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c 183 The City of Oshawa Act, 1972

Ontario

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CHAPTER 183

An Act respecting the City of Oshawa*Assented to April 27th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Oshawa hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

**Interpre-
tation**

- (a) "Corporation" means The Corporation of the City of Oshawa;
- (b) "council" means the council of the Corporation;
- (c) "Commission" means the Public Utilities Commission of the City of Oshawa;
- (d) "employee" means any salaried officer, clerk, workman, servant or other person in the employ or formerly in the employ of the Corporation or of a local board and includes an employee of the Commission and further includes a member of the police force of the Corporation and any person or class of person designated as an employee by the Minister;
- (e) "local board" includes the Commission or any other public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, board or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the Corporation but does not include a hospital established under any general or special Act;

(f) "service" means employment of an employee, and "credited service" means service under an approved pension plan for which a pension is payable;

(g) "year's maximum pensionable earnings" means the Year's Maximum Pensionable Earnings as defined in the *Canada Pension Plan*.

R.S.C. 1970,
c. C-5

Retirement
allowances

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws granting an annual retirement allowance payable weekly, monthly or otherwise to an employee or former employee who during his life has had not less than five years continuous service with the Corporation or any local board, and who,

(a) has retired because of age; or

(b) while in the service of the Corporation has become ill or disabled or otherwise unable to discharge his duties; and

(c) is not entitled to an annual retirement allowance payable under any by-law of the Corporation enacted from time to time passed under the provisions of section 239 of *The Municipal Act* or any successor thereof.

R.S.O. 1970,
c. 284

Limitation
on amount of
allowance

(3) No payment shall be made by the Corporation on behalf of any employee that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service up to thirty-five years and reduced by 0.7 per cent of the lesser of such average annual earnings or the year's maximum pensionable earnings established at the time he ceased to be employed by the Corporation multiplied by the number of years of credited service of the employee.

How amount
of allowance
calculated

R.S.C. 1970,
c. O-6

R.S.O. 1970,
c. 324

(4) The amount of the retirement allowance shall be a sum which when added to payments received at the rate then in effect by the employee or former employee under the *Old Age Security Act*, *Canada Pension Plan*, *The Ontario Municipal Employees Retirement System Act* or any pension plan established by the Corporation under paragraph 64 of section 352 of *The Municipal Act* or any predecessor of that section, would together with the income from those sources raise the employee's income from all sources hereinbefore mentioned to a sum not to exceed \$3,000 annually and this sum shall be hereinafter referred to as the pension income.

(5) The pension income may be increased by by-law passed from time to time amending any by-law granting any retirement allowance under the provisions of this Act but the rate of such increase shall not exceed the percentage increase in the level of the Consumer Price Index published by Statistics Canada to the date of the passing of any by-law or amending by-law from the level at the date of coming into force of this Act. Increase in pension income

(6) Any by-law passed under this Act may provide that the retirement allowance payable to any employee with more than fifteen years service shall be increased by an amount not to exceed 2 per cent of the pension income for each year of service in excess of fifteen years to a maximum of five years. Increase in retirement allowance

(7) Any by-law passed under this Act may provide that the retirement allowance payable to any employee with less than fifteen years service shall be reduced by an amount not to exceed 2 per cent of the pension income for each year by which the employee's service is less than fifteen years to a maximum of five years. Reduction in retirement allowance

(8) Where an employee has not contributed to a pension established by the Corporation under paragraph 64 of section 352 of *The Municipal Act* or any predecessor of that section, although he was entitled to contribute, the Corporation may reduce the payment to such employee under any by-law granting a retirement allowance to one-half of the amount that would otherwise be payable. Idem R.S.O. 1970, c. 284

(9) Where the council grants an annual retirement allowance to an employee under subsection 1, the by-law may include a provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual retirement allowance payable to the employee. Continuation of allowance to spouse

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

3. This Act may be cited as *The City of Oshawa Act, 1972*. Short title

