

1950

## c 249 Municipal Franchises Act

Ontario

© Queen's Printer for Ontario, 1950

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

---

### Bibliographic Citation

*Municipal Franchises Act*, RSO 1950, c 249

### Repository Citation

Ontario (1950) "c 249 Municipal Franchises Act," *Ontario: Revised Statutes*: Vol. 1950: Iss. 3, Article 34.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1950/iss3/34>

## CHAPTER 249

**The Municipal Franchises Act****1.** In this Act,Interpre-  
tation.

- (a) "franchise" includes any right or privilege to which this Act applies;
- (b) "gas" includes natural gas, artificial gas, or any mixture of natural gas and artificial gas;
- (c) "highway" includes a street and a lane;
- (d) "public utility" includes waterworks, natural and other gas works, electric light, heat or power works, steam heating works, and distributing works of every kind. R.S.O. 1937, c. 277, s. 1.

**2.** A municipal corporation shall not enter into or renew any contract for the supply of electrical power or energy to the corporation or to the inhabitants thereof, until a by-law setting forth the terms and conditions of the contract has been first submitted to, and has received the assent of the municipal electors in the manner provided by *The Municipal Act*. R.S.O. 1937, c. 277, s. 2.

Assent to  
contracts  
for supply  
of electric  
power.Rev. Stat.,  
c. 243.

**3.**—(1) A municipal corporation shall not grant to any person nor shall any person acquire the right to use or occupy any of the highways of the municipality except as provided in *The Municipal Act*, or to construct or operate any part of a transportation system or public utility in the municipality, or to supply to the corporation or to the inhabitants of the municipality or any of them, gas, steam or electric light, heat or power, unless a by-law setting forth the terms and conditions upon which and the period for which such right is to be granted or acquired has been assented to by the municipal electors.

Where  
assent  
required.Rev. Stat.,  
c. 243.

(2) Subsection 1 shall not apply to The Hydro-Electric Power Commission of Ontario. 1947, c. 70, s. 1.

Hydro  
Commission  
exempt.

(3) Where the trustees of a police village request the council of the township in which the village is situate to grant any such right with respect to the village, or where the board of trustees of a police village desire to grant such a right, it shall be a sufficient compliance with subsection 1 if the by-law receives the assent of the municipal electors of the village.

In police  
villages.

Renewals and extensions.

(4) This section shall apply to the renewal or extension of an existing franchise. R.S.O. 1937, c. 277, s. 3 (2, 3).

Consent of council of city, when required.

4. The council of a local municipality shall not grant any franchise upon any highway of the municipality within a radius of five miles of the boundary of any city without notice in writing to the council of the city, and if the council of the city, within four weeks after the receipt of the notice, gives a notice in writing to the council of the local municipality that it objects to the granting of the franchise the approval of the Ontario Municipal Board shall be obtained, and if the council of the city does not give such notice within such time, it shall be deemed to have no objection and the council of the local municipality may grant the franchise with the assent of the municipal electors of the local municipality as provided by section 3. R.S.O. 1937, c. 277, s. 4.

Extension of certain existing works not to be made without by-law.

5.—(1) Where a by-law granting a franchise or right in respect of any of the works or services mentioned in subsection 1 of section 3, which has not been assented to by the municipal electors as provided by that subsection, was passed before the 16th day of April, 1912, no extension of or addition to the works or services constructed, established or operated under the authority of such by-law as they existed and were in operation at that date shall be made except under the authority of a by-law hereafter passed with the assent of the municipal electors, as provided by subsection 1 or subsection 3 of section 3, and such consent shall be necessary, notwithstanding that such last-mentioned by-law is expressly limited in its operation to a period not exceeding one year.

Exceptions as to franchises granted before 16th March, 1909.

(2) Subsection 1 shall not apply to any franchise or right granted by or under the authority of any general or special Act of this Legislature before the 16th day of March, 1909, but no such franchise or right shall be renewed, nor shall the term thereof be extended by a municipal corporation except by by-law passed with the assent of the municipal electors as provided in section 3. R.S.O. 1937, c. 277, s. 5.

Exceptions,

6. Subject to section 2 and except as therein provided and except where otherwise expressly provided, this Act shall not apply to a by-law,

works originating in another municipality;

(a) granting the right of passing through the municipality for the purpose of continuing a line, work or system which is intended to be operated in or for the benefit of another municipality and is not used or operated in the municipality for any other purpose except that of supplying gas in a township to persons whose land

abuts on a highway along or across which the same is carried or conveyed, or to persons whose land lies within such limits as the council by by-law passed from time to time determines should be supplied with any of such services;

- (b) conferring the right to construct, use and operate works required for the transmission of oil, gas or water not intended for sale or use in the municipality; oil, gas and waterworks;
- (c) which is expressly limited in its operation to a period not exceeding one year and is approved by the Ontario Municipal Board; limited to one year;
- (d) of a county or township which is approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 277, s. 6. Counties and townships.

**7.** Where a by-law to which clause *c* of section 6 applies is passed, that clause shall not apply to any subsequent by-law in respect to the same works or any part of them or to an extension of or addition to them, although the subsequent by-law is expressly limited in its operation to a period not exceeding one year, and no such subsequent by-law shall have any force or effect unless it is assented to by the municipal electors as provided by subsection 1 of section 3. R.S.O. 1937, c. 277, s. 7. Extension of one year franchise from year to year prohibited.

**8.—(1)** Notwithstanding anything in this or any other general or special Act, no person shall without the approval of the Lieutenant-Governor in Council construct any works to supply or supply, Approval for construction of gas works.

- (a) natural gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas; or
- (b) gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas and in which gas was then being supplied.

(2) No approval shall be given under this section by the Lieutenant-Governor in Council unless the Ontario Municipal Board certifies in writing to the Lieutenant-Governor that public convenience and necessity appear to require that such approval be given. When approval to be withheld.

(3) The Ontario Municipal Board shall have and may exercise jurisdiction and power necessary for the purposes of this section and to grant or refuse to grant any certificate of public convenience and necessity, but no such certificate shall be granted or refused until after the Board has held a public Jurisdiction of Ontario Municipal Board.

hearing to deal with the matter upon application made to it therefor, and of which hearing such notice shall be given to such persons and municipalities as the Board may deem to be interested or affected and otherwise as the Board may direct.

Appeal. (4) With leave of a judge thereof, an appeal shall lie upon any question of law or fact to the Court of Appeal from any decision of the Ontario Municipal Board granting or refusing to grant a certificate under this section; provided application for leave to appeal is made within 15 days from the time when such decision is given.

Time for issuing certificate. (5) The Ontario Municipal Board shall not issue any certificate under this section until after the expiration of 15 days from the time its decision to grant the same is given or in the event of an appeal from such decision until after the time when such appeal is determined or leave to appeal is refused.

Judgment of Court of Appeal to be final. (6) Upon an appeal to the Court of Appeal its judgment thereon shall be final and not subject to further appeal therefrom, and the Ontario Municipal Board shall, if and as may be necessary, amend or vary its decision to conform to such judgment and grant or refuse to grant a certificate under this section accordingly.

Application of provisions and rules of practice. Rev. Stat., c. 262. (7) Subject as hereinbefore provided *The Ontario Municipal Board Act* shall apply to any proceedings before the Board under this section, and the rules of and practice in the Supreme Court shall apply to any appeal to the Court of Appeal under this section. R.S.O. 1937, c. 277, s. 8.

---