

1979

c 132 The Town of Niagara-on-the-Lake Act, 1979

Ontario

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CHAPTER 132

An Act respecting the Town of Niagara-on-the-Lake

Assented to June 14th, 1979

WHEREAS The Corporation of the Town of Niagara-on-the-Lake, 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.—(1) The council of the Corporation may enter into an agreement with the owner or occupant of a building or structure to be erected or used providing for relief, to the extent set out in the agreement, from any requirement in any by-law of the Corporation for the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owner or occupant, to the extent specified in the agreement, from the necessity of providing or maintaining such facilities.

Agreements for relief from requirements to provide parking

(2) Every agreement referred to in subsection 1 shall,

Agreements approved by mortgagees and O.M.B.

(a) be executed by all prior mortgagees or other encumbrancers to postpone their encumbrance in favour of the said agreement and be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof; and

(b) require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the sum is computed.

(3) All moneys paid or to be paid pursuant to an agreement made pursuant to subsection 1 shall be paid into a special account and may be invested in such securities as a

Payments under agreements held as fund for purpose of parking facilities

R.S.O. 1970,
cc. 470, 284

trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act*.

Registration
of agreement
imposes
lien on
land

(4) An agreement made pursuant to subsection 1 may be registered against the title of the land affected thereby in the proper land registry office and when so registered, the amounts payable under the agreement, until paid, shall be a lien or charge upon the lands described therein and in the event of a default of payment for a period of one year from the date any payment is due, such sum may be collected in the same manner and with the same remedies as provided by *The Municipal Affairs Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, the clerk of the Corporation shall, at the request of the owner of the land or other person entitled under the agreement, provide a certificate in a form registrable in the proper land registry office, stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1970,
c. 118

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

Audit
of fund

By-law
levying
parking lot
cost against
defined
area

R.S.O. 1970,
c. 284

2. Where the council of the Corporation, with the approval of the Ontario Municipal Board, has passed a by-law under paragraph 72 of section 352 of *The Municipal Act*, which provides that the capital cost or any part thereof, the annual rental payable under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area and, subsequent to the effective date of the by-law imposing the levy, the council is of the opinion that,

- (a) there has been an increase or decrease in special benefit derived therefrom by a parcel of land in the defined area against which a portion of the cost has been levied;
- (b) a parcel of land in the defined area has begun to derive or has ceased to derive a special benefit therefrom; or
- (c) a parcel of land outside the defined area has begun to derive a special benefit therefrom,

the council may from time to time by a by-law, passed with the approval of the Ontario Municipal Board,

(d) redefine the area in the municipality that, in the opinion of the council, contains the lands that derive a special benefit from the by-law; and

(e) reapportion the balance of the cost mentioned in subclause i of clause g of paragraph 72 of section 352 of *The Municipal Act*, so that such cost shall be apportioned against each parcel of land that, in the opinion of the council, derives such special benefit. R.S.O. 1970,
c. 284

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

4. The short title of this Act is *The Town of Niagara-on-the-Lake Act, 1979*.

