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c 430 Separate Schools Act

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CHAPTER 430

The Separate Schools Act

PART I

PROTESTANT SEPARATE SCHOOLS

1.—(1) Subject to subsection 3, five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants.

(2) Subject to subsection 3, the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants.

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics. 1964, c. 108, s. 1, part.

2. Where a Protestant separate school is to be established in a township, the township council shall determine the location of the school. 1964, c. 108, s. 1, part.

3. A Protestant separate school board in an urban municipality may operate one school in each ward, or one school to serve two or more wards. 1964, c. 108, s. 1, part.

4. A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be. 1964, c. 108, s. 1, part.

5.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a Protestant separate school is established, who, by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that he wishes to be a Protestant separate school supporter, is exempt from the payment of all rates imposed on such property for the
support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property.

(2) The notice is not required to be renewed annually.

(3) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of $40.

(5) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the Protestant separate school.

6. A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a supporter of a Protestant separate school.

7.—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the names of Protestants who wish to become supporters of a Protestant separate school in the same manner mutatis mutandis as is provided for the keeping of an index of Roman Catholics who wish to become supporters of a Roman Catholic separate school.

(2) The index book shall be open to inspection by any ratepayer.

(3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 5 and 6.

(4) The assessor shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices.

8.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes.

(2) Every Protestant separate school shall share in the legislative grants in like manner as a public school.
9.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the supervisory officer designated by the Minister and to the Minister in such form and at such times as the supervisory officer or the Minister may require.

(2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the Board to make a copy of the roll. 1964, c. 108, s. 1, part, amended.

10. Every person who is assessed as a Protestant separate school supporter and whose name appears on the voters' list of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees and on any school question. 1964, c. 108, s. 1, part.

11.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school.

(2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part II with respect to the election of trustees of Roman Catholic rural and urban separate schools apply mutatis mutandis to the election of trustees of Protestant rural and urban separate schools. 1964, c. 108, s. 1, part.

12. The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the (City, Town, Village or Township) of .......................". 1964, c. 108, s. 1, part.

13. A Protestant separate school board has the same powers as a rural public school board in territory without municipal organization, and the regulations under The Department of Education Act with respect to elementary schools apply to every Protestant separate school board. R.S.O. 1970, c. 111

14. A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board and may be re-established in the manner provided in section 1. 1964, c. 108, s. 1, part.
15. Sections 30 to 33 and 61 to 63 apply in respect of Protestant separate schools and Protestant separate school boards. 1964, c. 108, s. 1, part.

PART II

ROMAN CATHOLIC SEPARATE SCHOOLS

ESTABLISHMENT

16. This Part applies to separate schools for Roman Catholics now or hereafter established. R.S.O. 1960, c. 368, s. 16.

17. In this Part,

(a) "combined separate school zone" means a union of two or more separate school zones;

(b) "Department" means the Department of Education;

(c) "Minister" means the Minister of Education;

(d) "parcel of land" means a parcel of land that by The Assessment Act is required to be separately assessed;

(e) "regulations" means the regulations made under The Department of Education Act;

(f) "rural school" means a separate school for Roman Catholics in a township or in territory without municipal organization;

(g) "rural separate school zone" means a separate school zone established under section 18 in a school section in one or more townships or under section 22 in territory without municipal organization;

(h) "secretary" or "treasurer" includes a secretary-treasurer;

(i) "separate school" means a separate school for Roman Catholics;

(j) "separate school zone" means the area in which property may be assessed to support a separate school or schools under the jurisdiction of one separate school board;

(k) "urban school" means a separate school for Roman Catholics in a city, town or village;

(l) "urban separate school zone" means a separate school zone established under section 18 in an urban municipality. R.S.O. 1960, c. 368, s. 17; 1962-63, c. 132, s. 1; 1966, c. 143, s. 1.
18.—(1) Not fewer than five heads of families, being householders or freeholders resident within any former school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. R.S.O. 1960, c. 368, s. 18, amended.

(2) Where a separate school is to be established in a township school area, the householders or freeholders referred to in subsection 1 shall be resident within a former school section as it existed immediately before the formation of the township school area. 1965, c. 122, s. 1.

19. Any person being a Canadian citizen and not less than twenty-one years of age may be elected a trustee whether he is or is not a householder or freeholder. 1965, c. 122, s. 2.

20.—(1) A majority of the persons present, being householders or freeholders, and Roman Catholics, may at the meeting elect from the duly qualified persons the requisite number of trustees. R.S.O. 1960, c. 368, s. 19.

(2) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such a meeting a motion is passed to elect trustees by wards in accordance with section 39, the trustees shall be elected by general vote. 1961-62, c. 132, s. 1.

21.—(1) Notice in writing that the meeting has been held, and of the election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees.

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the notice so endorsed and duly certified by him to the trustees, who shall forthwith transmit the copy and a copy of the minutes of the meeting and of the notice calling it to the Department.

(3) From and after the delivery of the notice to such officer the trustees therein named are a body corporate under the name, in the case of a city, town or village, of “The Board of Trustees of the Roman Catholic Separate Schools for the City (Town or Village, as the case may be) of ..........” and in the case of rural boards of “The Board of Trustees of the Roman Catholic Separate School for School Section Number .......... in the Township of ..........”. R.S.O. 1960, c. 368, s. 20 (1-3).
(4) Where a separate school is established in a township school area, the name of the board of the separate school shall include the number of the former school section in which the school is situated. R.S.O. 1960, c. 368, s. 20 (4), amended.

22.—(1) In unorganized townships and in any part of Ontario not surveyed into townships,

(a) ten or more heads of families; or

(b) where the school is to be united, effective on the 1st day of January of the following year, with one or more separate schools to form a combined separate school, five or more heads of families,

who are Roman Catholics, may, at a public meeting called for that purpose, elect three of their number as school trustees, and the trustees so elected have all the powers of a public school board in unorganized townships, and are in all other respects subject to the provisions of this Act.

(2) Where in any year a school is established by not fewer than five heads of families under clause b of subsection 1, the public meeting for the election of trustees shall be held before the 1st day of June in that year, and the separate school board so formed shall proceed in the same year to implement the provisions of section 34, and if the school is not united with one or more separate schools to form a combined separate school before the 1st day of August in that year under section 34, the board is dissolved on that date. 1968, c. 125, s. 1.

(3) The trustees are a body corporate under the name of,

(a) where the separate school is located in an unorganized township, "The Roman Catholic Separate School Board No. ............................................ of the Township of ................................................................. in the Territorial District of .................................................." (inserting the number of the school section in which the separate school is located and, if it is not in a school section, inserting a number selected by the appropriate supervisory officer that will be used until a school section is formed that includes the separate school within its boundaries);

(b) where the separate school is located in unsurveyed territory, "The Roman Catholic Separate School Board of .................................................. in the Territorial District of .................................................." (inserting a name selected by the appropriate supervisory officer and the name of the territorial district). R.S.O. 1960, c. 368, s. 21 (2); 1960-61, c. 94, s. 1 (1), amended.

(4) On receipt of notice by the Department signed by the trustees so elected that a school has been established and suitable
accommodation provided for school purposes, the Minister may pay to the board out of the appropriation made by the Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant Governor in Council.

(5) The board may appoint a fit and proper person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums that the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to the collector at the rate of not less than 5 and not more than 10 per cent on the money collected by him, and every collector shall give such security as may be required by the board.

(6) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township. R.S.O. 1960, c. 368, s. 21 (3-5).

(7) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

(8) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

(9) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

(10) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

(11) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be in the case of the sale of lands for arrears of taxes in organized territory.
municipalities, and the board may in such cases exercise the
power of purchase conferred upon a municipality. 1960-61,
c. 94, s. 1 (2).

23. Section 37 of The Public Schools Act applies mutatis
mutandis with respect to separate schools in territory without
municipal organization. 1961-62, c. 132, s. 2.

24.—(1) A Roman Catholic who is a householder or freehold-
er and of the full age of twenty-one years and who desires to
establish a separate school is entitled, in the year in which the
separate school is established, to vote on any matter relating to
such separate school if,

(a) in the case of a township, he resides in the former school
section in which the separate school is being established; or
(b) in the case of an urban municipality, he resides in the
municipality; or
(c) in the case of a separate school for a ward in an urban
municipality, he resides in the ward; or
(d) in the case of territory without municipal organization,
he resides in territory without municipal organization
and within three miles of the centre designated by the
ten or more heads of families who call a meeting under
subsection 1 of section 22.

(2) The persons who are entitled to vote under clause d of
subsection 1 are the persons qualified to call a meeting under
subsection 1 of section 22. 1962-63, c. 132, s. 2, amended.

25.—(1) Every person who has attained the age of five years
on or before the 31st day of December in any year and whose
parent or guardian resides in a separate school zone and is a
separate school supporter has the right to attend, after the 1st day
of September in the following year, a separate school in that zone
at the expense of the separate school board, except a person who,
by reason of mental or physical defect, is unable to profit by
instruction in the separate school or a person who has attained the
age of twenty-one years. 1962-63, c. 132, s. 3 (1).

(2) Where a question arises as to whether or not a person can
profit by instruction in a separate school, the matter shall be
referred to a committee appointed by the Minister for that
purpose, and the decision of the committee is final.

