

1970

c 138 The City of Barrie Act, 1970

Ontario

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CHAPTER 138

An Act respecting the City of Barrie

*Assented to May 4th, 1970**Session Prorogued November 13th, 1970*

WHEREAS The Corporation of the City of Barrie, ^{Preamble} herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

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

1. In this Act, "building" includes any building, part of a building or structure and the contents thereof with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein. ^{Interpretation}

2. The council of the Corporation may, by by-law, passed at any general meeting thereof by a vote of three-fourths of all the members of the council, order the removal or demolition of a building that is in a ruinous or dilapidated state and has not been occupied for industrial, commercial or residential purposes for a period of three years. ^{Order for demolition of building}

3.—(1) Notice of the by-law shall be registered in the Registry Office for the Registry Division of the County of Simcoe and notice shall thereafter be served upon the owner, the mortgagee and any other encumbrancer appearing on the registered title, and upon any execution creditor appearing on the records of the sheriff's office. ^{Notice of by-law}

(2) The owner, mortgagee, encumbrancer or execution creditor has the right to appeal to the judge of the county court of the County of Simcoe from the decision of the council to remove or demolish the building by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of service of the notice of the by-law. ^{Appeal}

4. The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation. ^{Notice}

Power of
City
Engineer
to carry
out order

5. Unless notice of an appeal is received by the clerk of the Corporation within the time stated in section 3, the decision of the council of the Corporation to remove or demolish the building may be carried out forthwith by the City Engineer on behalf of the Corporation and for this purpose the Corporation with its servants and agents may from time to time enter upon the lands of the owner, and the Corporation is not liable to compensate the owner, or any other person, by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

6. The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the building and the certificate of the clerk of the Corporation as to the amounts so expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as the real property taxes.

Hearing
of appeal

7. If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before the judge of the county court of the County of Simcoe and shall give notice thereof by such means and to such persons as the judge may require.

Order of
judge

8. After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the building or the judge may make such other order as he deems advisable under the circumstances.

Relief
from parking
requirements

9.—(1) The council of the Corporation may enter into an agreement with the owner or occupant of a building or structure to be erected or used providing for relief, to the extent set out in the agreement, from any requirement in any by-law of the Corporation for the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owner or occupant, to the extent specified in the agreement, from the necessity of providing or maintaining such facilities.

Agreements

- (2) Every agreement referred to in subsection 1 shall,
- (a) be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof; and
 - (b) require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the sum is computed.

(3) All moneys paid or to be paid pursuant to an agreement referred to in subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investments of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 67 of section 377 of *The Municipal Act*.

Disposition
of moneysR.S.O. 1960,
cc. 408, 249

(4) Any such agreement may be registered against the land affected thereby in the proper registry or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien or charge upon the lands described therein and may be collected in the same manner and with the same remedies as provided by *The Assessment Act, 1968-69* and *The Department of Municipal Affairs Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, there shall be registered in the proper registry or land titles office against such lands a certificate from the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

Upon
registration
of agree-
ment,
payments
to be
charge
on lands1968-69
c. 6R.S.O. 1960,
c. 98

(5) The City Auditor in his annual report shall report on the activities and position of any special account established under this section.

Auditor's
report

10. Notwithstanding subsection 2 of section 380 of *The Municipal Act*, subject to the approval of the Ontario Municipal Board first being obtained, the council of the Corporation may amend Sewage Works Construction By-laws numbered 2973, 2976, 2977, 3005, 3006, 3041, 3042, 3080, 66-11, 66-14, 66-32, 66-54, 66-55, 67-13, to provide for imposing a sewer rate as of the date of such by-laws, upon the owners and occupants of land within the City of Barrie, sufficient to pay for the whole of the capital cost of the said works and upon amendment thereof the provisions of section 380 of *The Municipal Act* shall apply to such by-laws.

Authority to
amend
by-laws
R.S.O. 1960,
c. 249

11. Section 3 of *The Town of Barrie Act, 1945* is amended by striking out "ratepayers" in the seventh line and inserting in lieu thereof "persons who are qualified to be elected as members of council", so that the section shall read as follows:

1945, c. 29,
s. 3,
amended

3. The general management, regulation and control of the premises aforesaid, including the artificial ice plant, shall be vested in a Commission to be known as The Barrie Arena Commission, to be appointed

Management

by the council of the Corporation of the Town of Barrie each year, such Commission to consist of five members, three of whom shall be members of the council and two of whom shall be persons who are qualified to be elected as members of council of the Town of Barrie but not members of the council.

1945, c. 29,
amended

12. *The Town of Barrie Act, 1945* is amended by adding thereto the following section:

Arena
deemed
community
centre
R.S.O. 1960,
c. 60

3a. Notwithstanding the provisions of section 4 of *The Community Centres Act*, the Barrie Arena shall be deemed to be a community centre and the provisions of that Act shall apply to it as though it had been established by by-law of the council of the City of Barrie.

Commence-
ment

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

Short title

14. This Act may be cited as *The City of Barrie Act, 1970*.