the County or an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the County or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the County out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42). <sup>Deficit and surplus</sup>

Term  
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts  
to be raised  
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity. 1974, c. 57, s. 95 (33-45);

Retirement  
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. 1974, c. 57, s. 95 (46); 1976, c. 73, s. 7 (4).

All  
debentures  
rank  
equally

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the County, except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 73, s. 7 (5).

Debentures  
payable on  
a fixed date  
subject to  
the annual  
redemption  
by lot of a  
specified  
principal  
amount

99. Notwithstanding any other provision of this Act,

- (a) a money by-law of the County Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the County to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the County of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the County for the payment of the principal amount thereof; interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the County at a public meeting of the County Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the County, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption; debentures to be redeemed may be purchased
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person; if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the County to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 73, s. 8. annual amounts payable to be approximately equal

**100.**—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the County Council. 1976, c. 73, s. 9. Application of R.S.O. 1980, c. 302, s. 152 (1)

Hypotheca-  
tion not a  
sale under  
this section

(2) For the purposes of this section, the hypothecation of debentures under section 97, shall not constitute a sale or other disposal thereof.

Consoli-  
dation of  
debentures

(3) The County Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special  
assessment  
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council. 1974, c. 57, s. 96 (2-4).

Repeal of  
by-law when  
part only  
of money to  
be raised

**101.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the County Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to  
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1974, c. 57, s. 97.

Until debt  
paid certain  
by-laws  
cannot be  
repealed

**102.**—(1) Subject to section 101, after a debt has been contracted under a by-law, the County Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not apply to any other purpose any money of the County that has been directed to be applied to such payment.

Application  
of payments

(2) When the County, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1974, c. 57, s. 98.

**103.** Any officer of the County whose duty it is to carry into effect any of the provisions of a money by-law of the County who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1974, c. 57, s. 99.

**104.—(1)** Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the County in the appropriate land registry office.

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act* or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal  
by-laws not  
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 96 (1) or a by-law where it appears on the face of it that any of the provisions of subsection 98 (5) have not been substantially complied with.

Failure to  
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1974, c. 57, s. 100.

Debentures,  
how sealed  
and executed

**105.**—(1) A debenture or other like instrument shall be sealed with the seal of the County, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the warden, or by some other person authorized by by-law of the County to sign it, and by the treasurer.

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the County Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
reproduction  
of signatures

(3) The signature of the warden, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the County to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of  
mechanical  
reproduction

(4) The seal of the County when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the warden or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the warden or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the County.

Sufficiency  
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the

persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the County Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1974, c. 57, s. 101.

**106.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the County, the by-law and the debentures issued under it are valid and binding upon the County. 1974, c. 57, s. 102.

Debentures on which payment has been made for one year to be valid

**107.—(1)** Where a debenture contains or has endorsed upon it provisions to the following effect:

Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in

Transfer by entry in Debenture Registry Book



subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Fully  
registered  
debenture

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. 1974, c. 57, s. 103.

Where  
debenture  
Registry  
Book may be  
maintained  
outside  
Canada

(5) Where debentures are payable in a currency other than that of Canada, the County Council may provide that the Debenture Registry Book of the County in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the County Council considers appropriate. 1976, c. 73, s. 10.

Replace-  
ment of lost  
debentures

**108.** Where a debenture is defaced, lost or destroyed, the County Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1974, c. 57, s. 104.

Exchange of  
debentures

**109.**—(1) On request of the holder of any debenture issued by the County, the treasurer of the County may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the treasurer of the County may, as provided in this section, exchange debentures, heretofore or hereafter issued by the County.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures  
surrendered  
for exchange  
to be  
cancelled

(4) The treasurer and auditor of the County shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1974, c. 57, s. 105.

**110.**—(1) The moneys received by the County from the sale or hypothecation of any debentures, to the extent that such moneys are required for the purposes for which the debentures were issued and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the County from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the County or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the County to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of rate-payers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1974, c. 57, s. 106.

**111.** Where real or personal property acquired out of moneys received by the County from the sale or hypothecation of any debentures is disposed of by sale or other-

Application of proceeds of debentures  
Use of proceeds of sale of asset acquired from proceeds of sale of debentures

wise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 110 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. 1974, c. 57, s. 107.

Tenders for  
debentures

**112.** When the County intends to borrow money on debentures under this or any other Act, the County Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1974, c. 57, s. 108.

Accounts,  
how to be  
kept

**113.**—(1) The County Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

- (i) an additional account for the interest, if any, and

- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated  
interest  
account

(2) The County Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1974, c. 57, s. 109.

Application  
of surplus  
money

**114.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such

debt, it shall so remain until required in due course for the payment of interest or in payment of principal. 1974, c. 57, s. 110.

**115.**—(1) If the County Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditures, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Liability  
of members

(2) If the County Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the County. Action by  
ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1974, c. 57, s. 111. Disquali-  
fication

**116.** When, by or under the authority of this Act, the County is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the County may, with the approval of the Municipal Board, Refinancing  
of debentures

(a) cancel all such debentures that have not been sold and issue new debentures of the County in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board for the purposes for which such debentures were issued;

(b) arrange with the area municipality for redemption of all such debentures as are redeemable and issue new debentures of the County to raise the moneys required for such redemption; and

(c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Corporation to raise the money required to complete such purchase. 1974, c. 57, s. 112.

