

1914

c 193 Local Improvement Act

Ontario

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CHAPTER 193.

An Act respecting Local Improvements.

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

1. This Act may be cited as *The Local Improvement Act*. Short title.
2 Geo. V. c. 44, s. 1.

INTERPRETATION.

2. In this Act:—

Interpretation.

- (a) "Bridge" shall include a viaduct, a culvert, a sub-^{"Bridge."}way and an embankment and shall also include a pavement on a bridge.
- (b) "Clerk" shall mean and include the clerk of the^{"Clerk."} municipality and any officer or person authorized or required by the council to perform any duty which under this Act is to be or may be performed by the clerk.
- (c) "Constructing" and "construction" shall include^{"Construct- ing."} reconstructing and reconstruction, wholly or in^{"Construc- tion."} part, when the lifetime of the work has expired.
1 Geo. V. c. 58, s. 2 (a-c).
- (d) "Corporation" shall mean the corporation of a^{"Corporation."} municipality. 3-4 Geo. V. c. 44, s. 1 (1).
- (e) "Corporation's portion of the cost" shall mean^{"Corporation's portion of the cost."} that part or proportion of the cost of a work which is not to be specially assessed, but is payable by the corporation. 1 Geo. V. c. 58, s. 2 (e).
- (f) "Council" shall mean the council of the corporation^{"Council."} of a municipality. 3-4 Geo. V. c. 44, s. 1 (2).
- (g) "County" shall include "district."^{"County"} 1 Geo. V. c. 58, s. 2 (g).
- (h) "Curbing" shall include a curbing of any material^{"Curbing."} in or along a street, whether constructed in connection with or apart from the laying down of a pavement or sidewalk, or with or without a projection for the purpose of a gutter.
- (i) "Engineer" shall include an officer or person^{"Engineer."} authorized or required by the council to perform

any duty which under this Act is to be or may be performed by an engineer.

- "Frontage." (j) "Frontage," when used in reference to a lot abutting directly on a work, shall mean that side or limit of the lot which abuts directly on the work.
- "Judge of the County Court." (k) "Judge of the County Court" shall mean and include the judge and a junior judge of a county or district court.
- "Lifetime." (l) "Lifetime," as applied or applicable to a work, shall mean the lifetime of the work as estimated by the engineer, or in case of an appeal as finally determined by the Court of Revision or the judge, as the case may be.
- "Lot." (m) "Lot" shall mean a subdivision or a parcel of land which by *The Assessment Act* is required to be separately assessed, and "lots" shall mean more than one lot as so defined. 1 Geo. V. c. 58, s. 2 (i-n).
- Rev. Stat. c. 195.
- "Municipality." (n) "Municipality" shall include a union of townships, a municipality composed of more than one township, a township, a city, a town, a village, but not a county. 1 Geo. V. c. 58, s. 2 (o); 3-4 Geo. V. c. 44, s. 1 (4).
- "Owner," "Owners." (o) "Owner" and "owners" shall mean respectively the person or persons appearing by the last revised assessment roll of the municipality to be the owner or owners of land, and, except in the case of a township, shall include a tenant for years, the unexpired term of whose tenancy including any renewal thereof to which he is entitled extends for not less than the period during which the special assessment for the work is to be made, if by the terms of his tenancy he would be liable for the payment of the special assessment for the work, but shall not include a person who is, or is assessed as, owner, where there is a tenant for years of the land, who is an owner within the meaning of this clause.
- Owners' portion of the cost." (p) "Owners' portion of the cost" shall mean that part or portion of the cost of a work which is to be specially assessed upon the land abutting directly on the work or upon land immediately benefited by the work.
- "Pavement." (q) "Pavement" shall include any description of pavement or roadway.
- "Paving." (r) "Paving" shall include macadamizing, planking, and the laying down or construction of any description of pavement or roadway and the construction of a curbing.

- (s) "Publication" and "published" shall mean in-^{"Publication."}sertion in a newspaper published in the municipi-^{"Published."}ality, if there is a newspaper published therein, or, if there is none, then in a newspaper published in the county in which the municipality is situate.
- (t) "Sewer" shall include a common sewer and a^{"Sewer."} drain.
- (u) "Sidewalk" shall include a footway and a street^{"Sidewalk."} crossing.
- (v) "Specially assessed" shall mean specially rated^{"Specially assessed."} for or charged with part of the cost of a work.
- (w) "Street" shall include a lane, an alley, a park, a^{"Street."} square, a public drive, and a public place, or a part of any of them.
- (x) "Value" shall mean assessed value, exclusive of^{"Value."} buildings, according to the last revised assessment roll of the municipality.
- (y) "Work" shall mean a work or service which may^{"Work"} be undertaken as a local improvement.
- (z) "Work undertaken" shall mean a work which is<sup>"Work un-
dertaken."</sup> undertaken as a local improvement. 1 Geo. V. c. 58, s. 2 (p-aa).

WORKS WHICH MAY BE UNDERTAKEN AS LOCAL
IMPROVEMENTS.

3.—(1) A work of any of the characters or descriptions<sup>Works which
may be effected
as local im-
provements.</sup> hereinafter mentioned may be undertaken by the council of a corporation as a local improvement, that is to say:

- (a) Opening, widening, extending, grading, altering the grade of, diverting or improving a street;
- (b) Opening or establishing a new street;
- (c) Constructing a bridge as part of a street;
- (d) Constructing, enlarging, or extending a sewer;
- (e) Paving a street;
- (f) Constructing a curbing or a sidewalk in, upon or along a street;
- (g) Constructing or maintaining a boulevard where a part of a street has been set apart for the purposes of a boulevard;
- (h) Sodding any part of and planting, maintaining and caring for trees, shrubs and plants upon and in a street;

- (i) The extension of a system of water, gas, light, heat or power works owned by the corporation, including all such works as may be necessary for supplying water, gas, light heat or power to the owners of land, for whose benefit such extension is provided.
- (j) Acquiring, establishing, laying out and improving a park or square not having a greater area than two acres, or a public drive.
- (k) Constructing, on petition only, retaining walls, dykes or breakwaters along the banks of rivers, but this clause shall only apply to a city or town. 1 Geo. V. c. 58, s. 3 (1).
- (l) In the case of cities and towns only, constructing and erecting on petition only, on any street or part of a street, equipment, plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment, plant and works which would otherwise be provided at the expense of the corporation at large. 2 Geo. V. c. 44, s. 2; 3-4 Geo. V. c. 44, s. 2.

