

1980

c 279 Ministry of Government Services Act

Ontario

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CHAPTER 279

Ministry of Government Services Act

1. In this Act,

Interpre-
tation

- (a) "commodity" means tangible personal property of every kind;
- (b) "Deputy Minister" means the Deputy Minister of Government Services;
- (c) "Government" means the Government of Ontario and any ministry or agency thereof and the Crown in right of Ontario and any agency thereof;
- (d) "Government related agency" includes Ontario Hydro, the Ontario Transportation Development Corporation, the Ontario Food Terminal Board, any public institution that is assisted by money appropriated by the Legislature and a corporation with or without share capital, the controlling interest of which is owned by the Crown in right of Ontario or whose bonds or debentures are guaranteed by the Crown in right of Ontario;
- (e) "Minister" means the Minister of Government Services;
- (f) "Ministry" means the Ministry of Government Services;
- (g) "public work" means any real property or interest therein belonging to the Government that was acquired by lease or otherwise including any building or structure made, built, constructed, erected, extended, enlarged, repaired, improved or formed for the public purposes of the Government or at the expense of the Government and including all appointments, furnishings and equipment installed or placed in or on or used in connection with such property that belong to the Government but does not include any work for which money is appropriated by the Legislature as a subsidy. 1973, c. 2, s. 1; 1974, c. 36, s. 1.

Ministry
continued

2.—(1) The ministry of the public service known as the Ministry of Government Services is continued.

Minister
to preside

(2) The Minister shall preside over and have charge of the Ministry.

Deputy
Minister

(3) The Lieutenant Governor in Council shall appoint a Deputy Minister of Government Services who shall be the deputy head of the Ministry. 1973, c. 2, s. 3.

Staff

R.S.O. 1980,
c. 418

3.—(1) Such officers, clerks and servants may be appointed under the *Public Service Act* as are required from time to time for the proper conduct of the business of the Ministry.

Queen's
Printer

(2) The Lieutenant Governor in Council may appoint a Queen's Printer for Ontario who shall control imprint and secure legal copyright on and control title to all legislative and other material printed by the Government.

Functions of
Ministry

4. The Ministry shall be operated as a service agency for the Government and its activities shall be directed towards providing the Government with services in support of Government programs. 1974, c. 36, s. 2.

Responsi-
bility of
Minister

5.—(1) It is the responsibility of the Minister and he has power, in accordance with section 7, to acquire, lease and dispose of public works.

Responsi-
bility of
Ministry

(2) It is the responsibility of the Ministry, and the officers, clerks and servants of the Ministry have power, under the direction of the Minister and the Deputy Minister,

(a) to design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer premises, buildings and structures that are public works;

(b) to determine the public works or parts thereof that are open to the public and to manage and administer such public works or parts including,

(i) regulating vehicular and pedestrian traffic,

(ii) setting apart any building, premises or structure that is a public work, or any part thereof, for a limited use, and

(iii) collecting fees fixed by the Minister for parking in any area set aside for parking in, on or under any public work, and the Minister may fix such fees;

- (c) to develop and manage common services for increasing the effectiveness, efficiency and economy of ministries and agencies of the Government;
- (d) to establish specifications and standards concerning the acquisition of commodities, furnishings and equipment by the Government, the cataloguing of commodities, furnishings and equipment and the maintenance, storage and disposal of commodities, furnishings and equipment;
- (e) to acquire by purchase, lease or otherwise, commodities, furnishings, equipment and services required by the Government, to store all or any of such commodities, furnishings and equipment and to dispose of all or any of such commodities, furnishings and equipment; and
- (f) to provide such other services as the Lieutenant Governor in Council assigns. 1978, c. 15, s. 1.

(3) Notwithstanding subsections (1) and (2), the Lieutenant Governor in Council may, for such period and under such terms and conditions as he considers suitable, assign any of the responsibilities or powers of the Minister under this section to another minister. 1973, c. 2, s. 6 (3). Assignment of responsibilities to another Minister

6. Subject to the *Management Board of Cabinet Act*, the Minister may charge for commodities and services provided under this Act. 1973, c. 2, s. 7. Charge for services, etc.
R.S.O. 1980,
c. 254

7.—(1) The Minister may acquire by purchase, lease or otherwise, and hold property, real or personal, including any interest therein, for the use or purposes of Government and he may dispose of all or any part of such property or any interest therein by sale, lease or otherwise, when no longer required for the use or purposes of Government. Acquisition of property, for use of Government

(2) The Minister, if requested by a Government related agency, may acquire by purchase, lease or otherwise, and hold property, real or personal, including any interest therein, for the use or purposes of the Government related agency, and, if requested by such agency, he may dispose of all or any part of such property or any interest therein by sale, lease or otherwise, when no longer required for the use or purposes of the Government related agency. 1974, c. 36, s. 4 (1). for use of Government related agency

Expropriation (3) Subject to the *Expropriations Act*, the Minister, for and in the name of the Crown, may, without consent of the owner thereof, enter upon, take and expropriate any land or interest therein that he considers necessary for the use or purposes of the Government. 1973, c. 2, s. 8 (2).

