



1980

c 252 Local Services Boards Act

Ontario

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CHAPTER 252

Local Services Boards Act

1. In this Act,

Interpretation

- (a) "Board" means a Local Services Board established under this Act;
- (b) "Board area" means the geographical area within which the Board may exercise its jurisdiction;
- (c) "inhabitant", except for the purposes of sections 3 and 31, means a permanent resident of a Board area or an owner of property situate in a Board area, who is a Canadian citizen and who has attained the full age of eighteen years;
- (d) "Minister" means the Minister of Northern Affairs;
- (e) "owner" means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper land registry office. 1979, c. 82, s. 1.

2. This Act applies only in territory without municipal organization. 1979, c. 82, s. 2. Application

3.—(1) In this section and in section 31, "inhabitant" means a permanent resident of a proposed Board area or an owner of property situate in a proposed Board area, who is a Canadian citizen and who has attained the full age of eighteen years. Interpretation

(2) Any ten inhabitants desiring the establishment of a Local Services Board may, in writing, authorize and name one of their number to call a meeting of the inhabitants to consider the desirability of establishing a Local Services Board. Calling of meeting

(3) Where the person named does not call a meeting within ten days after being authorized to do so, any person who signed the authorization may call a meeting. Notice

Idem

(4) The notice calling the meeting,

- (a) shall be in Form 1;
- (b) shall set forth by description or drawing the proposed Board area and the place, date, time and purpose of the meeting;
- (c) shall be posted up in at least six conspicuous places in the proposed Board area;
- (d) shall be sent by registered mail to the Minister; and
- (e) may be published in a newspaper having general circulation in the proposed area,

and the day named in the notice shall be at least fourteen days from the date of the last posting or mailing, whichever occurs later.

Meeting

(5) The meeting shall take place at the time and place set forth in the notice, and the person named to call the meeting shall preside at the meeting as chairman, but, if he is absent or declines to act, the inhabitants who are present at the meeting shall elect one of their number to act as chairman.

Recording
secretary

(6) The chairman shall appoint from among the inhabitants present a recording secretary who shall,

- (a) record the proceedings of the meeting;
- (b) post up copies of the record of the proceedings in at least six conspicuous places in the proposed Board area; and
- (c) shall send a signed copy of the record of the proceedings, including the recommendations agreed upon by the meeting under subsection (8), by registered mail to the Minister.

Voting

(7) Any recommendation or other matter to be determined at the meeting shall be determined by a vote of the majority of the inhabitants present and voting, and the chairman shall decide how the voting shall be conducted.

Recommendations

(8) The inhabitants shall make recommendations to the Minister in respect of,

- (a) the desirability of establishing a Local Services Board;

- (b) the boundaries of the Board area;
- (c) the name of the Board;
- (d) whether the number of Board members should be three or five;
- (e) the powers, chosen from those set out in the Schedule hereto, which the Board should have; and
- (f) such other matters as the inhabitants consider appropriate.

(9) The recommended boundaries of the proposed Board area shall not include a greater area than the area described in the notice calling the meeting. 1979, c. 82, s. 3. Boundaries

4. Where the Minister receives the recommendations made under section 3, the Minister may, by order, Powers of Minister

- (a) establish a Local Services Board under the name of "The Local Services Board of";
- (b) establish the boundaries of the Board area;
- (c) establish the number of Board members;
- (d) establish the term of office of the first Board;
- (e) designate the powers from those listed in the Schedule hereto that the Board may exercise;
- (f) provide for all matters necessary to conduct the election for the first Board members; and
- (g) provide for such other matters as the Minister considers appropriate. 1979, c. 82, s. 4.

5. Except as may be provided for by order of the Minister made under section 4, the term of office of a Board member shall be for one year from the 1st day of October in any year to the 30th day of September in the next year. 1979, c. 82, s. 5. Term of office

6.—(1) A Board is a corporation but the *Corporations Act* does not apply to the Board. Board is corporation R.S.O. 1980, c. 95

(2) A Board is not a municipality or a local board for the purposes of any Act. 1979, c. 82, s. 6. Board not municipality or local board

