

1980

c 259 McMichael Canadian Collection Act

Ontario

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CHAPTER 259

McMichael Canadian Collection Act

1. In this Act,

Interpreta-
tion

- (a) "Board" means the board of trustees of the Corporation;
- (b) "collection" means the art works and objects vested in the Corporation or Her Majesty the Queen in right of Ontario and held by the Corporation for exhibition or display;
- (c) "Corporation" means The McMichael Canadian Collection;
- (d) "lands of the Corporation" means the lands described in the Schedule hereto together with any lands designated in the regulations as lands of the Corporation, and includes all buildings and structures thereon;
- (e) "Minister" means the Minister of Culture and Recreation or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (f) "regulations" means the regulations made under this Act. 1972, c. 134, s. 1; O. Reg. 53/76.

2.—(1) The McMichael Canadian Collection is continued as a corporation without share capital. 1972, c. 134, s. 2, *part*, *revised*. McMichael
Canadian
Collection
continued

(2) The Corporation shall have a seal. Seal

(3) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year. Fiscal year

(4) The *Corporations Act* does not apply to the Corporation. 1972, c. 134, s. 2, *part*. R.S.O. 1980,
c. 95, does
not apply

3.—(1) Subject to section 18, the Lieutenant Governor in Council shall appoint the trustees of the Corporation who shall be the members of the Corporation from time to time and its board of trustees. Appoint-
ments to
the Board

- Number of trustees (2) The Board shall consist of not fewer than five and not more than nine trustees at any one time.
- Term of office (3) A trustee may be appointed for a term not exceeding three years, but may be reappointed for one or more further terms.
- Chairman and vice-chairman (4) The Lieutenant Governor in Council shall designate one of the trustees as chairman and one of the trustees as vice-chairman of the Board.
- Chairman to preside (5) The chairman shall preside at all meetings of the Board, and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.
- Quorum (6) A majority of the trustees for the time being constitutes a quorum of the Board. 1972, c. 134, s. 3.
- Powers of Board **4.**—(1) The affairs of the Corporation shall be under the management and control of the Board, and the Board has all the powers necessary or convenient to perform its duties or to achieve the objects of the Corporation.
- By-laws (2) The Board may make by-laws regulating its proceedings and generally for the conduct and management of its internal affairs, and the *Regulations Act* does not apply to any such by-law.
- R.S.O. 1980, c. 446
- Committees (3) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law.
- Director (4) Subject to section 18, the Board shall, with the approval of the Minister, appoint a director who may, but need not necessarily, be a trustee of the Board, and may with the approval of the Minister, remove the director, and the director shall be responsible for the management and administration of the Corporation, subject to the supervision and direction of the Board.
- Staff (5) The Board may appoint such employees as it considers necessary from time to time for the proper conduct of the business of the Corporation, and may fix and pay their salaries or other remuneration and benefits and provide for the retirement and superannuation of such employees. 1972, c. 134, s. 4.
- Corporation Crown agency **5.**—(1) The Corporation is for all purposes an agent of Her Majesty, and its powers may be exercised only as an agent of Her Majesty.

(2) All real and personal property acquired by the Corporation is the property of Her Majesty, and title thereto and ownership thereof may be vested in the name of Her Majesty or in the name of the Corporation. 1972, c. 134, s. 5.

6. The objects of the Corporation are, Objects

- (a) to hold, manage, control, maintain, exhibit, display, develop and stimulate interest in the collection for the benefit of the public;
- (b) to hold and preserve the lands described in the Schedule as a permanent site for a public gallery and related facilities for the collection;
- (c) to maintain and operate the gallery mentioned in clause (b); and
- (d) to hold, manage, control, maintain, preserve, administer and develop the lands of the Corporation in conjunction with the operation of the gallery and for the benefit of the public. 1972, c. 134, s. 6.

