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c 117 The Separate Schools Amendment Act, 1973

Ontario

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CHAPTER 117

An Act to amend The Separate Schools Act

*Assented to November 21st, 1973
Session Prorogued March 5th, 1974*

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

1. Subsection 6a of section 80 of *The Separate Schools Act*, being ^{s. 80 (6a),} amended chapter 430 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 137, section 4, is amended by striking out "21" in the sixth line and inserting in lieu thereof "21".
2. The said Act is amended by adding thereto the following ^{s. 86a,} enacted section:

86a.—(1) Where the boundaries of an area designated by ^{Alteration of} the regulations under subsection 2 of section 81 are altered, ^{boundaries;} all lands and premises that, ^{disposition of} ^{assets and} ^{liabilities}

- (a) are situate in a municipality or part thereof or territory without municipal organization that is added to the designated area by such alteration;
- (b) are used as separate schools on the last school day preceding the effective date of such alteration; and
- (c) immediately prior to the effective date of such alteration are vested in a separate school board,

shall, on and after such effective date, be vested without compensation, but subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the county or district combined separate school board for the designated area to which the municipality or part thereof or territory without municipal organization is added, and the separate school boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

Dispute

(2) Any dispute as to the disposition of property under subsection 1 may be referred by one or more of the boards concerned to the Ontario Municipal Board which shall determine the matters in dispute, and its decision is final.

Employment contracts

(3) The employment contract of every employee of a separate school board who, immediately before the effective date of the alteration of the boundaries of an area designated by the regulations under subsection 2 of section 81 was required to perform his duties in a separate school that is vested under subsection 1 in the county or district combined separate school board for such designated area becomes an obligation of such county or district combined separate school board.

Transfer of trustee

(4) Subject to subsection 8, where one or more municipalities are detached from an area designated by the regulations under subsection 2 of section 81 and attached to an adjoining designated area and one trustee of the county or district combined separate school board for the designated area from which the municipality or municipalities are detached resides in one such municipality and was elected by the separate school electors of such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such trustee shall, on the effective date of the attaching of the municipality or municipalities cease to be a trustee of the separate school board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

- (a) to have been elected by separate school electors of the county or district combined separate school board for the designated area to which the municipality in which he resides is attached; and
- (b) to represent on such board the separate school electors of the municipality in which he resides and of the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 8 of section 90 at the time of his election and that are also attached to such designated area,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 8 of section 90 as a municipality or combination of municipalities, as the case may be, to be represented by one trustee.

Composition of board reduced

(5) Where one or more municipalities are detached from an area designated by the regulations under subsection 2

of section 81 and the number of trustees of the county or district combined separate school board for such area is reduced pursuant to subsection 4, for the remainder of the term of the board the number of trustees who remain on the board shall be deemed to be the number determined under subsection 2 of section 90.

(6) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization is detached from an area designated by the regulations under subsection 2 of section 81 and attached to an adjoining designated area or area of jurisdiction of an urban separate school board, on the effective date thereof and for the remainder of the term of office of the separate school board for the area that is enlarged, the separate school electors in such municipality or part or territory without municipal organization shall be represented by the trustee or trustees of the separate school board last elected in,

Trustee to represent transferred area.

- (a) the municipality, combination of municipalities or part or parts thereof or territory without municipal organization in the designated area; or
- (b) the ward established for election of one or more trustees of the urban separate school board,

that adjoins such attached municipality or part or territory without municipal organization, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

(7) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization that is attached to a designated area adjoins two or more municipalities in the designated area that are not combined for the purpose of electing one or more trustees, the county or district combined separate school board for the area that is enlarged shall, by resolution, determine the trustee or trustees who, for the remainder of the term of office of the board, shall represent the municipality or part or territory without municipal organization that is attached to the designated area, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

Determination of trustee representation by enlarged board

(8) Subsections 4, 6 and 7 do not apply where a regular election of the board is to be held before the effective date on which the municipality or municipalities or part or parts thereof or territory without municipal organization is attached.

Application of subss. 4, 6, 7

Area added to Scarborough to be under M.S.S. Board 1973, c. 48

(9) The area added to the Borough of Scarborough by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1973*, shall, on and after the 1st day of January, 1974, be part of the district of which the separate schools are administered by the Metropolitan Separate School Board.

s. 90 (6) (a), amended

3. Clause *a* of subsection 6 of section 90 of the said Act is amended by striking out "under subsection 2 of section 81" in the fifth and sixth lines.

s. 92, amended

- 4.—(1) Section 92 of the said Act is amended by adding thereto the following subsection:

Idem

(1*a*) Where, on the 31st day of December, 1973, a pupil is enrolled in a separate school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in the area of jurisdiction of a separate school board other than the separate school board that has jurisdiction in the area in which the pupil resides, the pupil has, in addition to any other right that he may have under *The Ministry of Education Act, The Schools Administration Act* or this Act, the right to attend the school until he completes his education in the school, and the separate school boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils.

R.S.O. 1970, cc. 111, 424

s. 92 (3), amended

- (2) Subsection 3 of the said section 92 is amended by striking out "1" in the first line and inserting in lieu thereof "1, 1*a*".

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Separate Schools Amendment Act, 1973*.