(3) It is the responsibility of the parent or guardian to submit
evidence that the child has a right to attend the separate school,
including proof of age.
(4) Where a board operates a kindergarten in a separate school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

(5) Where the board operates a junior kindergarten in a separate school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1. R.S.O. 1960, c. 368, s. 22 (3-6).

(6) The board may charge a fee as provided in section 72 of The Schools Administration Act, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1. R.S.O. 1960, c. 368, s. 22 (7); 1965, c. 122, s. 3 (2).

(7) Subject to subsection 8, a child who is a ward of a children’s aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward and no fee shall be charged by the board. R.S.O. 1960, c. 368, s. 22 (8); 1965, c. 122, s. 3 (3).

(8) A child who is a ward of a children’s aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a separate school by the board of the separate school that is supported by the assessment of the residence in which he resides with his adoptive parent upon receipt from the children’s aid society of a certificate stating that he has been so placed for adoption. 1965, c. 122, s. 3 (4).

(9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the supervisory officer of the separate school certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee as provided in section 72 of The Schools Administration Act. R.S.O. 1960, c. 368, s. 22 (9); 1965, c. 122, s. 3 (5), amended.

(10) Subject to subsection 2, a child whose mother,

(a) resides in Ontario;
(b) is the sole support of the child;
(c) is not assessed as a supporter of a public or separate school in any school section; and
(d) boards her child, who is a Roman Catholic, with a supporter of a separate school in a residence other than a children's boarding home as defined in The Children's Boarding Homes Act,

shall be admitted to the separate school without the payment of a fee. R.S.O. 1960, c. 368, s. 22 (10).

(11) Subject to subsection 2, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school zone in which he and his parent or guardian reside without the payment of a fee. R.S.O. 1960, c. 368, s. 22 (11); 1962-63, c. 132, s. 3 (2).

(12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose shall charge a fee calculated in accordance with section 72 of The Schools Administration Act. R.S.O. 1960, c. 368, s. 22 (12); 1965, c. 122, s. 3 (6); 1968, c. 125, s. 2 (1).

(13) A separate school board and a public school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the public school board for pupils of the separate school board in a course or courses that are not available in a school under the jurisdiction of the separate school board, or that are considered by the separate school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

(a) the appropriate supervisory officer of the public school board certifies that accommodation is available in such school for such pupils; and

(b) the separate school board pays a fee for each such pupil calculated in accordance with section 72 of The Schools Administration Act. 1970, c. 64, s. 1.

(14) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the supervisory officer for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the supervisory officer for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the
other board a fee calculated in accordance with section 72 of The Schools Administration Act. 1962-63, c. 132, s. 3 (3), part; 1965, c. 122, s. 3 (7); 1968, c. 125, s. 2 (3), amended.

(15) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone,

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for separate school purposes in that zone divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a separate school by the board of that zone without the payment of a fee.

(16) Where a child, whose parent or guardian is a Roman Catholic, resides with his parent or guardian on land that is exempt from taxation for school purposes, he shall be admitted to a separate school that is accessible to him and in which the appropriate supervisory officer has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils. 1962-63, c. 132, s. 3 (3), part, amended.

(17) Where a separate school pupil resides with his parent or guardian in a combined separate school zone under Part III and attends a separate school in another combined separate school zone under section 92, the board of the combined separate school zone in which he resides shall pay a fee calculated in accordance with section 72 of The Schools Administration Act to the combined separate school board that operates the separate school attended by the pupil. 1968, c. 125, s. 2 (4).

RURAL SEPARATE SCHOOLS

26. For every rural school there shall be three trustees, each of whom, after the first election, shall hold office for three years and until his successor has been elected. R.S.O. 1960, c. 368, s. 23.

27.—(1) The trustees elected at the first meeting shall hold office,

(a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;
(b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;

(c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

Vacancies

(2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. R.S.O. 1960, c. 368, s. 24 (1, 2).

Re-election

(3) A retiring trustee may be re-elected with his own consent, otherwise he is exempt from serving for four years next after leaving office. R.S.O. 1960, c. 368, s. 24 (4).

Electors, qualification

28.—(1) Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, is entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of the school. R.S.O. 1960, c. 368, s. 26.

(2) A person who is a Roman Catholic and is the wife of a supporter of a rural separate school who is entitled to vote under subsection 1 is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement. 1962-63, c. 132, s. 4.

Idem

29.—(1) A meeting of the supporters of a rural school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

(2) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

(3) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall
also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part.

(4) The business of the meeting may be conducted in the following order:

(a) receiving and dealing with the annual report of the trustees;
(b) receiving and dealing with the annual report of the auditors;
(c) electing one or more auditors for the current year;
(d) electing a trustee or trustees to fill any vacancy or vacancies; and
(e) miscellaneous business. R.S.O. 1960, c. 368, s. 27 (1-4).

(5) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion, and, in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected, and, in the case of a tie vote on a question, the question is deemed to be negatived. 1964, c. 108, s. 3 (1).

(6) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the poll.

(7) Where a poll is granted the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

(8) Ballot papers shall be pieces of plain white paper of uniform size.

(9) A voter shall mark his ballot,

(a) in the election of a trustee, by marking the name of the trustee thereon; and
(b) on a question, by marking the word “for” or “against” thereon.

(10) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his
initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

(11) Every candidate may appoint a person to act as his scrutineer during the election. R.S.O. 1960, c. 368, s. 27 (6-11).

(12) When an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote:

I, ........................................, declare,
(a) that I am a householder or freeholder assessed to the support of ........................................; or
(insert name of board)
(b) that I am the wife of a supporter of ........................................; and
(insert name of board)
(c) that I am of the full age of twenty-one years; and
(d) that such supporter or wife of a supporter I have the right to vote at this meeting.

1965, c. 122, s. 5.

(13) The poll shall not close before noon, but shall close at anytime thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than 4 o’clock in the afternoon.

(14) When the meeting is held at 8 o’clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at 10 o’clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded. R.S.O. 1960, c. 368, s. 27 (13, 14).

(15) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and,
(a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and
(b) in the case of a tie vote on a question, the question is deemed to be negatived. 1964, c. 108, s. 3 (2).

(16) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number
of votes has been polled, and in case of a vote on a school question
he shall declare the same adopted or negatived as the majority of
votes is in favour of or against the same.

(17) A statement of the result of the vote shall be certified by
the chairman and secretary and in the case of an election of
trustees the statement shall be signed by any scrutineers present
at the counting of the ballots and a copy thereof shall be delivered
to each candidate.

(18) A correct copy of the minutes of every meeting, signed by
the chairman and secretary of the meeting, shall be transmitted
forthwith by the secretary to the supervisory officer of the
separate school. R.S.O. 1960, c. 368, s. 27 (16-18), amended.

(19) If from want of proper notice or other cause any meeting
for the election of trustees is not held at the proper time the
supervisory officer or any two supporters of the school may call a
meeting by giving six days notice posted up in at least three of
the most public places in the locality in which the school is situate,
and the meeting thus called has all the powers and shall perform
all the duties of the meeting in the place of which it is called.
R.S.O. 1960, c. 368, s. 27 (19); 1966, c. 143, s. 4, amended.

30. A majority of the trustees is a quorum, and the board shall
be organized by the election of a chairman and of a secretary and a
treasurer or of a secretary-treasurer. R.S.O. 1960, c. 368, s. 28.

31. No act or proceeding is valid that is not adopted at a
regular or special meeting of the board of which notice has been
given as required by this Act and at which at least two trustees are
present. R.S.O. 1960, c. 368, s. 29.

32. It is the duty of the secretary,

(a) to call, at the request in writing of two trustees, a special

meeting of the board; and

(b) to give notice of all meetings to each of the trustees by

notifying him personally or in writing, or by sending a

written notice to his residence. R.S.O. 1960, c. 368,
s. 30.

33. Where a board neglects or the ratepayers at an annual or
special meeting neglect to appoint an auditor, or an auditor
appointed refuses or is unable to act, the Minister, upon the
request in writing of any five supporters of the school, may make
the appointment. R.S.O. 1960, c. 368, s. 31.

34.—(1) A separate school board or five supporters of a
separate school may, before the 1st day of July in any year, hold a
meeting of the separate school supporters to consider the question
of uniting the school with one or more other separate schools to form a combined separate school and, where the majority of the supporters of each of two or more separate schools who vote on the question vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.

1961-62, c. 132, s. 4 (1), part; 1962-63, c. 132, s. 5 (1).

(2) In order to adjust the rights and claims of the combining boards, the supporters of any school may offer to assume and may assume a differential in rates for a stated period of time. 1966, c. 143, s. 5 (1).

(3) When a combined separate school becomes one school for all Roman Catholic separate school purposes, the board of each school forming part of the union is dissolved, and all the real and personal property vested in such board is vested in the board of the combined separate school. 1967, c. 93, s. 1 (1).