- Powers** **7.—(1)** A Board may exercise the powers designated in the order of the Minister and in the exercise of those powers may do all things and make all arrangements necessary to provide, maintain and improve services in the Board area.
- Areas** (2) Where, in the exercise of its powers, a Board provides a service, the Board may,
- (a) provide the service to the whole of the Board area or to one or more parts of the Board area designated by the Board; or
- (b) provide a different level of the service to different designated parts of the Board area,
- provided that no fee shall be charged and no levy shall be imposed in respect of a service or a level of service in any part of the Board area in which the service or the level of service is not provided.
- Review** (3) A Board may at any time apply to the Minister for a review of the powers being exercised by the Board.
- Committees** (4) A Board may appoint such committees to advise it in the conduct of its affairs as the Board considers appropriate.
- Insurance** (5) A Board shall, by by-law, contract for insurance against risks that may involve pecuniary loss or liability on the part of the Board and provide for the payment of premiums therefor.
- Limitation on actions** (6) No action shall be brought against a Board or any member of a Board for damage caused by any failure by the Board to exercise any of its powers or to provide any service.
- Assignment of contracts**
R.S.O. 1980, c. 95 (7) A Board may by by-law accept the assignment of any contract or agreement entered into by a corporation incorporated under Part III of the *Corporations Act* where the subject-matter of the contract or agreement is consistent with the powers of the Board. 1979, c. 82, s. 7.
- Acquisition of land** **8.** In the exercise of its powers, a Board may acquire land by purchase or lease for its purposes and, when the land is no longer required for the purposes of the Board, dispose of it. 1979, c. 82, s. 8.
- Chairman head of Board** **9.—(1)** The chairman is the head of the Board and shall preside at all meetings of the Board.
- Absence, etc., of chairman** (2) In the absence of the chairman, or if his office is vacant, or if he refuses to act, the Board may, from among its members, appoint an acting chairman who, during such absence, vacancy or refusal to act, shall act in the place of the chairman and preside at the meetings of the Board.

(3) If a member of the Board ceases to be an inhabitant, fails to attend any three consecutive meetings of the Board, refuses to act or dies, the remaining Board members may by by-law call a public meeting to elect an inhabitant of the Board area to serve for the remainder of the term of such member and the provisions of subsections 19 (2), (3), (6) and (7) apply. 1979, c. 82, s. 9.

Failure to attend meetings, etc.

10.—(1) A majority of members of the Board constitutes a quorum.

Quorum

(2) The concurrent vote of the majority of the whole number of Board members is necessary to pass any by-law or approve any measure.

Voting

(3) All meetings of the Board shall be open to the public. 1979, c. 82, s. 10.

Meetings open

11. Subject to the provisions of this Act, the Board shall by by-law establish its own procedures. 1979, c. 82, s. 11.

Procedures

12.—(1) All by-laws of the Board shall be under seal.

Seal

(2) The Board shall by by-law authorize the secretary and one or more members of the Board to be signing officers on behalf of the Board. 1979, c. 82, s. 12.

Signing officers

13. A Board member shall not be paid any remuneration for the performance of his duties as a Board member. 1979, c. 82, s. 13.

No remuneration

14.—(1) The Board shall appoint a secretary,

Secretary

(a) who may be a member of the Board other than the chairman; and

(b) who shall hold office at the pleasure of the Board.

(2) The secretary before entering on the duties of office shall give security in a form and on such terms as the Minister may approve for the faithful performance of such duties and for duly accounting for and paying over all moneys that come into his hands.

Security

(3) The premiums in respect of the security shall be paid by the Board.

Premiums

(4) In addition to the other duties prescribed by this Act, the secretary shall,

Duties

(a) attend all meetings of the Board;

(b) keep minutes of such meetings;

- (c) ensure that copies of the minutes of meetings are posted up in at least six conspicuous places;
 - (d) post up notices of meetings called by the Board;
 - (e) carry on correspondence as directed by the Board;
 - (f) receive and safely keep all moneys paid to the Board;
 - (g) maintain books of account and other records as may be required by the Board or by the Minister; and
 - (h) perform such other duties as the Board may assign.
- 1979, c. 82, s. 14.

Honorarium **15.** The Board may pay to the secretary such honorarium as the Board by by-law determines. 1979, c. 82, s. 15.

Public meetings **16.** A Board shall conduct sufficient public meetings so that the inhabitants may,

- (a) participate in a discussion of the current and proposed programs of the Board;
 - (b) participate in the preparation of the annual estimates of the Board; and
 - (c) participate in a discussion of the annual audit report.
- 1979, c. 82, s. 16.

