

1937

# c 373 Upper Canada College Act

Ontario

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## CHAPTER 373.

## The Upper Canada College Act.

Interpretation.

**1.** In this Act,—

"Board."

(a) "Board" shall mean Board of Governors of Upper Canada College;

"College."

(b) "College" shall mean Upper Canada College. R.S.O. 1927, c. 338, s. 1.

## BOARD OF GOVERNORS AND CONSTITUTION.

Board of Governors.

**2.** Upper Canada College and the property, revenue, business and affairs thereof shall be under the government, management, conduct and control of a Board of seventeen Governors, to be elected or appointed as hereinafter mentioned, which shall continue to be a body corporate by the name of Upper Canada College. R.S.O. 1927, c. 338, s. 2.

Board, how constituted.

**3.**—(1) The Board shall be constituted as follows:(a) Six members *ex officio*:

(i) The Chief Justice of Ontario.

(ii) The Honourable the Minister of Education of Ontario.

(iii) The Treasurer of the Law Society of Upper Canada.

(iv) The Chancellor of the University of Toronto.

(v) The President of the Board of Trade of the City of Toronto.

(vi) The President of the Upper Canada College Old Boys' Association.

(b) Eleven other members, eight of whom shall be appointed by the Board and three elected by the Upper Canada College Old Boys' Association. R.S.O. 1927, c. 338, s. 3 (1).

Retirement, annually, of two appointed members.

(2) Of the eight members appointed by the Board, two shall retire annually on the 1st day of January in each year, but shall remain in office until their successors are chosen.

(3) The vacancies occasioned by the two members retiring annually and every other vacancy occurring at any time in the eight memberships shall be filled by the Board by appointment. <sup>Vacancies.</sup>

(4) The remaining three of the eleven members shall be elected by the Upper Canada College Old Boys' Association and shall hold office for three years from the date of their election, and their successors shall be elected by the Upper Canada College Old Boys' Association or by such committee thereof as the by-laws or rules of the Association provide for every three years. <sup>Retirement of elected members.</sup>

(5) Any vacancy occurring during any such period of three years in the representatives of the Association shall be filled by the Association or Committee by the election of another member or members in like manner. <sup>Vacancies.</sup>

(6) The mode of election of the Governors to be elected by the Association and the qualifications of electors and of such Governors shall be fixed by by-law of the Association. <sup>By-laws, as to elections.</sup>

(7) The retiring members of the Board shall be eligible for re-appointment or re-election. <sup>Re-election.</sup>

(8) If and while the same person fills the offices of Chief Justice of Ontario and Chancellor of the University of Toronto the President of the High Court shall be a member of the Board. R.S.O. 1927, c. 338, s. 3 (3-9). <sup>Additional member.</sup>

4. In the event of the removal from Ontario, or absence without leave for six successive months of any member of the Board, other than an *ex officio* member, from the meetings of the Board, the Board may by a resolution passed by a two-thirds vote of the members present at a meeting duly called for that purpose declare the seat of such member to be vacant. R.S.O. 1927, c. 338, s. 4. <sup>Declaring seat vacant for absence.</sup>

5. At the first meeting of the Board in each year after the 1st day of January, or at a meeting thereafter specially called for the purpose, the Board shall elect one of themselves to be chairman and he shall hold office during that year and until his successor is elected. R.S.O. 1927, c. 338, s. 5. <sup>First meeting of Board.</sup>

#### PROPERTY OF THE COLLEGE.

6. The property now vested in the College and the principal of all money invested, other than money appropriated to the contingent fund hereinafter mentioned, and all subscriptions received for the purpose of endowment shall not, except as hereinafter provided, be diminished or expended <sup>Permanent fund.</sup>

but shall remain as a permanent fund for the support and maintenance of the College and for the purposes of this Act. R.S.O. 1927, c. 338, s. 6.

Future property.

7. All property, real and personal, that may hereafter be granted, devised or bequeathed to the College shall be vested in the College in trust for the purposes and support of the College subject to the provisions of this Act and to the terms of the grant, devise or bequest. R.S.O. 1927, c. 338, s. 7.

Income fund.