(4) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of ......................" (in the case of a combined separate school zone including one or more urban municipalities, insert in order of population, commencing with the municipality having the greatest population, the names of the urban municipalities and, in alphabetical order, the township municipalities and geographic townships in which the Board has one or more centres and the names of rural zones in unsurveyed territory but, where an urban municipality has a population of 2,000 or more, the names of the municipalities having a population of less than 2,000 may be omitted and, in the case of a combined separate school zone that does not include an urban municipality, insert in alphabetical order the names of the township municipalities and geographic townships in which the Board has one or more centres and the names of rural zones in unsurveyed territory and, where the centres of two or more combined separate school zones are located in the same municipality or geographic township, a number shall be assigned by the appropriate supervisory officer). 1967, c. 93, s. 1 (2), amended.

(5) For the purpose of electing the first trustees for a combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall arrange for the election of trustees in accordance with section 29 or 43 and may pass a resolution adopting municipal elections under section 44. 1967, c. 93, s. 1 (3).
(6) Where a combined separate school is formed or where another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the 1st day of January following the election of trustees of the combined separate school, and, subject to subsections 10 and 11, five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 29. 1966, c. 143, s. 5 (3); 1967, c. 93, s. 1 (4).

(7) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year, and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 48 of *The Schools Administration Act*. R.S.O. 1960, c. 368, s. 32 (3); 1961-62, c. 132, s. 4 (2).

(8) In case, at the first election of trustees, two or more trustees receive an equal number of votes or all the trustees are declared elected by acclamation, the question as to which trustees shall hold office for two years shall be determined by lot to be cast by the secretary appointed under subsection 3 of section 29 in the presence of a majority of the elected trustees and the result shall be entered in the minutes of the meeting. R.S.O. 1960, c. 368, s. 32 (4).

(9) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year and the trustee elected shall hold office for two years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 48 of *The Schools Administration Act*. R.S.O. 1960, c. 368, s. 32 (5); 1961-62, c. 132, s. 4 (3).

(10) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have had under section 38, and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone. 1965, c. 122, s. 6 (2).

(11) Notwithstanding subsections 6 and 10, the board of a combined separate school may be composed of such number of trustees, not fewer than five or more than thirteen, representing such municipalities or parts thereof, or separate school zones in territory without municipal organization, within the combined separate school zone as is provided for in a resolution passed by the board, or, in the case of a newly-formed combined separate school, by the committee formed under subsection 5, and the
board of the combined separate school zone shall be deemed to be an urban separate school board.

(12) Where a resolution is passed under subsection 11 the trustees shall be elected at large in the areas within the combined separate school zone that they respectively represent, and sections 43, 44 and 45 apply mutatis mutandis, provided that, where a municipality is divided into wards, the resolution may provide for representation by wards, and the trustees shall hold office for such terms as the resolution prescribes.

(13) Where one or more trustees represent two or more municipalities or parts thereof, or two or more municipalities or parts thereof and one or more separate school zones in territory without municipal organization and a resolution is passed adopting municipal elections under section 44, the resolution shall state in which municipality the vote is to be conducted, and the clerk of each other municipality or part thereof and the secretary of each separate school zone that is represented by the same trustee or trustees shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part or zone indicating the names of all persons thereon who are separate school supporters.

(14) The board or committee that passes a resolution under subsection 11 shall forthwith send a copy thereof to the Minister. 1967, c. 93, s. 1 (5).

(15) A board of a combined separate school zone may, without the approval of the supporters, acquire a school site in any school section in which a separate school was formed and which became part of the combined separate school zone. 1962-63, c. 132, s. 5 (3), part.

(16) Every person,

(a) who resides in an urban municipality in an urban combined separate school zone and is entitled to vote at the election of trustees under section 46; or

(b) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 28 if the combined separate school were a rural separate school,

is entitled to vote at the election of trustees of the combined separate school and on any school question.

(17) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 28 is entitled to vote at the election of trustees of the combined separate school and, subject to subsection 2 of section 28, on any school question. 1965, c. 122, s. 6 (3).
[35.](1) Where a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school from the combined separate school is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition. 1961-62, c. 132, s. 5, part.

(2) The persons entitled to vote on the question are the supporters of the combined separate school who reside closer to the centre in the portion of the combined separate school zone that it is proposed to detach than to any other centre. 1962-63, c. 132, s. 6.

(3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 29 or 43, as the case may be. 1961-62, c. 132, s. 5, part; 1964, c. 108, s. 4; 1967, c. 93, s. 2.

(4) Where a school or schools is or are detached under this section, subsections 2 and 3 of section 37 apply mutatis mutandis, except that the combined separate school board and the board or boards of the school or schools detached shall each appoint an arbitrator. 1961-62, c. 132, s. 5, part.

[36.](1) The board of a rural separate school zone has power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of the school to consider the site selected, and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting. R.S.O. 1960, c. 368, s. 33 (1); 1966, c. 143, s. 6.

(2) If a majority of the supporters present at the special meeting differ as to the suitability of the site selected, each party shall then and there appoint an arbitrator, and the supervisory officer of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbitrator, and the three arbitrators, or a majority of them present at any lawful meeting, have authority to make and publish an award upon the matter submitted to them.

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, have authority,
within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one if not reconsidered by the arbitrators, is binding upon all parties concerned for at least five years from the date thereof. R.S.O. 1960, c. 368, s. 33 (2, 3).

37. (1) Where a separate school has been established in a school section that includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in the township or portion of a township petition the board of the separate school to notify the supervisory officer of separate schools that the separate school supporters in the township or portion of a township are desirous of establishing a separate school therein, the supervisory officer may signify in writing to the board his approval of the establishment of the separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and the school may be established and trustees may be elected in the manner provided by this Part.

(2) The supervisory officer and two other persons, one of whom shall be chosen by the separate school board of the urban municipality and the other by the board of the separate school so established in the township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of the urban municipality and the board of the rural separate school respectively, and shall adjust all matters consequent upon the separation, and the award of the arbitrators is final and binding.

(3) Nothing in this section relieves any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of the township separate school. R.S.O. 1960, c. 368, s. 34, amended.

URBAN BOARDS

38. (1) Except as provided in section 39, the trustees of an urban separate school board shall be elected by general vote for a term of two years with one-half of the trustees retiring each year. 1960-61, c. 94, s. 4, part.

(2) The number of the trustees on the urban separate school board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held, as follows, where the population was,
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(a) less than 10,000, six trustees;
(b) 10,000 or more but less than 50,000, eight trustees;
(c) 50,000 or more but less than 100,000, ten trustees;
(d) 100,000 or more, twelve trustees. 1960-61, c. 94, s. 4, part; 1967, c. 93, s. 3 (1).

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(3) Where it becomes evident from the census of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected. 1960-61, c. 94, s. 4, part; 1967, c. 93, s. 3 (2), amended.

39.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

(2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the separate school supporters of that ward for a term of two years.

(3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 38. 1961-62, c. 132, s. 6.

40.—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 39 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the supporters of the separate schools of the urban municipality and has received the affirmative vote of a majority of the supporters who voted on the resolution. 1961-62, c. 132, s. 7.

(2) At the election following an affirmative vote of a majority of the separate school supporters who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

(3) A change in the method of election of an urban separate school board may not be made unless the board has been elected in its present form for a period of four years. 1960-61, c. 94, s. 4, part.

41. At the first election of the trustees of an urban separate school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year,
in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and

in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and in the case of a tie vote or of an acclamation, the order of retirement shall be determined by lot at the first meeting of the board and recorded in the minutes of the meeting. 1960-61, c. 94, s. 4, part.

42. A trustee shall continue in office until his successor is elected and the new board is organized. R.S.O. 1960, c. 368, s. 37, amended.

43.—(1) Subject to section 44, the voting for the election of trustees of an urban separate school board and for all urban school purposes shall be by ballot.

(2) Within three days of a request in writing of the board of an urban separate school zone, the clerk of the urban municipality shall furnish to the board,

(a) where the municipality is divided into wards, the voters' list of each ward; or

(b) where the municipality is not divided into wards, the voters' list of each polling subdivision in the municipality,

indicating the names of all persons thereon who are separate school supporters.

(3) Where an urban separate school zone includes an urban municipality and part of another municipality,

(a) within three days of a request in writing of the board of the urban separate school zone, the clerk of the other municipality shall furnish to the board a list of voters of the part of the municipality included in the urban separate school zone, indicating the names of all persons thereon who are separate school supporters; and

(b) a person who is entitled to vote at the election of trustees of the board and who resides outside the urban municipality is entitled to vote in that ward or division of the urban municipality in which the school house is situate that is nearest to his place of residence.

(4) Within three days of a request in writing of a board of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone,
shall furnish to the board a list of voters of the municipality or part indicating the names of all persons thereon who are separate school supporters. 1965, c. 122, s. 7, part.

44.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the vote for the election of trustees to be conducted in the same manner as municipal elections in the municipality in which the separate school is situate, or, in the case of a combined separate school zone that includes one or more urban municipalities, in the urban municipality that has the greatest population.

(2) The board may in like manner discontinue the voting conducted in the manner of municipal elections.

(3) Where the board requires the vote to be conducted in the same manner as municipal elections and elections are so held, no change in the mode of voting shall be made unless the board has been elected by the same mode for a period of four years.