Expropriation by Minister on behalf of Government or Government related agency (4) Subject to the *Expropriations Act* and this Act, but notwithstanding that the Government or any Government related agency has, under any other special or general Act, authority, without the consent of the owner, to enter upon, take and expropriate land or any interest therein, the Minister, upon the request of the Government or Government related agency or as he may be directed by the Lieutenant Governor in Council, may, for and in the name of the Crown and without the consent of the owner thereof, enter upon, take and expropriate land or any interest therein on behalf of the Government or Government related agency under this Act. 1974, c. 36, s. 4 (2).

Disposal of real property (5) Any disposal by the Minister of real property, or any interest therein, by way of grant, sale, lease or otherwise, is subject to the approval of the Lieutenant Governor in Council. 1973, c. 2, s. 8 (3).

Application of subs. (5) to leases and easements (6) Subsection (5) does not apply to a grant of a lease for a term of less than twenty-one years or to a grant of an easement. 1974, c. 36, s. 4 (3).

Property vested in Crown **8.—**(1) Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all public works and all property, real or personal, or any interest therein, belonging to the Government shall vest in the Crown.

Property under control of Minister (2) Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all real property, or any interest therein, belonging to the Government shall be under the control of the Minister. 1974, c. 36, s. 5, *part.*

Instruments creating rights analogous to easements **9.—**(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto in favour of the Crown, in respect of any public work, is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Crown.

(2) On and after the registration of an instrument to which subsection (1) applies in the proper land registry office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

Terms of instrument binding on successors

(3) A party to an instrument to which subsection (1) applies or a person to whom subsection (2) applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

Liability of grantor for breach of covenant limited

(4) Where the land mentioned in an instrument to which subsection (1) applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

Land to remain subject to instrument when sold for taxes

(5) This section applies notwithstanding that such right, interest, covenant or condition was granted or created by or contained in an instrument executed before the 18th day of June, 1974. 1974, c. 36, s. 5, *part.*

Application

10.—(1) The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable for the purpose of carrying out this Act. 1973, c. 2, s. 10.

Contracts

(2) The officers, clerks and servants of the Ministry under the direction of the Minister and the Deputy Minister may enter into contracts or agreements for and in the name of the Crown to carry out the responsibilities of the Ministry under this Act. 1978, c. 15, s. 2.

Idem

11. Contracts respecting any public works or property, real or personal, under the control of the Ministry, entered into by the Minister, or by any other person duly authorized to enter into the same, enure to the benefit of the Crown and may be enforced as if entered into with the Crown under this Act. 1973, c. 2, s. 11.

Enforcement of contracts

12. All actions and other proceedings for the enforcement of any contract for the recovery of damages for any tort or breach of contract or for the trial of any right in respect of property, real or personal, under the control of the Ministry shall be instituted in the name of the Attorney General. 1973, c. 2, s. 12.

Style of actions

Tenders

13. Before a contract is entered into for and in the name of the Crown in respect of the construction, renovation or repair of a public work, the Ministry shall invite tenders therefor except,

- (a) in cases of emergency where in the opinion of the Minister delay would be damaging; or
- (b) where the estimated cost of the work is less than \$10,000,

and the Minister shall report all cases referred to in clause (a) to the Legislature forthwith, if it is in session or, if not, at the next ensuing session. 1978, c. 15, s. 3.

Bonds

14. The Minister may require and take security by way of bond, with or without collateral security, or by way of deposit of money for the due performance of any contract entered into under this Act. 1973, c. 2, s. 14.

Annual report

15. The Minister, after the close of each year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly, if it is in session or, if not, at the next ensuing session. 1973, c. 2, s. 15.

Delegation of authority

16. Where, under this or any other Act, power or authority is granted to or vested in the Minister, other than the power to expropriate, he may, in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation. 1973, c. 2, s. 16.

Regulations

17. The Lieutenant Governor in Council may make regulations,

- (a) prescribing fees for the use of property belonging to or controlled by the Government, including plans, specifications, facilities and equipment;
- (b) for the preservation and management of any public building;
- (c) prescribing the manner in which and conditions under which Government purchases, disposals or storages or any class thereof shall be carried out. 1973, c. 2, s. 17.