8. The income from the permanent fund and from the investments made by the College, the fees received for tuition and maintenance, the rents, issues and profits and interest or dividends from all property held for the benefit of the College, except property touching which it has been otherwise ordered by the donors, and all contributions received by the College for the purpose of being applied towards the maintenance of the College shall form the income fund of the College, and shall be at the disposal of the Board for the purposes of the College, and the Board may in its discretion from time to time appropriate any surplus for the purposes of creating a contingent fund or may add the same to the permanent fund of the College. R.S.O. 1927, c. 338, s. 8.

Contingent fund.

Exemption from taxation of property held by College.

9.—(1) All property now vested in or which shall be hereafter in any way acquired by or vested in the College shall be exempt from taxation in the same manner and to the same extent as property vested in the Crown for the public uses of Ontario.

Property used by officers of College.

(2) Such exemption shall also apply to any such property when occupied or used by the Principal or any master or other instructor of the College or by any other person *bona fide* in connection with the College.

When lands taxable in Township of York.

(3) Where it is alleged by the corporation of the Township of York that land situate in the said township which has been vested in the College, or any interest in such land, has been sold or disposed of, or has become vested in any other person, the Ontario Municipal Board, upon the application of the said corporation, may from time to time fix and determine,

(a) the land or interest, if any, liable to taxation as against any person other than the College by reason of such sale or disposition; and

(b) the amount at which such land or interest should be properly assessed as against such person for the purposes of taxation;

and the order of the Board shall be final and shall not be subject to appeal, and such land or interest shall be thereafter liable to assessment accordingly in the said municipality. R.S.O. 1927, c. 338, s. 9.

**10.** It is declared that land which has been sold or otherwise disposed of by the College to any person who has the right to re-sell the same, notwithstanding that the College retains, or has acquired or been given any interest therein, including any right of user, or estate legal or equitable, and notwithstanding anything contained in section 9, and land leased by the College to any person or occupied by any person for any purpose not connected with the College shall be assessable against the person to whom such land has been sold or disposed of or agreed to be sold to the extent of the interest of such person in such land, or against such lessee or occupant, in the same way as if the interest of the College was held by some person other than the College and the interest of any person other than the College in such land shall be subject to the charge thereon given by section 99 of *The Assessment Act* and shall be liable to be sold under the provisions of that Act for arrears of taxes accrued against the land. R.S.O. 1927, c. 338, s. 10.

Assessment of interest of party other than the College in land.

Rev. Stat. c. 272.

**11.** The real property vested in the College shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. R.S.O. 1927, c. 338, s. 11.

Property not liable to expropriation.

**12.** All real property vested in the College shall so far as the application thereto of any statute of limitation is concerned be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. R.S.O. 1927, c. 338, s. 12.

Application of statute of limitation.

#### POWERS OF BOARD AS TO EXPENDITURE, MORTGAGE, SALE, ETC.

**13.** The Board may from time to time temporarily use money, not exceeding in the aggregate \$100,000. of the permanent fund of the College for any purpose in connection with the maintenance or administration of the College, and may raise such money by pledge or mortgage of any securities or of the land of the College or any part thereof. R.S.O. 1927, c. 338, s. 14.

Use of part of permanent fund.

Money may be raised temporarily on mortgage.

**14.** The Board may raise money temporarily upon mortgage or charge of the land of the College or any part thereof pending sale for the purpose of acquiring other land and establishing the College elsewhere as hereinafter mentioned. R.S.O. 1927, c. 338, s. 15.

Power to sell and dispose of land.

**15.** With the consent of the Lieutenant-Governor in Council the Board may from time to time sell and dispose of the land of the College or any part thereof. R.S.O. 1927, c. 338, s. 16.

Change of site authorized.

**16.** If such sale or sales of land be with the object of or shall necessitate the establishment and continuance of the College elsewhere in Ontario than upon its present site, the proceeds of the sale shall be applied for that purpose so far as may be necessary, and all money not required for that purpose shall form part of the permanent fund of the College. R.S.O. 1927, c. 338, s. 17.

#### OTHER POWERS.

Specific powers of Governors.