(2) Nothing in this section shall extend or apply to a work of ordinary repair or maintenance. 1 Geo. V. c. 58, s. 3 (2).

What works may be undertaken in connection with a sewer or pavement.

4.—(1) Where the work is the construction of a pavement, the Council, before constructing it, may make all necessary private drain connections from an existing sewer to the street line on either or both sides, and may also lay all necessary water mains and, where gas works are owned by the Corporation, all necessary gas mains, and make such alterations or renewals of water service pipes and stopcocks, and, where gas works are owned by the Corporation, of gas connections as are necessitated by the work, and, where the work is the construction of a sewer, the Council may make all necessary private drain connections to the street line on either or both sides; but the cost of a private drain connection, alteration or renewal of a water service pipe, stopcock or gas connection shall be specially assessed only upon the particular lot for or in connection with which it was constructed or affected.

To be part of work of construction.

(2) The works mentioned in subsection 1 shall be deemed part of the work of construction of the pavement or sewer in all respects except as to the manner in which the cost of them is to be specially assessed as provided by that subsection.

How to be assessed.

(3) The amount to be assessed against each lot in respect of a private drain connection, water service pipe or

gas connection shall be the cost thereof from the centre of the street to the street line, whether or not the sewer or water or gas main is laid in the centre of the street. 1 Geo. V. c. 58, s. 4.

5. Where a sewer has been or may hereafter be constructed, the Council, by a vote of two-thirds of all the members thereof at any general or special meeting, may undertake the construction of private drain connections from the sewer to the street line on either or both sides as a local improvement without any petition therefor, and the cost of each private drain connection shall be specially assessed upon the particular lot for or in connection with which it is constructed, and the owners of the land shall not have the right of petition provided for by section 13, and the provisions of subsection 3 of section 4 shall apply. 1 Geo. V. c. 58, s. 5.

Construction of private drain connections without petition.

6. In a township where the owners of land have constructed a work which might have been undertaken as a local improvement, the Council, upon the petition of three-fourths in number of the owners of the land to be immediately benefited by the acquisition of the work, representing at least two-thirds of the value of such land, may acquire the work at a price agreed upon or to be determined by arbitration under the provisions of *The Municipal Act*, and the purchase money may be provided by the Council and may be assessed in like manner as if the work were a work which the Council were undertaking as a local improvement, and all the provisions of this Act shall apply as if the Council were undertaking the work so acquired as a local improvement. 1 Geo. V. c. 58, s. 6.

Purchase by township of works already constructed.

Rev. Stat. c. 192.

7.—(1) Where the work is the opening, widening, or extension of a street or the construction of a bridge, and the cost of the work as estimated by the engineer will exceed \$50,000, any person whose land is to be specially assessed may, within ten days after notice to him of the intention of the Council to undertake the work, give notice that he objects to the work being undertaken upon the ground that it is a work for the general benefit of the municipality or of a section or district thereof, and if such notice is given the work shall not be undertaken without the approval of "The Ontario Railway and Municipal Board."

Approval of Ont. Ry. and Municipal Bd. required in the case of certain works.

(2) If the Board, after notice to the corporation and to all persons interested and after hearing such of them as shall request to be heard, determines that for the reasons mentioned in subsection 1, or either of them, it is proper to do so the Board may withhold its approval.

Approval may be withheld.

(3) If the Board determines that the cost of the work should be borne by the corporation or by the owners of the land situate within a section or district of the municipality,

Apportionment of cost of work.

the Board may make an order so declaring, and in that event the Council may, notwithstanding the provisions of this Act or of any by-law passed under the authority of this Act, undertake and proceed with the work at the cost of the corporation or of the section or district thereof mentioned in the order, as the case may be.

Or may direct the cost to be charged upon the abutting lots.

(4) The Board, instead of making an order under subsection 3, may direct that if the work is undertaken such part of the cost of it as the Board may deem just shall be charged upon the lots abutting directly upon the work, in accordance with the provisions of this Act and that the residue of it shall be borne by the corporation or partly by the corporation and partly by a section or district of the municipality in such proportions as the Board may direct, and if the Council undertakes the work, it shall conform with the directions of the order so made.

Special assessments to be made by the Council.

(5) The special assessment upon the lots shall not be made by the Board, but by the Council, in accordance with the provisions of this Act. 1 Geo. V. c. 58, s. 7.

PROCEDURE FOR UNDERTAKING WORK.

Methods of undertaking works.

8.—(1) A by-law may be passed for undertaking a work as a local improvement

- (a) On petition, or
- (b) Without petition, on the initiative of the Council, hereinafter called the initiative plan, except in the case of a park or square or public drive mentioned in clause (j) of section 3, or
- (c) On sanitary grounds, as mentioned in section 10, or
- (d) Without petition in the case mentioned in sections 5 and 9.

One by-law may include several works.

(2) Instead of passing separate by-laws for each work the Council may pass one by-law in respect of several works. 1 Geo. V. c. 58, s. 8.

Construction of certain works on a two-thirds vote of council without petition.

9. Notwithstanding anything to the contrary contained in this or any other Act or in any by-law of the municipality, where the Council determines and by by-law, passed at any general or special meeting by a vote of two-thirds of all the members thereof, declares that it is desirable that the construction of a curbing, pavement, sidewalk, sewer or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street or the extension of a system of waterworks, should be undertaken as a local improvement, the Council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 13. 1 Geo. V. c. 58, s. 9 (1); 2 Geo. V. c. 44, s. 3; 3-4 Geo. V. c. 44, s. 3.

10. Where the Council, upon the recommendation of the Provincial Board of Health or of the Local Board of Health of the municipality, determines and, by by-law passed at a regular or special meeting of the Council by vote of two-thirds of all the members thereof, declares that the construction, enlargement or extension of a sewer as a local improvement is necessary or desirable in the public interest on sanitary grounds, the Council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 13. 1 Geo. V. c. 58, s. 10.

Construction of sewer on recommendation of Board of health.

11. Where it is intended to proceed under sections 5, 9 or 10 the Council shall not be deemed to proceed on the initiative plan, but, before passing the by-law for undertaking the work, shall cause notice of its intention, Form 1, to be published. 1 Geo. V. c. 58, s. 11.

