



1970

c 447 St. Lawrence Parks Commission Act

Ontario

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CHAPTER 447

The St. Lawrence Parks Commission Act

1. In this Act,

Interpretation

- (a) "Commission" means The St. Lawrence Parks Commission;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) "Parks" means all land in the counties of Glengarry, Stormont, Dundas, Grenville, Frontenac, Lennox and Addington, and Leeds vested in or placed under the control of the Commission, including highways, roads and boulevards and any interest in land. R.S.O. 1960, c. 279, s. 1; 1964, c. 84, s. 2.

2.—(1) The St. Lawrence Parks Commission is continued as a corporation without share capital, and shall be composed of not fewer than three and not more than fifteen members appointed by the Lieutenant in Council. 1962-63, c. 98, s. 1, *part*; 1964, c. 84, s. 3, *amended*.

Commission continued

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate one member as vice-chairman.

Chairman, vice-chairman

(3) The chairman and the vice-chairman, if any, shall be paid such salary as is fixed by the Lieutenant Governor in Council.

Remuneration of chairman and vice-chairman

(4) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chairman. 1962-63, c. 98, s. 1, *part*.

Acting chairman

(5) Vacancies in the membership of the Commission may be filled by the Lieutenant Governor in Council.

Vacancies

(6) Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and be entitled to act as such without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly.

Members of Assembly R.S.O. 1970, c. 240

Quorum (7) The powers of the Commission may be exercised by a majority of the members. R.S.O. 1960, c. 279, s. 2 (5-7).

Staff **3.**—(1) The Lieutenant Governor in Council may appoint such officers, clerks or other employees as may be necessary for the purposes of the Commission and shall fix their salaries, wages or other remuneration.

Idem R.S.O. 1970, c. 386 (2) All such officers, clerks or other employees so appointed are subject to *The Public Service Act* and are civil servants within the meaning of that Act. R.S.O. 1960, c. 279, s. 4.

Expenses **4.** All expenditures, costs, charges and expenses incurred and payable in respect of the carrying out of this Act, including the salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof and including all capital expenditures authorized by the Lieutenant Governor in Council, shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 279, s. 5.

General powers and duties **5.**—(1) It is the duty of the Commission to develop, control, manage, operate and maintain the Parks and for the purposes of carrying out such duty the Commission has power,

- (a) to make such by-laws, rules and orders as may be considered expedient for the constitution of the Commission and the administration and management of its affairs and the conduct of its business;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational facilities, restaurants, refreshment booths, stands for the sale of souvenirs and other wares, shops, sanitary and toilet facilities, buses and other vehicles for use in connection with the Parks, boats and boat lines, camp sites and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of the Parks;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (d) to operate and maintain a school for the training of apprentice gardeners;
- (e) to receive and take from any person by grant, gift, devise, bequest or otherwise any property real or personal or any interest therein.

General power to investigate matters upon request of Minister, municipality or inhabitant (2) It is the duty of the Commission to investigate and inquire into any matter or subject affecting or incidental to the welfare of the municipalities in the counties of Glengarry, Stormont, Dundas, Grenville, Frontenac, Lennox and Addington, and Leeds, or any of them, or the inhabitants thereof as may be referred to the

Commission by a member of the Executive Council or any such municipality or inhabitant, and the Commission may report thereon to such member, municipality or inhabitant or any of them. R.S.O. 1960, c. 279, s. 6.

6. With the approval of the Lieutenant Governor in Council, the Commission has power, Qualified powers

- (a) to acquire by purchase, lease or otherwise and with or without the consent of the owner enter upon, take and expropriate and sell or otherwise dispose of any land or any interest in land;
- (b) to construct or acquire by purchase, lease or otherwise and operate and maintain bridges over the St. Lawrence River. R.S.O. 1960, c. 279, s. 7.

7.—(1) The Commission in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act they, where the context permits, mean the Commission, and the taking of such land by the Commission shall be deemed to be for the public purposes of Ontario. R.S.O. 1960, c. 279, s. 8 (1). Expropriation
R.S.O. 1970,
c. 393

(2) The Commission shall proceed in the manner provided by *The Expropriations Act* and all the provisions of that Act apply. R.S.O. 1960, c. 279, s. 8 (2), *amended*. Procedure
R.S.O. 1970,
c. 154

8.—(1) Notwithstanding any general or special Act, the Lieutenant Governor in Council may from time to time vest any highway, Highways

- (a) under the jurisdiction and control of the Department of Highways; or
- (b) under the jurisdiction of a municipality,

in the Commission and thereafter the Commission has exclusive jurisdiction over the highway.

(2) The Commission and the Minister of Highways or the Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof. Agreements

(3) Where by an agreement made under subsection 2, Liability

- (a) the Minister of Highways undertakes to maintain and repair a highway, section 30 of *The Highway Improvement Act* applies in respect of the highway; and R.S.O. 1970,
c. 201

R.S.O. 1970,
c. 284

(b) a municipality undertakes to maintain and repair a highway, section 427 of *The Municipal Act* applies in respect of the highway,

and no action arising out of the duty to maintain and repair the highway lies against the Commission.

Indemnity

(4) Where the Crown or a municipal corporation is liable for damages sustained by any person by reason of failure to maintain or repair a highway under the jurisdiction of the Commission, the Commission shall indemnify the Crown or the municipal corporation, as the case may be, for all damages and costs incurred in respect of such liability.

