

1937

# c 396 Toronto General Hospital Act

Ontario

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## CHAPTER 396.

## The Toronto General Hospital Act.

## INTERPRETATION.

Interpretation.	<b>1.</b> In this Act,—
"Board."	(a) "Board" shall mean the trustees of the Toronto General Hospital;
"Hospital."	(b) "Hospital" shall mean the Toronto General Hospital;
"Subscribers."	(c) "Subscribers" shall mean benefactors and annual subscribers as defined by this Act. R.S.O. 1927, c. 358, s. 1.

## GOVERNMENT OF HOSPITAL.

Election and appointment of trustees.	<b>2.</b> The Toronto General Hospital and the property, revenues, business and affairs thereof shall continue to be under the government, management, conduct and control of a board of twenty-five trustees, of whom eight shall be appointed by the Lieutenant-Governor in Council, five by the Governors of the University of Toronto, and five by the municipal council of the corporation of the City of Toronto, and seven shall be elected by the subscribers, and the trustees shall continue to be a body corporate by the name of "The Trustees of the Toronto General Hospital." R.S.O. 1927, c. 358, s. 2.
Term of office.	<b>3.</b> —(1) The trustees hereafter appointed by the corporation of the City of Toronto shall hold office for one year and until their successors are appointed.
Idem.	(2) The trustees hereafter appointed by the Lieutenant-Governor in Council and by the Governors of the University of Toronto and those elected by the subscribers shall hold office for three years and until their successors are chosen. R.S.O. 1927, c. 358, s. 4.
Time of appointment or election.	<b>4.</b> All trustees shall be appointed or elected in the month of January in each year in the place of those whose term of office expires. R.S.O. 1927, c. 358, s. 5.
Eligibility for re-appointment or re-election.	<b>5.</b> A trustee whose term of office has expired shall be eligible for re-appointment or re-election as the case may be. R.S.O. 1927, c. 358, s. 6.

6. A member of the hospital staff shall not be eligible to be a trustee and if a member of the Board accepts or occupies a position on the hospital staff or goes to reside out of Ontario, or becomes mentally ill or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office as a member of the Board, and a declaration of the existence of the vacancy entered upon the minutes of the Board shall be conclusive evidence thereof. R.S.O. 1927, c. 358, s. 7.

Members of staff not eligible as trustees.

7. Where a vacancy occurs from any cause, it shall be filled by the body possessing power to appoint or elect, and the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of the trustee whose place he is appointed or elected to fill. R.S.O. 1927, c. 358, s. 8.

Vacancies.

8. Five members shall constitute a quorum of the Board. R.S.O. 1927, c. 358, s. 9.

Quorum.

#### ELECTION OF TRUSTEES BY SUBSCRIBERS.

9.—(1) A meeting of subscribers for the election of trustees to fill the places of retiring trustees shall be held annually on the second Tuesday of the month of January.

Date of election.

(2) Elections to fill the vacancies arising from any other cause than the expiration of the term of office shall be held at such times as the Board may by by-law or resolution appoint.

Casual vacancies.

(3) The meetings shall be held at the hospital at such hour as the Board by resolution appoints and the secretary of the Board shall at least ten days before the holding of any such meeting send to each subscriber by prepaid registered post a notice thereof. R.S.O. 1927, c. 358, s. 10 (3); 1937, c. 79, s. 2.

Place of election—notice.

(4) The solicitor of the Board or in his absence a person elected by the meeting shall preside, and the secretary shall act as the secretary of the meeting and shall produce a certified list of subscribers with a statement of the amount of each subscription, and such list shall be open to public inspection.

Conduct of election.

(5) The election shall be by ballot taken by two or more scrutineers appointed by the chairman of the meeting and each subscriber shall be entitled to vote in person or by proxy under an instrument of proxy duly executed under his hand given to a subscriber entitled to vote at such election.

Mode of election.

Proxies.

(6) An instrument of proxy shall be valid for one year only.

Duration of proxy.

Determining  
election by  
lot in case  
of tie vote.

(7) In case of an equality of votes between two or more persons which leaves the election of one or more trustees undecided, the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the chairman shall draw from the ballot box in the presence of the scrutineers one or more of the papers sufficient to make up the required number of trustees, and the persons whose names are upon the papers so drawn shall be the trustees elected. R.S.O. 1927, c. 358, s. 10 (47).

#### HONORARY ADVISORY BOARD.

Appoint-  
ment of  
advisory  
board.

**10.**—(1) The Board may by by-law constitute an honorary advisory board consisting of not more than ten members appointed by the Board, to hold office during the pleasure of the Board, and the Board may from time to time fill any vacancy occurring in the membership of the said honorary advisory board.

Officers.

(2) The honorary advisory board may appoint a chairman and a vice-chairman, and the secretary of the Board shall upon the request of the honorary advisory board act as its secretary.

Membership.

(3) No person shall be appointed a member of the said honorary advisory board unless previous to his appointment he has been appointed or elected as a trustee of the Board and has served in such capacity for a period of at least five years.

Advisory  
powers.