(4) Where a resolution is passed in any year under subsection 1,

(a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as municipal elections in the municipality in which the vote is to be conducted;

(b) the meeting of the supporters of the urban or combined separate school for the nomination of candidates shall be held on the same day as the meeting for the nomination of candidates for council;

(c) the board shall advertise in each of its schools the place and time of the nomination meeting, and the secretary of the board shall report the names of the nominees to the clerk of the municipality in which the vote is to be conducted;

(d) in the case of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, except the municipality in which the vote is to be conducted, shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part included in the combined separate school zone, indicating the names of all persons thereon who are separate school supporters;

(e) the provisions of The Municipal Act with respect to elections, except with respect to the nomination of
candidates, apply *mutatis mutandis*, except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 45. 1965, c. 122, s. 7, part.

R.S.O. 1970, c. 284 to apply

**45.** Where the voting is to be by ballot, the provisions of *The Municipal Act* for and relating to holding the municipal elections, including those as to recount, secrecy of proceedings, offences and penalties, apply *mutatis mutandis*, except that,

**Form of oath**

(a) the oath to be taken by a voter shall be:

You swear that you are the person named (or intended to be named) in the list of voters now shown to you *(showing the list to the voter)*;

That you are of the full age of twenty-one years;

That you are a Roman Catholic separate school supporter or that you are a Roman Catholic and the wife or husband of a Roman Catholic separate school supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God;

(b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election;

(c) the duties to be performed by the clerk shall be performed by the secretary; and

(d) the word “secretary” shall be substituted for the words “clerk” or “clerk of the municipality” wherever they occur. R.S.O. 1960, c. 368, s. 40; 1965, c. 122, s. 8.

**46.** In urban municipalities every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, is entitled to vote at the election of trustees of the separate schools. R.S.O. 1960, c. 368, s. 41; 1965, c. 122, s. 9.
47. No election is invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that the non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1960, c. 368, s. 42.

48. (1) A judge, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after the election, shall receive and investigate the complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.

(2) The judge may by order cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he considers expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected.

(3) The judge may order a person found by him not to have been duly elected to be removed, and if the judge determines that any other person was duly elected, he may order him to be admitted, and if he determines that no other person was duly elected instead of the person removed, he shall order a new election to be held and shall report his decision to the secretary of the board.

(4) The provisions of The Municipal Act as to bribery and undue influence apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1960, c. 368, s. 43.

49. Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting. R.S.O. 1960, c. 368, s. 44 (1).

50. (1) It is the duty of every board and it has power,

(a) to appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the
school fees or rate-bills, and the collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, are subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;

(b) to appoint annually on or before the 1st day of December an auditor or auditors;

c) to lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and to afford the auditors all the information in its power as to the receipt and expenditure of school money;

to provide adequate accommodation and legally qualified teachers for all children who have the right to attend a school operated by the board;

to acquire or rent school sites and premises and build school buildings;

where the board does not appoint a collector, to apply to the municipal council, on or before the 1st day of March in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums;

to give notice in writing to the Department, before the 15th day of January in each year, of the names and post office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein;

to exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person, and to give notice of the exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of February;

to take possession and have the custody and safe keeping of all school property, acquired or given for school purposes, and to acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received; and to dispose by sale or otherwise of any
school site or school property not required in consequence of a change of school site or other cause, and to convey the same and apply the proceeds thereof to school purposes or as provided by this Act;

(j) to exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act. R.S.O. 1960, c. 368, s. 45 (1); 1968, c. 125, s. 3; 1968-69, c. 117, s. 1.

(2) It is the duty of every urban board and it has power to appoint from its members annually, or oftener if considered expedient, and under such regulations as may be considered proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and to see that all the schools under its charge are conducted according to the regulations. R.S.O. 1960, c. 368, s. 45 (2).

(3) It is the duty of every rural board and it has power,

(a) to appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for,

(i) filling any vacancy in the board,
(ii) the selection of a new school site,
(iii) the appointment of a school auditor, or
(iv) any other school purpose,

and to cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

(b) to arrange for the payment monthly of teachers' salaries;

(c) to cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors;

(d) to ascertain and report to the Minister, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf or blind;
providing attendance for minor surgical operations

(e) if considered expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects where, in the opinion of the teacher and (where a school nurse and medical inspector are employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay. R.S.O. 1960, c. 368, s. 45 (3); 1964, c. 108, s. 5.

51. A separate school board may enter into an agreement with any other separate school board to provide for the other board,

(a) accommodation for administrative purposes, or

(b) the services of a psychiatrist, psychologist or teacher. 1966, c. 143, s. 8.

VACANCY IN OFFICE OF TRUSTEE

52.—(1) If a vacancy in the office of trustee for a rural school occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office.

(2) The new election shall be conducted in the same manner and is subject to the same provisions as an annual election. R.S.O. 1960, c. 368, s. 46.

(3) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a combined separate school board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote.

(4) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a combined separate school board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in the case of a tie the secretary of the board shall determine the order of retirement by lot.
(5) In the case of an urban separate school board or a combined separate school board,

(a) any vacancy that occurs within one month before the next ensuing election shall not be filled in the manner provided by subsection 3 or 4, but the office shall remain vacant until the election, and, if the term of the vacant office then expires, a new trustee shall be elected or, if the term does not then expire, some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;

(b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 3 or 4, as the case may be;

(c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;

(d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the secretary of the board shall determine the order of retirement by lot. 1960-61, c. 94, s. 5.

RATES, BORROWING POWERS AND GRANTS

53.—(1) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property. 1962-63, c. 132, s. 7, part.

(2) The notice is not required to be renewed annually. R.S.O. 1960, c. 368, s. 47 (2).

(3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone.

(4) Any person who, if resident in a separate school zone, would be entitled to be a supporter of a separate school, on giving the notice provided in The Assessment Act that he is the owner of unoccupied land situate therein, may direct that all such land in
the separate school zone shall be assessed for the purposes of the separate school. 1962-63, c. 132, s. 7, part.

(5) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

(6) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and on summary conviction is liable to a fine of $40.

(7) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the separate school. R.S.O. 1960, c. 368, s. 47 (4-6).

54.—(1) The boundaries of separate school zones shall be determined in relation to their centres.

(2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing of due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

(3) Where a board operates two or more separate schools, there shall be a centre for each school.

(4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land. 1962-63, c. 132, s. 8, part.

(5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister and the clerks of the municipalities concerned and the secretaries of boards of school sections affected in territory without municipal organization before the 30th day of September of the year in which the parcel was so approved. 1962-63, c. 132, s. 8, part; 1967, c. 93, s. 5 (1).

(6) The centres of a combined separate school zone are the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated.
(7) Subject to section 55, every parcel of land that is wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone. 1962-63, c. 132, s. 8, part.

(8) Subject to section 55, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is within a radius of three miles from a centre in the urban municipality and that is within an urban municipality in which a separate school board has not been established or within a township. 1964, c. 108, s. 6.

(9) Where a separate school board has heretofore been established for a ward in a municipality, the board is continued until dissolved under this Act, and the separate school zone under the jurisdiction of the board includes any parcel of land within the ward.

(10) A separate school zone, except a combined separate school zone, shall not include land in a municipality as well as land in territory without municipal organization. 1962-63, c. 132, s. 8, part.

(11) For each separate school zone that includes part or all of a township or territory without municipal organization, the supervisory officer of the separate school designated by the Minister shall,

(a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;

(b) describe each zone by indicating the name of the board, the centres in the zone, and the municipalities wholly or partly within the zone;

(c) where the boundary of a zone is altered, prepare a revised map and description;

(d) sign and date the original maps and description of each zone and retain them on file; and

(e) furnish,

(i) to each separate school board, a map or description of its zone,

(ii) to the township clerk and assessor or assessment commissioner, a map showing the zone boundaries and a description of each zone, and

(iii) to the supervisory officer of each public school, a description of each separate school zone within his jurisdiction. 1962-63, c. 132, s. 8, part; 1967, c. 93, s. 5 (2), amended.
Arbitrate assets and liabilities

(12) When a separate school zone is established and the boundary of an adjoining separate school zone is thereby altered, the board concerned shall, in the manner provided in section 37, appoint arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the arbitrators is final and binding. 1962-63, c. 132, s. 8, part.

Rates in unorganized territory in combined zone

(13) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the levying and collecting of rates for separate schools in the territory without municipal organization and the board and the council of the municipality may enter into an agreement providing for the officers of the municipality to levy and collect rates for separate schools in such territory without municipal organization. 1962-63, c. 132, s. 8, part; 1968, c. 125, s. 4, amended.

Boundaries where zones overlap in township, etc.

55.—(1) Where two or more separate school zones would otherwise overlap in a township or in territory without municipal organization, the appropriate supervisory officer shall, after he has consulted with the boards involved, determine a boundary between each of the zones in the township or territory.

When alteration effective

(2) A boundary in the overlapping area may be altered before the 1st day of July in any year, and such alteration shall be effective on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be effective on the day of nomination for trustees.

Appeal

(3) A separate school board or a separate school supporter affected by the determination of the supervisory officer may appeal the determination to the judge before the 1st day of August following the determination. 1964, c. 108, s. 7, amended.

All parts of zone to be adjoining

(4) The boundaries of a separate school zone as determined by the supervisory officer or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining. 1965, c. 122, s. 10, amended.

