

1981

c 103 City of Toronto Act, 1981

Ontario

This Bill was passed by the Legislature after the the 31st day of December, 1980 and before the Revised Statutes of Ontario, 1980 came into force. It is shown here in the form in which it was passed, before its revision by the commissioners under the authority of section 4 of The Statutes Revision Act, 1979. It is published in its revised form as chapter 103 in the public acts section of this volume.

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BILL Pr2

1981

(Chapter 103)

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
 called the Corporation, hereby applies for special legislation
 in respect of the matters hereinafter set forth; and whereas it is
 expedient to grant the application;

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

1. Notwithstanding any general or special Act, the council of Agreement
with
University
of Toronto
authorized
 the Corporation may enter into and perform the agreement with
 the Governing Council of the University of Toronto set out in the
 Schedule hereto and upon its execution the said agreement shall
 be valid and binding upon the parties thereto according to its
 terms.

2. Section 2 of *The City of Toronto Act, 1972 (No. 2)*, being 1972, c. 199,
s. 2,
amended
 chapter 199, as amended by the Statutes of Ontario, 1977, chapter
 109, section 4, is further amended by adding thereto the following
 subsection:

(7) A notice requiring the owner of vacant land to take any Service of
notice
 action necessary to make same conform to the standards may be
 served personally or by registered mail addressed to the owner at
 his last known address and, where notice is served by registered
 mail, the service shall be deemed to have been made on the fifth
 day after the day of mailing.

3.—(1) Subsections 1 and 2 of section 5 of *The City of Toronto* 1975, c. 117,
s. 5 (1, 2),
re-enacted
Act, 1975 (No. 2), being chapter 117, are repealed and the follow-
 ing substituted therefor:

(1) In this section, “assisted housing program” means a pro- Interpre-
tation
 gram which in the opinion of the council of the Corporation is
 designed to provide housing accommodation by sale or lease, at a
 price or rental below the current market price or rental in the area
 in which the accommodation is located.

By-laws
respecting
density of
development
R.S.O. 1970,
c. 349

(2) In any by-law passed under section 35 of *The Planning Act*, the council of the Corporation may prescribe one or more residential densities of development applicable to any land in respect of which the owner agrees with the Corporation, as set out in subsection 3, to provide such proportion or such number as the by-law may specify of units to be built on such lands for the purposes of an assisted housing program for such period or periods of time as is specified in the agreement, and another residential density applicable to such land in respect of which the owner does not so agree.

1975, c. 117,
s. 5,
amended

(2) The said section 5 is amended by adding thereto the following subsections:

Validity
of
agreement

(5) No agreement made pursuant to subsection 3 shall be declared to be invalid by reason of failure to specify particulars of an assisted housing program.

Consent of
City required
for conveyance,
etc.

(6) Where an agreement has been registered under subsection 4, no person shall, during the operation of an agreement entered into under subsection 3, convey any unit of housing accommodation which is part of an assisted housing program, by way of deed or transfer or grant, assign, or exercise a power of appointment with respect to the unit, or mortgage or charge the unit or enter into an agreement of sale and purchase respecting the unit, or enter into any agreement which has the effect of granting the use of or right in the unit directly or by entitlement to renewal for a period of twenty-one years or more, without the written consent of the Corporation.

Conveyance,
etc.,
contrary to
subs. 6

(7) Where an agreement has been registered under subsection 4, an agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of subsection 6, does not create or convey any interest in the unit.

Certificate
of clerk

(8) Where a written consent, referred to in subsection 6, has been given by the Corporation, the clerk of the Corporation shall provide a certificate, in registrable form, to the person obtaining the consent stating that the written consent of the Corporation has been obtained and the certificate of the clerk is conclusive evidence that the consent was given and that the provisions of this section leading to the consent have been complied with and after the certificate has been given no action may be maintained to question the validity of the consent and the certificate may be registered in the proper land registry office.

