

1994

## c Pr10 Ontario Southland Railway Inc. Act, 1994

Ontario

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CHAPTER Pr10

An Act respecting Ontario Southland Railway Inc.

Assented to May 31, 1994

Preamble Ontario Southland Railway Inc. has applied for special legislation respecting the operation of a railway. The applicant, which was incorporated under the Business Corporations Act, cannot operate a railway without being incorporated by a special Act of the Legislature.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Deemed incorporation by special Act 1. Ontario Southland Railway Inc. shall, for the purposes of The Railways Act, being chapter 331 of the Revised Statutes of Ontario, 1950, be deemed to be incorporated by a special Act.

Application of Business Corporations Act 2. Despite subsection 2 (2) of the Business Corporations Act, that Act applies to the corporation in respect of its corporate structure and corporate activities as if it were a corporation under that Act.

Application of The Railways Act 3. The Railways Act, except section 47, applies to the corporation in respect of its operation of a railway.

Safety certificate required 4. The Ontario Municipal Board shall not approve an application by the corporation under section 174 of The Railways Act unless the corporation provides to the Board a certificate from a professional engineer acceptable to the Board stating that the facilities and operating procedures of the railway are in accordance with generally accepted railway practices and are sufficient to protect the public.

Additional certificates 5. The corporation shall provide to the Ontario Municipal Board such additional certificates as described in section 4 as may be required by the Board in giving its approval under section 174 of The Railways Act.

Costs 6. The costs of the inspections and certifications required to fulfil sections 4 and 5 shall be borne by the corporation.

Insurance 7. The Ontario Municipal Board may require the corporation, as a condition of commencing or continuing operations of a railway, to obtain and maintain insurance in

an amount specified by the Board in respect of liability of the corporation for accidents in the operation of a railway that result in death or injury to any person or injury to any property and the corporation shall provide to the Board, upon request, proof of its compliance with the requirement.

8. All rights of the corporation under The Railways Act to expropriate or take land without the consent of the owner shall be subject to the Expropriations Act and the prior approval of the Ontario Municipal Board. Expropriation powers

9. (1) The corporation shall not amalgamate with any other corporation, other than a subsidiary of the corporation, without the prior approval of the Ontario Municipal Board. Change in control

(2) No person, without obtaining the prior approval of the Ontario Municipal Board, shall acquire voting shares of any class of shares of the corporation, whether pursuant to a sale, transfer, amalgamation, reorganization or other transaction, that will result in the person and the person's associates or affiliates holding in the aggregate more than 50 per cent of the voting shares outstanding of that class of shares of the corporation. Same

(3) For the purposes of this section, "affiliate", "associate" and "subsidiary" have the same meanings given them in subsections 1 (1) and (2) of the Business Corporations Act. Definitions

10. (1) The corporation shall give notice to the Transportation Safety Board of Canada and to the Ontario Municipal Board as soon as possible and immediately after the senior officers of the corporation have received information of the occurrence of any accident or incident that affects the safe operation or safety of the railway. Notice of accidents, etc.

(2) The corporation shall give notice to the Ontario Municipal Board as soon as possible and immediately after the senior officers of the corporation have received information of the occurrence of any situation or contravention described below: Same

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|---|--|---------------------|
| 1. A situation that could, if left unattended, induce an accident or incident described in subsection (1).  | <b>11.</b> Nothing in this Act shall be construed to derogate from the powers of the Ontario Municipal Board under <i>The Railways Act</i> or under the <i>Ontario Municipal Board Act</i> . | Powers of<br>O.M.B. |
| 2. A contravention of a regulation, rule, emergency directive or order made under <i>The Railways Act</i> or the <i>Ontario Municipal Board Act</i> . | <b>12.</b> This Act comes into force on the day it receives Royal Assent.  | Commence-<br>ment   |
|   | <b>13.</b> The short title of this Act is the <i>Ontario Southland Railway Inc. Act, 1994</i> .  | Short title         |