Publication of notice of intention.

12. The petition for a work shall be signed by at least two-thirds in number of the owners representing at least one-half of the value of the lots liable to be specially assessed. 1 Geo. V. c. 58, s. 12.

Number of signatures to petition required.

13.—(1) Where the Council proceeds on the initiative plan, notice of the intention of the Council to undertake the work, Form 2, shall be given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed; and unless within one month after the first publication of the notice a majority of the owners representing at least one-half of the value of the lots which are liable to be specially assessed petition the Council not to proceed with it the work may be undertaken as a local improvement.

Initiative plan—publication and service of notice of intention to construct work.

(2) The notice shall be sufficient if it designates by a general description the work to be undertaken and the street or place whereon or wherein, and the points between which the work is to be effected, and the number of the instalments by which the special assessment is to be payable.

Contents of notice.

(3) The notice may relate to and include any number of different works. 1 Geo. V. c. 58, s. 13 (1-3).

May cover different works.

(4) The notice may be served upon the owner

Manner of service.

(a) Personally, or

(b) By leaving it at his place of business or of residence if within the municipality, or

(c) By mailing it at a post office addressed to the owner at his actual place of business or of residence, if known, or at his place of business or residence as set forth in the last revised assessment roll of the municipality, or

(d) If the place of business and of residence of the owner are not known, by leaving the notice with a grown-up person on the lot of the owner which is liable to be specially assessed, if there is a grown-up person residing thereon. 1 Geo. V. c. 58, s. 13 (4); 2 Geo. V. c. 44, s. 5.

Where residence, etc., unknown

(5) If the place of business and of residence of the owner are unknown, and there is no grown-up person residing on the lot of the owner which is liable to be specially assessed, service upon the owner shall not be requisite.

Where residence, etc., is not in assessment roll.

(6) If the place of business or of residence of the owner do not appear upon the assessment roll, the owner may be treated and dealt with as an owner whose place of business and of residence are unknown.

Proof of publication and service.

(7) Publication and service of the notice may be proved by affidavit or statutory declaration and the affidavit or statutory declaration, before the passing of the by-law by which the special assessment is made to defray the cost of the work, shall be *prima facie* evidence, and after the passing of the by-law shall be conclusive evidence of the matters set forth in the affidavit or statutory declaration. 1 Geo. V. c. 58, s. 13 (5-7).

Effect of petition against work.

14.—(1) Where the Council has proceeded on the initiative plan and has been prevented from undertaking a work by reason of a petition having been presented under the provisions of section 13, the Council shall not proceed on the initiative plan with regard to the same work for a period of two years after the presentation of the petition: Provided always that in a municipality in which a by-law passed under the provisions of section 52 is in force the prohibition contained in this section shall not prevent the Council from again proceeding on the initiative plan with regard to such work if it is of a different kind or description from or less expensive than that originally proposed to be undertaken.

Proviso.

Powers conferred by section 9 not affected.

(2) Nothing in this section shall prevent the Council from exercising the power conferred by section 9. 1 Geo. V. c. 58, s. 14.

Lot of petitioner to be described.

15. There shall be set out opposite to every signature to the petition for or against a work a description of the lot of which the petitioner is the owner by its number or such other description as will enable the clerk to indentify it. 1 Geo. V. c. 58, s. 15.

Clerk to determine sufficiency of petition.

16.—(1) The sufficiency of a petition for or against a work shall be determined by the clerk, and his determination shall be evidenced by his certificate and when so evidenced shall be final and conclusive.

(2) Where the sufficiency of a petition has been determined by the Clerk it shall be deemed to have been and to be a sufficient petition notwithstanding that changes may be made by the Court of Revision or by the Judge in the lots to be specially assessed which have the effect of increasing or reducing the number of the lots.

What owners
to be counted.

(3) When it is necessary to determine the value of any lot and the same cannot be ascertained from the proper assessment roll by reason of the lot not having been separately assessed, or for any other reason, the clerk shall fix and determine the value of such lot and the value thereof as so fixed and determined shall be deemed for the purpose of this Act to be the assessed value thereof, and his determination shall be final and conclusive.

Determining
value of lots.

(4) Where a person who is, but does not appear by the last revised assessment roll of the municipality to be, the owner of land is a petitioner, he shall be deemed an owner if his ownership is proved to the satisfaction of the clerk, and if the person who appears by the assessment roll to be the owner is a petitioner his name shall be disregarded in determining the sufficiency of the petition.

Owner whose
name is not on
roll may
petition.

(5) Where two or more persons are jointly assessed for a lot, in determining the sufficiency of a petition,

Case of
joint owners.

(a) They shall be reckoned as one owner only;

(b) They shall not be entitled to petition unless a majority of them concur and the signatures of any of them, unless the petition is signed by the majority, shall be disregarded in determining the sufficiency of the petition.

(6) The clerk, for the purpose of any inquiry pending before him under the provisions of this section, may cause witnesses to be summoned and to be examined upon oath, and any person interested in the inquiry may, for the purpose of procuring the attendance of a witness, cause a subpoena to be issued out of the County Court of the county in which the municipality lies.

Witnesses.

(7) A witness, if a resident of the municipality, shall be bound to attend without payment of any fees or conduct money, and if not a resident of the municipality shall be entitled to fees and conduct money according to the County Court scale.

Witness fees.

(8) Where any person complains to the Clerk that his signature to the petition was obtained by fraud, misrepresentation or duress the complaint shall be investigated and determined by a Judge of the County Court, and the Clerk shall delay certifying until he has received the finding or report of the Judge upon the complaint, and in determining as to the sufficiency of the petition the Clerk shall give effect to such finding or report. 1 Geo. V. c. 58. s. 16.

Complaints to
be investigated
by county
Judge.

Petitions to be lodged with clerk.

17. A petition for or against the undertaking of a work shall be lodged with the Clerk, and shall be deemed to be presented to the Council when it is so lodged. 1 Geo. V. c. 58, s. 17.

Withdrawal of name from petition.

18. No person shall have the right to withdraw his name from, and no name shall be added to, a petition after the Clerk has certified as to its sufficiency. 1 Geo. V. c. 58, s. 18.

HOW COST OF WORK TO BE BORNE.

Frontage rate.