Notice **17.** A notice of a public meeting other than a meeting called under section 3 or 19 shall contain the place, date, time and purpose of the meeting, the signature of the secretary or the person or persons calling the meeting, and copies of the notice shall be posted up in at least six conspicuous places in the Board area at least one week in advance of the meeting. 1979, c. 82, s. 17.

Improper conduct **18.** The chairman may expel or exclude from any meeting any person including a Board member for improper conduct at the meeting. 1979, c. 82, s. 18.

Election meeting **19.—(1)** In each year, the Board shall call an election meeting of the inhabitants to be held in the Board area after the 1st day of August and before the 30th day of September for the purpose of electing a new Board.

Notice (2) At least two weeks before the election meeting, the secretary shall post up notice of the place, date and time of the election meeting in at least six conspicuous places in the Board area and shall send a copy of the notice by registered mail to the Minister.

(3) The chairman of the Board shall act as chairman of the election meeting. Chairman

(4) If the Board fails to call an election meeting before the 10th day of September, the secretary shall immediately call such a meeting by giving notice as provided in subsection (2) and shall act as the chairman of the meeting notwithstanding that the chairman of the Board attends the meeting. Failure to call meeting

(5) If in any year both the Board and the secretary fail to call an election meeting before the 15th day of September, any ten inhabitants may call a meeting and may appoint one of their number to act as chairman of the meeting and such inhabitant shall act as chairman notwithstanding that the chairman of the Board attends the meeting. Idem

(6) Any inhabitant is eligible to be elected as a member of the Board. Qualifications

(7) For all elections after the first election, the Board shall, subject to subsection (8), determine all matters relating to the conduct of elections. Conduct of elections

(8) Voting for the election of members of the Board shall be by way of secret ballot. 1979, c. 82, s. 19. Voting

20. Where the eligibility of any inhabitant to vote or to seek office is challenged, the chairman shall require that the inhabitant whose eligibility has been challenged swear an affidavit before him in Form 2 and, where the inhabitant swears such affidavit, he may thereupon vote at the meeting or be eligible to seek office. 1979, c. 82, s. 20. Challenge to eligibility

21. The Board shall hold its first meeting after the election meeting not later than the 10th day of October, and at such meeting shall elect one of its members as chairman. 1979, c. 82, s. 21. First meeting

22. On or before the 15th day of October in each year, the Minister of Revenue shall cause to be sent to the secretary of every Board a copy of that portion of the Provincial Land Tax Register showing the lands in the Board area liable to assessment and taxation under the *Provincial Land Tax Act* and the amount of the assessment. 1979, c. 82, s. 22. Provincial Land Tax Register
R.S.O. 1980, c. 399

23.—(1) Before the 1st day of December in each year, the Board shall prepare and, after public discussion, adopt annual estimates of all amounts required for the purposes of the Board for operating and capital expenditures for the current fiscal year. Annual estimates

(2) In preparing the estimates, the Board shall take into account any surplus from the previous year that will be available Matters to be taken into account

in the current year, any operating deficit from the previous year and any debt owing to the Crown payable in the current year.

Contents of estimates

- (3) The estimates shall set out,
- (a) the amounts to be raised;
 - (b) the manner in which the amounts are to be raised; and
 - (c) the rate or rates, if any, which the Board proposes be added to the provincial land tax in the whole or any part of the Board area.

When rates to be added under R.S.O. 1980, c. 399

(4) No rate shall be imposed under the *Provincial Land Tax Act* for the purposes of the Board, unless the rate, the purpose for which it is to be levied, and the area in which the rate is to be levied, are approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose.

Copy to Minister

(5) Before the 10th day of December in each year, the secretary shall send a copy of the estimates and the by-law adopting the estimates to the Minister by registered mail. 1979, c. 82, s. 23.

Payment to Board

24.—(1) The Minister shall pay to the Board annually out of moneys appropriated therefor by the Legislature such amount as he considers appropriate after taking into account the estimates of the Board, the moneys paid to the Board by the Minister of Revenue under section 26, the fees collected by the Board for the supply of services or the use of facilities and such other amounts as by the initiatives of the inhabitants have been raised and granted to the Board.

Idem

(2) The Minister may pay to the Board annually out of moneys appropriated therefor by the Legislature an amount equal to twice the amount that the rate or rates levied under section 26 would produce if levied in respect of the improved Crown land within the Board area. 1979, c. 82, s. 24.