Effect of change in boundaries

(5) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the supervisory officer or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. 1962-63, c. 132, s. 8, part, amended.
56.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board, and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the supervisory officer of the separate school, the clerk of each municipality concerned and the public school supervisory officer, for any school board that may be affected thereby, and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting.

(2) A separate school board is discontinued on the 31st day of December in any year,

(a) if, before the 30th day of September in the year in which the board is established, the board fails to secure the approval of the supporters for a parcel of land for a site of a schoolhouse or for a centre of its zone; or

(b) if, for any school term after the year in which the board was established, the board,

(i) fails to operate a school, or

(ii) fails to make an agreement with another separate school board for the education of its pupils and fails to provide transportation for the pupils who would otherwise be excused from attendance under clause c of subsection 2 of section 6 of The Schools Administration Act; or

(c) if no one is assessed as a supporter in the separate school zone on the assessment roll on which taxes are to be levied in the following year; or

(d) if the supporters fail to elect the required number of trustees in two successive annual or biennial elections, as the case may be.

(3) When a board is discontinued under subsection 2, the supervisory officer of the separate school shall forthwith notify the Minister, the separate school board concerned, the clerks of the municipalities concerned and the supervisory officers of the public school boards affected thereby.

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Department of Municipal Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.
(5) The records of a board that has been discontinued under this section shall be filed in the office of the supervisory officer of the separate school.

(6) The supervisory officer of the separate school shall revise the boundaries of the zones that are altered as a result of discontinuing a separate school board.

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the supervisory officer of the separate school is notified that an offer to purchase the real property has been made, the supervisory officer shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property.

(8) When the board has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

(9) A separate school board that has been discontinued in any year may, in any subsequent year, be re-established in the school section in which the separate school was established in the manner provided in sections 18 to 21 or section 22, and the funds that were deposited by the board that was discontinued shall be returned to the board. 1962-63, c. 132, s. 8, part.

57. When a supporter of a separate school in an urban municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate. 1962-63, c. 132, s. 9.

58.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he is exempt from the payment of separate school taxes or rates in the municipality in which he resides, but is liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

(2) The board of the school of which he is a supporter shall on or before the 1st day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school, and the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1960, c. 368, s. 51.
59.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall, on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year,

(a) where the separate school is situated in a municipality, to the clerk of the municipality; or

(b) where the separate school is situated in territory without municipal organization,

(i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or

(ii) if he does not reside in a school section, to the secretary of the separate school board,

otherwise he shall be deemed to be a supporter of the separate school. 1961-62, c. 132, s. 8; 1964, c. 108, s. 8.

(2) A person who has withdrawn his support from a Roman Catholic separate school is not exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate schoolhouse, imposed before the time of his withdrawing such support. R.S.O. 1960, c. 368, s. 53 (2).

60.—(1) The clerk of every municipality shall keep entered in an index book (Form 1) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 53, 63 and 64, or by former Acts respecting separate schools. R.S.O. 1960, c. 368, s. 54 (1).

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 59, or by any such other Act, with the date of the withdrawal, or any disallowance of the notice by the Assessment Review Court, by a judge, by the Ontario Municipal Board or by the Court of Appeal, with the date of the disallowance. R.S.O. 1960, c. 368, s. 54 (2), amended.

(3) The index book shall be open to inspection by any ratepayer.

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.

(5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices. R.S.O. 1960, c. 368, s. 54 (3-5).
61.—(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertance a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools, the council, after due inquiry and notice, may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the Assessment Review Court, a judge, the Ontario Municipal Board or the Court of Appeal on appeal.

R.S.O. 1960, c. 368, s. 55 (1), amended.

(2) In case of such action by a council the ratepayer is liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1960, c. 368, s. 55 (2).

62.—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes.

(2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. R.S.O. 1960, c. 368, s. 56.

63.—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves alters or affects this provision.

(2) Where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he is only liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1960, c. 368, s. 57.

64.—(1) A corporation by notice (Form 2) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under The Assessment Act, to be entered, rated and assessed for the purposes of the separate school.

R.S.O. 1970, c. 32
(2) The assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares. R.S.O. 1960, c. 368, s. 58 (1-3).

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly. R.S.O. 1960, c. 368, s. 58 (4); 1962-63, c. 132, s. 11.

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices that may be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1960, c. 368, s. 58 (5, 6).

65. Every separate school board in each year shall prepare and adopt estimates of all sums required during the year for separate school purposes and such estimates,

(a) shall set forth estimated revenues and expenditures of the board including debt charges payable by the board;

(b) shall make due allowance for a surplus of any previous year that will be available during the current year;

(c) shall provide for any deficit of any previous year; and

(d) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided.
Powers of trustees

66.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1960, c. 368, s. 59.

67. Where some of the supporters of a separate school reside in a municipality or in territory without municipal organization and in a secondary school district and other supporters of the separate school reside in another municipality or in territory without municipal organization and not in a secondary school district, and the separate school board,

(a) provides daily transportation; or

(b) reimburses the parents or guardians for the cost of board, lodging, and transportation once a week under subsection 8 of section 42 of The Schools Administration Act,

for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the secondary school district, such separate school board may levy the cost of such transportation or reimbursement for the preceding year, less the legislative grants paid thereon, on the supporters who do not reside in the secondary school district. 1968-69, c. 117, s. 2.

68.—(1) Where a separate school zone includes territory in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone which, when applied to the local assessment of properties in a municipality, would increase or
decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

(2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

(3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

(4) The secretary of the board shall call the meeting of the arbitrators.

(5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

(6) The factors shall be determined,
   
   (a) in the year in which the separate school is formed;
   
   (b) in any year that is divisible evenly by 5;
   
   (c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situated; and
   
   (d) in any year if the board so directs.

(7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final.

(8) The factors determined in any year shall be used for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors.

(9) The cost of the arbitration shall be paid by the separate school board. 1962-63, c. 132, s. 12 (1-9).
69. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor’s or collector’s roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1960, c. 368, s. 60.

70. The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 53, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1960, c. 368, s. 61.

71. (1) A municipal council, if so requested by the board on or before the 1st day of February in any year, shall, through its collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools. R.S.O. 1960, c. 368, s. 62 (1); 1966, c. 143, s. 10.

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected for separate school purposes shall be paid by the corporation to the treasurer of the board from time to time as may be required by the board and in any event not later than the 15th day of December in the year in which the rates are levied. 1965, c. 122, s. 11; 1967, c. 93, s. 6.

72. Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued thereunder, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall,

(a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 315 of The Municipal Act, being chapter 249 of the Revised Statutes of Ontario, 1960; or

(b) be invested in securities of the Province of Ontario and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys have heretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited. R.S.O. 1960, c. 368, s. 65.
The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the schoolhouse property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any ratepayer, who was a separate school supporter in the separate school zone at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within the separate school zone, continue to be liable for the rate to be levied for the repayment of the money so secured. 1962-63, c. 132, s. 14.

The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money that it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures are a charge on the same property and the rates as in the case of mortgages thereof made by the board.

The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by The Municipal Act in the case of debentures issued under that Act.

Where the debt is not payable by instalments, the board shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by The Municipal Act as to the investment of sinking funds. R.S.O. 1960, c. 368, s. 66 (2-5).

Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,

(a) the purpose for which the money is to be borrowed;
(b) the amount to be borrowed and the security therefor;

(c) the terms of repayment including the rate of interest,

and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

R.S.O. 1960, c. 368, s. 66 (6); 1965, c. 122, s. 12.

(7) The debentures issued under the by-law may be for such amounts as the board considers expedient. R.S.O. 1960, c. 368, s. 66 (7).

74.—(1) Every separate school is entitled to share in all grants, investments and allotments for public school purposes made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months that may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

(2) Where the grant is made by a county council it shall be apportioned in like manner as the legislative grant.

(3) A separate school is not entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1960, c. 368, s. 67.

MISCELLANEOUS

75. The Minister, the judges of all courts, members of the Assembly, heads of the municipal corporations in their respective localities, the supervisory officers of public schools and clergymen of the Roman Catholic Church are visitors of separate schools. R.S.O. 1960, c. 368, s. 68.

76. The schools with their registers are subject to such inspection as may be directed by the Minister and are subject also to the regulations. R.S.O. 1960, c. 368, s. 69.

77. The Minister may, subject to the regulations, constitute a separate school in any county or district a model school for the training of teachers for separate schools. R.S.O. 1960, c. 368, s. 70.

78. In the event of a disagreement between a board and the supervisory officer of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an
existing school, or any other proceeding of a rural school meeting,
signed by five supporters of the school concerned or of such
existing school, the matter in difference shall be determined by
the Minister, subject to an appeal to the Lieutenant Governor in
Council, whose decision is final. R.S.O. 1960, c. 368, s. 71.

79. Except as otherwise provided, the fines imposed by or
under the authority of this Act are recoverable under The
Summary Convictions Act and shall be applied to such separate
school purposes as the Minister may direct. R.S.O. 1960, c. 368,
s. 73.