19.—(1) Except as in this Act is otherwise expressly provided, the entire cost of a work undertaken shall be specially assessed upon the lots abutting directly on the work, according to the extent of their respective frontages thereon, by an equal special rate per foot of such frontage sufficient to defray such cost.

Items which may be included in cost.

(2) The following may be included in the cost of the work:

- (a) Engineering expenses.
- (b) Cost of advertising and service of notices.
- (c) Interest on temporary loans.
- (d) Compensation for lands taken for the purposes of the work or injuriously affected by it and the expenses incurred by the Corporation in connection with determining such compensation.
- (e) The estimated cost of the issue and sale of debentures and any discount allowed to the purchasers of them. 1 Geo. V. c. 58, s. 19.

Guarantee of work.

20. Where a contractor is employed to construct a pavement or sidewalk, and the council has required him to guarantee that he will so construct it that it shall, for a period not exceeding ten years, remain in good condition and suitable for safe and comfortable travel, and that he will, when required, make good any imperfections therein due to materials, workmanship or construction, in ascertaining the cost of the work no deduction shall be made from the sum paid to the contractor by reason of such guarantee having been required. 1 Geo. V. c. 58, s. 20.

Corporation portion of cost.

21. There shall be included in the corporation's portion of the cost:—

- (a) At least one-third of the cost of a sewer having a sectional area of more than four feet; and
- (b) The entire cost of all culverts and other works in connection with a sewer or pavement which are

provided and are required for surface drainage;
and

- (c) So much of the cost of a work as is incurred at street intersections. 1 Geo. V. c. 58, s. 21.

22.—(1) Where the work is the construction of a sewer the Council may, by a vote of three-fourths of all the members, provide that a certain sum per foot frontage shall be specially assessed upon the land abutting directly on the work and that the remainder of the cost of such sewer shall be borne by the corporation. Apportionment of cost of sewers.

(2) The part of the cost to be borne by the corporation shall not be less than that which, under section 21, is to be included in the corporation's portion of the cost. 1 Geo. V. c. 58, s. 22. Part to be borne by corporation.

23.—(1) The Council of the corporation of a municipality in which there is not in force a by-law passed under the provisions of section 51 applicable to the work may, by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the Council, provide that such part as to the Council may seem proper of the cost of every granolithic, stone cement, asphalt or brick sidewalk, or of every pavement or curbing constructed as a local improvement which otherwise would be chargeable upon the land abutting directly on the work, shall be paid by the corporation. Corporation may assume part of cost of sidewalk or pavement.

(2) Such by-law shall not be repealed except by vote of three-fourths of all the members of the Council. 1 Geo. V. c. 58, s. 23. By-law not to be repealed except by three-fourths vote.

24.—(1) In the case of corner lots and triangular or irregularly shaped lots situate at the junction or intersection of streets a reduction shall be made in the special assessment which otherwise would be chargeable thereon sufficient, having regard to the situation, value and superficial area of such lots as compared with the other lots, to adjust the assessment on a fair and equitable basis. Reduction of assessment of corner lots, etc.

(2) Where a lot is for any reason, wholly or in part, unfit for building purposes, a reduction shall also be made in the special assessment which otherwise would be chargeable thereon, sufficient to adjust its assessment as compared with that of the lots fit for building purposes on a fair and equitable basis. Of lots unfit for building purposes.

(3) The reduction shall be made by deducting from the total frontage of the lot liable to the special assessment so much thereof as is sufficient to make the proper reduction, but the whole of the lot shall be charged with the special assessment as so reduced. How reduction to be made.

Reduction to be borne by corporation.

(4) The amount of any reduction made in the assessment of any lot under the provisions of this section shall not be chargeable upon the lots liable to be specially assessed, but shall be paid by the corporation. 1 Geo. V. c. 58, s. 24.

Assessment of cost of sidewalk or curb.

25. Where the work undertaken is a sidewalk or curbing, only the land abutting on that side of the street upon which the work is constructed shall be specially assessed. 1 Geo. V. c. 58, s. 25.

Assessment of non-abutting land for cost of certain sewers.

26.—(1) Where the work is a sewer and in order to afford an outlet for the sewage for any land not abutting directly on the work or for the drainage of it the sewer is of a larger capacity than is required for the purpose of the abutting land such other land may be specially assessed for a fair and just proportion of the cost of the work.

Method of assessment.

(2) In the cases provided for by subsection 1, that part of the cost of the work for which the abutting land is to be specially assessed shall be assessed upon it in the manner provided by section 19, and that part of the cost for which such other land is to be specially assessed shall be assessed upon it in the manner provided by sections 28 and 29. 1 Geo. V. c. 58, s. 26.

Apportionment of cost of a bridge or the opening, etc., of a street.

27.—(1) Where the work is the construction of a bridge or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, and the Council is of opinion that for any reason it would be inequitable to charge the cost of the work on the land abutting directly thereon, the Council may provide for the payment by the corporation of such part of the cost, as to the Council may seem just, and so much of the residue thereof as may seem just may be specially assessed upon the land abutting directly on the work, and so much of such residue as may seem just on such other land as is immediately benefited by the work.

Method of assessment.

(2) In the cases provided for by subsection 1, that part of the cost of the work for which the abutting land is to be specially assessed shall be assessed thereon in the manner provided by section 19, and that part of the cost for which land not abutting directly on the work is to be specially assessed shall be assessed thereon in the manner provided by sections 28 and 29. 1 Geo. V. c. 58, s. 27.

Assessment of non-abutting land equally benefited.

28. Where land not abutting directly upon a work is to be specially assessed, if the whole of it is equally benefited, the portion of the cost to be borne by such land shall be specially assessed upon the lots according to the extent of their frontage by an equal special rate per foot of such frontage. 1 Geo. V. c. 58, s. 28.

29. Where land not abutting directly upon a work is to be specially assessed, and the whole of it is not equally benefited, such land shall be divided into as many districts or sections as there are different proportions of benefit and so that a district or section shall embrace all the land which will be benefited in the same proportion, and its proper portion of the cost shall be assigned to each district or section, and the portion of the cost to be borne by each district or section shall be specially assessed on the lots therein according to the extent of their frontage by an equal special rate per foot of such frontage. 1 Geo. V. c. 58, s. 29.

Assessment of non-abutting land unequally benefited.

PROCEDURE FOR MAKING SPECIAL ASSESSMENT.

