

1927

c 292 Railway Fire Charge Act

Ontario

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CHAPTER 292.

The Railway Fire Charge Act.

1. In this Act,—

Interpretation.

- (a) "Collector" shall mean and include any officer in the Department of Lands and Forests designated by the Lieutenant-Governor in Council as being charged, under the direction of the Minister, with the administration of this Act; "Collector."
- (b) "Minister" shall mean Minister of Lands and Forests; "Minister."
- (c) "Railway Lands" shall mean and include all lands heretofore or hereafter set apart under any general or special Act of this Legislature as a land subsidy or otherwise in aid of any railway or of any works in connection therewith or of any works to be established, maintained or carried on by any railway; 1925, c. 16, s. 2, cls. (a-c). "Railway lands."
- (d) "Tenant" shall mean and include a licensee or occupant or any person or persons other than the owner having any right to cut timber on railway lands whether such right is derived from the owner or otherwise. 1927, c. 14, s. 2. "Tenant."

2. The owner or tenant of any railway lands shall pay to the Minister annually for the uses of the Province of Ontario and for the purpose of defraying the expenses of protecting the property, rights and interests of such owner or tenant against fire, for every square mile or fraction thereof of such railway lands, for each of the calendar years 1927, 1928 and 1929, the sum of \$9.60, and for each calendar year thereafter, a sum not exceeding \$10 per annum, as may be prescribed by the Lieutenant-Governor in Council from time to time; provided however that as to lands in respect of which fire protection charges for the years 1925 and 1926 have been paid, the sum payable under this section shall, for each of said calendar years 1927, 1928 and 1929, be \$6.40 for every square mile or fraction thereof of such railway lands. 1927, c. 14, s. 3. Annual charge for protection.
Proviso.

Liability
of tenant.

3. A tenant of railway lands shall be jointly and severally liable with the owner for the payment of the charge hereby imposed and the charge imposed by this Act shall become due and be payable on or before the first day of May in each year. If any question should at any time arise between the owner and tenant of any railway lands as to the proportion in which such charge shall be borne as between the owner and tenant, either the owner or the tenant may apply to the Minister to fix such proportion and the decision of the Minister shall be final and binding as between the owner and the tenant. 1927, c. 14, s. 4.

Exemption
of agricultural
lands.

4. Where the owner or tenant of any railway lands furnishes proof to the satisfaction of the Minister on or before the 1st day of January in any year in which the charge is payable, that such railway lands or any part thereof were during the preceding calendar year actually and in good faith in use for agricultural purposes the owner or tenant shall be entitled to a reduction of the charges payable by him to the extent to which such railway lands were so used, but the decision of the Minister as to the right to exemption under this section shall be final and shall not be open to appeal or be questioned in any manner whatsoever. 1925, c. 16, s. 5, *part*.

Recovery
of charge
by action.

5. The charge imposed by this Act shall be a debt due to the Crown and shall be recoverable at the suit of the Minister in an action brought by him in his name of office in any court of competent jurisdiction. 1925, c. 16, s. 6.

Collector's
roll.

6. The collector shall prepare a roll of the lands in respect of which the charge imposed by this Act is payable and shall insert therein such particulars as he may be able to ascertain and as may be required by the regulations. 1925, c. 16, s. 7.

Notice of
charge.

7. The collector shall estimate the amount due in respect of any railway lands in each year and shall insert such amount in the roll and he shall give notice thereof to the owner and to the tenant, if any, in such form and manner as may be prescribed by the regulations. 1925, c. 16, s. 8.

General
notice.

8. The collector shall on or before the 1st day of March in each year after the year 1929 cause to be inserted in the *Ontario Gazette* and in some newspaper published in every county or district in which railway lands are situate, a notice of the sum prescribed under the provisions of section 2 and the date on which the charges imposed by this Act are required to be paid. 1925, c. 16, s. 9; 1927, c. 14, s. 5.

Arrears
to bear
interest.

9. All arrears in respect to the charge payable under this Act shall bear interest at the rate of seven per centum per annum from the date when the same became payable. 1925, c. 16, s. 10.

10. Where any sum payable in respect to the charge remains unpaid for a period of two years after the date when payment should have been made, the collector shall cause to be published in the *Ontario Gazette* a notice in the form prescribed by the regulations, describing the lands and stating the amount of arrears payable in respect thereof and notifying all owners and tenants of such lands that unless the arrears are paid within three months from the date of the publication of such notice the Minister may declare the lands and all right, title and interest therein forfeited to the Crown. 1925, c. 16, s. 11.

Forfeiture
of lands
for non-
payment.

11. The notice shall also be published in some newspaper in every county or district in which the railway lands therein described are situated. 1925, c. 16, s. 12.

Notice of
forfeiture.

12. Where the arrears are not paid within the period specified by the notice, the Minister, by a certificate under his hand and seal, may declare the lands, or so much thereof as he may deem sufficient, to be forfeited to the Crown and upon the registration of such certificate in the proper registry or land titles office, the lands described in the certificate and all right, title and interest therein or thereto or arising out of the same shall be forfeited to and be revested in His Majesty for the Province of Ontario. 1925, c. 16, s. 13.

Certificate of
forfeiture.

13. Where the Minister by his certificate of forfeiture has declared any railway lands forfeited to the Crown under the next preceding section, such forfeiture shall have effect and shall be valid and binding notwithstanding any defect in substance or form in any proceeding taken for the collection of the charge imposed by this Act, and such certificate of forfeiture shall be final and conclusive and no proceedings to set the forfeiture aside shall lie or be taken in any court upon any ground whatsoever. 1925, c. 16, s. 14.

Forfeiture
valid not-
withstanding
defects.

14. Where a certificate of forfeiture has been given by the Minister under this Act and the lands in respect of which such certificate is given have not subsequently been sold or otherwise disposed of by the Crown, the Minister, upon payment of all arrears then due together with such charges as the Minister may deem reasonable and proper and upon such terms and conditions as he may deem just, may issue a certificate cancelling the forfeiture, and upon registration of such certificate in the proper registry or land titles office such forfeiture shall be cancelled and the owner and the tenant of the lands shall have the same rights therein as if the forfeiture had never taken place. 1925, c. 16, s. 15.

Cancelling
forfeiture
on non-
payment
of arrears.

Regulations.

15. The Lieutenant-Governor in Council may make regulations,—

- (a) designating the collector and prescribing his duties and the procedure in his office;
 - (b) prescribing the forms to be used in carrying out the provisions of this Act;
 - (c) requiring the owners and tenants of railway lands to furnish such returns and other information to the Minister as may be deemed necessary;
 - (d) generally for the better carrying out of the provisions of this Act. 1925, c. 16, s. 16.
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