Validity
of by-laws
restricting
occupancy

(9) No by-law passed by the council that implements subsection 2 shall be invalidated notwithstanding that the effect thereof is to restrict occupancy of housing accommodation to such persons or class or classes of persons as are set out in the by-law.

(10) A by-law that implements subsection 2 may provide that any person entering into an agreement under subsection 3 who fails to provide such proportion or such number of units for such period or periods of time as may be specified in the agreement for the purposes of an assisted housing program, shall be deemed to have contravened the by-law and is guilty of an offence and on conviction the person is liable to a fine of not more than \$10,000. Offence

(11) In addition to any penalty or other remedy provided by law, every owner who contravenes any of the provisions of an agreement entered into under subsection 3, shall be liable for damages payable to the Corporation in an amount equal to the difference between the price or rental of the housing accommodation which is the subject of the agreement, as determined under the agreement, and the selling price or actual rental of such housing accommodation for such period of time as the owner has contravened the agreement, and such damages may be recovered as a debt due to the Corporation. Damages

(12) Subsections 6 and 7 do not apply to an agreement unless the said subsections are set out in the agreement. Contents of agreement

4. A by-law passed under section 4 of *The City of Toronto Act, 1980*, being chapter 126, may also authorize pursuant to permits issued to owners of private property, front yard parking for physically handicapped persons, as defined in the by-law, and the provisions thereof in respect of front yard parking for physically handicapped persons may be different from and in conflict with any other provisions contained in a by-law passed under that section. Front yard parking permits for physically handicapped persons
1980, c. 126

5.—(1) Notwithstanding subsection 2 of section 1 of *The Expropriations Act*, where the Corporation wishes to acquire land or any interest therein in the rear of lands abutting on a highway for the purpose of a public lane or for the purpose of any outlet connecting such public lane with a highway and a person to be served under the said Act is unknown or his address is unknown, any document or notice to be served, including any notice required to be served under section 38 of the said Act may, subject to subsection 2, be served upon the Public Trustee and such service shall be deemed to be good and sufficient service upon such person for the purposes of the said Act. Service of notice
R.S.O. 1970,
c. 154

(2) The Corporation shall make application pursuant to section 38 of *The Expropriations Act*, within one year from the first service upon the Public Trustee, for the appointment of a person to represent the interests of an owner served pursuant to subsection 1. Representative
R.S.O. 1970,
c. 154

(3) Where the Corporation serves a document or notice, on the Public Trustee under subsection 1, the Public Trustee is under no Duty of Public Trustee

duty to attempt to locate the person who, or whose address, is unknown, or to take any other action except to provide, on request by any person and on payment of any fee for copying, a copy of the document or notice.

Application
R.S.O. 1970,
c. 154

(4) This section applies to proceedings taken under *The Expropriations Act*, whether commenced before or after this section comes into force.

Contributions
to craft
tradesmen's
pensions
R.S.O. 1970,
c. 324

6. Notwithstanding section 8 of *The Ontario Municipal Employees Retirement System Act*, it is lawful and shall be deemed always to have been lawful for the Corporation to make a contribution for the provision of a pension to any person employed by the Corporation as a craft tradesman where such contribution is required by the terms of a collective agreement made binding by any statute upon the Corporation or where the Corporation complies or has complied with the terms of collective agreements respecting the payment of pension contributions for such craft tradesmen and where such contribution has been or is being made *The Ontario Municipal Employees Retirement System Act* does not apply.

R.S.O. 1970,
c. 324

Member-
ship of
Board of
Toronto
Electric
Commis-
sioners

7.—(1) The Board of Commissioners established under *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, and called the Toronto Electric Commissioners is continued and shall consist of five members,

- (a) one of whom shall be, *ex officio*, the mayor of the Corporation;
- (b) one of whom shall be appointed by Ontario Hydro; and
- (c) three of whom shall be appointed by the council of the Corporation as follows:

1. One member who shall be a member of council.
2. Two members who shall not be members of council.

Idem

(2) The council of the Corporation may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the Toronto Electric Commissioners.