7. The Board shall ensure that the art works and objects acquired from time to time as part of the collection are not inconsistent with the general character of the collection at the time of such acquisition. 1972, c. 134, s. 7. Nature of art works, etc., acquired

8. The Corporation may, Powers of Corporation

- (a) acquire by purchase, gift, grant, bequest, lease or otherwise and hold in its own name any money and any property;
- (b) expend, administer or dispose of any such money or property in furtherance of its objects, subject to the terms, if any, upon which such money or property was given, granted, bequeathed, leased or otherwise acquired by the Corporation;
- (c) with the approval of the Lieutenant Governor in Council, erect buildings and structures on the lands of the Corporation;
- (d) establish and operate facilities on the lands of the Corporation for,
 - (i) the sale of food, beverages, books, art reproductions, artifacts and other wares, and
 - (ii) the parking of vehicles;

- (e) with the approval of the Lieutenant Governor in Council, establish and collect general admission fees and special admission fees for any exhibition, program or special event conducted by the Corporation, and fees for the parking of vehicles;
- (f) loan any part of the collection to any person for public exhibition, provided that at all times a substantial part of the collection shall be on exhibition at the Corporation gallery;
- (g) conduct exhibitions, programs and special events on the lands of the Corporation;
- (h) borrow money for the purposes of carrying out the objects of the Corporation where a guarantee is provided under section 13;
- (i) enter into agreements in furtherance of the objects of the Corporation or for the purpose of carrying out any of the powers of the Corporation;
- (j) provide for the interment, in that portion of the lands of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of any artist whose works are included in the collection, or of the remains of the spouse of any such artist. 1972, c. 134, s. 8.

R.S.O. 1980,
c. 59

Special
fund

9.—(1) The Board shall establish and maintain a special fund which shall consist of,

- (a) all moneys received by the Corporation expressly for allocation thereto;
- (b) all moneys received from the sale of any art work belonging to the Corporation;
- (c) all net profits from the sale of books, art reproductions, copyrights, artifacts and other wares by the Corporation; and
- (d) the income of the special fund.

Investment

(2) The Board may invest the moneys deposited in the special fund but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario.

Expenditures

(3) The Corporation shall not expend any of the moneys in the special fund except for investment under subsection (2) or for the acquisition of art works and objects for the collection. 1972, c. 134, s. 9.

10.—(1) The Board shall establish and maintain a general fund which shall consist of grants receivable under this Act and such moneys, other than moneys referred to in subsection 9 (1), received by the Corporation from any source. General fund

(2) The Corporation may disburse, expend or otherwise deal with any of its general fund for the purposes of the objects of the Corporation, other than that of acquiring works of art and objects for the collection, and for the purpose of defraying any expenses incurred in carrying out such objects. 1972, c. 134, s. 10. Expenditures

11.—(1) Subject to subsection (2), a trustee shall not receive remuneration for his services but shall be reimbursed out of the general fund of the Corporation for his proper travelling and other expenses incurred in the work of the Board. Remuneration, trustees

(2) The director of the Corporation shall receive such remuneration as the Lieutenant Governor in Council may determine, payable out of the general fund of the Corporation. 1972, c. 134, s. 11. Idem, director

12. The Minister may make grants of money to the Corporation upon such terms and conditions as he considers advisable. 1972, c. 134, s. 12. Grants

13.—(1) The Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Corporation, or any part thereof together with interest thereon, borrowed for the purpose of carrying out the objects of the Corporation. Guarantee of loans

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee. Form of guarantee

(3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province. 1972, c. 134, s. 13. Payment of guarantee

14. The real and personal property vested in the Corporation and any lands and premises leased to or occupied by the Corporation are not liable to taxation for municipal or school Tax exemption

purposes so long as they are actually used and occupied for the purposes of the Corporation. 1972, c. 134, s. 14.

Audit

15. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Board and to the Minister: 1972, c. 134, s. 15.

Annual report

16. The Board shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1972, c. 134, s. 16.

Regulations

17.—(1) The Lieutenant Governor in Council may make regulations,

- (a) designating any lands acquired by the Corporation as lands of the Corporation;
- (b) governing and regulating the conduct of persons on the lands of the Corporation;
- (c) governing and regulating vehicular traffic on the lands of the Corporation, and prohibiting the use of any class or classes of vehicles thereon; and
- (d) for any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offence

(2) Any person who contravenes any provision of the regulations is guilty of an offence and on conviction is liable to a fine not exceeding \$500. 1972, c. 134, s. 17.

