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c 124 The North Pickering Development Corporation Act, 1974

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CHAPTER 124

**An Act to establish
the North Pickering Development
Corporation**

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the North Pickering Development Corporation;
- (c) "Minister" means the Minister of Housing;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "municipality" means a city, town, village, township or improvement district and includes a metropolitan, regional and district municipality;
- (f) "North Pickering Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;
- (g) "Plan for Development" means a plan, policy and program, or any part thereof, prepared by the Corporation, covering the North Pickering Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental, agricultural and physical conditions of the Area, and consisting of the texts and maps describing the program and policy.

Establishment of North Pickering Planning Area

2. The Minister may, by order, establish as the North Pickering Planning Area, the area of land in Ontario defined in the order.

North Pickering Development Corporation established

3. There is hereby established a corporation without share capital under the name "North Pickering Development Corporation".

Board of Directors

4.—(1) There shall be a Board of Directors of the Corporation consisting of not fewer than five and not more than nine members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister, and who shall hold office for such term as the Lieutenant Governor in Council, on the recommendation of the Minister, determines.

Chairman

(2) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board.

Reappointment

(3) Each of the directors is eligible for reappointment upon the expiration of his term of office.

Remuneration

(4) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.

Seat in Assembly not vacated R.S.O. 1970, c. 240

(5) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

Removal from office

(6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term.

Chief executive officer

(7) Subject to the approval of the Minister, the Board shall appoint a chief executive officer.

Vice-chairman

(8) In addition to the members of the Board appointed under subsection 1, the chief executive officer shall be, *ex officio*, a member of the Board and shall be the vice-chairman of the Board.

Acting chairman

(9) In case of absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman,

or if the vice-chairman is absent or the office is vacant, such director as the Board designates for such purpose, shall act as chairman and have all the powers of the chairman.

(10) A majority of the directors constitutes a quorum of the Board. Quorum

5.—(1) Every director of the Corporation who has, directly or indirectly, any interest in any contract or transaction to which the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act* is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the Corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act*, the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall neither vote nor be counted in any quorum involving any vote which may be taken in respect of a contract or transaction at a meeting of the directors of the Corporation. Disclosure by director of interest in contracts
R.S.O. 1970, c. 100

(2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest in, and the contract or transaction are, both material. Interest to be material

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered or, if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested or, if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested or, if a contract or transaction, or a proposed contract or transaction is one that in the ordinary course of the Corporation's business, would not require approval by the directors at the first meeting of the directors held after the director becomes aware of it. When declaration of interest to be made

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract Effect of declaration

or transaction at the meeting of the directors of the Corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the Corporation for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the Corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

General notice

(5) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of, or has a material interest in the person that is a party to a contract or transaction or a proposed contract or transaction with the Corporation is a sufficient declaration of interest in relation to any contracts or transactions so made.

Oath of office and secrecy

6. Before entering upon his duties, every director, officer or employee of the Corporation shall take, and every agent and adviser whose services are engaged by the Corporation may be required by the Corporation to take, before a commissioner of oaths, the following oath or affirmation:

I, do solemnly swear (or affirm) that I will faithfully, honestly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me by *The North Pickering Development Corporation Act, 1974* and all rules, directions and instructions thereunder as a director (officer, employee or agent, as the case may be) of the North Pickering Development Corporation and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of the Corporation.

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Indemnification of officers and directors

7. Each director and each officer of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, in good faith made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses, shall be part of the administration expense of the Corporation.

8. *The Corporations Act* does not apply to the Corporation. R.S.O. 1970, c. 89 not to apply

9. The chairman shall preside at all meetings of the Board or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman. Chairman to preside

10. The Board shall manage or supervise the management of the business and affairs of the Corporation, provided that, in accordance with the policy of the Government of Ontario relating to the planning and development of the North Pickering Planning Area, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the exercise of its powers. Management

11.—(1) The Corporation may, subject to the approval of the Minister, establish positions, salary ranges and employee benefits for its officers and employees. Officers and employees

(2) The Corporation may appoint officers and employees in accordance with the provisions of subsection 1. Idem

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act. Employees' superannuation benefits
R.S.O. 1970, c. 387

12. The Corporation may engage persons other than those appointed under section 11 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons. Professional and other assistance

13. Such right, title and interest in property held by the Ontario Land Corporation that is included in the North Pickering Planning Area as deemed necessary or advisable by the Lieutenant Governor in Council to carry out the objects of the Corporation shall be transferred to and vested in the Corporation. Transfer of assets

14. The head office of the Corporation shall be established within the North Pickering Planning Area. Head office

15. The Corporation shall have a seal which shall be adopted by resolution or by-law of the Corporation. Seal

16. The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on Mechanical reproduction of seal and signature authorized

any security to which it is to be affixed and any signatures upon any such security may be engraved, lithographed, printed or otherwise mechanically reproduced and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes, valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Fiscal
year

17. The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Duties of
Corporation

18. The Corporation shall prepare the Plan for Development and develop the North Pickering Planning Area in accordance with the Plan.