Non-
application of
R.S.O. 1970,
c. 390, s. 44

(3) Section 44 of *The Public Utilities Act* does not apply to an appointment made under paragraph 1 of clause *c* of subsection 1.

(4) Subject to subsection 5, members appointed under clauses *b* and *c* of subsection 1 shall hold office for two years and until their successors are appointed and shall be eligible for reappointment. ^{Term of office, etc.}

(5) The term of office of a member of the Toronto Electric Commissioners who is also a member of council of the Corporation shall not extend beyond the term of the council that made the appointment and he shall cease to be a member of Toronto Electric Commissioners upon ceasing to be a member of the council, except that the person shall continue to hold office until his successor is appointed. ^{Idem}

(6) Notwithstanding subsection 1, the members of the Toronto Electric Commissioners immediately prior to the coming into force of this Act shall continue to hold office until their respective terms of office expire and until their successors are appointed. ^{Idem}

(7) If an appointed member dies, or wishes to resign, or refuses to act, or becomes unable from any cause to perform his duties, the council or Ontario Hydro, as the case may be, may appoint a successor in his stead for the remainder of his term of office, and such successor is, subject to subsection 5, eligible for reappointment. ^{Substitution of members}

(8) Subsections 2 and 3 of section 108 of *The Power Corporation Act* do not apply to the Board of Commissioners continued by this section. ^{Application of R.S.O. 1970, c. 354, s. 108 (2, 3)}

(9) Section 16 of *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, is repealed. ^{1911, c. 119, s. 16, repealed}

8. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

9. The short title of this Act is *The City of Toronto Act, 1981*. ^{Short title}

APPENDIX

SCHEDULE

THIS AGREEMENT made in quadruplicate this day of 198

BETWEEN:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO,
(hereinafter called "the University"),

—and—

THE CORPORATION OF THE CITY OF TORONTO,
(hereinafter called "the City"),

OF THE FIRST PART;

OF THE SECOND PART.

WITNESSETH THAT:

WHEREAS under a predecessor to section 148 of *The Municipality of Metropolitan Toronto Act*, as amended, the City of Toronto, the Village of Forest Hill and the Village of Swansea were on the 1st day of January, 1967, amalgamated as a city municipality the inhabitants of which are a body corporate under the name of the Corporation of the City of Toronto, the City herein, such amalgamation being deemed thereunder to be by order of the Ontario Municipal Board pursuant to an application thereto under section 14 of *The Municipal Act*, as therein set forth, and by virtue of section 19 of *The Municipal Act* all the assets and liabilities of The Corporation of the City of Toronto (hereinafter called the former City) are now assets and liabilities of the City herein;

AND WHEREAS the Bursar of the University and Colleges at Toronto entered into an indenture of lease with the former City dated January 1, 1859 ("the 1859 lease") with respect to the lease to the former City of the lands which became known as Queen's Park and the Avenues and approaches thereto;

AND WHEREAS by agreement dated May 2, 1877, between the said Bursar and the former City ("the 1877 agreement") a deviation of the line of a road required by the 1859 lease to be constructed on the east side of a proposed Botanical Garden was authorized;

AND WHEREAS by agreement dated July 19, 1883, between Her Majesty the Queen represented for the purpose of said agreement by the Bursar of the University and Colleges at Toronto and the former City ("the 1883 agreement") the laying of tracks on the Yonge Street Avenue (now known as College Street) for the purposes of a street railway was authorized subject to the terms and conditions of said agreement;

AND WHEREAS by agreement dated March 2, 1889, between Her Majesty the Queen, represented by the said Bursar and the former City ("the 1889 agreement") a certain action commenced by Her Majesty's Attorney-General for the Province of Ontario on the relation of the said Bursar against the former City was settled upon the terms and conditions set out therein;

AND WHEREAS the University is the successor to the rights of the said Bursar and of Her Majesty under the agreements hereinbefore mentioned;

