

1973

## c 147 The Regional Municipality of Durham Amendment Act, 1973 (No. 1)

Ontario

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## CHAPTER 147

**An Act to amend  
The Regional Municipality of Durham Act, 1973**

*Assented to December 4th, 1973  
Session Prorogued March 5th, 1974*

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

1. Subsection 3 of section 2 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is amended by inserting after "Part" in the second line "and in subsection 1a of section 148 of *The Municipality of Metropolitan Toronto Act*". s. 2 (3),  
amended
  
2. Subsection 5 of section 6 of the said Act is repealed and the following substituted therefor: s. 6 (5),  
re-enacted
  - (5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Ontario or the United Counties of Northumberland and Durham shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for both the Judicial District of Durham and the County of Northumberland. Appoint-  
ments
  
3. Section 52 of the said Act is amended by adding thereto the following subsection: s. 52,  
amended
  - (3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation. Approval  
required to  
intersect  
regional road
  
4. Section 55 of the said Act is amended by adding thereto the following subsections: s. 55,  
amended
  - (6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a Special  
rates

water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising  
of money  
by area  
municipality

(7) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

Purchase  
of water

(8) The Regional Corporation may enter into a contract for the purchase of water from any adjoining regional or metropolitan municipality and no area municipality shall, after the 1st day of January, 1974, enter into any such contract with any municipality.

s. 57,  
amended

5. Section 57 of the said Act is amended by adding thereto the following subsection:

Contracts  
for disposal  
of sewage

(9) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, and no area municipality shall enter into any such contract with any municipality.

s. 62,  
amended

6. Section 62 of the said Act is amended by adding thereto the following subsection:

Land division  
committee  
to stand in  
place of  
committees  
of  
adjustment

(11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 67 (a),  
amended

7. Clause *a* of subsection 3 of section 67 of the said Act is amended by inserting after "and" in the eighth line "on and after the 1st day of January, 1974, in respect of service after such date be entitled".

8. Section 77 of the said Act is amended by adding thereto <sup>s. 77,</sup> the following subsection: <sup>amended</sup>

(3) All the assets and liabilities pertaining to the functions <sup>Assets and liabilities</sup> transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

9. Subsection 5 of section 96 of the said Act is repealed and <sup>s. 96 (5),</sup> the following substituted therefor: <sup>re-enacted</sup>

(5) The final determination made under subsection 4 shall <sup>Idem</sup> be forwarded forthwith to the Regional Corporation, The Municipality of Metropolitan Toronto and the municipalities or area municipalities directly concerned and to the Municipal Board and, unless the Regional Corporation, The Municipality of Metropolitan Toronto or the council of any such municipality or area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the Regional Corporation, The Municipality of Metropolitan Toronto, the municipality or area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed <sup>R.S.O. 1970,</sup> upon by the Regional Corporation, The Municipality of <sup>c. 284</sup> Metropolitan Toronto and such municipalities or area municipalities.

- 10.—(1) Subsection 1 of section 123 of the said Act is amended <sup>s. 123 (1),</sup> by inserting after "24" in the third line "46". <sup>amended</sup>

- (2) Subsections 7 and 8 of the said section 123 are repealed <sup>s. 123 (7, 8),</sup> and the following substituted therefor: <sup>re-enacted</sup>

(7) Every by-law of a local municipality as it exists <sup>By-laws</sup> on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality or the council of The Municipality of Metropolitan Toronto or the council of the Borough of Scarborough, as the case may be, as it affects such area municipality or The Municipality of Metropolitan Toronto or the Borough of Scarborough.

(8) Where any local municipality has commenced pro- <sup>Idem</sup> cedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any

provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the area municipality, the council of The Municipality of Metropolitan Toronto, or the council of the Borough of Scarborough, as the case may be, which is successor to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, or to The Municipality of Metropolitan Toronto or to the Borough of Scarborough and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

s. 125,  
amended

11. Section 125 of the said Act is amended by adding thereto the following subsection:

Application  
of s. 27

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

s. 134,  
amended

12. Section 134 of the said Act is amended by adding thereto the following subsections:

County of  
Northumber-  
land  
incorporated

(5) On the 1st day of January, 1974, the inhabitants of the County of Northumberland together with the inhabitants of the Township of Hope and the Town of Port Hope are constituted a body corporate under the name of The Corporation of the County of Northumberland.

Membership  
of county  
council

(6) The members of council of the United Counties of Northumberland and Durham as it exists on the 31st day of December, 1973, whose membership derives from tenure of municipal office in a local municipality within the County of Northumberland, as constituted by subsection 5, shall, on and after the 1st day of January, 1974, continue in office as members of council for the County of Northumberland until the 31st day of December, 1974.

Agreement  
successor  
rights

(7) Where any agreement has been entered into by The Corporation of the United Counties of Northumberland and Durham, The Corporation of the County of Northumberland shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of The Corporation of the United Counties of Northumberland and Durham in so far as the agreement pertains to the County of Northumberland.

By-laws

(8) Every by-law of the United Counties of Northumberland and Durham as it exists on the 31st day of December,

1973, shall remain in force in the area of the County of Northumberland, as it exists on and after the 1st day of January, 1974, and may be amended or repealed by the council of the County of Northumberland as it affects such county.

- 13.** Section 140 of the said Act is amended by adding thereto <sup>s. 140.</sup> <sup>amended</sup> the following subsection:

(2) For the purposes of subsection 1, "Regional Corporation" shall be deemed to include The Municipality of Metropolitan Toronto and "area municipality" shall be deemed to include The Corporation of the Borough of Scarborough. <sup>Interpre-</sup><sup>tation</sup>

- 14.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup><sup>ment</sup>
- 15.** This Act may be cited as *The Regional Municipality of Durham* <sup>Short title</sup> *Amendment Act, 1973.*

