



1980

c 471 Shoreline Property Assistance Act

Ontario

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CHAPTER 471

Shoreline Property Assistance Act

1. In this Act,

Interpre-
tation

- (a) "municipality" means a city, town, village or township;
- (b) "prescribed" means prescribed by the regulations made under this Act;
- (c) "works" means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works. 1973, c. 22, s. 1.

PART I

REHABILITATION AND PROTECTION LOANS

2.—(1) Subject to sections 64 and 65 of the *Ontario Municipal Board Act*, the council of a municipality may, without the assent of the electors, pass by-laws in the prescribed form authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of works and the issuance of debentures in the prescribed form by the municipality or by a district, metropolitan or regional municipality on its behalf.

Borrowing
powers of
municipali-
ties
R.S.O. 1980,
c. 347

(2) Forthwith after the passing of a by-law under subsection (1), the clerk of the municipality shall register a duplicate original or a copy of it, certified under his hand and the seal of the municipal corporation, in the land registry office for the registry division in which the municipality is situate or, if the municipality is partly within two or more registry divisions, in each of them.

Registration
of by-law

(3) Every by-law registered in accordance with subsection (2), unless an application or action to quash the by-law is made or brought in a court of competent jurisdiction before the by-law is registered, is valid and binding according to its terms.

When by-law
to be valid,
where no
application
to quash

Offer to
sell
debentures
to the
Province

(4) Where no application or action to quash the by-law has been made or brought before the by-law is registered or, where an application or action has been made or brought and is dismissed, a certified copy of the by-law shall be deposited with the Treasurer of Ontario together with an affidavit of the clerk of the municipality in the prescribed form stating that no application or action to quash the by-law has been made or brought or, if an application or action has been made or brought, that it has been dismissed, and the debentures authorized by the by-law may thereafter be offered for sale to the Province of Ontario. 1973, c. 22, s. 2.

By-laws, etc.,
declared
valid
1973, c. 22

(5) Every by-law passed or purporting to have been passed by the council of a municipality under subsection 2 (1) of *The Shoreline Property Assistance Act, 1973* before the 1st day of February, 1981 is hereby declared to be and to have always been valid and binding in accordance with the provisions thereof and every debenture purchased by the Treasurer of Ontario, every loan made by the municipality to an owner of land and every special rate levied on the land of an owner under that Act pursuant to the said by-law is hereby declared to be and to have always been valid and binding on the corporation of the municipality that passed the by-law and on the owner and the land to whom or in respect of which the loan was made. 1980, c. 52, s. 7 (1).

Application
by owner for
loan

3.—(1) An owner of land who is assessed as the owner thereof in the municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of constructing works on such land or, with the prior consent of the Crown, on Crown land immediately adjacent to such land.

Where works
on Crown
lands

(2) Where the money is borrowed to construct works on Crown lands, it shall be deemed to be borrowed in respect of the land of the owner who borrowed the money.

Statutory
declaration
of applicant

(3) The application shall not be acted upon unless it is accompanied by a declaration of the applicant stating that he is the actual owner of the land mentioned in the application, and that the land is free from encumbrance, or if the land or any part of it is mortgaged or otherwise encumbered, stating the name and address of the mortgagee or encumbrancer, and where it has been assigned, the name of the assignee of the mortgage or encumbrance with his address.

(4) Where it appears that there is a mortgage or encumbrance upon the land or any part of it, the application shall not be disposed of until two weeks after the mortgagee, encumbrancer or assignee has been notified of the application by registered mail, sent to him by the clerk at his last known address.

Notice to encumbrancer

(5) If a mortgagee, encumbrancer or assignee notifies the clerk in writing within the time specified in subsection (4) that he objects to the granting of the application, the council shall afford him an opportunity to make representation to council.

Objections to application

(6) No person by reason of having borrowed money under this Act is disqualified from being elected as a member of council or from sitting or voting therein, but no member of council shall vote on any question affecting an application for a loan in which he has an interest.

Members of council not disqualified by loan

(7) The approval of any application under subsection (1) is in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant.

Discretion of council

(8) No loan for the construction of works shall exceed 90 per cent of the total cost of the works or a maximum amount prescribed by the regulations, whichever is the lesser. 1973, c. 22, s. 3.

