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c 245 Municipal Corporations Quieting Orders Act

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CHAPTER 245

The Municipal Corporations Quieting Orders Act

1. In this Act,

Interpre-
tation.

- (a) "Board" means Ontario Municipal Board;
- (b) "Department" means Department of Municipal Affairs;
- (c) "municipality" means a county, city, town, village or township;
- (d) "quieting order" means an order establishing the legal existence and corporate status of a municipality and its proper area and boundaries in order to quiet doubts affecting the same. 1949, c. 62, s. 1.

2.—(1) Upon the application of the council of a municipality, the Board may make a quieting order respecting the municipality.

Power to
make
quieting
order.

(2) A quieting order may be made retroactive in its effect and operation for the purpose and to the extent provided therein, except that it shall not affect or prejudice the rights of any person in any action, litigation or other proceeding pending at the time when the order is made. 1949, c. 62, s. 2.

Retroactive
effect of
order.

3.—(1) Where the council of a municipality is aware of any doubt affecting the legal existence or corporate status or proper area and boundaries of the municipality, it may apply to the Board for a quieting order.

Application
for quieting
order.

(2) The application shall be in duplicate and shall specify the nature and cause of the doubt which exists and set forth full particulars of all evidence and proofs that are known respecting the existence and status and the area and boundaries of the municipality.

Particulars
of applica-
tion.

(3) Upon receipt of an application for a quieting order,

- (a) the secretary of the Board shall transmit one copy to the Department; and
- (b) the Board shall fix a day, time and place for hearing the application and shall direct the applicant as to

Duplicate
copy for
Department.Appointment
for hearing
and notice
thereof.

the notice of the application and of the appointment for hearing to be published by it and as to any special notice thereof it shall give to any other municipality and to any person. 1949, c. 62, s. 3.

Objections
to be heard.

4. The Board shall hear any other municipality and any person present or represented at the hearing and take into consideration any objections to the application. 1949, c. 62, s. 4.

Effect of
quieting
order.

5. Every quieting order made by the Board shall according to its tenor be valid and binding for all purposes and upon all municipalities and persons. 1949, c. 62, s. 5.

Publication
of quieting
orders.

6. Forthwith after the issue of a quieting order, the applicant shall,

- (a) publish the order locally in such manner as the Board may direct;
- (b) publish a copy in *The Ontario Gazette*;
- (c) file a certified copy with the Department; and
- (d) register a certified copy in the proper registry office, as in the case of an order of the Board registered under section 73 of *The Registry Act*, which section shall apply. 1949, c. 62, s. 6.

Rev. Stat.,
c. 336.

Powers of
Department.

7. The Department may,

- (a) authorize the board of trustees of an improvement district or of a police village to apply under this Act for a quieting order with respect to the improvement district or police village, as the case may be, and for such purpose all the provisions of this Act shall, *mutatis mutandis*, apply;
- (b) require the council of any municipality to apply for a quieting order with respect to the municipality and upon neglect or failure of the council to apply for the order within 60 days after being so required, the Department may on behalf of the council and in the name of the municipality apply to the Board for the quieting order. 1949, c. 62, s. 7.

Fee of
Board.

8. The fee payable upon an application under this Act shall be fixed by the Board, but shall not exceed \$10. 1949, c. 62, s. 8.