

1978

c 113 The Congregation Beth Am Act, 1978

Ontario

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CHAPTER 113

An Act to revive Congregation Beth Am*Assented to May 8th, 1978*

WHEREAS Irving Bornstein, Norman Horenfeldt, Nathan Goody and Harold Zweig, the applicants herein, represent that Congregation Beth Am, herein called the Corporation, was incorporated by letters patent dated the 30th day of May, 1956 as a corporation without share capital; that the Minister of Financial and Commercial Affairs by order dated the 8th day of December, 1971, made under the authority of subsection 9 of section 347 of *The Corporations Act*, cancelled the letters patent of the Corporation and declared it to be dissolved on the 12th day of January, 1972; that all of the applicants, except Harold Zweig, were directors of the Corporation at the time of its dissolution; that the notice of default in filing annual returns was apparently sent to each of the persons of record on the files of the Department of Financial and Commercial Affairs; that through inadvertence the annual returns for the Corporation were not filed; that none of the applicants was aware of the dissolution of the Corporation until more than five years after the date thereof; that the Corporation at the time of the dissolution was and is now actively carrying on religious and other charitable functions authorized by its letters patent; that the Corporation owned the lands described in Schedules 1 and 2 hereto, which lands were required for the Corporation's actual occupation or for the purpose of the religious and charitable functions authorized by its letters patent; that by virtue of subsection 2 of section 7 of *The Mortmain and Charitable Uses Act*, being chapter 246 of the Revised Statutes of Ontario, 1960, title to the said lands may have vested in the Public Trustee; that those parts of the said lands described in Schedule 1 are presently occupied and used by the Corporation for the said religious and charitable functions; that those parts of the said lands described in Schedule 2 are used as cemetery lands in conjunction with the Corporation's religious functions; that the applicants are desirous that the Corporation be relieved of the effects of the said Act, now being chapter 280 of the Revised Statutes of Ontario, 1970; and whereas the applicants hereby apply for special legislation reviving the

Preamble

R.S.O. 1970.
c. 89

Corporation, declaring that the said lands had never vested in the Public Trustee, and confirming that the Corporation has, and has always had, the power to acquire, hold, possess, enjoy, sell, mortgage, lease or otherwise dispose of land or any interest therein; 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:

Congregation
Beth Am
revived

1. Congregation Beth Am is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

No title
in Public
Trustee

2.—(1) The lands described in Schedules 1 and 2 shall be deemed never to have vested in the Public Trustee.

Power to
hold and
deal with
land
R.S.O. 1970,
c. 280

(2) Notwithstanding *The Mortmain and Charitable Uses Act*, the Corporation shall have and shall always be deemed to have had the power to acquire by purchase, lease, gift, devise or bequest and to hold, possess and enjoy, without limitation as to the period of holding, any land, or any estate or interest therein, in the Province of Ontario necessary for the actual use and occupation of the Corporation or for the carrying on of its undertaking, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require.

Disposition
of land
not required
for the
purpose
of the
Corporation

(3) Land acquired or held by the Corporation shall be disposed of by it within seven years from the time when the land ceases to be required for the Corporation's actual occupation or for the purpose of the religious and charitable functions authorized by its letters patent.

Commence-
ment

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

Short title

4. The short title of this Act is *The Congregation Beth Am Act, 1978*.

SCHEDULE 1

Those parcels of land situate in the Borough of North York in The Municipality of Metropolitan Toronto shown on a plan registered in the Land Registry Office for the Land Titles Division of Toronto & York South (No. 66) as Plan M-879 and more particularly described as follows:

1. That parcel of land registered in the said Land Registry Office as Parcel B-2, Section M-879 and being composed of,
 - i. Block B on the said Plan M-879 except those parts of the said Block designated as Parts 1 and 2 on a Plan recorded in the said Land Registry Office as Plan R-982, and
 - ii. Block C on the said Plan M-879.
2. That parcel of land registered in the said Land Registry Office as Parcel B-4, Section M-879 and being composed of those parts of the said Block B designated as Parts 1, 2, 3, 4, 5, 6, 7 and 8 on a Plan recorded in the said Land Registry Office as Plan R-3540.
3. That parcel of land registered in the said Land Registry Office as Parcel 4-1, Section M-879 being Lot 4 on the said Plan M-879.

SCHEDULE 2

That parcel of land situate in the Borough of North York in The Municipality of Metropolitan Toronto, being composed of that part of Lot 24 in Concession 1, West of Yonge Street more particularly described as follows:

COMMENCING at a point upon the existing north limit of the said Lot, the said point being 535 feet 3 inches measured westerly along the said north limit from the easterly limit of Bathurst Street;

THENCE south 17° 8' east to a point in the northerly limit of a right-of-way hereinafter described;

THENCE easterly along the said northerly limit of the said right-of-way 50 feet to a point;

THENCE north 17° 8' west to a point 585 feet 3 inches measured easterly along the north limit of the said Lot from the easterly limit of Bathurst Street;

THENCE westerly along the north limit of the said Lot, 50 feet to the point of commencement;

Together with a right-of-way along with others entitled thereto over, along and upon:

Firstly: On the southerly 66 feet in perpendicular width of that part of the said Lot, formerly owned by Matthew Roy Woods, and extending easterly from the easterly limit of Bathurst Street to a depth of 2,042 feet on the southerly side thereof;

Secondly: That part of the said Lot, which may be more particularly described as follows:

COMMENCING at a point distant 66 feet measured northerly and at right angles to the existing southerly limit of that part of the said Lot, formerly owned by Matthew Roy Woods, which point is distant 587 feet 4 inches measured along a line drawn on a course south $17^{\circ} 8'$ east astronomically from its intersection with the existing northerly limit of the said Lot, distant 535 feet 3 inches measured easterly thereon from the easterly limit of Bathurst Street;

THENCE north $17^{\circ} 8'$ west astronomically 300 feet;

THENCE north $72^{\circ} 57'$ east 1,360 feet;

THENCE south $17^{\circ} 8'$ east 300 feet to a point distant 66 feet and measured northerly and at right angles to the existing southerly limit of that part of the said Lot, formerly owned by the said Matthew Roy Woods;

THENCE north $72^{\circ} 57'$ east parallel to the southerly limit of that part of the said Lot formerly owned by the said Matthew Roy Woods, 66 feet;

THENCE north $17^{\circ} 8'$ west 366 feet;

THENCE south $72^{\circ} 57'$ west 1,492 feet;

THENCE south $17^{\circ} 8'$ east 366 feet to a point distant 66 feet measured northerly and at right angles to the existing southerly limit of that part of the said Lot, formerly owned by the said Matthew Roy Woods;

THENCE north $72^{\circ} 57'$ east parallel to the existing southerly limit of that part of the said Lot owned on the 6th day of June, 1956 by Iwansker Mutual Benefit Society, 66 feet to the place of beginning.