Contents of
proposed
Plan

19. The proposed Plan for Development may contain,

(a) policies for the economic, social, environmental, agricultural and physical development of the area covered by the Plan in respect of,

(i) the general distribution and density of population,

(ii) the general location of industry and commerce,

(iii) the identification of major land use areas and the provision of major parks and open space,

(iv) the management of land and water resources,

(v) the control of all forms of pollution of the natural environment,

(vi) the general location and development of major servicing, communication and transportation systems,

(vii) the development and maintenance of educational, cultural, recreational, health and other social facilities, and

(viii) such other matters as are, in the opinion of the Minister, advisable;

(b) policies relating to the financing and programming of public development projects and capital works; and

- (c) such policies as are, in the opinion of the Minister, advisable for the implementation of the Plan.

20. The Corporation shall provide a copy of the Plan for Development to the council of each municipality that is within or partly within the North Pickering Planning Area and shall, in accordance with *The Planning Act*, request the council of each municipality that has planning jurisdiction to make such amendment to its official plan as may be required to enable the North Pickering Planning Area to be developed in conformity with the Plan for Development and the official plan of the municipality.

Corporation to provide copy of Plan to municipalities and request necessary official plan amendments
R.S.O. 1970, c. 349

21. Section 20 applies, *mutatis mutandis*, to any amendment to the Plan for Development.

Amendment

22. The Corporation may do all things necessary or incidental to the carrying out by the Corporation of its duties and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance thereof,

General powers

- (a) carry out investigations and surveys of the environmental, physical, social, economic and agricultural conditions of the North Pickering Planning Area;
- (b) prepare a plan or plans of subdivision as from time to time may be necessary for submission for approval pursuant to *The Planning Act*;
- (c) enter into agreements with any person, municipality, local board, government agency or authority;
- (d) acquire, hold, manage, lease, demolish, alter, improve and dispose of land and other property;
- (e) provide, manage and maintain services, amenities, installations, buildings and other structures;
- (f) apply to the necessary authorities for any permits that may be necessary to carry out the objects and powers of the Corporation including but not limited to building permits;
- (g) subject to the approval of the Minister, make such by-laws, rules and orders as may be considered expedient for the administration and management of its affairs;
- (h) with the prior approval of the Minister in writing, establish and carry on any business, subsidiary business or undertaking; and

- (i) with the prior approval of the Lieutenant Governor in Council, make grants, make loans, advance moneys or guarantee moneys loaned, to persons or governmental authorities.

Borrowing
powers

23.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise such sums of money as the Corporation considers requisite for the objects of the Corporation in any one or more, or partly in one and partly in another, of the following ways,

- (a) by loans or advances from the Consolidated Revenue Fund;
- (b) by loans or advances from any Federal or Provincial government agency, including the Ontario Land Corporation;
- (c) by temporary loans from any chartered bank to which the *Bank Act* (Canada) applies.

R.S.C. 1970,
c. B-1

Evidences of
indebtedness

(2) For the purposes of subsection 1, the Corporation may give such evidences of indebtedness as may be required.

Payment
over to
Corporation
of moneys
appropriated

24. Where the Legislature has appropriated money for the purposes of the Corporation, such money is payable out of such appropriation to the Corporation from time to time upon the requisition of the chairman of the Corporation, upon the Minister and at the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Corporation to the Province of Ontario and notwithstanding anything in *The Financial Administration Act*.

R.S.O. 1970,
c. 166

Grants
and loans

25. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he considers advisable.

Revenue

26. The property and income revenues and profits of the Corporation shall be applied in furtherance of the objects of the Corporation, to repay any loans or debts outstanding or in accordance with any investment policies determined by the Lieutenant Governor in Council or in such other manner as the Lieutenant Governor in Council may determine.

Disposal of
land, etc.,
by the
Corporation

27. The Corporation may dispose of its land, property, assets, undertaking or any part thereof, to any person, municipality, government agency or authority.

28. The Corporation may, with the approval of the Minister, ^{Power to change names} by by-law change the name of the Corporation or the name of the North Pickering Planning Area.

29.—(1) The accounts and financial transactions of the ^{Audit} Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister in which the Provincial Auditor shall,

(a) express an opinion on the financial statements of the Corporation;

(b) include any matters which he considers should be brought to the attention of the Corporation and of the Minister.

(2) The annual report of the Provincial Auditor shall be ^{Idem} included in the annual report of the Corporation.

30.—(1) The Corporation shall make a report annually to ^{Annual report} the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Corporation shall submit its annual estimates and ^{Further reports} multi-year forecasts to the Minister annually and shall make such further reports to the Minister as the Minister may from time to time require.

31. In the event of conflict between the provisions of ^{Conflict} this Act and any other general or special Act, the provisions of this Act prevail.

32. This Act comes into force on a day to be named by ^{Commencement} proclamation of the Lieutenant Governor.

33. This Act may be cited as *The North Pickering Development Corporation Act, 1974.* ^{Short title}

