

1970

c 130 The Drainage Amendment Act, 1970

Ontario

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CHAPTER 130

**An Act to amend
The Drainage Act, 1962-63**

*Assented to November 13th, 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. Section 24 of *The Drainage Act, 1962-63*, as amended by section 4 of *The Drainage Amendment Act, 1968*, is further amended by adding thereto the following subsection: 1962-63, c. 39, s. 24, amended

(4a) The clerk of the initiating municipality and the clerk of every other local municipality shall send a copy of the report with each notice that is sent under subsections 2, 3 and 4, provided that where a copy of the report is sent under subsection 1 it is not necessary to send a further copy to the same party under this subsection. Copy of report to accompany notice

2. Section 25 of *The Drainage Act, 1962-63* is amended by striking out "cause the report to be read aloud by the clerk" in the second and third lines and inserting in lieu thereof "consider the report", so that the section shall read as follows: 1962-63, c. 39, s. 25, amended

25. The council of the initiating municipality shall, at the meeting mentioned in the notices under section 24, consider the report, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity so to do, and, should any of the lands or roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. Con- sideration of report

1962-63,
c. 39, s. 29^a
(1968-69,
c. 32, s. 2),
subs. 1,
amended

3. Subsection 1 of section 29a of *The Drainage Act, 1962-63*, as enacted by section 2 of *The Drainage Amendment Act, 1968-69*, is amended by inserting after "of" where it occurs the second time in the first line "three or", so that the subsection shall read as follows:

Court of
revision

- (1) The court of revision shall consist of three or five members appointed by the council of the municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

1962-63,
c. 39, s. 32,
amended

4. Section 32 of *The Drainage Act, 1962-63*, is amended by adding thereto the following subsection:

Application
of 1968-69,
c. 6

- (1a) The provisions of *The Assessment Act, 1968-69*, as to appeals to the judge under section 55 of that Act apply *mutatis mutandis* to an appeal under subsection 1, except that the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner and the clerk upon receipt of such notice shall thereupon perform the duties of the regional registrar.

1962-63,
c. 39, s. 40,
subs. 6
(1968, c. 33,
s. 6, subs. 1),
amended

5. Subsection 6 of section 40 of *The Drainage Act, 1962-63*, as enacted by subsection 1 of section 6 of *The Drainage Amendment Act, 1968*, is amended by striking out "except a school maintained in whole or in part by a legislative grant or a school tax" in the fourteenth and fifteenth lines and inserting in lieu thereof "and land of a board of an elementary or secondary school as defined in *The Schools Administration Act*", so that the subsection shall read as follows:

Land exempt
from
taxation
to be
specially
assessed

- (6) Notwithstanding the provisions of any general or special Act, land exempt from taxation is for all purposes, except petitioning for or against undertaking a drainage works, subject to the provisions of this Act and shall be specially assessed, and the special assessments so imposed that fall due while such land remains exempt from taxation shall be paid by the municipality that imposed the assessments, provided that such special assessments imposed upon land on which a church or place of worship is erected and that is used in connection therewith, land of a university, college or seminary of learning, whether vested in a trustee or otherwise, and land of a board of an elementary or secondary school as defined in *The Schools Administration Act*, shall be paid by the owners of the land.

R.S.O. 1960,
c. 361

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 5 comes into force on the 1st day of January, 1971. ^{Idem}

7. This Act may be cited as *The Drainage Amendment Act*, 1970. ^{Short title}