30.—(1) Where the owners' portion of the cost is to be specially assessed upon the lots abutting directly on the work by an equal special rate per foot frontage, before passing the by-law for undertaking it, the Council shall procure to be made:

Where all of owners' portion assessed on abutting land.

- (a) A report as to the lifetime of the work;
- (b) A report as to the reductions, if any, which ought to be made under the provisions of section 24 in respect of any lot and the aggregate amount of such reductions;
- (c) An estimate of the cost of the work;
- (d) A statement of the share or proportion of the cost which should be borne by the land abutting directly on the work and by the corporation respectively;
- (e) A report as to the number of instalments by which the special assessment should be made payable;

(2) In the case of a work part of the owners' portion of the cost of which may be specially assessed on land not abutting directly on the work, before passing the by-law for undertaking the work, in addition to procuring the reports and estimate mentioned in subsection 1, the Council shall procure to be made a further report stating:

Where part of owners' portion assessed on non-abutting land.

- (a) Whether it would be inequitable to charge the whole of the owners' portion of the cost on the land abutting directly on the work;
- (b) If inequitable to do so, what portion of the cost should be borne by the corporation, what portion thereof should be specially assessed upon the land abutting directly on the work and what land not abutting directly on the work will be immediately benefited and should be specially assessed for any part of the cost and the portion of the cost which should be specially assessed upon it. 1 Geo. V. c. 58, s. 30.

Special assessment roll to be prepared.

31. Before a special assessment is imposed the Council shall procure to be made a special assessment roll in which shall be entered

- (a) Every lot to be specially assessed in respect of the owners' portion of the cost, the name of the owner and the number of feet of its frontage to be so assessed;
- (b) Every lot which, but for the provisions of section 48, would be exempt from the special assessment and the number of feet of its frontage;
- (c) The rate per foot with which each lot is to be so assessed;
- (d) The number of instalments by which the special assessment is to be payable. 1 Geo. V. c. 58, s. 31.

How reports, statements, etc., to be made.

32. The Council may provide for the making of the reports, statements, estimates and special assessment roll mentioned in section 30 and 31 in such manner and by such officer of the corporation or person as the Council may deem proper, and may do so by a general by-law applicable to all works or to any class or classes of them or by a by-law applicable to the particular work. 1 Geo. V. c. 58, s. 32.

Holding of Court of Revision.

33.—(1) Before a special assessment is imposed a sittings of the Court of Revision for the hearing of complaints against the proposed special assessment shall be held.

Time and place of.

(2) Ten days' notice of the time and place of the sittings shall be given by publication, and at least fifteen days before the day appointed for the sittings a notice, Form 3, shall be mailed to the owner of every lot which is to be specially assessed. 1 Geo. V. c. 58, s. 33.

Special assessment roll to be kept open for ten days.

34. The special assessment roll shall be kept open for inspection at the office of the clerk for at least ten days next before the day appointed for the sittings of the Court of Revision. 1 Geo. V. c. 58, s. 34.

Statement of cost of work for Court of Revision.

35. A statement showing under appropriate heads the actual cost of the work, verified by the certificate of the Clerk, Assessment Commissioner or Treasurer of the municipality shall be delivered to the Chairman of the Court of Revision before the meeting of the Court. 1 Geo. V. c. 58, s. 35.

Powers of Court.

36.—(1) The Court of Revision shall have jurisdiction and power to review the proposed special assessment and to correct the same as to all or any of the following matters:

(a) Where the owners' portion of the cost is to be specially assessed against the land abutting directly on the work, as to the following matters:

- i. The names of the owners of the lots;
- ii. The frontage or other measurements of the lots;
- iii. The amount of the reduction to be made under the provisions of section 24 in respect of any lot;
- iv. As to the lots which, but for the provisions of section 48, would be exempt from special assessment;
- v. As to the lifetime of the work; and
- vi. As to the rate per foot with which any lot is to be specially assessed.

(b) Where part of the owners' portion of the cost is to be specially assessed on land not abutting directly on the work, in addition to the matters mentioned in clause (a), as to the lots other than those abutting directly on the work which are or will be immediately benefited by it, and as to the special assessment which such lots should respectively bear.

(c) In all cases as to the actual cost of the work.

(2) The Court of Revision shall not have jurisdiction or authority to review or to alter the proportions of the cost of the work which the lands to be specially assessed and the corporation are respectively to bear according to the provisions of the by-law for undertaking the work. 1 Geo. V. c. 58, s. 36.

37.—(1) Where it appears to the Court of Revision that any lot which has not been specially assessed should be specially assessed, before finally determining the matter the Court shall adjourn its sittings to a future day and shall cause notice, Form 3, to be given to the owner of such lot of the time and place when the adjourned sittings will be held.

(2) The notice shall be mailed at least six days before the time fixed for the adjourned sittings.

(3) If the Court of Revision determines that any such lot ought to be specially assessed, the Court shall have jurisdiction and power to fix and determine the amount of the special assessment thereon. 1 Geo. V. c. 58, s. 37.

38. The clerk shall make such corrections in the special assessment roll as are necessary to give effect to the decisions of the Court of Revision, and the roll when so corrected shall

be certified by the Clerk, and when so certified, except in so far as it may be further amended on appeal to the Judge, such assessment roll and the special assessment shall be valid and binding upon all persons concerned and upon the land specially assessed, notwithstanding any defect, error or omission therein or any defect or error in the by-law for undertaking the work or in any notice given or proceeding taken or the omission of any proceeding or thing which ought to have been taken or done before the passing of the by-law for undertaking the work or thereafter down to and including the completion of such revision. 1 Geo. V. c. 58, s. 38.

Appeal to
County Judge.

39.—(1) The Council or the owner of a lot specially assessed may appeal to the Judge of the County Court from any decision of the Court of Revision.

Application
of Rev. Stat.
c. 195.

(2) The provisions of *The Assessment Act* as to appeals to the Judge shall apply to an appeal under the provisions of subsection 1.

Powers of
judge.

(3) The Judge shall have the like jurisdiction and powers as are conferred on the Court of Revision by section 36, and the provisions of section 37 shall apply where it appears to the Judge that any lot not specially assessed ought to be so assessed. 1 Geo. V. c. 58, s. 39.

BORROWING POWERS.

Temporary
loans.

40.—(1) The Council may agree with any bank or person for temporary advances to meet the cost of the work pending the completion of it.