## PART XI

## GENERAL

Application  
of  
R.S.O. 1980,  
c. 302

**117.**—(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 116, 117, 121, 165 and 190, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the County. 1979, c. 69, s. 11.

Erections,  
annexations  
and  
amalgama-  
tions

(2) Sections 10 and 11 and, subject to subsection 2 (5), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public  
transporta-  
tion systems,  
refuse  
disposal,  
entertain-  
ment  
expenses, etc.

(3) The County shall be considered to be a local municipality for the purposes of paragraphs 98 and 129 of section 210 and section 253 of the *Municipal Act*. 1974, c. 57, s. 114 (2, 3).

Application  
of  
R.S.O. 1980,  
c. 297, s. 13

(4) The County shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 36, s. 5 (2).

Purchasing  
or renting  
machinery  
R.S.O. 1980,  
c. 302

(5) The County shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1980, c. 32, s. 6.

Delegation  
of approval

(6) Notwithstanding any other provision in this Act, the County may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 34 (2) and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1974, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1975, and may be amended or repealed by the council of an area municipality as it affects such area municipality and where any such by-law pertains to a function of the County it may be amended or repealed by the County Council.

Idem

(8) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any

minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1974, the council of the successor area municipality to such local municipality, or the County Council when the subject-matter of the by-law pertains to a function of the County, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the County and the provisions of subsection (7) apply with necessary modifications to any such by-law.

(9) In the event that the County establishes a transportation system in accordance with the provisions of subsection (3), no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the County on the day such County transportation system is established, without compensation, and the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Vesting of  
transporta-  
tion assets  
in County

(10) If the County fails to make any payment required by subsection (9), the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1974, c. 57, s. 114 (4-8).

Default

(11) Notwithstanding section 4 of the *Conservation Authorities Act*, the County Council may appoint to the Upper Thames River Conservation Authority the same number of members as the local municipalities within the County were entitled to appoint in the year 1974. 1974, c. 118, s. 3 (2).

Conservation  
Authority  
representa-  
tion  
R.S.O. 1980,  
c. 85

**118.—(1)** The County may pass by-laws,

Emergency  
measures

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the County; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the County,

and when a by-law passed under this subsection is in force in the County, any by-laws passed by the council

R.S.O. 1980,  
c. 302

of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

Powers  
of County  
Council re  
emergency  
measures

(2) When a by-law passed under clause (1) (a) is in force, the County Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the County, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the County Government outside the County;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1974, c. 57, s. 115 (1, 2).

R.S.C. 1970,  
c. W-2

Expenditures  
for  
diffusing  
information

**119.**—(1) The County may make expenditures for the purpose of diffusing information respecting the advantages of the County as an industrial, business, educational, residential or vacation centre. 1976, c. 73, s. 12.

Application  
of  
R.S.O. 1980,  
c. 302,  
s. 210, par. 50,  
s. 208, par. 22

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the County, and no area municipality shall exercise any such powers,

- (a) save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974; or
- (b) unless the by-law of the area municipality has been approved by the County Council. 1979, c. 69, s. 12.

**120.** Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of the *Workmen's Compensation Act*, the County recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the County may impose. 1974, c. 57, s. 118.

Payment of  
damages to  
employees

R.S.O. 1980,  
c. 539

**121.—**(1) Where the County Council passes a resolution requesting a judge of the county court within the County or a judge of the county court of a county or judicial district adjoining the County, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the County Council, or an officer or employee of the County, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the County, or to inquire into or concerning any matter connected with the good government of the County or the conduct of any part of its public business, including any business conducted by a local board of the County; the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act, and he shall, with all convenient speed, report to the County Council the result of the inquiry and the evidence taken.

Investigation  
by county  
judge of  
charges of  
malfeasance

R.S.O. 1980,  
c. 411

(2) The judge shall be paid by the County the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Fees payable  
to judge

R.S.O. 1980,  
c. 223

(3) The County Council may engage and pay counsel to represent the County, and may pay all proper witness fees to persons summoned to give evidence at the instance of the County, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging  
counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the County shall pay the costs thereof. 1974, c. 57, s. 119.

Idem

**122.—**(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission

Commission  
of inquiry



to inquire into any of the affairs of the County or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1980,  
c. 411

When  
commission  
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the County Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of  
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the County and the Province as the Lieutenant Governor in Council may direct. 1974, c. 57, s. 120.

Entry on  
highways

**123.** The County for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1974, c. 57, s. 121.

Agreements  
re services

**124.** The County and any area municipality may enter into agreements for the use within any part of the County of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. 1974, c. 57, s. 122.