Rates under R.S.O. 1980, c. 399

25.—(1) Where in any year the inhabitants have approved a rate or rates to be levied under the *Provincial Land Tax Act* as provided for in section 23, the Board may by by-law passed before the 1st day of December in that year request the Minister of Revenue to levy and collect under that Act in the next ensuing calendar year, such rate or rates in respect of properties taxable under the *Provincial Land Tax Act*.

Copy of by-law to Minister of Revenue

(2) The secretary shall send a copy of the by-law passed under subsection (1) to the Minister of Revenue by registered mail immediately after the passing of the by-law. 1979, c. 82, s. 25.

Levy under R.S.O. 1980, c. 399

26.—(1) Where the Minister of Revenue receives a by-law passed under subsection 25 (1), he shall levy in the

calendar year for which the by-law was passed the rate or rates set out in the by-law in respect of the property taxable under the *Provincial Land Tax Act* in the whole or such part of the Board area to which the rate or rates apply, and such rate or rates and the amounts imposed are deemed to be a tax and shall be shown on the tax bill for such property as "Taxes for the purposes of The Local Services Board of . . . (naming the Board)", and shall be collected as though it were for all purposes provincial land tax. R.S.O. 1980, c. 399

(2) Notwithstanding section 3 of the *Provincial Land Tax Act*, land belonging to the Board is exempt from taxation under the *Provincial Land Tax Act*. Exemption

(3) The Minister of Revenue shall pay to the Board the amounts collected under subsection (1). Payment to Board 1979, c. 82, s. 26.

27. The Board may by by-law establish such reserves from its revenues as the Board considers appropriate for expenditure in a subsequent fiscal year or years. Reserves 1979, c. 82, s. 27.

28. A Board may incur a debt for the purposes of the Board but shall not incur any debt the payment of which is not provided for in the estimates for the current fiscal year of the Board unless, Debt

(a) it is a debt owed to the Crown in right of Ontario; or

(b) the purpose for which the debt is to be incurred and the amount thereof is approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose and the approval of the Minister to the incurring of the debt is obtained. 1979, c. 82, s. 28.

29.—(1) A Board shall engage a public accountant licensed as a municipal auditor under the *Municipal Affairs Act* to audit its accounts and transactions and to make a report to it annually or more often as the board requires. Audit
R.S.O. 1980, c. 303

(2) The fiscal year of a Board is the year commencing on the 1st day of October and expiring with the 30th day of September next following. Fiscal year

(3) The secretary shall send a copy of the annual audit report by registered mail to the Minister. Copy of report to Minister

(4) The secretary shall permit any inhabitant at any reasonable time to examine and copy the audit report. Examination of report

(5) The Minister may at any time cause the accounts and transactions of a Board to be audited. Audit required by Minister 1979, c. 82, s. 29.

Minister
may
dissolve
Board

30. Where the Minister determines that a Board is misusing its funds or is not administering its affairs in a proper and straightforward manner or cannot or is unlikely to be able to meet its obligations as they fall due, the Minister may by order,

- (a) dissolve the Board and call a new election;
- (b) dissolve the Board and assume the powers of the Board;
or
- (c) dissolve the Board and the Board area and subsection 32 (3) applies to the order. 1979, c. 82, s. 30.

Proposal
to alter
boundaries
or vary
powers

31.—(1) Where a Board considers it desirable that the boundaries of the Board area be altered or the powers of the Board be varied, the Board shall put the proposal to a vote of the inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

Notice

(2) Where it is proposed that the Board area be enlarged, the secretary shall post within the area proposed to be added the notice mentioned in subsection (1) and inhabitants in the area proposed to be added may attend the meeting and vote upon the proposal.

Recording
of vote

(3) Where it is proposed that the boundaries of a Board area be altered, the secretary shall record separately the vote of the inhabitants within the area that it is proposed to be added to, or to be removed from, the Board area.

Powers of
Minister

(4) Where a majority of the inhabitants present at the meeting vote in favour of a proposal made under subsection (1), the secretary shall forward to the Minister,

- (a) a copy of the proposal as approved at the meeting;
- (b) a statement of the results of the vote showing the vote of the inhabitants for and against the proposal; and
- (c) where it is proposed that the boundaries of the Board be altered, a statement of the vote of the inhabitants of the area it is proposed be added to or removed from the Board area,

and the Minister may make such order as he considers appropriate. 1979, c. 82, s. 31.

