

1979

c 123 The Borough of East York Act, 1979

Ontario

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CHAPTER 123

An Act respecting the Borough of East York

Assented to June 14th, 1979

WHEREAS The Corporation of the Borough of East York, herein called the Corporation, hereby applies for special legislation in respect of the matters herein 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. The council of the Corporation may, by by-law passed at any general meeting thereof by a vote of three-fourths of all the members of the council, order the removal, or the demolition and removal, of the buildings and structures and any contents thereof and any fences or other erections located on or in the lands and premises sometimes known as Hampton Park, located on the west side of the Bayview Avenue Extension, south of Nesbitt Drive, being part of Lot 15 in the Second Concession from the Bay in the Borough of East York in The Municipality of Metropolitan Toronto,

Order for
demolition
or removal
of buildings

2.—(1) A copy of the by-law shall be registered in the Land Registry Office for the Registry Division of Toronto Boroughs and York South (No. 64) or in the Land Registry Office for the Land Titles Division of Toronto and York South (No. 66) against the title of the land to which the by-law applies and notice of the by-law shall thereafter be served, as set out in subsection 2 or 3, upon the owner of the property, the mortgagee and any other encumbrancer appearing on the registered title and upon any execution creditor appearing by the records of the sheriff of the Judicial District of York to have an interest in the registered title.

Notice

(2) A notice required by subsection 1 to be served may be served personally or by registered mail addressed to the person to whom notice is to be given or his agent for service at his last known address and, where notice is served by registered mail, the service shall be deemed to have been

Service

made on the fifth day after the day of mailing unless the person to whom notice is given or his agent for service establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Idem

(3) Where a person on whom notice is to be given cannot be located or served under subsection 2, the notice may be sent by registered mail addressed to that person at his last known address and the council of the Corporation may cause a placard, containing the notice, to be placed in a conspicuous place on the property, and the mailing of the notice and the placing of the placard shall be deemed to be sufficient service of the notice on that person.

Appeal

3. The owner or other person having an interest in the land, or an execution creditor, has the right to appeal to a judge of the County Court of the Judicial District of York from the order of the council of the Corporation to remove, or demolish and remove, the building by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of service of the notice of the by-law upon the person so appealing.

Contents
of notice

4. The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

Power of
the Com-
missioner
of Works
to carry
out order

5. Unless notice of an appeal is received by the clerk of the Corporation within the time stated in section 2, the decision of the council of the Corporation to remove, or demolish and remove, the building may be carried out forthwith by the Corporation's Commissioner of Works on behalf of the Corporation and, for this purpose, the Corporation with its servants and agents may from time to time enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Collection
of amount
as taxes

6. The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove, or demolish and remove, the building, and the certificate of the clerk of the Corporation as to the amount so expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be deemed to be taxes due upon the land and may be collected in the same manner as municipal taxes, together with interest thereon, accruing from the

date of being added to the collector's roll at the same rate as interest added by the Corporation under section 553 of *The R.S.O. 1970, c. 284* *Municipal Act* to taxes due and unpaid, and is, until so collected or otherwise paid, a special lien upon the land as provided for in section 511 of the said Act.

7. If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before a judge of the County Court of the Judicial District of York and shall give notice thereof by such means and to such persons as the judge may require. Hearing
of appeal

8. After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove, or demolish and remove, the building in the manner provided in section 5, or the judge may make such other order as he deems advisable under the circumstances. Order of
judge

9. This Act comes into force on the day it receives Royal Assent. Commence-
ment

10. The short title of this Act is *The Borough of East York Act*, Short title
1979.

