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c 116 The City of Toronto Act, 1975 (No. 1)

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CHAPTER 116

An Act respecting the City of Toronto

Assented to May 16th, 1975

Preamble

WHEREAS The Corporation of the City of Toronto, 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;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Municipal Act*, an employee on the 18th day of September, 1974, of the Corporation or of the Toronto Public Library Board, other than a firefighter or a member of the Ontario Municipal Employees Retirement System is entitled to elect a transfer of a sum of money to the pension plan established by the Corporation appropriate to such employee from the pension plan of The Municipality of Metropolitan Toronto, equal to the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods, of the pension benefits and any other benefits under the pension plan of The Municipality of Metropolitan Toronto to which the employee is entitled whether or not such an employee is entitled to a refund from that pension plan of his contributions plus any interest thereon, and on the transfer of such a sum of money, the employee shall receive full service credit under the pension plan of the Corporation if the employee contributes thereto any additional sum of money which the employee would have contributed had the employee been a member of the pension plan of the Corporation for all service, provided however, if the employee does not contribute such additional sum of money as required by this section, the employee's entitlement under the pension plan of the Corporation shall be reduced on the basis of generally accepted actuarial methods.

Election by employee to transfer to Corporation's pension plan
R.S.O. 1970,
c. 284
2. The Corporation is hereby authorized to assume and pay all costs and legal expenses as may be incurred from time to time for the purpose of carrying out the provisions of this Act.

Payment of costs and legal expenses authorized

time by Daniel Heap, David Parkinson and Anne Johnston, as a result of proceedings brought by the Canada Metal Company Limited and Toronto Refiners and Smelters Limited.

Granting permission for piping heat under highways

3. Notwithstanding any general or special Act, the Corporation may grant under such terms and conditions and for such consideration as the council may deem expedient, permission to any person generating heat for his own use in any building to use or occupy any of the highways of the Corporation for the purpose of supplying heat by piping under such highway to a building not in the ownership of the person generating the heat.

Agreements respecting the restoration and preservation of buildings

4. The Corporation may enter into agreements with any person or governmental authority on such terms and conditions as may be agreed upon for the making of grants to the owner of any building situate on Yonge Street in the City of Toronto to pay for the whole or any part of the cost of a program designed to restore or preserve any such building and such agreements may provide for the participation of the Corporation in such program in any manner prescribed by the council.

1936, c. 84, s. 6 (2) (f), re-enacted

5. (1) Clause *f* of subsection 2 of section 6 of *The City of Toronto Act, 1936*, being chapter 84, as enacted by the Statutes of Ontario, 1973, chapter 213, section 10, is repealed and the following substituted therefor:

(*f*) for directing and ordering any occupant of a dwelling referred to in an order served in accordance with this section to pay his rent thereafter to the inspector to be deposited with the City Treasurer in trust until the order as confirmed or modified is complied with and for providing that the said rent so held as aforesaid shall be applied by the corporation to reduce any amount expended or to be expended by the corporation pursuant to any power conferred by this section, and for providing that such rent or any portion thereof remaining, less an administration fee not to exceed 10 per cent, shall be paid to the person entitled to receive it in the event the order is complied with.

1936, c. 84, s. 6, amended

- (2) The said section 6, as amended by the Statutes of Ontario, 1941, chapter 81, section 3, 1955, chapter 117, section 4, 1956, chapter 125, section 4, 1960, chapter 170, section 3, 1967, chapter 131, section 6, 1970, chapter 168, section 1, 1971, chapter 130, sections 3 and 4, 1973, chapter 213, section 10 and 1974, chapter 161, sections 1 and 5, is further amended by adding thereto the following subsections:

(24a) The notice of appeal referred to in subsection 24 shall set forth the grounds of appeal and no other grounds may be argued except by leave of the committee.

(42) Notwithstanding any other provisions of this section, if upon inspection the inspector is satisfied that in some respect any dwelling violates the standards in a manner that constitutes an urgent hazard to the health or safety of any person, the inspector may make an order requiring the violation to be corrected immediately and forthwith after making an order under this subsection and before the order is served, confirmed or modified in accordance with this section, the corporation, through the inspector, may forthwith take or cause to be taken whatever measures the inspector deems necessary to correct the violation, and for those purposes in addition to all its other remedies,

(a) the corporation and anyone acting on its behalf shall have the right with its servants and agents from time to time to enter in and upon the dwelling and adjoining property; and

(b) the corporation or anyone acting on its behalf shall not be liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the corporation under the provisions of this subsection, including anything done without notice to such persons.

(43) Immediately after the violation is corrected, the inspector shall serve or cause to be served a copy of the order in accordance with subsection 20.

(44) The order made under subsection 42 shall,

(a) contain a description of the dwelling sufficient to identify and locate it;

(b) set out the particulars of the violation and reasons why such violation constitutes an urgent hazard to the health and safety of any person;

(c) have appended thereto a statement from the inspector setting out the measures taken by the corporation and the amount expended by the corporation in so doing; and

(d) contain notice of the provisions of subsections 45, 46 and 47.