Limitation on loans

4. The council of a municipality borrowing money under this Act shall employ a competent inspector to assess the need for the construction of works, the type of works proposed and the compatibility of such works with adjacent property and to inspect the works, and he shall file with the clerk an inspection and completion certificate in the prescribed form, and the cost of such services by the inspector shall be charged against the works inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7. 1973, c. 22, s. 4.

Appointment of inspector

5.—(1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Treasurer of Ontario with respect to the funds to be loaned by the municipality, and, in the case of a municipality within a district, metropolitan or regional municipality, the council may request the district, metropolitan or regional municipality to issue the debenture on its behalf.

Debentures may be issued after receipt of inspector's certificate

(2) A municipality, or a district, metropolitan or regional municipality on its behalf, shall not issue more than one

Municipality not to issue more than one debenture per month

debenture in any month, the amount of which may combine amounts to be loaned by the municipality under this Act.

Amount of debentures

(3) The amount of each debenture issued to the Treasurer of Ontario shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued.

Interest rates on debentures

(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council. 1973, c. 22, s. 5 (1-4).

Term of debentures

(5) The term of the debentures shall be for a period of twenty years and the debentures shall provide that the principal outstanding and interest thereon shall be payable in equal annual instalments of principal and interest as set out in the debenture, each due on the anniversary date of the debenture.

Prepayments

(6) The debentures shall provide that the municipality or district, metropolitan or regional municipality, as the case may be, may, at any time, with or without giving notice or at such times and on such notice and in accordance with such other terms and conditions as may be prescribed, pay the whole or any part of the amount of principal then outstanding on the debentures and shall not be liable thereafter to pay any interest on the amount so paid other than any interest accrued thereon to the date of such prepayment.

Instalments after partial prepayment

(7) The debentures shall provide that where the municipality or district, metropolitan or regional municipality, as the case may be, pays pursuant to subsection (6) part but not all of the amount of principal then outstanding, the equal annual instalment payable for the remainder of the term of the debenture shall be determined by the Treasurer of Ontario and set out in the schedule to the debenture. 1978, c. 10, s. 1.

Debentures issued before April 24, 1978

(8) Debentures issued under *The Shoreline Property Assistance Act, 1973* before the 24th day of April, 1978 shall be deemed to contain the provisions set out in subsections (6) and (7). 1978, c. 10, s. 2.

Date of debentures

(9) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Treasurer of Ontario.

Offer to sell

(10) An application requesting the Treasurer of Ontario to purchase a debenture shall be by way of an offer to sell

in the prescribed form and shall accompany the debenture delivered to the Treasurer of Ontario. 1973, c. 22, s. 5 (7, 8).

6.—(1) The Treasurer of Ontario may purchase, acquire and hold debentures issued under the authority of this Act and pay therefor out of the Consolidated Revenue Fund. Purchase on amount of debentures

(2) The aggregate principal amount of the outstanding debentures purchased by the Treasurer of Ontario under this Act shall not exceed \$50,000,000 at any time. 1973, c. 22, s. 6. Limitation on amount of debentures

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of twenty years at a rate of interest equal to that set out in the debenture by which the funds are borrowed. 1973, c. 22, s. 7. Terms on which council shall lend money

8.—(1) The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of twenty years; over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in twenty years the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of the *Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply. 1973, c. 22, s. 8. Collection of special rate
R.S.O. 1980, c. 302

(2) Notwithstanding subsection 2 (5), the special rates imposed under section 8 or 13 of *The Shoreline Property Assistance Act, 1973* before the 1st day of February, 1981 on the lands described in the schedule hereto are hereby declared to be and to have always been invalid and do not constitute a charge or lien on the lands and that the moneys borrowed by the owner thereof under the provisions of the said Act are hereby deemed not to be or to have been a debt upon which special rates may have been or may be imposed, assessed or levied against such lands or any interest therein. Certain special rates invalid
1973, s. 22

(3) Notwithstanding subsection (2), The Corporation of the Township of Malden is not relieved from its obligation to repay to the Treasurer of Ontario all moneys borrowed from the Treasurer under *The Shoreline Property Assistance Act, 1973* before the 1st day of February, 1981 in respect of the lands described in the schedule hereto, together with interest thereon, in accordance with the debenture issued by the township for the borrowing of those moneys. 1980, c. 52, s. 7 (2, 3). Township of Malden

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Malden, in the County of Essex and the Province of Ontario, more particularly described as follows:

FIRSTLY, all of Lots 6 and 7 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1103.