(4) The said honorary advisory board shall not have or exercise any of the rights, powers and privileges of the Board but shall act only in an advisory capacity in co-operation with the Board as the said Board shall from time to time desire or determine. 1931, c. 140, s. 2.

#### POWERS OF TRUSTEES.

Powers of  
trustees  
under pres-  
ent Acts  
continued.

**11.**—(1) Subject to the provisions of this Act, the Board shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

Taking and  
holding  
lands with-  
out license  
in mort-  
main.

(2) The Board shall be capable of receiving and taking from any person or body corporate by grant, gift, devise or otherwise any land or interest in land or any goods, chattels or effects, for the use, support or purposes of the hospital and without a license in mortmain, and all persons and bodies corporate shall have full and unrestricted right and power to give, grant, devise and bequeath to the Board any land or interest in land or any goods, chattels or effects.

(3) No real property or interest therein vested in the Board and used for hospital purposes shall 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 whatsoever, and no power to expropriate real property hereafter conferred on such corporation or person shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property. R.S.O. 1927, c. 358, s. 11. Exemption from expropriation.

**12.** The building and land of and attached to or otherwise *bona fide* used in connection with and for the purposes of the hospital, so long as such buildings and land are actually used and occupied for the purposes of the hospital, and the personal property of the Board shall be exempt from all taxation, including school rates or taxes. R.S.O. 1927, c. 358, s. 12. Exemption from taxation.

**13.** All the rights and privileges belonging to or enjoyed by the Crown in respect of its land under any statute limiting the time for bringing actions either by the Crown or against the Crown shall belong to and be enjoyed by the Board in respect of land vested in the Board. R.S.O. 1927, c. 358, s. 13. Limitation of actions.

**14.**—(1) The Board may sell or dispose of any land vested in it, including the block of land which on the 6th day of May, 1913, was occupied by the hospital, bounded by Gerrard, Sumach, Spruce and Sackville streets, upon such terms as to payment of purchase money as may seem best, and may mortgage any land vested in it, or may lease the same for any period not exceeding twenty-one years with the right of renewal for periods not exceeding twenty-one years in perpetuity and subject to such covenants, conditions, agreements, stipulations and provisos as may seem best, but land vested in the Board which is charged with debentures shall remain subject to such charge until the same are paid, unless sold with the consent of the holders of the debentures. Power to dispose of site on Gerrard Street and other lands.

(2) Nothing in subsection 1 shall authorize the Board to sell the hospital which, on the 6th day of May, 1913, it was erecting on College Street or the land used in connection with it, but this restriction shall not prevent the Board from mortgaging such hospital and land nor shall it interfere with any of the remedies by way of sale or otherwise of the mortgagees. R.S.O. 1927, c. 358, s. 14. But not on College Street.

**15.**—(1) The Board may without the consent of the owner thereof or any person interested therein enter upon, take, use and expropriate all such land as it deems necessary for the pur- Power to take lands for hospital.

poses of the hospital, making due compensation therefor to the owners and occupants thereof and all persons having any interest therein, and may pass by-laws for that purpose.

Application  
of provi-  
sions of  
Rev. Stat.  
c. 266.

(2) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the Board, or at his office, as the case may be.

Registration  
of by-laws.

(3) The Board may register any by-law passed for the purposes of subsection 1 by depositing in the proper registry office or land titles office a copy of such by-law certified under the hands of the chairman and the secretary of the Board and authenticated by its seal and the registration of the by-law shall vest the real property therein described in the Board. R.S.O. 1927, c. 358, s. 15.

Borrowing  
powers of  
Board.

**16.**—(1) The Board may from time to time, with the approval of the Lieutenant-Governor in Council, borrow for the purposes of the hospital such sums as may be required for the purposes of the hospital, and may issue debentures therefor in such sums, at such rate of interest and for such periods as it may deem expedient.

Currency of  
debentures.

(2) No such debenture shall be issued for a longer period than forty years, and the interest shall be payable yearly, half-yearly or quarterly.

Mortgages  
to secure  
debentures.

(3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any land vested in the Board. R.S.O. 1927, c. 358, s. 16.

Powers as  
to invest-  
ments.

**17.** The Board may invest, in such securities as may be deemed advisable, all money which may at any time come into its hands for the use and support of the hospital, or may deposit the same in any chartered bank or financial institution of good standing. R.S.O. 1927, c. 358, s. 17.

#### NEW HOSPITAL BUILDINGS.

Erection of  
buildings,  
etc., for  
hospital.

**18.**—(1) Without thereby limiting the general powers hereinbefore conferred, the Board may erect, equip and maintain all buildings required for the purposes of the hospital upon such sites as the Board may deem proper.

(2) In the event of the Board abandoning the hospital site mentioned in section 14, it shall be the duty of the Board in erecting new hospital buildings upon another site to erect upon a portion of such site a building suitable in every respect for the purposes of a lying-in hospital, and maintain and support the same in connection with the hospital as part of it upon the terms and conditions set forth in the resolutions of The Burnside Lying-in Hospital and the hospital authorizing the merger of The Burnside Lying-in Hospital in the hospital; and such building shall be called "The Burnside Lying-in Hospital."