Proposal to
dissolve
Board

32.—(1) Where a board or any ten inhabitants propose that the Board be dissolved, the proposal shall be put to a vote of the

inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

(2) Where the majority of inhabitants present at the meeting approve a proposal that the Board be dissolved, the secretary shall send to the Minister a copy of the proposal together with a statement of the vote for and against the proposal, and the Minister, if he considers it appropriate, may by order dissolve the Board and the Board area. Powers of Minister

(3) In an order for dissolution, the Minister may make such provisions with respect to the transfer of liabilities and assets of the Board as he considers appropriate. 1979, c. 82, s. 32. Transfer of assets and liabilities

33. The Minister may by order prescribe a French language version of any form that is prescribed by this Act and provide for its use. 1979, c. 82, s. 33. Forms in French language

34. The Lieutenant Governor in Council may make regulations amending the Schedule hereto. 1979, c. 82, s. 34. Regulations

SCHEDULE

1. WATER SUPPLY

The Board may, by by-law,

- (a) acquire, establish, operate and maintain works for; or
- (b) contract for,

a supply of water and for that purpose may regulate the time, manner, extent and nature of such supply and the persons to whom water may be supplied, and may charge a fee for the cost of such supply.

2. FIRE PROTECTION

The Board may, by by-law,

- (a) acquire, establish, operate and maintain a fire-hall, fire engines and apparatus and equipment for fire fighting and fire protection; or
- (b) contract for fire protection,

and may charge a fee for the cost of such service.

3. GARBAGE COLLECTION

The Board may, by by-law,

- (a) establish and maintain a system for the collection and removal of garbage; or
- (b) contract for the collection, removal and disposal of garbage,

and for that purpose may regulate the occasions, manner, extent and nature of such service and the persons to whom such service may be supplied, and may charge a fee for the cost of such service.

4. SEWAGE

The Board may, by by-law,

- (a) acquire, establish, operate and maintain sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewage collection and treatment system; or
- (b) contract for the collection and treatment of sewage,

and for such purposes may charge a fee for such service or add a surcharge to the fee, if any, for water supply, or,

- (c) upon such terms and conditions as the Board considers appropriate and with the approval of a majority of the inhabitants at a meeting called for that purpose, financially assist by grant or loan the installation of private septic tank systems or other systems approved by the Ministry of the Environment for the benefit of any inhabitant or inhabitants.

5. STREET OR AREA LIGHTING

The Board may, by by-law,

- (a) contract with Ontario Hydro or any person for the provision of street or area lighting in the Board area; or
- (b) contract with Ontario Hydro or any person for the provision of power and acquire by purchase or lease lights, light standards and lighting equipment in order to provide street or area lighting in the Board area,

and may charge a fee for the cost of such service, but no Board shall generate its own power.

6. RECREATION

The Board may, by by-law,

- (a) contract for the use of recreation facilities or participation in programs of recreation;
- (b) provide for the carrying out of programs of recreation; or
- (c) acquire, establish, construct, operate and maintain recreation facilities,

and may charge fees in respect of the programs of recreation or the recreation facilities, and the Board shall be deemed to be an approved corporation for the purposes of the *Community Recreation Centres Act*.

1979, c. 82, Sched.

FORM 1

NOTICE OF MEETING

TAKE NOTICE that a meeting will be held to consider the desirability of establishing a Local Services Board in thearea.

The proposed Board area to be considered at the meeting is _____

(describe boundaries of proposed Board area or attach a

drawing or map depicting the proposed Board area).

The meeting will take place:

at _____
(time)

on _____
(day)

in _____
(place)

Date of Notice:

Signature of Person _____
calling the meeting

FORM 2

AFFIDAVIT OF ELIGIBILITY TO VOTE

I, _____, of
(print name)

_____ make oath and say as follows:

- 1. I am a Canadian Citizen;
 - 2. I am of the full age of eighteen years;
- (complete either 3 or 4)

If person making affidavit is a permanent resident

3. I do permanently reside at _____

 (a brief description of the property's location)
 in the Board area.

OR

If person making affidavit is not a permanent resident but owns property within the Board Area

4. I am the owner of _____
 (legal description, or if unavailable,

 a brief description of property's location)
 located in the Board area.

And I do verily believe that I am an inhabitant as defined by clause 1 (c) of the *Local Services Boards Act*.

Sworn before me in the
 District of _____
 in the Province of Ontario,
 this day of , 19 .

 Signature of person making affidavit

 Chairman,
 the Local Services Board of

 (Name of Local Services Board)