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c 68 The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1970

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CHAPTER 68

**An Act to amend
The Sandwich, Windsor and
Amherstburg Railway Act, 1930**

*Assented to June 26th, 1970
Session Prorogued November 13th, 1970*

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

1.—(1) Clause *a* of section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* is repealed and the following substituted therefor: 1930, c. 17, s. 2, cl. a, re-enacted

(a) "corporation" means The Corporation of the City of Windsor.

(2) The said section 2, as amended by section 1 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is further amended by adding thereto the following clause: 1930, c. 17, s. 2, amended

(g) "council" means the council of the corporation.

2. Section 14 of the agreement authorized by *The Hydro-Electric Railway Act, 1914* and confirmed by *The Hydro-Electric Railway Act, 1920*, between The Hydro-Electric Power Commission of Ontario and the municipal corporation of the Township of Sandwich East, the Township of Sandwich West, the Town of Ford City, the Town of Walkerville, the Town of Sandwich, the Town of Ojibway, the Town of Amherstburg and the City of Windsor, as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* and section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is struck out and the following substituted therefor: Agreement of Jan. 1st, 1920, amended 1914, c. 31 1920, c. 57 1930, c. 17 1939, c. 43

14. This agreement shall continue and extend for a period of sixty years from the 4th day of June, 1920, unless terminated at an earlier date by by-law of the corporation.

Assets of
railway
vested in
corporation

3. All of the assets, properties and undertakings of the company of every nature and kind and wheresoever situate are vested in and become the sole property of the corporation subject to the corporation assuming and being charged with the liability for payment of all accounts, debentures and other indebtedness of the company and to the due performance of all obligations of the company in respect of contracts, leases or other agreements entered into or undertaken by the company as if the corporation had incurred such indebtedness or been a party to every such contract, lease or agreement in the place and stead of the company.

Authority
to operate
and manage
railway

4. The corporation has the exclusive authority and jurisdiction to,

- (a) operate the system of public transportation operated by the company;
- (b) delegate the authority to operate and manage the said system to a commission established by by-law of the corporation;
- (c) authorize the company to continue to operate and manage the said system; or
- (d) enter into or authorize the company to enter into an agreement with any person or persons to operate and manage the said system on behalf of the corporation on such terms and conditions as the council may approve.

1930, c. 17,
s. 3
(1939, c. 43,
s. 3),
subss. 2-6,
re-enacted

5.—(1) Subsections 2, 3, 4, 5 and 6 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, are repealed and the following substituted therefor:

Members of
company

- (2) The council shall appoint not fewer than three and not more than five persons who shall be the members and directors of the company and who shall hold office during the pleasure of the council and until their respective successors are appointed.

Vacancies

- (3) The council shall fill any vacancies which may occur in such membership of the company.

Qualifica-
tions of
membership

- (4) The members so appointed from time to time shall possess the qualifications requisite for election to the council and any member of council shall be eligible for such appointment.

- (5) The council shall designate one of such members as ^{Chairman} chairman.
- (6) A majority of the members of the company shall ^{Quorum} constitute a quorum.
- (7) The remuneration, if any, of the members of the ^{Remuneration} company shall be fixed by the council.
- (8) The company shall furnish such information respect- ^{Furnishing} ing the affairs of the company as the council may at ^{of information} any time require.

(2) The members of the company who are in office when this ^{Composition} Act comes into force shall remain in office and continue to ^{of company} manage the affairs of the company until the members ap- ^{before} pointed under subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by ^{appoint-} subsection 1, are appointed.

6. Subsection 3 of section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, as re-enacted by section 1 of ^{1939, c. 43,} *The Sandwich, Windsor and Amherstburg Railway Amendment* ^{s. 9, subs. 2} *Act, 1952*, is repealed. ^{(1952, c. 95,} ^{s. 1),} ^{repealed}

7. Section 11 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is repealed. ^{1939, c. 43,} ^{s. 11,} ^{repealed}

8.—(1) Where an agreement has been entered into with any ^{Where} person or persons under clause *d* of section 4 to whom is dele- ^{agreement} gated all or any of the operating authority of the company ^{entered into} such person or persons may, subject to the restrictions and ^{with person} limitations binding upon the company, exercise all of the ^{to operate} powers, rights, authorities and privileges heretofore possessed ^{railway} by the company in the operation and management of the system of public transportation operated by the company.

(2) Where an agreement has been entered into by the ^{Idem} company with any person or persons under clause *d* of section 4, the person or persons to whom the operating authority of the company has been delegated shall obtain the approval of the council before exercising any powers or authority relating to the operation of the public transportation system.

9. Where the corporation has authorized the company to ^{Approval} operate and manage the system under clause *c* of section 4, ^{of council} the company shall obtain the approval of the council before exercising any of its powers or authority.

Exclusive authority to operate public transportation system

10. The authority of the corporation to operate a public transportation system within the limits of the City of Windsor shall be exclusive and notwithstanding the provisions of any general or special Act no person shall operate any public vehicle within the limits of Windsor for the transportation of passengers for hire, within the said City, except conveyances licensed as taxicabs, without the express written consent of the corporation.

Members of commission

11.—(1) Where a commission is established as provided in section 4, it shall be composed of not fewer than three and not more than five members appointed by the council, all of whom shall be residents of the City of Windsor, to hold office during the pleasure of council.

Chairman

(2) One of such members shall be designated by council as the chairman.

Vacancies

(3) Whenever a vacancy occurs from any cause, the council shall promptly appoint a successor.

Quorum

(4) A majority of the members of the commission shall form a quorum.

Remuneration

(5) The remuneration, if any, of members of the commission shall be established from time to time by the council.

Commencement

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

Short title

13. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1970*.