Application  
of  
R.S.O. 1980,  
c. 31

**125.—(1)** For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the County shall be deemed to be a municipality.

County and  
area  
municipalities  
deemed not  
tenants

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the County is occupied by an area municipality or where property belonging to an area municipality is occupied by the County or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-  
tation

(3) In subsection (2), "County" and "area municipality" include a local board thereof. 1974, c. 57, s. 123.

**126.**—(1) An execution against the County may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Execution  
against  
County

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the County, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the County for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the County has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year,

he shall add a column thereto, headed "Execution in A.B. vs. the County of Oxford" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function of  
clerk and  
treasurer

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1974, c. 57, s. 124.

Roads  
Commissions  
dissolved

**127.** The Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission are dissolved on the 1st day of January, 1975, and all the assets and liabilities thereof vest in the County on such date. 1974, c. 57, s. 125.

Powers of  
O.M.B.

**128.**—(1) In the event of any doubt as to whether any particular asset or liability is vested in the County under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1980,  
c. 347

Settling of  
doubts

(2) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the County under this Act, the Municipal Board upon application may determine the matter and its decision is final. 1974, c. 57, s. 126.

Conditional  
powers

**129.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1974, c. 57, s. 127.

**130.**—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

(2) The provisions of any special Act relating to a local municipality or local board thereof within the County, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the County or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the County or a local board thereof or to the area municipalities or local boards thereof. 1974, c. 57, s. 128. Special legislation

**131.**—(1) The County or an area municipality or the County and one or more area municipalities, Municipal buildings

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the County or the County and one or more area municipalities or any local board thereof.

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1974, c. 57, s. 129. Application of R.S.O. 1980, c. 302

**132.**—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the County Council. Interpretation

(2) On and after the 1st day of January, 1975, the County shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. 1974, c. 57, s. 130 (1, 2). Receiving and disposing of waste by County

(3) For the purposes of subsection (2), the County may acquire and use land within the County and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with Waste disposal sites

any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the County Council considers appropriate in the circumstances, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the County on the 1st day of January, 1975, without compensation. 1974, c. 57, s. 130 (3); 1974, c. 118, s. 5.

Payment of  
principal and  
interest to  
area  
muni-  
cipalities

(4) The County shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection (3).

Default

(5) If the County fails to make any payment required by subsection (4), the area municipality may charge the County interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

O.M.B. to  
arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the County under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application of  
R.S.O. 1980,  
c. 302

(7) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. 1974, c. 57, s. 130 (4-7).

Successor  
rights

**133.** Where any agreement has been entered into or proceeding commenced by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the County or the appropriate area municipality shall on and after the 1st day of January, 1975, be deemed to stand in the place and stead of such local municipality for all purposes in so far as the agreement or proceeding pertains to the functions of the County or area municipality. 1974, c. 57, s. 131.

County Fire  
Co-ordinator

**134.** The County shall appoint a County Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the County

including the establishment of a communications system and training facilities for fire fighters, and the County is authorized to expend such sums as it considers necessary to implement such plan and program. 1974, c. 57, s. 132.

**135.**—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the area in the County that, on the 31st day of December, 1974, formed part of a city, town, village or township municipality shall be considered to continue to form part of a city, town, village or township municipality.

Existing  
speed limits  
continued  
R.S.O. 1980,  
c. 198

(2) Notwithstanding subsection (1), the County Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of  
County and  
area  
muni-  
cipalities

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of December, 1974, to any highway or portion thereof within the County shall continue to apply thereto until a by-law passed by the County Council or the council of an area municipality under such section 109 applies thereto. 1974, c. 57, s. 133.

Existing  
speed limits  
continued

**136.**—(1) On the 31st day of December, 1974, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1975, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 of *The County of Oxford Act, 1974* shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards, etc.,  
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder, and a board of a community recreation centre under the *Community Recreation Centres Act*. 1974, c. 57, s. 135.

Council  
deemed  
recreation  
committee  
R.S.O. 1980,  
cc. 276, 80

**137.** Section 59 of the *Education Act* applies to the election of the members of The Oxford County Board of Education and section 113 of the *Education Act* applies to the election of the members of The Oxford County Roman Catholic Separate School Board. 1974, c. 57, s. 136, revised.

Election  
R.S.O. 1980,  
c. 129,  
ss. 59, 113

Apportion-  
ment of  
operating  
costs of  
County  
library  
system

**138.** The operating costs of the County library system shall be apportioned amongst the area municipalities, with the exception of the City of Woodstock and the Town of Tillsonburg, in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 86, bears to the total equalized, weighted assessment for such area municipalities. 1974, c. 57, s. 138.

## FORM 1

(Section 10 (3) )

## OATH OF ALLEGIANCE

I, ....., having been elected (*or appointed*) as Warden of the council of the County of Oxford, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

1974, c. 57, Form 1.

## FORM 2

(Section 10 (3) )

## DECLARATION OF QUALIFICATION BY WARDEN

I, ....., having been elected (*or appointed*) as Warden of the council of the County of Oxford declare that:

1. I am a Canadian citizen or other British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.

3. I am not an employee of any area municipality or local board of any area municipality.

4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

1974, c. 57, Form 2.