Issue of
debentures.

(2) The Council may, when the work undertaken is completed, borrow on the credit of the corporation at large such sums as may be necessary to defray the cost of the work undertaken, including the corporation's portion of the cost, and may issue debentures for the sums so borrowed.

Application of
Rev. Stat.
c. 192.

(3) The provisions of *The Municipal Act* as to by-laws for creating debts shall apply to by-laws passed under the authority of subsection 2, except that it shall not be necessary

(a) That the by-law be submitted to or receive the assent of the electors.

(b) That any rate be imposed for the payment of the principal of so much of the money borrowed as represents the owners' portion of the cost or of the interest thereon, other than the special rate per foot frontage imposed to meet it.

Rev. Stat.
c. 192.

(c) To comply with the provisions of subsections 5 and 7 of section 263 of *The Municipal Act*.

and except that the debentures, save as provided by section 42, shall be payable within the lifetime of the work.

(4) The special rates imposed for the owners' portion of the cost shall form a special fund for the payment of the debentures issued under the authority of subsection 2 and the interest thereon and shall not be applicable to or be applied for any other purpose.

Special rates for owner's portion to form special fund.

(5) If in any year the amount realized from the special rate imposed to provide for the owners' portion of the cost and interest is insufficient to pay the amount falling due in such year in respect of so much of the debentures as represent the owners' portion of the cost the Council shall provide for the deficiency in the estimates for the following year and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon.

General rate to meet deficiency in special rate.

(6) The amount borrowed under the provisions of subsection 2, in respect of the owners' portion of the cost, shall not be deemed to be part of the existing debenture debt of the corporation within the meaning of section 288 of *The Municipal Act*.

Owner's portion not to be deemed part of debenture debt of corporation. Rev. Stat. c. 192.

(7) Instead of borrowing the amount of the corporation's portion of the cost of a work undertaken the Council may include the same in the estimates of the year. 1 Geo. V. c. 58, s. 40.

Corporation's portion may be included in yearly estimates.

41.—(1) Where two or more works have been constructed and the by-laws provided for by subsection 2 of section 40 have been passed, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council by by-law, hereinafter called the consolidating by-law, may provide for borrowing the aggregate of such separate sums and for issuing one series of debentures therefor.

Consolidation of by-laws.

(2) The consolidating by-law shall show by recitals or otherwise in respect of what separate by-laws it is passed.

Recitals.

(3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose. 1 Geo. V. c. 58, s. 41.

Rates not to be imposed by consolidating by-law.

42.—(1) The Council shall impose upon the land liable therefor the special assessment with which it is chargeable in respect of the owners' portion of the cost, and the same shall be payable in such annual instalments as the Council shall prescribe, but not so as to extend beyond the lifetime of the work unless the work is of the class prescribed in clause (j) of section 3, in which case the annual instalments may extend over a period of not more than 40 years.

Term of annual instalments of special assessment.

Interest.

(2) In fixing the amount of the annual instalments a sum sufficient to cover the interest shall be added.

Commutation of special rates.

(3) The Council may also either by general by-law or by a by-law applicable to the particular work prescribe the terms and conditions upon which persons whose lots are specially assessed may commute for a payment in cash the special rates imposed thereon. 1 Geo. V. c. 58, s. 42.

Application of Rev. Stat. c. 195, ss. 94-97.

43. The provisions of sections 94 to 97 and the other provisions of *The Assessment Act* as to the collection and recovery of taxes, and the proceedings which may be taken in default of payment thereof, shall apply to the special assessments and the special rates imposed for the payment of them. 1 Geo. V. c. 58, s. 43.

Where special assessments irregular new assessments may be made.

44.—(1) If a debt has been incurred by the corporation for or in respect of a work undertaken before the passing of this Act and after the incurring of the debt, the special assessment for the work is found or adjudged to be invalid or the by-law for borrowing money to defray the cost of the work is quashed or set aside either wholly or in part by reason of any irregularity or illegality in making such assessment or in passing such by-law, the Council shall cause a new assessment to be made or may pass a new by-law when and so often as may be necessary to provide the money required to be raised to discharge the debt so incurred.

Where by-law quashed Court may direct passing of new by-law.

(2) In the case of a work undertaken after the passing of this Act, if the special assessment in respect of it has become confirmed under the provisions of section 38, no by-law for borrowing money to defray the cost of the work or for imposing the special assessment shall be quashed, set aside or adjudged to be invalid by reason of its illegality or of any defect in it, but the Court in which any proceeding for quashing, setting aside or declaring to be invalid the by-law is taken shall on such terms and conditions as to costs and otherwise as may be deemed proper direct the Council to amend or to repeal such by-law and, where a repealing by-law is directed, to pass a new by-law in proper form in lieu of the repealed by-law, and it shall be the duty of the Council to pass such by-law or by-laws accordingly.

Liabilities incurred to be binding.

(3) Every liability or obligation incurred and every debenture issued by the corporation under the authority of any such defective or illegal by-law shall be as effectual and as binding as if the amending or new by-law directed to be passed had been passed and was in force at the time such liability or obligation was incurred or such debenture was issued.

Where Court of its own motion directs passing of new by-law.

(4) Although no proceeding has been taken to quash, set aside or declare invalid the by-law the Council may of its own motion and if required by any person to whom it has incurred any liability on the faith of the bylaw shall pass

such amending or new by-law as may be necessary to make effectual and binding the liability so incurred and any debenture issued under the authority of such by-law, and the provisions of subsection 3 as to the effect of an amending or new by-law shall apply to any by-law so passed. 1 Geo. V. c. 58, s. 44.

REPAIR OF WORK.

45.—(1) After a work undertaken has been completed, it shall during its lifetime be kept in repair by and at the expense of the corporation. Maintenance and repair of work by corporation.

(2) Nothing in this Act shall relieve the corporation from any duty or obligation to keep in repair the highways under its jurisdiction to which it is subject either at common law or under the provisions of *The Municipal Act*, or otherwise, or impair or prejudicially affect the rights of any person who is damaged by reason of the failure of the corporation to discharge such duty or obligation. 1 Geo. V. c. 58, s. 45. General duty to repair not affected. Rev. Stat. c. 192.