Grounds
of
appeal

Order

Service

Contents
of
order

Appeal

(45) Notwithstanding the provisions of subsection 25, after a copy of the order has been served in accordance with subsection 20, the inspector shall apply to the committee for confirmation of the order, and after affording a reasonable opportunity to every person on whom an order has been served to make representations as he sees fit, and after inspecting the dwelling in the presence of any such person if so requested by him in writing, the committee has the powers and functions of the inspector and shall either confirm the order or refuse to confirm the order.

Appeal to
county court
judge

(46) The corporation or the owner of the dwelling affected by a decision of the housing standards appeal committee under subsection 45, may appeal the decision to a judge of the county court of the Judicial District of York by so notifying the clerk of the corporation in writing and by applying for an appointment within fifteen days after notice of the decision has been given, and,

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed at least one month before the day appointed for the hearing of the appeal; and
- (c) the judge on such appeal has the same powers and functions as the housing standards appeal committee and shall either confirm or refuse to confirm the order.

Expenditure

(47) Where,

Lien for
if order
confirmed

- (a) the committee confirms an order made under subsection 42, and the decision of the committee is not appealed in accordance with the provisions of subsection 46, or where on appeal the judge confirms the order, the corporation in addition to all other remedies shall have a lien for any amount expended by or on behalf of the corporation under the authority of subsection 42 together with interest thereon at the rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which such amount was expended, and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be deemed to be taxes and may be added to

the collector's roll to be collected in one year or to the proper collector's rolls to be collected by instalments over a period of not more than five years, and the amount or each instalment may be collected in the same manner as real property taxes;

- (b) the committee refuses to confirm an order made under subsection 42 and no appeal is made or where the judge on appeal refuses to confirm the order, the corporation shall bear the amount expended by or on behalf of it under the authority of subsection 42. Corporation to bear if order not confirmed

6. Section 11 of *The City of Toronto Act, 1971*, being chapter 130, as amended by the Statutes of Ontario, 1974, chapter 161, section 6, is further amended by adding thereto the following subsection: 1971, c. 130, s. 11, amended

(17a) The notice of appeal referred to in subsection 17 shall set forth the grounds of appeal and no other grounds may be argued except by leave of the committee. Grounds of appeal

7.—(1) In this section,

Interpretation

- (a) "Corporation" means The Corporation of the City of Toronto;
- (b) "dwelling" includes any building, part of a building, tent, trailer or other covering or structure, the whole or any portion of which has been used, is used or is capable of being used for the purposes of human habitation with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein and every dwelling unit within the dwelling;
- (c) "dwelling unit" means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons;
- (d) "Licensing Commissioner" means the person from time to time designated as such by the council of the Corporation.

(2) The council of the Corporation may pass by-laws,

By-laws

- (a) designating as a rooming house any class or classes of dwelling, the whole or any portion of which is used, or is intended to be used, for gain, for the purposes of human habitation; Designating rooming house

Licensing,
regulating
and
governing
rooming
houses

(b) providing for the licensing, regulating and governing of any class or classes of rooming houses or any class or classes of owners or operators of rooming houses within the municipality or any defined area or areas thereof and for the issuing, suspension, revocation, renewal and transfer of licences on such terms and conditions and for such period of time as the council may from time to time prescribe;

Prohibiting

(c) for prohibiting any person from using, permitting to be used, renting or offering to rent any rooming house in violation of such by-law or in contravention of any other by-law of the Corporation;

Idem

(d) for prohibiting the use of any rooming house for or in connection with which a licence was issued, except for the purposes for which the licence was issued;

Licence fee

(e) for fixing the licence fee for any class or classes of rooming houses or owners or operators of rooming houses in accordance with a scale for each class or number of roomers permitted in the rooming house or the number of rooms available for occupancy therein;

Licensing
Com-
missioner

(f) for authorizing the Licensing Commissioner to exercise any of the powers of council with respect to the licensing, suspension, revocation, renewal or transfer of a licence; and

Prohibiting

(g) for prohibiting the granting of a licence where the past conduct of the applicant, or where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the rooming house will not be operated in accordance with law and with honesty and integrity.

Owner and
operator

(3) A by-law under this section may define "owner" or "operator" in such manner as the council may from time to time determine.

Conditions
imposed

(4) Prior to the issuing, suspension, revocation, renewal or transfer of a licence, the council or the Licensing Commissioner, as the case may be, may impose such conditions upon the applicant for or the holder of a licence, as the circumstances require.

Penalty

(5) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under the

authority of *The Municipal Act* and any such by-law <sup>R.S.O. 1970,
c. 284</sup> may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provision of any by-law pursuant to this section.

- 8. This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 9. This Act may be cited as *The City of Toronto Act, 1975*. Short title