AND WHEREAS by Chapter 53 of 52 Victoria 1889 ("the 1889 Statute") the 1889 agreement was confirmed;

AND WHEREAS by Chapter 54 of 7 Edward VII 1907 ("the 1907 Statute") the 1889 agreement was amended with respect to the arbitration provision thereof;

AND WHEREAS by agreement authorized by Chapter 119 of Geo. V 1911 ("the 1911 agreement") certain matters relating to the Avenue from Queen Street (now included in the avenue known as University Avenue) and the widening of Anderson Street (now Dundas Street West) were agreed upon;

AND WHEREAS by Chapter 75 of 3-4 Geo. V 1913 ("the 1913 Statute") the 1889 agreement was supplemented with respect to the terms and conditions for access to the Avenue from Queen Street (now included in the avenue known as University Avenue) and the cross Avenue from Yonge Street (now known as College Street) and with respect to the widening and straightening of the latter;

AND WHEREAS by agreement dated September 24, 1929, between the University and the former City ("the 1929 agreement") the location of the westerly limit of the avenue known as University Avenue as dedicated by the 1889 agreement was confirmed;

AND WHEREAS by agreement dated November 24, 1950, between the former City and the University ("the 1950 agreement") the location of the roadway known as Queen's Park Crescent West was agreed to be altered and a certain bridge constructed on the terms set out therein;

AND WHEREAS the University has requested the City to release from the 1859 lease, as from time to time amended, supplemented and confirmed, the lands described in Schedule 'A' hereto;

AND WHEREAS the City has requested the University to dedicate the lands described in Schedule 'B' hereto with certain rights reserved to the University as hereinafter in this agreement set forth;

AND WHEREAS the University intends concurrently herewith so to dedicate the lands described in Schedule 'C', with certain rights reserved to the University, as set forth in an agreement bearing the date hereof between the University and The Municipality of Metropolitan Toronto.

NOW THEREFORE the parties agree as follows:

1. The lands described in Schedule 'A' hereto and the unexpired residue of the term of years created by the 1859 lease in respect of such lands only are hereby assigned and surrendered by the City to the University absolutely.

2. The lands described in Schedule 'B' hereto are (subject to the reservations in favour of the University hereinafter in this agreement set forth) to be, and are hereby dedicated by the University for public highway purposes, subject to any and all existing easements and servitudes, and all restrictions as to traffic thereon (excepting insofar as the City may be empowered and may choose to restrain or regulate the same, subject to the terms hereof) are hereby removed, and the City shall have the right to name the highways so dedicated.

3. Those portions of the land described in Schedule 'B' which are now or hereafter travelled by vehicular traffic shall be put in repair and kept in all necessary repair and lighted by the City in accordance with the City's standard for street lighting on the public highways in the area adjacent to such lands.

4. Those portions of the land described in Schedule 'C' which are now or hereafter travelled by vehicular traffic shall be lighted by the City in accordance with the City's standard for street lighting on the public highways in the area adjacent to such lands.

5. The footpaths or sidewalks now or hereafter existing on any of the lands described in Schedules 'B' and 'C' hereto shall be put in repair and kept in all necessary repair by the City, and shall be maintained in their present locations or in such other locations thereon as the University approves, provided that the University will not unreasonably withhold such approval.

6. Nothing herein contained shall affect any rights of the University under the 1859 lease, the 1877, 1883, 1889, 1911, 1929 or 1950 agreements, or any other agreement between the University or its predecessors and the former City or the City relating to Queen's Park and/or the Avenues or approaches thereto, as confirmed or modified by the Statutes aforesaid, except insofar as such lease, agreement or Statute applies to the lands described in Schedule 'A' hereto, and then only to the extent necessary to give full force and effect to this agreement.

7. The rent of five shillings, if demanded, payable by the City to the University under the 1859 lease is not to be reduced by reason of the reduction effected by this agreement in the lands subject thereto.

