

1914

## c 204 Public Utilities Act

Ontario

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## CHAPTER 204.

An Act respecting the Construction and Operation of Works for supplying Public Utilities by Municipal Corporations and Companies.

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 Public Utilities Act*. Short title.  
3-4 Geo. V. c. 41, s. 1.

2. In Parts III., IV., V. and VI. of this Act, “Public Utility” or “Public Utilities” shall mean water, artificial or natural gas, electrical power or energy, steam and hot water. Interpretation.  
“Public Utilities.”  
3-4 Geo. V. c. 41, s. 2.

## PART I.

## MUNICIPAL WATERWORKS.

3.—(1) The corporation of a local municipality may, under and subject to the provisions of this Part, acquire, establish, maintain and operate waterworks, and may acquire by purchase or otherwise and may enter on and expropriate land, waters and water privileges and the right to divert any lake, river, pond, spring or stream of water, within or without the municipality, as may be deemed necessary for waterworks purposes, or for protecting the waterworks or preserving the purity of the water supply. Establishment of works and expropriation of land, etc.

(2) No land, water or water privilege which is not situate within or within 15 miles of the municipality shall be expropriated under the powers conferred by subsection 1, and no water shall be taken from any lake or river except within or within 15 miles of the municipality, or in either case so as to interfere with the waterworks of any other municipal corporation or the supply of water therefor then in actual use. Limitation of power to expropriate

(3) The corporation may purchase the waterworks of any person situate within or in the neighbourhood of the municipality and may improve and extend the same, and, for the purpose of any improvement or extension, may exercise all the powers conferred by this Part. 3-4 Geo. V. c. 41, s. 3. Power to acquire existing works

Provision as to paying compensation. Rev. Stat. c. 192.

4. The provisions of Part 15 of *The Municipal Act* shall apply to the exercise by the corporation of any of the powers conferred by this Part. 3-4 Geo. V. c. 41, s. 4.

Construction of necessary works.

5.—(1) The corporation may construct and maintain, in and upon the land acquired by it, such reservoirs, water and other works, plant and machinery as may be requisite for the undertaking, and may, by pipes or otherwise, convey the water thereto and therefrom, in, upon, and through any land lying between the reservoirs and waterworks and the lake, river, pond, spring or stream of water from which the water is procured or between them, or any of them, and the municipality.

Power to enter on intermediate lands.

(2) The corporation and its servants may for such purposes enter and pass upon and over such intermediate land, and may, if necessary, cut and dig up the same and lay pipes through it, and in, upon, through, over, and under the highways, lanes and other public communications within the municipality, or within the distance limited by subsection 2 of section 3, and in, upon, through, over, and under the land of any person within the municipality.

Duty of restoration.

(3) All such highways, lanes, or other public communications, and all land, not being the property of the corporation, shall be restored to their original condition without unnecessary delay.

Power to expropriate.

(4) The corporation may purchase or expropriate, use and occupy such part of such intermediate land as it may deem necessary for the making and maintaining of the works, or for the opening of new streets required for the same, or for the protection of the works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the pipes, and for distributing water to the inhabitants of the municipality, or for the uses of the corporation, or of the owners or occupants of the land through or near which the pipes may pass. 3-4 Geo. V. c. 41, s. 5.

Power to lay down pipes, etc.

6. For the purpose of distributing the water the corporation may sink and lay down pipes, tanks, reservoirs, and other conveniences, and may from time to time alter their location or construction as the corporation may deem advisable. 3-4 Geo. V. c. 41, s. 6.

Service pipes.

7.—(1) The service pipes shall be laid down from the main pipe to the line of the highway by the corporation, and the corporation shall be responsible for keeping the same in repair.

Laying of, from line of street, to wall of building.

(2) Where a vacant space intervenes between the outer line of a highway and the wall of a building or other place into which the water is to be taken, the corporation may, with the consent of the owner, lay the service pipe across such vacant space to the interior face of the outer wall and charge

the cost thereof to the owner of the premises, or the owner may himself lay the service pipe, if it is done to the satisfaction of the corporation.

(3) The expense incidental to the laying and repairing of service pipes if laid or repaired by the corporation, except the repairing of the service pipes from the main pipe to the line of a highway, or of superintending the laying or repairing of the same, if laid or repaired by any other person, shall be payable by the owner to the corporation on demand, and if not so paid may be collected in the same manner as water-rates. Expenses of laying.

(4) The expense of superintending the laying or repairing of a service pipe shall not exceed one dollar. Expenses of superintending. 3-4 Geo. V. c. 41, s. 7.

8.—(1) The service pipes from the line of a highway to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the corporation shall be under its control, and if any damage is done to that portion of the service pipe or its fittings the owner or occupant of the building shall forthwith repair the same to the satisfaction of the corporation, and, in default of his so doing, whether notified or not, the corporation may enter upon the land where the service pipe is and repair the same, and charge the cost thereof to the owner or occupant of the premises, and the same may be collected in the same manner as water rates. Service pipe to be under control of corporation.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water taker, except in case of accident, or for the protection of the building or the pipe and to prevent the flooding of the premises. Prohibition as to using stopcock.

(3) Persons supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation. Approval of taps by corporation. 3-4 Geo. V. c. 41, s. 8.

9. The corporation may regulate the distribution and use of the water in all places where and for all purposes for which it may be required, and fix the prices for the use thereof, and the times of payment, and may erect such number of public hydrants and in such places as it may see fit, and may direct in what manner and for what purposes the same shall be used, and may fix the rate or rent to be paid for the use of the water by hydrants, fireplugs, and public buildings. Regulation of use of water and of rates. 3-4 Geo. V. c. 41, s. 9.