**17.**—(1) Without limiting the powers hereinbefore conferred, the Board shall have power to,—

- (a) manage the endowment and permanent fund and all other property of the College, but, except as aforesaid, not to alienate or incumber the same or any part thereof, except the contingent fund and moveable property which may from time to time be disposed of by the Board as may be deemed best;
- (b) invest the endowment and permanent fund and all money which shall or may come into its hands for the purposes of the College, but subject to the limitations of any trust as to the same, upon mortgages of freehold or leasehold land, the debentures, bonds, stocks or other securities of any government or of any municipal corporation or school section in Canada;
- (c) lease any part of the property not required for the business or accommodation of the College for any term not exceeding forty-two years with provision for renewals, and for payment for buildings or improvements;
- (d) receive and invest, subject to the directions of the grant or bequest, all money granted or bequeathed for the purposes of the College and provide for free tuition and maintenance in the College of pupils nominated by persons subscribing to the endowment

fund, and found masterships, exhibitions, scholarships or prizes to be named as the donors may direct and the Board may approve;

- (e) authorize such permanent improvements, alterations or additions to the buildings of the College or the erection and equipment of such new buildings as may be desired, and the purchase of land for the erection of new buildings, and direct that the cost thereof shall be paid out of the permanent fund, but they shall not impair the permanent fund of the College without the consent of the Lieutenant-Governor in Council, or to an extent that would interfere with the payment of any charges in respect thereof, and if the Board deem it necessary from time to time or at any time to borrow moneys to meet expenditures for the objects contemplated by this clause, borrow to the extent of \$100,000, upon the security of a mortgage or mortgages upon the lands and property of the College, either as direct security for such borrowings or for security for any bonds or obligations representing the said borrowings which the Board may think proper to issue, or secured in any other way which the Board may approve, and such moneys may be borrowed for such time or times and at such rates of interest as the Board shall approve;
- (f) borrow money for the purposes mentioned in clause e to the extent of \$25,000 upon the security of subscriptions of money to or for the benefit of the College which are made payable by the terms of the subscriptions at some future date or by instalments. R.S.O. 1927, c. 338, s. 18.

(2) Notwithstanding anything contained in clause f of subsection 1, the Board may, with the approval of the Lieutenant-Governor in Council, and for the purposes mentioned in clause e of subsection 1, borrow a sum of money not exceeding \$100,000 upon the security of one or more subscriptions of money to or for the benefit of the said College which are made payable by the terms of the subscriptions at some future date, or by instalments. 1933, c. 59, s. 28.

Special  
borrowing  
power of  
Board.

#### APPOINTMENT OF OFFICERS AND GENERAL POWERS.

**18.** The Board shall appoint the principal, masters, bursar and other officers and servants of the College, and shall have the control, management and government of the College and, subject to the provisions of this Act, also of all its properties, endowment, funds, assets, income and revenues, and may pass

Appoint-  
ment of  
principal,  
masters,  
etc., and  
general  
powers.

by-laws, rules and regulations for the working and management of the College including the establishment of masterships, exhibitions, scholarships and prizes and fixing the salaries of the principal, masters, bursar, officers and servants, and also as to all matters pertaining to the business, meetings and transactions of the Board, and may fix the quorum necessary for meetings of the Board, and may act by such committees as they may deem proper to appoint. R.S.O. 1927, c. 338, s. 19.

## GENERAL.

Execution  
of instru-  
ments.

**19.** Subject to the by-laws of the Board, all conveyances, grants, leases, discharges or assignments of any property held by or for the College shall be made by the Board under its corporate seal which shall be attested by the signatures of the chairman or some person thereto authorized by the Board and of the bursar. R.S.O. 1927, c. 338, s. 20.

Superannua-  
tion.

**20.** The Board may make regulations for the retirement and superannuation of any master, officer or servant of the College, and any gratuity or superannuation allowance may be paid out of a fund to be provided for that purpose or out of the income fund as the Board shall direct. R.S.O. 1927, c. 338, s. 21.

Returns to  
Lieutenant-  
Governor in  
Council.

**21.** The Board, when required by the Lieutenant-Governor in Council, shall make returns of the property of the College, real and personal, and furnish reports as to the state of the College with such details and information as he may from time to time require. R.S.O. 1927, c. 338, s. 22.

Regulations  
by  
principal.

**22.** The principal, subject to the approval of the Board, may make regulations for the direction of the masters, officers and servants in regard to their duties and for the discipline and instruction of the pupils of the College, for the conduct of the school and the management of the school buildings and grounds. R.S.O. 1927, c. 338, s. 23.

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