Burnside  
Lying-in  
Hospital.

(3) The Board shall provide in connection with the hospital which, on the 6th day of May, 1913, it was erecting on College Street, a building which shall be set aside as an eye and ear infirmary and shall be called "The Andrew Mercer Eye and Ear Infirmary."

"Andrew  
Mercer Eye  
and Ear  
Infirmary."

(4) A section or wing of the hospital building shall be deemed to be a building within the meaning of subsections 2 and 3. R.S.O. 1927, c. 358, s. 18.

Nature of  
buildings.

#### EXECUTION OF DOCUMENTS.

**19.**—(1) All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal shall be sealed with the corporate seal of the Board and shall be signed by the chairman or some person thereto authorized by resolution of the Board, and countersigned by the secretary or some person thereto authorized by resolution of the Board.

Execution  
of docu-  
ments by  
corporation.

(2) All cheques, promissory notes and drafts shall be signed by the chairman or some person thereto authorized by resolution of the Board, and countersigned by the secretary or some person thereto authorized by resolution of the Board. R.S.O. 1927, c. 358, s. 19.

Negotiable  
instruments.

#### BY-LAWS.

**20.**—(1) The Board shall appoint and may remove a secretary, a treasurer, the medical and other superintendents and their assistants and clerks, and all other officers and servants of the Board, and may enact by-laws and regulations for the management of the hospital and the trust, and for fixing all salaries and wages, and, subject to section 26, for regulating the composition of the hospital staffs, their numbers, terms of office, privileges and duties.

Appointment  
and removal  
of officers  
and staff.

(2) Such by-laws or regulations shall be laid before the Lieutenant-Governor in Council within thirty days after the

By-laws and  
regulations.

same have been enacted, and shall not come into force until approved by him. R.S.O. 1927, c. 358, s. 20.

#### BENEFACTORS, VISITORS AND ANNUAL SUBSCRIBERS.

"Benefactors."

**21.**—(1) Every person who before the 14th day of May, 1906, has subscribed \$500 or upwards to the fund of the hospital, and every person who has since subscribed or may hereafter subscribe \$1,000 or upwards shall be a "Benefactor" of the hospital, and the Board shall erect a tablet in the principal entrance hall of the hospital upon which shall be inscribed the names of the benefactors.

Visitors.

(2) The benefactors shall be visitors of the hospital. R.S.O. 1927, c. 358, s. 21.

Who to be deemed "annual subscriber."

**22.** Every person who shall have subscribed \$100 or upwards to the fund of the hospital in the year immediately preceding an election of subscribers' trustees at which he desires to vote shall be an "Annual Subscriber." R.S.O. 1927, c. 358, s. 22.

#### MEDICAL STUDENTS.

Right of medical students to attend hospital.

**23.**—(1) The Board shall allow any medical student of the University of Toronto to visit the wards of the hospital and attend them for the purpose of receiving instruction from the members of the faculty of medicine of the university upon the payment of such fees and under such regulations and restrictions as the Board by by-law or resolution appoints.

Regulations.

(2) The Lieutenant-Governor in Council may from time to time make regulations and prescribe conditions under which the Board shall admit other students in medicine, including post-graduate students, to receive medical instruction from such faculty as provided by subsection 1. R.S.O. 1927, c. 358, s. 23.

#### PAYING PATIENTS.

Right of paying patients to attendance of their own physician.

**24.**—(1) The Board shall allow every patient paying sufficient to cover all the cost to the Board of his maintenance and support while in the hospital to employ his own surgeon or physician, subject to the regulations of the Board.

"Paying their way."

(2) The words "paying their way," where they occur in the 7th section of By-law No. 4579 of the City of Toronto, shall mean "paying sufficient to cover all the cost to the Board of their maintenance and support while in the hospital." R.S.O. 1927, c. 358, s. 24.



## CITY PATIENTS.

**25.** The Board shall afford accommodation as far as possible to patients sent into the hospital on the order of the corporation of the City of Toronto, upon payment to the Board of such rates as may from time to time be agreed upon, and subject to such regulations and restrictions as the Board may by by-law or resolution appoint. R.S.O. 1927, c. 358, s. 25.

Patients  
sent from  
City of  
Toronto.

## THE HOSPITAL STAFF.

**26.** The composition and number of the hospital staff, and the terms of office, the duties and the privileges of the members thereof shall be regulated by and be in accordance with the agreement between the Governors of the University of Toronto and the Board and the by-law of the Board set out in Schedule 1 to the Act passed in the first year of the reign of His Late Majesty King George the Fifth, chaptered 80 and intituled *An Act respecting the Toronto General Hospital*. R.S.O. 1927, c. 358, s. 26.

Hospital  
Staff.

1911,  
c. 80.

## STATEMENTS TO GOVERNMENT.

**27.** In addition to the returns required by any other Act, the Board, when required so to do by the Lieutenant-Governor in Council, shall render an account in detail of all money received by it, specifying the sources from which the same arose or was received and the manner in which the same is invested or was expended and all such particulars as may be necessary to show the state of the fund and endowment of the hospital. R.S.O. 1927, c. 358, s. 27.

Returns.