PART III

COUNTY AND DISTRICT COMBINED ROMAN CATHOLIC
SEPARATE SCHOOL BOARDS

80.—(1) In this Part,

(a) "city" includes a separated town;

(b) "county" includes a provisional county, and a united
county;

(c) "county combined separate school board" means a
separate school board established for a county combined
separate school zone under this Part;

(d) "county combined separate school zone" means a union
of the separate school zones whose centres are within an
area that is designated by the regulations made under
this Part and that includes separate school zones in that
part of Ontario with county organization;

(e) "county municipality" means a municipality that forms
part of a county for municipal purposes and includes a
municipality, other than a city, that forms part of a
regional municipality;

(f) "district combined separate school board" means a
separate school board established for a district com­
bined separate school zone under this Part;

(g) "district combined separate school zone" means a union
of the separate school zones whose centres are within an
area designated by the regulations made under this Part
that is in the territorial districts;

(h) "district municipality" means a municipality, except a
city, in a territorial district, and includes an area
municipality as defined in The District Municipality of
Muskoka Act;

Recovery
and application
of fines
R.S.O. 1970,
c. 450

Interpre­
tation

R.S.O. 1970,
c. 131
(i) "population" means the population as determined under The Municipal Unconditional Grants Act;

(j) "separate school supporter" in a combined separate school zone means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school, and

(ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of a separate school. 1968, c. 125, s. 6, part; 1970, c. 64, s. 2.

(2) For the purposes of this Part, the area municipalities as defined in The Regional Municipality of Ottawa-Carleton Act, except the cities of Ottawa and Vanier and the Village of Rockcliffe Park, shall be deemed to be a county. 1968, c. 125, s. 6, part, amended.

(3) For the purposes of this Part, every separate school zone that comprises only territory without municipal organization and whose centre is in an area designated by the regulations made under this Part and any part of territory without municipal organization that is part of a combined separate school zone whose centres are in an area designated by the regulations made under this Part shall be deemed to be a district municipality. 1968, c. 125, s. 6, part; 1968-69, c. 117, s. 3 (1).

(4) For the purposes of this Part, the County of Essex does not include the City of Windsor, and the County of York does not include the area municipalities as defined in The Municipality of Metropolitan Toronto Act. 1968, c. 125, s. 6, part.

(5) Sections 87, 88 and 89 apply mutatis mutandis to the City of Windsor and The Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor. 1968-69, c. 117, s. 3 (2).

(6) The board of a district combined separate school zone that includes territory without municipal organization that is deemed a district municipality for the purposes of this Part shall exercise the powers and duties of a municipal council for such district municipality in respect of preparing estimates, levying rates, collecting taxes and issuing debentures for the purposes of the district combined separate school board and in respect of the election of members of such board, and all the officers appointed
by such board have the same powers and duties as similar officers in an organized municipality except that the provisions of subsections 7 to 11 of section 22 apply. 1968, c. 125, s. 6, part, amended.

(7) The trustees of an improvement district that forms part of a district combined separate school zone, in each year in which an election for members of the district combined separate school board is to be held, shall provide for such election in the improvement district in the same manner as for the election of trustees in a municipality, and the secretary-treasurer of the improvement district shall be the clerk and returning officer and has all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the preparation of a voters' list and the election of members of a district combined separate school board under The Municipal Act and The Voters' Lists Act, which apply mutatis mutandis. 1968, c. 125, s. 6, part.

31.—(1) On and after the 1st day of January, 1969, the separate school zones and the former separate school zones that form all or part of a combined separate school zone whose centres are within an area designated by the regulations made under subsection 2 are united to form a county or district combined separate school zone, as the case may be. 1968, c. 125, s. 6, part.

(2) The Lieutenant Governor in Council may make regulations,

(a) designating areas in Ontario in which the separate school zones whose centres are within the areas are to be united to form county or district combined separate school zones and designating the names of the areas;

(b) altering the boundaries of any such area;

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1968, c. 125, s. 6, part; 1968-69, c. 117, s. 4.

(3) Where the centre of a separate school zone established under section 21 on or after the 1st day of January, 1969, is within an area designated by the regulations made under subsection 2, the separate school zone shall forthwith become a part of the county or district combined separate school zone in that area. 1968, c. 125, s. 6, part.

32.—(1) On and after the 1st day of January, 1970, the cities of Vanier and Ottawa and the Village of Rockcliffe Park are united to form a county combined separate school zone under this Part. 1968, c. 125, s. 6, part, amended.
(2) A separate school board shall be established for such combined separate school zone which shall be a corporation by the name of "The Ottawa Roman Catholic Separate School Board" and shall consist of sixteen trustees.

(3) The number of trustees to be elected by the separate school supporters in the area comprising the City of Ottawa and the Village of Rockcliffe Park shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying sixteen by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the City of Ottawa and the Village of Rockcliffe Park to the equalized residential and farm assessment of all the property rateable for separate school purposes in the combined separate school zone, and such trustees shall be elected by general vote. 1968, c. 125, s. 6, part.

(4) The number of trustees to be elected by the separate school supporters in the City of Vanier shall be sixteen, less the number determined under subsection 3, and such trustees shall be elected by general vote. 1968, c. 125, s. 6, part; 1968-69, c. 117, s. 5 (1), amended.

(5) Commencing in the year 1969, the trustees of The Ottawa Roman Catholic Separate School Board shall be elected at the same time and place and for the same term of office as the members of The Ottawa Board of Education, and the meeting for the nomination of candidates for the offices of trustees to be elected by the separate school supporters in the City of Ottawa and the Village of Rockcliffe Park shall be held by the returning officer of the City of Ottawa, and the clerk of the Village of Rockcliffe Park, forthwith after the election, shall report the vote recorded in his municipality to the clerk of the City of Ottawa who shall prepare the final summary and announce the vote.

(6) Except where inconsistent with this section, the other provisions of this Part in respect of county combined separate school boards apply mutatis mutandis to the board established under subsection 2, except that the references to the years 1968, 1969 and 1970, wherever they occur, shall be deemed to refer to the years 1969, 1970 and 1971 respectively. 1968-69, c. 117, s. 5 (2).
Sec. 86 (1) (a) SEPARATE SCHOOLS Chap. 430 405

(2) A separate school board shall be established for such county combined separate school zone which shall be a corporation by the name of "The Carleton Roman Catholic Separate School Board".

(3) The trustees of The Carleton Roman Catholic Separate School Board shall be elected at the same time and for the same term of office as the members of The Carleton Board of Education.

(4) Except as provided in this section, all the provisions of this Act respecting county combined separate school boards apply to The Carleton Roman Catholic Separate School Board. 1968, c. 125, s. 6, part.

84. A separate school board shall be established for each county and district combined separate school zone, and the trustees of the board shall be elected and the board organized in accordance with this Part. 1968, c. 125, s. 6, part.

85.—(1) A county combined separate school board that has jurisdiction in an area that includes only one county is a corporation by the name of "The ........................................ County Roman Catholic Separate School Board" (inserting the name of the county).

(2) A combined separate school board that has jurisdiction in an area that includes two or more counties is a corporation by the name of "The ........................................ County Roman Catholic Separate School Board" (inserting the names of the counties or a name selected by the board and approved by the Minister).

(3) A district combined separate school board that has jurisdiction in the territorial districts is a corporation by the name of "The ........................................ Roman Catholic Separate School Board" (inserting the name of the area designated by the regulations). 1968, c. 125, s. 6, part.

(4) Notwithstanding subsection 2 and 3 and except as provided in sections 82 and 83, a combined separate school board that has jurisdiction in all or part of a regional municipality is a corporation by the name of "The .................. Roman Catholic Separate School Board" (inserting a name selected by the board and approved by the Minister). 1968-69, c. 117, s. 6.

86.—(1) Upon the establishment of a county or district combined separate school zone,

(a) all separate school boards that have jurisdiction in separate school zones united to form the county or district combined separate school zone are dissolved;
(b) subject to subsection 3, all property vested in such boards and situate in the county or district combined separate school zone becomes vested in the county or district combined separate school board;

(c) all debts, contracts, agreements and liabilities for which such boards were liable, except employment contracts with teachers, become obligations of the county or district combined separate school board as determined by the arbitrators under subsections 2 and 3;

(d) the reserve for working funds, the balance in a reserve or a reserve fund accumulated from transfers from revenue funds and the audited surplus or deficit as at the 31st day of December, 1968, of each such board shall accrue to the credit of, or become the responsibility of, the assessment supporting such board on the 31st day of December, 1968, and shall be apportioned by the arbitrators under this section among the municipalities or parts thereof comprising the area of jurisdiction of such board in the same proportion as the requisition for the year 1968 was apportioned among such municipalities or parts;

(e) the employment contract of every teacher who, immediately before the 1st day of January, 1969, was required to teach only in one or more schools included in the county or district combined separate school zone becomes an obligation of the county or district combined separate school board; and

(f) the employment contract of every teacher, who immediately before the 1st day of January, 1969, was required to teach in one or more schools in the county or district combined separate school zone and in one or more schools in one or more other county or district combined separate school zones becomes an obligation of such combined separate school board as is provided by the arbitrators under subsection 3. 1968, c. 125, s. 6, part; 1968-69, c. 117, s. 7 (1, 2).