Robert
McMichael
and Signe
McMichael

18. Notwithstanding anything in this Act,

- (a) Robert McMichael shall be a trustee of the Board until such time as he is unable or unwilling to be a trustee;
- (b) Signe McMichael shall be a trustee of the Board until such time as she is unable or unwilling to be a trustee;
- (c) the said Robert McMichael shall be the director and shall hold such office during pleasure of the Lieutenant Governor in Council;
- (d) the said Robert McMichael and Signe McMichael are each entitled for life to reside in the premises situate

on the lands described in the Schedule, and the Board shall make due provision therefor; and

- (e) the said Robert McMichael and Signe McMichael are each entitled to have their remains interred in the cemetery referred to in clause 8 (j), and the Board shall make provision therefor. 1972, c. 134, s. 18.

19. The moneys required for the purposes of section 12 shall ^{Moneys} be paid out of the moneys appropriated therefor by the Legislature. 1972, c. 134, s. 19.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Vaughan, in The Regional Municipality of York (formerly in the Township of Vaughan, in the County of York) and Province of Ontario, being composed of part of Lot Twenty-three in the Eighth concession in the said Town of Vaughan, the boundaries of which said parcel may more particularly be described as follows, and

PREMISING that the Eastern limit of the said Lot Twenty-three has a governing bearing of North $8^{\circ}24'00''$ West, and relating all bearings quoted herein thereto;

PARCEL "A"

COMMENCING at an iron bar planted in the existing Northerly limit of the said Lot Twenty-three, distant 716.66 feet measured Westerly thereon from a standard iron bar planted marking the Northeasterly angle of the said Half Lot;

THENCE South $73^{\circ}43'40''$ West along the last said existing limit 715.16 feet, more or less, to an iron tube found planted at an angle therein;

THENCE South $72^{\circ}32'50''$ West continuing along the last said limit 73.12 feet, more or less, to an iron tube found planted at the intersection thereof with the centre line of the easement to The Hydro-Electric Power Commission of Ontario;

THENCE South $1^{\circ}40'10''$ East along the said centre line 698.26 feet to an iron bar planted;

THENCE North $81^{\circ}22'20''$ East 587.54 feet to an iron bar planted;

THENCE North $42^{\circ}54'30''$ East 450.11 feet to an iron bar planted;

THENCE North $16^{\circ}45'30''$ West 524.69 feet, more or less, to the point of commencement.

SUBJECT TO AT ALL TIMES an easement in favour of The Hydro-Electric Power Commission of Ontario over the Westerly 75.00 feet, measured at right angles of the hereinbefore described Parcel "A" and which said Parcel contains by admeasurement 13,801 acres more or less, as shown on Plan of Survey by A. Death, OLS, January 8, 1959.

PARCEL "B"

COMMENCING at an iron tube found planted in the centre line of the easement to The Hydro-Electric Power Commission of Ontario, which line defines the Westerly limit of the above described parcel, the said iron tube is distant 679.48 feet measured Northerly therealong said centre line from its intersection with the existing limit between Lots Twenty-two and Twenty-three;

THENCE South $72^{\circ}30'40''$ West, 1840.67 feet to an iron tube found planted in the Easterly limit of the Kleinberg Road;

THENCE North $30^{\circ}07'20''$ West along the last said limit 25.64 feet to an iron tube found planted in the same;

THENCE North $72^{\circ}30'40''$ East, 1853.35 feet to an iron tube found planted in the centre line of said Hydro-Electric Power Commission easement;

THENCE South $1^{\circ}40'10''$ East along the last said line, 25.98 feet, more or less, to the point of commencement;

SUBJECT TO AT ALL TIMES an easement in favour of The Hydro-Electric Power Commission of Ontario over the Easterly 75.00 feet, measured at right angles of the hereinbefore described Parcel "B" and which said parcel is shown on Plan of Survey by A. Death, OLS, January 8, 1959.

1972, c. 134, Sched.