Application
of
R.S.O. 1970,
cc. 202, 283

(5) *The Highway Traffic Act* and *The Motorized Snow Vehicles Act* and the regulations made thereunder apply to any highway or portion thereof under the jurisdiction of the Commission and designated under subsection 1 of section 9 as if such highway or portion thereof is the King's Highway. 1968-69, c. 121, s. 1.

Controlled-
access
highways

9.—(1) The Lieutenant Governor in Council may designate any portion of any of the highways, roads, boulevards or parkways of the Commission as a controlled-access highway. R.S.O. 1960, c. 279, s. 10 (1).

Application
of
R.S.O. 1970,
c. 201, s. 35

(2) Section 35 of *The Highway Improvement Act* applies *mutatis mutandis* to any portion of any of the highways, roads, boulevards or parkways designated under subsection 1 and for such purpose any reference in the said section 35 to Minister or Department shall be deemed to be a reference to the Commission. 1968-69, c. 121, s. 2.

Scenic
areas

10.—(1) The Lieutenant Governor in Council may by regulation designate as a scenic area such land in the vicinity of any highway designated under subsection 1 of section 9 as is specified in the regulation.

Restricted
areas

(2) Subject to the approval of the Lieutenant Governor in Council, the Commission may, in respect of land within a scenic area, by regulation, exercise any of the powers conferred upon councils of municipalities by section 35 of *The Planning Act* without the approval of the Ontario Municipal Board.

R.S.O. 1970,
c. 349

Conflict of
regulations
and by-laws

(3) In the event of conflict between a regulation made under subsection 2 by the Commission and a by-law passed under section 35 of *The Planning Act*, or a predecessor thereof, by the municipality in which the land is situate, the regulation made by the Commission prevails to the extent of such conflict, but in all other respects the by-law passed by the municipality remains in full force and effect. 1968-69, c. 121, s. 3.

11.—(1) The Commission may enter into agreement with any municipality within which any lands of the Commission are situate or that adjoins or is within three miles of the lands of the Commission as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise, but the Commission is not liable in any way for assessment under *The Local Improvement Act* for the cost of any such work, whether the lands abut directly on the work or otherwise.

Local improvement works

R.S.O. 1970, c. 255

(2) It is not necessary to submit any agreement entered into under this section for the assent of the electors of the municipality, nor is it necessary to receive the assent of the electors of the municipality for the issue of debentures to defray the cost of the work undertaken under any such agreement. R.S.O. 1960, c. 279, s. 11.

Idem

12. All lands of the Commission wherever situate are exempt from assessment or taxation by any municipality. R.S.O. 1960, c. 279, s. 12.

Lands exempt from taxation

13. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, and any such person may make copies of or take extracts from the books. R.S.O. 1960, c. 279, s. 13.

Books of account

14. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. R.S.O. 1960, c. 279, s. 14.

Security by officers

R.S.O. 1970, c. 382

15. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council may designate. R.S.O. 1960, c. 279, s. 15.

Audit

16.—(1) Any lost, mislaid or abandoned property coming into the custody of an officer or employee of the Commission and not claimed by the owner within three months is the property of the Crown in right of Ontario and may be sold under the direction of the Minister, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed.

Lost, mislaid or abandoned property

- Idem** (2) Where a person establishes to the satisfaction of the Minister within one year of the date of sale that he was the owner of property sold under subsection 1, the Minister may direct the payment to such person of an amount equal to the price received for the property less the costs referable to the sale and other expenses incurred in connection with the property. 1966, c. 147, s. 1.
- Annual report** **17.**—(1) The Commission shall file a report annually with the Minister containing such information as the Minister may require.
- Tabling** (2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1960-61, c. 70, s. 1.
- Regulations** **18.**—(1) The Commission, with the approval of the Lieutenant Governor in Council, may make regulations,
- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
 - (b) providing for the protection and preservation from damage of the property of the Commission;
 - (c) prescribing tolls for the occupation and use of Park lands and works, vehicles, boats, recreational facilities and services under the jurisdiction of the Commission, for opening and closing graves or any class thereof in any cemetery in the Parks, and for entrance to places of historical and scenic interest or any other occupation or uses of a similar nature;
 - (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof and prescribing fees for such permits;
 - (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;
 - (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks;
 - (g) licensing, regulating and governing taxi-cabs and other vehicles for hire and the owners and drivers thereof, and prescribing fees for such licences;
 - (h) licensing, regulating and governing guides and prescribing fees for such licences;

- (i) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (j) for imposing fines not exceeding \$100 for any breach of any regulation;
- (k) for such purposes and objects as are deemed necessary for the carrying out of this Act. R.S.O. 1960, c. 279, s. 17 (1); 1968-69, c. 121, s. 4 (1).

(2) Any regulation made under subsection 1 may be general or particular in its application. 1968-69, c. 121, s. 4 (2). Idem

(3) An offence against a regulation made under this Act is punishable under *The Summary Convictions Act*. R.S.O. 1960, c. 279, s. 17 (2), amended. Offence R.S.O. 1970, c. 450

19. Nothing in this Act authorizes the interference with any right to inter the body of any deceased person in any burying ground vested in the Commission and nothing in this Act confers the right to remove any body there interred. R.S.O. 1960, c. 279, s. 18. Rights of interment not affected

20. *The Corporations Act* does not apply to the Commission. R.S.O. 1960, c. 279, s. 19. R.S.O. 1970, c. 89 not applicable