8. The University reserves the right of access in perpetuity to the lands described in Schedule 'B' for vehicles and pedestrians, provided that nothing herein shall be construed to be inconsistent with the 1950 agreement and without restricting the generality of the foregoing the University specifically reserves a permanent vehicular and pedestrian right-of-way across the lands firstly described in Schedule 'B', which together with a similar right-of-way reserved by the University across certain of the lands described in Schedule 'C' shall constitute a continuous right-of-way from Wellesley Street West westerly to the lands of the University in the location of the presently existing roadway and sidewalks, permitting vehicular and pedestrian passage thereover in both directions at all times, subject to such reasonable traffic regulation as the City or the Municipality of Metropolitan Toronto may require, provided that the access ramps connecting the main portion of Wellesley Street West to Queen's Park Crescent West may be one-way.

9. The owners of property adjacent to the Avenues dedicated by the 1889 agreement as amended by the 1913 Statute and the 1929 agreement are not by reason of this agreement or the dedications hereby effected to acquire any right of ingress or egress to or from the said Avenues from or to their said adjacent properties.

10. The University reserves the right upon reasonable notification to the City from time to time to lay, maintain and repair sewers and to construct, maintain and repair works for the passage of water, electricity, steam, gas or pedestrians under the lands described in Schedule 'B' in locations where the same will not interfere with works constructed by the City, the Metropolitan Corporation or any public utility or constructed or to be constructed under the authority of easements or other rights previously granted by the City or the University.

11. The City accepts the dedication of the lands described in Schedule 'B' upon the terms and conditions set out herein.

12. The University covenants and agrees with the City that the existing Robert Raikes statue and Volunteers Memorial 1866 shall remain the property of the City and in their present locations unless removed by the City, and the City shall at all reasonable times have access to these monuments, so long as they occupy their present sites, for maintenance and repair thereof.

13. The City covenants and agrees with the University that it will not operate nor, to the extent that such operation may from time to time be subject to its control, permit the surface operation of streetcars, trolley buses or any vehicle using tracks, rails, or overhead wires, upon the lands described in Schedules 'B' and 'C' respectively.

14. The University hereby forever releases and discharges the City from all obligations on the part of the City under paragraphs 7 and 8 of the 1889 agreement with respect to the endowment and maintenance of two Chairs in the University of Toronto, such releases and discharge to be effective October 1, 1973, when the second quarterly payment in respect of the year commencing July 1, 1973 and ending June 30, 1974 would otherwise be due and payable.

IN WITNESS WHEREOF the parties have executed this agreement.

THE GOVERNING COUNCIL OF THE UNIVERSITY
OF TORONTO

THE CORPORATION OF THE CITY OF TORONTO

A Member of the Executive Committee

Deputy City Treasurer

Schedule 'A'

ALL AND SINGULAR those certain parcels or tracts of land situate, lying and being in the City of Toronto in the Municipality of Metropolitan Toronto and being composed of parts of Park Lots 11 and 12, Concession 1 from the Bay, described as Parts 2, 5, 7, 8, 10, 12, 14, 15, 18, 19, 20, 21, 27, 30, 34, 37 and 38 according to a Plan deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as RD-239.

Schedule 'B'

Those certain parcels or tracts of land situate, lying and being in the City of Toronto, in the Municipality of Metropolitan Toronto and being composed of:

Firstly:

Those parts of Park Lots 11 and 12, Concession 1 from the Bay, described as Part 30 according to a Plan deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as RD-239.

Secondly:

That part of Park Lot 12, Concession 1 from the Bay, described as Part 37 according to said Plan RD-239.

Schedule 'C'

ALL AND SINGULAR those certain parcels or tracts of land situate, lying and being in the City of Toronto in the Municipality of Metropolitan Toronto and being composed of parts of Park Lots 11 and 12, Concession 1 from the Bay, and parts of Lots 67, 68 and 72 according to Registered Plan D-178, described as Parts 3, 4, 6, 9, 11, 13 and 34 according to a Plan deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as RD-239.