(2) Each county or district combined separate school board shall, on or before the 15th day of March, 1969, appoint three arbitrators who are not trustees of the board or members of a municipal council that has jurisdiction within the county or district combined separate school zone, who shall value and adjust in an equitable manner the assets and liabilities, as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, of the boards that, before they were dissolved under subsection 1, had jurisdiction wholly in the area in which the county or district combined separate school board has jurisdiction. 1968, c. 125, s. 6, part; 1968-69, c. 117, s. 7 (3).
(3) Where a board that is dissolved under subsection 1 had jurisdiction in an area that, after the 1st day of January, 1969, forms part of two or more county or district combined separate school zones, each such county or district combined separate school board shall, on or before the 15th day of March, 1969, designate two of the arbitrators appointed under subsection 2 who shall collectively value and adjust in an equitable manner the assets and liabilities of such boards as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, and shall apportion in an equitable manner the obligations under clauses c and f of subsection 1. 1968, c. 125, s. 6, part; 1968-69, c. 117, s. 7 (4).

(4) The arbitrators under subsection 3 shall appoint an additional arbitrator, and if the arbitrators fail to make such appointment before the 1st day of April, 1969, the Minister may make such appointment.

(5) Where a majority of the arbitrators is unable to reach a decision on any matter, such matter shall be referred by the county or district combined separate school board or boards to the county or district judge whose decision is final. 1968, c. 125, s. 6, part.

(6) The decision of a majority of the arbitrators under subsection 2 or 3 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause f of subsection 1 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 8, every such decision is final.

(7) A decision under subsection 2 or 3 or an amended decision under subsection 8 shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

(a) a decision in respect of a teacher's contract under clause f of subsection 1; or

(b) a decision, other than a decision referred to in clause a, that has been implemented in whole or in part before such date.

(8) Where, subsequent to the decision of the arbitrators referred to in subsection 6, a matter or condition that was not evident at the time the decision was made is brought to the attention of the county or district combined separate school board before the 30th day of September, 1970, the county or district combined separate school board, where no part of the decision, other than a decision in respect of a teacher's contract under clause f of subsection 1, has been implemented before the
15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 5 apply mutatis mutandis.

(9) For the purposes of subsection 8, where an arbitrator appointed under subsection 2, 3 or 4 is unable for any reason to act, a person qualified in accordance with subsection 2 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act. 1970, c. 64, s. 3.

(10) Where an employee of a board that, before the 1st day of June, 1968, has established a sick leave credit plan becomes, on the 1st day of January, 1969, an employee of a county or district combined separate school board, the board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the plan of the first-mentioned board.

(11) Notwithstanding the dissolution of a board under subsection 1, a county or district combined separate school board shall, by resolution, constitute any or all trustees of such former board that immediately prior to the 1st day of January, 1969, operated a school or schools in the county or district combined separate school zone and who are not trustees of a county or district combined separate school board, as a committee of such board in respect of their former jurisdiction, and shall delegate such of its powers and duties in respect of any matter or purpose other than policy, organization and planning, for such period of time as the county or district combined separate school board may determine and may terminate such delegation at any time but not later than the 30th day of June, 1969, and may pay to such a trustee a monthly honorarium equivalent to that to which he was entitled as a trustee of the former board in the month of December, 1968. 1968, c. 125, s. 6, part.

(12) Notwithstanding subsection 4 of section 102 of The Schools Administration Act, each arbitrator appointed under this section shall be paid such fee for his services as is determined by the board that appointed him. 1968-69, c. 117, s. 7 (5).

87.—(1) Where taxes are collected by a municipal council under section 71 for the purposes of a combined separate school board under this Part, the notice of taxes given by the collector under section 542 of The Municipal Act shall be given separately in relation to taxes imposed for school purposes or in such manner as will clearly indicate the taxes imposed for school purposes. 1968, c. 125, s. 6, part.
(2) Where the council of a municipality all or part of which is in a county or district combined separate school zone, levies and collects the rates and taxes imposed by the county or district combined separate school board, the council shall, subject to subsections 3 and 5, pay to such board the sums required to be raised by the municipality in the following instalments:

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September;
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalment or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

(3) Where a county or district combined separate school board has requested the municipalities that are in whole or in part within the county or district combined separate school zone to levy and collect the rates or taxes imposed by the board, the board may, by agreement with a majority of the municipalities in which it has jurisdiction, where such municipalities represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 68, provide for any number of instalments and amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to every municipality all or part of which is within the combined zone, and otherwise subsection 2 applies mutatis mutandis.

(4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,

(a) by the secretary of the county or district combined separate school board as authorized by a resolution of the board; or

(b) by the clerks of the majority of the municipalities which represent at least two-thirds of the assessment of the
property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 68,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.

(5) Where in any year a municipality is required to levy and collect the rates or taxes imposed by a county or district combined separate school board, and, for any reason, the rates to be levied have not been submitted to the council of the municipality before the date upon which an instalment is due, the amount of the instalment shall be based upon the rates submitted in the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment, the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the rates are received. 1970, c. 64, s. 4.

88.—(1) Every separate school board under this Part shall appoint an auditor who shall be a person licensed by the Department of Municipal Affairs as a municipal auditor and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the trustees of the board.

(2) No person shall be appointed as an auditor of a separate school board under this Part who is, or during the preceding year was, a trustee of the board or who has, or during the preceding year had, any direct or indirect interest in any contract or any employment with the board other than for services within his professional capacity, and every auditor, upon appointment, shall make and subscribe a declaration to that effect.

(3) An auditor of a separate school board under this Part shall perform such duties as are prescribed by the Department and by the Department of Municipal Affairs and also such duties as may be required by the board that do not conflict with the duties prescribed by the Department and by the Department of Municipal Affairs.

(4) An auditor of a separate school board under this Part has right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the board and is entitled to require from the trustees and officers of the board such information and explanation as in his opinion may be necessary to enable him to carry out his duties.

(5) An auditor of a separate school board under this Part may require any person to give evidence on oath touching any of such matters, and for such purpose has all the powers that may be conferred upon a commissioner under The Public Inquiries Act.
(6) An auditor of a separate school board under this Part is entitled to attend any meeting of the board or of a committee thereof and to receive all notices relating to any such meeting that any trustee is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. 1968, c. 125, s. 6, part.

89. — (1) The treasurer of every separate school board, under this Part in every year shall, within one month after receiving the auditor’s report on the financial statements of the board, cause to be published or to be mailed or delivered to each supporter a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and a statement of revenue and expenditure for the preceding year, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor.

(2) Where in any year a tax notice is mailed to each supporter before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 1, cause to be included with such notice the copy or summary and the report. 1968, c. 125, s. 6, part.

90. — (1) In this section,

(a) “equalized residential and farm assessment” means the residential and farm assessment as adjusted by the application of the equalization factor based on the assessment referred to in clause b, provided by the Department of Municipal Affairs;

(b) “residential and farm assessment” means the residential and farm assessment upon which taxes are levied in the year in which a determination is made or the year in which nominations are held, as the case may be. 1968, e. 125, s. 6, part.

(2) Subject to subsection 4, the number of trustees of a county combined separate school board shall be determined by the population of the county or counties in the county combined separate school zone, and the number of trustees of a district combined separate school board shall be determined by the population of the municipalities all or part of which are included in the district combined separate school zone, as the case may be, as follows, where the population is,

(a) less than 25,000, eight trustees;

(b) 25,000 or more but less than 45,000, ten trustees;

(c) 45,000 or more but less than 100,000, twelve trustees;

(d) 100,000 or more but less than 200,000, fourteen trustees;
(e) 200,000 or more, sixteen trustees. 1968, c. 125, s. 6, part; 1968-69, c. 117, s. 8 (1).

(3) Where it becomes evident from the population of the county or counties in a county combined separate school zone or of the municipalities all or part of which are in a district combined separate school zone that the number of trustees of the board should be increased or decreased in accordance with subsection 2, at the next election of trustees the proper number of trustees shall be elected. 1968, c. 125, s. 6, part.

(4) Where a combined separate school zone includes county or district municipalities or parts thereof and one or more cities, the number of trustees to be elected by the separate school supporters,

(a) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of trustees determined under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the city to the equalized residential and farm assessment of all the property rateable for separate school purposes in the county or district combined separate school zone; and

(b) of the county or district municipalities or the parts thereof shall be the number of trustees determined under subsection 2 less the total number of trustees determined under clause a for the city or cities, but in no case shall the number of trustees to be elected under this clause be fewer than one. 1968, c. 125, s. 6, part; 1968-69, c. 117, s. 8 (2).

(5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsection 4, and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination.

(6) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection 4,
(a) if it is determined under subsection 3 that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered under subsection 2 of section 81, effective the 1st day of January next following the election;

(b) if,

(i) the boundaries of one or more cities within the county or district combined separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest determination made under subsection 4 that did not take into account the altered boundaries or the new city, or

(ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected effective the 1st day of January of the year next following the election; and

(c) in every fourth year following the latest determination under subsection 4,

and, subject to subsection 15, a determination made under subsection 4 is effective until a new determination is required in accordance with this subsection. 1970, c. 64, s. 5 (1).

(7) Where a city is not entitled to one or more trustees under clause a of subsection 4, the city shall be deemed to be a county or district municipality for the purposes of subsection 4 or 8, and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection 8. 1968, c. 125, s. 6, part.