46.—(1) Where, at any time during the lifetime of a work undertaken, the corporation fails to keep and maintain it in a good and sufficient state of repair, and, after one month's notice in writing by the owner or occupant of any lot specially assessed requiring the corporation to do so does not put the work in repair, a Judge of the Supreme Court, or the Judge of the County Court of the County in which the municipality lies, upon the application of any owner or occupant of any land so specially assessed, may make an order requiring the corporation to put the work in repair. Compelling corporation to repair.

(2) The Judge may determine what repairs are necessary and by his order may direct them to be made in such manner, within such time and under such supervision as he may deem proper. Determination as to necessary repairs.

(3) Where a person under whose supervision the repairs are to be made is appointed, the Judge may fix and determine the remuneration to be paid to such person and the same shall be paid by the corporation and payment thereof may be enforced in like manner and by the same process as a judgment for the payment of money. Remuneration of person supervising.

(4) The order shall have the same effect and may be enforced in like manner as a peremptory mandamus. Effect of order.

(5) If the corporation does not comply with the order of the Judge, in addition to any other remedy to which the applicant for the order may be entitled, the Judge may authorize the repairs to be made by the applicant, and if made by him the cost thereof shall be ascertained and determined by the Judge, and when so ascertained and determined payment thereof may be enforced in like manner and by the same process as a judgment for the payment of money. When repairs may be made by applicant and payment therefor.

Appeal to
Divisional
Court.

(6) An appeal shall lie to a Divisional Court from any order made under the provisions of this section, and the procedure where the appeal is from an order of a Judge of the Supreme Court shall be the same as on an appeal from an order made in an action in the Supreme Court, and if the appeal is from an order of a Judge of a County Court the same as on an appeal from an appealable order made in an action in the County Court. 1 Geo. V. c. 58, s. 46.

ASSESSMENT OF LAND EXEMPT FROM TAXATION.

Certain lands
exempt from
taxation liable
to be specially
assessed.

47. Land on which a church or place of worship is erected or which is used in connection therewith, and the land of a university, college or seminary of learning, whether vested in a trustee or otherwise, which is exempt from taxation under *The Assessment Act*, except schools maintained in whole or in part by a legislative grant or a school tax, shall be liable to be specially assessed. 1 Geo. V. c. 58, s. 47.

Rev. Stat.
c. 195.

Land exempt
from taxation
for local im-
provements
to be
specially
assessed.

48. Land exempt from taxation for local improvements under any general or special Act shall nevertheless, for all purposes except petitioning for or against undertaking a work, be subject to the provisions of this Act and shall be specially assessed; but the special assessments imposed thereon which fall due while such land remains exempt shall not be collected or collectable from the owner thereof but shall be paid by the corporation. 1 Geo. V. c. 58, s. 48.

STREET CLEANING, ETC.

Cleaning,
watering,
lighting
streets, etc.

49.—(1) The council may by by-law provide that thereafter the annual cost of cleaning, clearing of snow and ice, watering, oiling, sweeping, lighting, light supplied in excess of that supplied at the expense of the corporation at large, cutting grass and weeds and trimming trees and shrubbery on any street, or any one or more of such services shall be specially assessed upon the land abutting directly on such street according to the frontage thereof, and the foregoing provisions of this Act shall not apply to such services. 1 Geo. V. c. 58, s. 49 (1); 2 Geo. V. c. 44, s. 6.

Application to
defined areas.

(2) Instead of naming the particular street or streets the by-law may apply to all the streets in a defined section or sections of the municipality.

Special rate.

(3) Where the council so provides the amount of the special rate imposed to defray such cost may be entered on the collector's roll and collected in like manner as other taxes.

Duration of
by-law.

(4) The by-law shall remain in force from year to year until repealed. 1 Geo. V. c. 58, s. 49 (2-4).

50.—(1) Where a highway forms the boundary between two or more municipalities although it lies wholly within one or partly within two or more of them, the corporations of the municipalities may agree

Power to construct works on boundary lines.

- (a) to undertake in respect of such highway or any part of it any work or service which may be undertaken as a local improvement under this Act;
- (b) as to the council by which the work or service shall be undertaken;
- (c) as to whether the corporations' portion of the cost shall be provided for by borrowing or shall be included in the estimates of the year; and
- (d) as to the proportions in which the corporations' portion of the cost shall be borne by such corporations respectively.

(2) The Council of the municipality which according to the agreement is to undertake the work or service, hereinafter called the initiating council, shall have all the powers and perform all the duties in respect of it which may be exercised or are to be formed by the council of a municipality which undertakes a work or service as a local improvement under this Act, and the highway shall, for the purposes of the work or service, be deemed to lie wholly within and to be under the exclusive jurisdiction of the initiating council.

Powers and duties of initiating council.

(3) The clerk of the initiating council shall forthwith, after the passing of its by-law imposing the special rates to defray the owners' portion of the cost, deliver or transmit by registered post to the clerk of any municipality in which is situate any land upon which a special rate has been imposed a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Certified copies of by-law to be sent to clerks of other municipalities.

(4) The rates required by the by-law to be levied and collected in any year upon land in any municipality other than that by the council of which the by-law is passed shall be collected by the council of such municipality in like manner as if such rates had been imposed by that council.

Collection of rates in other municipalities.

(5) The corporation of each of the municipalities other than that by the council of which the work or service is undertaken shall pay to the last mentioned corporation the sums which are to be levied and collected in that year under the next preceding subsection, and such payment shall be made on demand therefor at any time after the 14th day of December in that year, and shall be made whether or not such rates have been collected from the persons liable to pay them.

Payment over to initiating council.

Payment not to relieve land assessed.

(6) Such payment shall not relieve any land specially assessed from the special rate thereon, but it shall remain liable for the special rate until it is paid.

Payment over where corporations' part included in estimates.

(7) Where the agreement provides that the corporations' portion of the cost shall be included in the estimates of the year, the corporation of each of the municipalities, other than that by the council of which the work or service is undertaken, shall pay to that corporation when the amount of the corporations' portion of the cost is finally determined its share or portion of such cost, and the amount so paid shall be provided for in the estimates for the then current year of the council of the corporation which is to pay it.

Where corporations' portion met by issue of debentures.

(8) Where the agreement provides that the amount required to defray the corporations' portion of the cost is to be borrowed, the corporation of each of the municipalities, except that by the council of which the work or service is undertaken, shall in each year during the currency of the debentures issued for the money borrowed pay to that corporation the same proportion of the principal and the interest payable in that year as under the agreement it is to bear of the corporations' portion of the cost, and the amount which the by-law for borrowing the money requires to be raised in that year shall be reduced by the sum so paid.

