

1980

c 123 The Borough of Scarborough Act, 1980

Ontario

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CHAPTER 123

An Act respecting the Borough of Scarborough

Assented to May 20th, 1980

WHEREAS The Corporation of the Borough of Scarborough, herein 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; Preamble

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

1. In this Act, "private land" means land owned by any person other than the Corporation. Interpretation

2.—(1) The council of the Corporation may, in adopting and approving estimates for any given year, adopt and approve an estimated amount for the purpose of financing community improvement projects. Estimates for community improvement projects

(2) The estimated amount referred to in subsection 1 shall be included in the general levy for that year as a special rate on the whole of the real property and business assessment in the municipality. Amount included in general levy

(3) All moneys raised under subsection 2 shall be paid into a special account administered by the treasurer of the Corporation and known as the Community Improvement Fund. Community Improvement Fund

(4) The Corporation auditor, in his annual report, shall report on the activities and position of any special account established under this section. Audit

3. The council of the Corporation may pass by-laws authorizing the making of loans from the Community Improvement Fund to such persons as may qualify therefor for the purpose of financing community improvement projects. Loans from Fund

4. A community improvement project may comprise any undertaking on private land or on land of the Corporation or Nature of projects

partly on private land and partly on land of the Corporation which, in the opinion of the council of the Corporation, will result in a benefit to the immediate area of the project or the community generally.

Applications
for loans.

5.—(1) Applications for loans from the Community Improvement Fund may be made by owners of land in the Borough of Scarborough to the clerk of the Corporation in such form as may be prescribed by the by-law, and the applicant shall deposit with the clerk such plans and specifications and other material as the by-law may require.

Supervision,
etc., of
projects

(2) A by-law passed under this Act may provide that the council of the Corporation may retain the exclusive authority to supervise, control and direct the construction of any community improvement project and, without limiting the generality of the foregoing, the by-law may provide that council may retain the exclusive right to do any one or more of the following:

1. Appoint contractors, suppliers of materials, and all other persons to be engaged in respect of the construction of a community improvement project.
2. Direct the calling of tenders if deemed necessary.
3. Enter into contracts, agreements and other arrangements, including security agreements and performance bonds, in respect of any community improvement project.

Joint
application.

6.—(1) Joint applications for loans by two or more owners of land in the Borough of Scarborough may be entertained in respect of community improvement projects.

Apportion-
ment of
costs

(2) Where more than one ownership is involved, the council of the Corporation shall determine the proportions of the cost to be borne by each individual ownership.

Idem

(3) It shall not be necessary in apportioning costs that construction actually take place on private land, but only that such land obtain a benefit therefrom, in which case the council of the Corporation shall determine the value of such benefit.

Municipal
lands

(4) Where part of any community improvement project is to take place partly on land of the Corporation and partly on private land, the council of the Corporation shall determine the proportion of the cost chargeable to the land of the Corporation and shall authorize the payment of the portion of the costs chargeable against the land of the Corporation from the Community Improvement Fund.

7.—(1) No community improvement project shall be authorized to take place on any private land, nor shall any private land be charged with the costs of any community improvement project without the concurrence of the owner thereof.

Agreement
with owners

(2) Where more than one ownership is involved and the costs of the project have been apportioned as between the owners or where the costs of the project have been apportioned as between one or more owners and the Corporation, the council of the Corporation shall not proceed with any work nor shall any moneys be advanced until all of the owners have filed with the clerk a written statement to the effect that they agree with the costs as apportioned by council.

Filing of
written
statement
agreeing to
apportionment

8.—(1) Loans from the Community Improvement Fund shall be made upon such security and upon such terms as to interest and repayment as the by-law may prescribe, but the duration of any loan shall not exceed five years.

Security
for loans

(2) Where the certificate referred to in subsection 3 has been registered in the proper land registry office, the amount of the loan together with interest thereon may be added by the clerk of the Corporation to the collector's roll and collected in like manner as municipal taxes and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made.

Lien

(3) A certificate signed by the clerk of the Corporation setting out the amount loaned to an owner of land under this Act, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the Corporation of the amount loaned and interest thereon, a certificate signed by the clerk of the Corporation showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

Registration
of
certificate

9. All moneys received by the Corporation in repayment of loans made from the Community Improvement Fund together with any interest accrued thereon shall be deposited by the treasurer of the Corporation in the Community Improvement Fund.

Application
of funds

10.—(1) Where at the beginning of the Corporation's fiscal year there are sufficient funds in the Community Improvement Fund to meet the estimated requirement for the Community Improvement Fund for that year, no further amounts shall be included in the general estimates for that year with respect to the Community Improvement Fund.

Effect on
estimates
where funds
are
sufficient

Surplus
funds

(2) Where at the beginning of the Corporation's fiscal year there is a surplus in the Community Improvement Fund over and above the estimated requirement for that year, the surplus shall be applied in reduction of the amount of the general levy for that year.

Projects on
Corporation
land

11. The council of the Corporation may undertake community improvement projects wholly on land of the Corporation and charge the entire cost to the Community Improvement Fund.

Assent of
electors
not
required

12. The assent of the electors is not required in respect of a by-law passed under this Act but no such by-law shall become effective until it is approved by the Ontario Municipal Board.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is *The Borough of Scarborough Act, 1980*.