SECONDLY, all of Lot 7 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1502.

THIRDLY, all of Lot 14 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1193.

FOURTHLY, all of Lot 20 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1038.

1980, c. 52, s. 8.

Repayment
by muni-
cipality to
Province

9.—(1) The annual payment on any debenture for principal and interest shall be remitted by the treasurer of the municipality or district, metropolitan or regional municipality to the Treasurer of Ontario on or before the due date.

Interest
when
default
in payment

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council. 1973, c. 22, s. 9.

Sale of
part of
land with
respect to
which money
lent

10.—(1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

Notice

(2) The clerk of the municipality shall give the owners of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment.

Apportion-
ment of
rate

(3) The council in making the apportionment shall have regard to the effect of the works on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final.

Filing of
order of
apportion-
ment

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment. 1973, c. 22, s. 10.

Discharge of
indebtedness
by owner

11. The owner of land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of

the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed. 1974, c. 38, s. 2.

PART II

BUILDING REPAIR LOANS

12. In this Part, "building repairs" means repairs to a building or structure required by reason of damage to the building or structure caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or other body of water caused by the elements. 1973, c. 22, s. 12. ^{Interpre-}
^{tation}

13. Part I applies with necessary modifications to building repairs, but no loan for building repairs shall exceed 90 per cent of the total cost of the repairs or the maximum amount prescribed by the regulations, whichever is the lesser. 1973, c. 22, s. 13. ^{Loans for}
^{building}
^{repairs}

PART III

GENERAL

14. The Lieutenant Governor in Council may make regulations for the purposes of this Act, ^{Regulations}

- (a) prescribing forms and defining any word or expression not defined in this Act;
- (b) prescribing the maximum amount of loans for the construction of works and for building repairs;
- (c) prescribing the terms and conditions of prepayment for the purposes of subsection 5 (6);
- (d) determining the rate of interest for the purposes of subsection 5 (4) and subsection 9 (2). 1973, c. 22, s. 14; 1978, c. 10, s. 3.

PART IV

AMENDMENTS

15. This Part does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1980, c. 52, s. 9. ^{Amendments}
^{to be}
^{proclaimed}

s. 3 (8),
re-enacted

16. Subsection 3 (8) is repealed and the following substituted therefor:

Limitation
on Loans

(8) No loan for the construction of works shall exceed the amount prescribed. 1980, c. 52, s. 1.

s. 5 (5),
amended

17.—(1) Subsection 5 (5) is amended by striking out “a period of twenty years” in the first and second lines and inserting in lieu thereof “such period as is prescribed”. 1980, c. 52, s. 2 (1).

s. 5 (10),
re-enacted

(2) Subsection 5 (10) is repealed and the following substituted therefor:

Offer
to sell

(10) An application requesting the Treasurer of Ontario to purchase a debenture, which shall be by way of an offer to sell in the prescribed form, and a copy of the inspection and completion certificate mentioned in subsection (1) certified by the clerk with whom it was filed shall accompany the debenture delivered to the Treasurer of Ontario. 1980, c. 52, s. 2 (2).

s. 7,
re-enacted

18. Section 7 is repealed and the following substituted therefor:

Terms on
which council
shall lend
money

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof at a rate of interest equal to that set out in the debenture by which the funds are borrowed and the term of the loan shall be the same number of years as the term of the debenture. 1980, c. 52, s. 3.

s. 8,
re-enacted

19. Subsection 8 (1) is repealed and the following substituted therefor:

Collection
of special
rate

8.—(1) The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of the loan, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge within the term of the loan the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of the *Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1980,
c. 302

Registration
of by-law

(1a) Where the council of a municipality passes a by-law under subsection (1) imposing special equal annual rates on land, the clerk of the municipality shall forthwith register a copy of the by-law in the proper land registry office. 1980, c. 52, s. 4.

s. 13,
re-enacted

20. Section 13 is repealed and the following substituted therefor:

13. Part I applies with necessary modifications to building repairs, but no loan for building repairs shall exceed the amount prescribed. 1980, c. 52, s. 5. ^{Loans for building repairs}

21. Section 14 is amended by adding thereto the following ^{s. 14,} clause: _{amended}

(e) prescribing the term of the debentures that may be issued under this Act. 1980, c. 52, s. 6.