Maintenance and repair.

(9) The corporations shall bear the cost of keeping the work in repair in the proportions in which the cost of the work is to be borne by them. 3-4 Geo. V. c. 44, s. 4.

SPECIAL PROVISIONS AS TO TOWNSHIPS, VILLAGES, ETC.

Waterworks and fire engines.

51.—(1) The council of a township or village may undertake as a local improvement

- (a) The construction of waterworks;
- (b) The purchase of fire engines and other appliances for the purpose of fire protection;
- (c) The laying of mains and other appliances to connect with any existing system of waterworks whether owned by the corporation or by any other person. 1 Geo. V. c. 58, s. 50 (1); 3-4 Geo. V. c. 44, s. 5.

Assessment of owners' part in land in defined areas.

(2) The council, by the by-law for undertaking the work, may provide that the owners' portion of the cost shall be specially assessed against the land in any defined section or sections of the municipality, and that the annual cost of managing and maintaining the work shall be assessed against and levied upon such land. 1 Geo. V. c. 58, s. 50 (2).

Trustees for managing fire engines and appliances.

(3) In the case of the purchase of fire engines and other appliances for the purpose of fire protection the council may, by by-law, provide for

- (a) The election of a board of three trustees, and the time and manner of holding the election;
- (b) The term of office of such trustees;
- (c) Filling vacancies in such board;
- (d) The election of an auditor;
- (e) The appointment of a second auditor by such board; and
- (f) The duties of such auditors.

1 Geo. V. c. 58, s. 50 (3); 3-4 Geo. V. c. 44, s. 5.

(4) The board of trustees shall have the care, control and management of such fire engines and appliances. Care and control of fire engines, etc.

(5) No person shall be entitled to vote at the election of such trustees unless he is the owner of land to be specially assessed under the provisions of subsection 2 and is also qualified to vote at municipal elections. 1 Geo. V. c. 58, s. 50 (4-5). Qualification of voters for election of trustees.

ADOPTION OF LOCAL IMPROVEMENT SYSTEM.

52.—(1) The council of a corporation by by-law passed with the assent of the municipal electors, in accordance with the provisions of *The Municipal Act*, may provide that all works which may be undertaken as local improvements, or any one or more classes or descriptions of such works thereafter, or after a day named in the by-law, shall be undertaken as local improvements and not otherwise. Adoption of local improvement system Rev. Stat. c. 192.

(2) The by-law may be repealed but only by a by-law passed with the like assent. 1 Geo. V. c. 58, s. 51. Repeal of by-law.

MISCELLANEOUS.

53. The special assessment and the special rates charged or chargeable upon land for or in respect of the cost of any work undertaken, whether upon petition or otherwise, except so much of them as is in arrear and unpaid, shall not, as between a vendor and a purchaser, or as respects a covenant against incumbrances, or for the right to convey, or for quiet possession free from incumbrances, be deemed to be an incumbrance upon the land upon which the special rate is charged or chargeable. 1 Geo. V. c. 58, s. 52. Special rates and covenant against incumbrances.

54. Proceedings for undertaking a work begun by one council may be continued, and the work may be begun, continued and completed by a succeeding council. 1 Geo. V. c. 58, s. 53. When work may be completed.

55. The Ontario Railway and Municipal Board may approve of forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the Municipal Board may prescribe forms.

provisions of this Act, and every by-law, notice or other proceeding which is in substantial conformity with the form so approved shall not be open to objection on the ground that it is not in the form required by the provisions of this Act applicable thereto; but the use of such forms shall not be obligatory. 1 Geo. V. c. 58, s. 54.

FORM 1.

Section 11.

Take notice that

1. The Council of the Corporation of the _____ of _____ intends to construct as a local improvement (*describe the work*) on (or in) _____ street, between (*describe the points between which the work is to be constructed*) and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed add*) and upon the following land which is immediately benefited by the work (*describe the land*).

2. The estimated cost of the work is \$ _____, of which \$ _____ is to be paid by the Corporation. The estimated special rate per foot frontage is _____. The special assessment is to be paid in _____ annual instalments.

3. A petition against the work will not avail to prevent its construction.

Dated _____

Clerk.

(*Note.—Where that part* of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form will be altered to show the special rate per foot frontage in each district or section.*)

FORM 2.

Section 13.

Take notice that

1. The Council of the Municipal Corporation of the _____ of _____ intends to construct (*describe the work*) on (or in) _____ street between (*describe the points between which the work is to be constructed*) as a local improvement and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed add*) and upon the following land which is immediately benefited by the work (*describe the land*).

2. The estimated cost of the work is \$ _____, of which \$ _____ is to be paid by the Corporation, and the estimated special rate per foot frontage is _____. The special assessment is to be paid in _____ annual instalments.

3. Persons desiring to petition against undertaking the work must do so on or before the _____ day of _____ 19 _____.

Dated _____

Clerk.

(*Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form will be altered to show the special rate per foot frontage in each district or section.*)

FORM 3.

Sections 33 (2) and 37.

Take notice that

1. The Council of the Corporation of the _____ of _____ has constructed as a local improvement (*describe the work*) on (or in) _____ street between (*describe the points between which the work has been constructed*).

2. The cost of the work is \$ _____, of which \$ _____ is to be paid by the Corporation. The special rate per foot frontage is _____. The special assessment is to be paid in annual instalments.

3. The estimated lifetime of the work is _____ years.

4. A Court of Revision will be held on the _____ day of _____ 19 _____, at _____ o'clock at the (*insert place of meeting*) for the purpose of hearing complaints against the proposed assessments or the accuracy of frontage measurements and any other complaint which persons interested may desire to make and which is by law cognizable by the Court.
or (*where the Court of Revision proceeds under section 37*).

4. You are served with this notice because the Court of Revision is of the opinion that your lot though not specially assessed should be specially assessed in respect of the owners' portion of the cost of the work and an adjourned sittings of the Court will be held on the _____ day of _____ 19 _____, at _____ o'clock at the (*insert place of meeting*) when the matter will be determined by the Court.

Dated _____

Clerk.

(*Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form will be altered to show the special rate per foot frontage in each district or section.*)