(8) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

(a) a determination is made in accordance with subsection 6; or
(b) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,

the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected in the county or district municipalities shall the determination provide for a trustee to be elected by a general vote of all the separate school supporters of the county or district municipalities, and such determination is effective until a new determination is required under this subsection. 1970, c. 64, s. 5 (2).

Where judges to make determination

(9) Where the determination under subsection 8 is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection 11, and his decision is final. 1970, c. 64, s. 5 (2).

Municipal clerk from each county to be on committee under subs. 8

(10) Where the separate school zones in two or more counties are combined to form a county combined separate school zone, and where the three clerks designated under subsection 8 do not include a clerk from each county in the county combined separate school zone, the clerk of the municipality having the greatest equalized residential and farm assessment for separate school purposes in each such county not so represented shall act together with the clerks designated under subsection 8.

Determination

(11) In determining under subsection 8,

(a) the number of trustees to be elected by the separate school supporters of a county or district municipality; or

(b) the county or district municipalities that are to be combined for the election of one or more trustees by the separate school supporters of such municipalities,

the clerks of the county or district municipalities, as the case may be, shall apportion the number of trustees determined for a combined separate school zone under clause b of subsection 4, as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone in the county or district municipalities in such zone, and shall, in so far as it is
practicable to do so, combine municipalities that are adjoining. 1968, c. 125, s. 6, part.

(12) Where the determination made by the clerks of the county or district municipalities under subsection 8 allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school supporters of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the county or district judge who, before the 1st day of October, shall either reapportion the number of trustees in accordance with subsection 11 or, where he determines that the determination was made in accordance with subsection 11, confirm the determination, and his decision is final. 1968, c. 125, s. 6, part; 1970, c. 64, s. 5 (3).

(13) On the request of the clerk of the county municipality or the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a combined separate school zone, the clerk of each city and of each county or district municipality and the secretary of the county or district combined separate school board shall provide the clerk of such county municipality or organized district municipality with the information required to make any determination under this section, and in the year 1968 the secretary of each separate school board shall provide such information. 1968, c. 125, s. 6, part.

(14) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone shall send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board,

(a) before the 1st day of September, 1968, and before the 1st day of September in each year in which it is determined under subsection 3 that the number of trustees of the board should be increased or decreased or in which a determination is made under subsection 8, a copy of the determination made under subsection 8; and
(b) before the 1st day of October in each year in which a determination is made by the judge under subsection 9 or 12, a copy of the determination. 1968, c. 125, s. 6, part; 1970, c. 64, s. 5 (4).

(15) The council of any municipality concerned and a district combined separate school board on behalf of any territory without municipal organization may, within ten days of the mailing of the determination made under subsection 4, appeal to the judge with respect to the accuracy of the determination, and the judge shall either vary or confirm the determination, and his decision is final, and the clerk of the county or district municipality responsible under subsection 5 for making such determination shall make the changes required by the judge and shall send a copy of the decision by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board. 1968, c. 125, s. 6, part.

(16) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 12 or subsection 15, shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

(17) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the separate school supporters of such board in the municipality, provided that, where it is determined under this section that the number of trustees to be elected to the board by the separate school supporters in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school supporters in each of such areas.

(18) A by-law for the purpose mentioned in subsection 17 and a by-law repealing any such by-law shall not be passed later than
the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. 1970, c. 64, s. 5 (6).

(19) Where it is determined under subsection 8 that two or more county or district municipalities shall be combined for the purposes of the election of one or more trustees to a combined separate school board, such trustee or trustees shall be elected by a general vote of the separate school supporters of such board in the combined area, and,

(a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for the purposes of such board in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause a, who shall prepare the final summary and announce the vote. 1968, c. 125, s. 6, part; 1970, c. 64, s. 5 (7, 8).

(20) For the purposes of clause b of subsection 19, the secretary of the district combined separate school board shall be the clerk of each part of territory without municipal organization in the district combined separate school zone that is deemed to be a district municipality for separate school purposes. 1968, c. 125, s. 6, part.

(21) The trustees of a county or district combined separate school board shall be elected for a term of two years and the election of such trustees shall take place in the year 1968 and in every second year thereafter.

(22) Where in a municipality there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of trustees of the county or district combined separate school board in the year 1968 and in every second year thereafter.

(23) An election of trustees of a county or district combined separate school board shall be conducted in a municipality by the same officers and in the same manner as municipal elections in the municipality, and,

(a) the meetings of separate school supporters for the nomination of candidates for a county or district combined separate school board shall be held on the second Monday preceding the first Monday in December;
(b) the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon, except that, where a municipal election is being held on the same day, the polls shall be open between the same hours as for the municipal election;

(c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 46 of The Municipal Act; and

(d) the council of a municipality may by by-law provide for advance polls, and section 91 of The Municipal Act applies mutatis mutandis.

Voters' list

(24) The list of voters to be used in an election of trustees of a county or district combined separate school board is,

(a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the combined separate school board; or

(b) where no municipal election is to be held in a municipality in the year of the election of the combined separate school board, the last revised voters' list for the municipality completed in accordance with The Voters' Lists Act; or

(c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years, except that only persons who are separate school supporters of the combined separate school board may vote at the election of the trustees of such board.

Certificate to enter name on voters' list

(25) Where, in a municipality in which no municipal election is to be held in the year of the election of the combined separate school board, or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of The Assessment Act, and the clerk is satisfied that the person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in
Form 10 to The Municipal Act, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list. 1970, c. 64, s. 5 (9).

(26) Where the council of a municipality is required to provide for an election of trustees of a county or district combined separate school board in a year other than a year in which the election of the members of the council is held, the county or district combined separate school board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of trustees of the board, excluding the cost of preparing the voters’ list. 1970, c. 64, s. 5 (10).

91. — (1) Every person in a municipality or in a part thereof or in a combination of municipalities who is qualified to vote for trustees of a separate school board under this Part is entitled to as many votes as there are trustees to be elected in such municipality or part or combination of municipalities, but may not give more than one vote to any one candidate.

(2) The trustees retiring at the expiration of the terms for which they were respectively elected are eligible for re-election if otherwise qualified.

(3) Every proposer and seconder of a candidate nominated for the office of a trustee to be elected to a separate school board under this Part shall be a separate school supporter. 1968, c. 125, s. 6, part.

(4) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated. 1970, c. 64, s. 6.

(5) Where the office of a trustee of a separate school board under this Part becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided in section 52 for filling a vacancy on a separate school board in an urban municipality. 1968, c. 125, s. 6, part.
92.—(1) Where, on the 31st day of December, 1968, a pupil is enrolled in a separate school that he has a right to attend, and the school on and after the 1st day of January, 1969, is situated in a combined separate school zone other than that in which the pupil resides, the pupil has, in addition to any other right that he may have under The Department of Education Act, The Schools Administration Act or this Act, the right to attend the school until he completes his education in the school.

(2) Where any part of a separate school zone after the 1st day of January, 1969, forms a part of a county or district combined separate school zone other than the county or district combined separate school zone in which the school that the pupils resident in such part had a right to attend on the 31st day of December, 1968, is situate, all pupils who reside in such part after the 1st day of January, 1969, may attend such school until the county or district combined separate school boards concerned agree to other arrangements for the accommodation of such pupils. 1968, c. 125, s. 6, part.

(3) Subsections 1 and 2 do not extend the right acquired by a pupil to attend a school under an order of the Ontario Municipal Board or under an agreement between two or more boards or between a board and the Crown in right of Canada. 1968-69, c. 117, s. 9.

93.—(1) A separate school board under this Part having an enrolment in its schools on the first school day of 1969 of 2,000 or more shall, on or before the 1st day of August, 1969, appoint a superintendent of separate schools who shall be the chief education officer and the chief executive officer of the board, and he shall hold the qualifications required by the regulations.

(2) A separate school board under this Part having an enrolment in its schools of 2,000 or more on the 30th day of September of the year 1969 or of any year thereafter shall, on or before the 1st day of August of the year following, appoint a superintendent of separate schools who shall be the chief education officer and the chief executive officer of the board, and he shall hold the qualifications required by the regulations.

(3) A county or district combined separate school board having an enrolment in its schools of fewer than 2,000 may appoint such supervisory officers as are approved by the Minister. 1968, c. 125, s. 6, part.

94. Notwithstanding the provisions of any special Act, this Part applies to every separate school board, county, municipality and person in accordance with the provisions of this Part. 1968, c. 125, s. 6, part.
95. The provisions of Part II that are not inconsistent with this Part shall be read as part of this Part and shall apply to combined separate school boards under this Part, and so far as such provisions are inconsistent with the provisions of this Part, they do not apply to combined separate school boards under this Part. 1968, c. 125, s. 6, part.

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FORM 1

FORM OF INDEX BOOK

(Section 60 (1))

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R.S.O. 1960, c. 368, Form 1.

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FORM 2

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX

(Section 64 (1))

To the Clerk of (describing the municipality)

Take notice that (here insert the name of the corporation so as to sufficiently and reasonably designate it) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (giving the name of the municipality) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, one-fifth (or as the case may be) of the land and business or other assessments.

Given on behalf of the company this (here insert date).

R.S., Secretary of the Company.

R.S.O. 1960, c. 368, Form 2.