

1927

c 49 Damage by Fumes Arbitration Act

Ontario

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CHAPTER 49.

The Damage by Fumes Arbitration Act.

1. The Lieutenant-Governor in Council may from time to time appoint an arbitrator for the purposes of this Act and may limit his jurisdiction either territorially or as to subject matter, and may extend such limited jurisdiction or diminish it from time to time. 1924, c. 76, s. 2.

Arbitrator,—
appointment
of.

2.—(1) Where damage is occasioned by sulphur fumes, arising from the smelting or roasting of nickle-copper ore, to crops, trees or other vegetation directly or indirectly, such damage may be determined by the arbitrator so appointed who shall have exclusive jurisdiction to determine the amount of such damage and to make an award.

Where
crops, etc.,
damaged by
sulphur
fumes.

(2) The remedies herein provided shall be in lieu of all remedies whether in law or in equity to which any person would be entitled but for the passing of this Act and no action shall be taken by way of injunction or otherwise. 1924, c. 76, s. 3, *part*.

Effect of
remedies
herein
provided.

3.—(1) Notice of the damage shall be given by the person aggrieved to the person, company or corporation offending and to the arbitrator within seven days of such damage occurring, and in the absence of such notice the arbitrator may disallow any claim for compensation.

Notice of
damage.

(2) Upon receipt of such notice it shall be the duty of the arbitrator to make an investigation and keep a record of the facts as he finds them in connection with each complaint.

Investiga-
tion.

(3) At any time before the 1st day of November of the year in which the damage is alleged to have occurred, the person aggrieved shall have the right to appeal to the arbitrator to determine compensation and the arbitrator shall thereafter as soon as may be convenient, notify both parties, hear such evidence as may be available, assess the damage and make the award in writing.

Assessment
of damage
by arbitra-
tor.

(4) Nothing in this Act shall prevent the person aggrieved and the person, company or corporation offending from arriving at a mutually satisfactory settlement apart from the arbitrator. 1924, c. 76, s. 4.

Agreements
of settle-
ment.

Effect of
award.

4. The award of the arbitrator shall be final and binding upon the parties and not subject to appeal or to be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or other process or proceeding in any court and on being filed in the office of the clerk of the county or district court such award shall, for the purpose of issuing execution thereon, have the same force and effect as a judgment of the said court. 1924, c. 76, s. 5, *part*.

Expenses,—
how repay-
able to
Province.

5.—(1) A sum not exceeding \$5,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore.

Arbitrator
to assess
companies
liable.

(2) The arbitrator, at the close of each calendar year, shall assess and apportion the amount for which each company smelting or roasting nickel-copper ore is liable under subsection 1, among such companies and the amount assessed against each company shall be payable to the Treasurer of Ontario within fifteen days after the mailing of a registered letter demanding payment thereof to the last known address of the company but every assessment so made shall be subject to the approval of the Minister of Mines. 1924, c. 76, s. 6.

Regulations.

6. The Lieutenant-Governor in Council shall have power from time to time to make regulations generally for the better carrying out of this Act. 1924, c. 76, s. 7.