10.—(1) The corporation of every municipality having a system of waterworks shall supply water at all times to all public institutions situate therein and belonging to or maintained by the Province at such rents, rates or prices as may be fixed by by-law of the corporation, but not exceeding those charged to manufacturers. Rates at which water to be supplied to provincial institutions.



Penalty.

(2) For every contravention of subsection 1, the corporation shall incur a penalty not exceeding \$500, recoverable by action at the suit of the Crown. 3-4 Geo. V. c. 41, s. 10.

Non-liability  
for breakage  
or stoppage.

11. The corporation shall not be liable for damages caused by the breaking of any service pipe or attachment, or for shutting off of water to repair or to tap mains, if reasonable notice of the intention to shut off the water is given. 3-4 Geo. V. c. 41, s. 11.

Power to  
supply water  
outside of  
municipality.

12. The corporation may supply water upon special terms and for such term of years as may be agreed on to owners or occupants of land beyond the limits of the municipality, and may exercise all other powers necessary for carrying out any agreement for that purpose, and may also make any agreement which may be deemed expedient for the supply of water for any term not exceeding five years to any railway company, or manufactory, or to builders; but where water is to be supplied for any of the purposes mentioned in this section in another municipality, the corporation of which possesses water-works, no pipes for that purpose shall be carried in, upon, through, over or under any highway, lane, or public communication within such other municipality without the consent of the council thereof. 3-4 Geo. V. c. 41, s. 12.

Proviso.

Power to  
regulate supply  
and to prohibit  
wrongful use  
of water.

13. The corporation may pass by-laws for regulating the time, manner, extent and nature of the supply by the works, the building or persons to which and to whom the water shall be furnished, the price to be paid therefor, and every other matter or thing related to or connected therewith which it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied, and for providing that for a contravention of any such by-law the offender shall incur a penalty not exceeding \$20 or may be imprisoned without the option of a fine for any period not exceeding one month, and the provisions of *The Ontario Summary Convictions Act* shall apply to a prosecution under this section. 3-4 Geo. V. c. 41, s. 13.

Rev. Stat.  
c. 90.Prohibitions  
and penalties.

14. Every person who

- (a) wilfully hinders or interrupts, or causes or procures to be hindered or interrupted the corporation, or any of its officers, contractors, agents, servants or workmen, in the exercise of any of the powers conferred by this Act;
- (b) wilfully lets off or discharges water so that the same runs waste or useless out of the works;
- (c) being a tenant, occupant, or inmate of any house, building or other place supplied with water from

the water-works, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own, increases the supply of water agreed for, or improperly wastes the water;

- (d) without lawful authority wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building material, rubbish, or other obstruction;
- (e) throws or deposits any injurious, noisome or offensive matter into the water or water-works, or upon the ice, if the water is frozen, or in any way fouls the water or commits any wilful damage, or injury to the works, pipes, or water, or encourages the same to be done;
- (f) wilfully alters any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered;
- (g) lays or causes to be laid any pipe or main to communicate with any pipe or main of the water-works, or in any way obtains or uses the water without the consent of the corporation; or
- (h) washes or cleanses cloth, wool, leather, skin or animals, or places any noisome or offensive thing, or conveys, casts, throws, or puts any filth, dirt, dead carcase or other noisome or offensive thing in any lake, river, pond, creek, spring, source or fountain, within the distance of one mile in the case of a town or village, or within three miles in the case of a city from the source of supply for such water-works, or causes, permits, or suffers the water of any sink, sewer or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled;

shall for every such offence incur a penalty not exceeding \$20 or may be imprisoned, without the option of a fine, for any term not exceeding one month, and the provisions of *The Ontario Summary Convictions Act* shall apply to a prosecution under this section. 3-4 Geo. V. c. 41, s. 14.

Rev. Stat.  
c. 90.

15.—(1) For the purpose of assisting in the payment of any debentures issued for water-works purposes, and the interest thereon, the corporation may impose a special tax in each year, during the currency of the debentures, not exceeding four mills in the dollar according to the assessed <sup>Power to levy special rate.</sup>

value thereof, upon the land fronting or abutting upon any highway, lane or other public communication in, through or along which the water-works mains are laid, as well as all other land distant not more than 300 feet therefrom, which enjoys the advantage of the use of the water for the purpose of protection against fire, whether or not the owners or occupants thereof use the water for general purposes.

Power to remit special tax.

(2) The collector of taxes, upon the production by an owner or occupant using the water of the receipt for the payment of the rate or rent chargeable for the use thereof during the year, or such proportion thereof as equals such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment of or on account of such special tax. 3-4 Geo. V. c. 41, s. 15.

Construction of mains, etc., for benefit of individuals.

16. If one or more property owners within a municipality applies to the council for the construction of water mains and other works necessary to connect their properties with the water-works system of the corporation the council may by by-law provide for the extension of the mains and pipes, and for all other works necessary to make such connection, and for permitting the applicants to receive the benefit of such water-works upon such terms as the council may deem just; and the by-law may further provide that the cost of the work shall be charged as an annual special rate upon the land of the applicants, designated in the application, and such rate shall be payable, whether or not the applicants or the owners, for the time being, of the lands continue to use the water. 3-4 Geo. V. c. 41, s. 16.

## PART II.

### MUNICIPAL PUBLIC UTILITY WORKS OTHER THAN WATERWORKS.

Interpretation.

17. In this Part,

"Public Utility."

"Public Utility" shall mean artificial and natural gas, electrical power or energy, steam and hot water. 3-4 Geo. V. c. 41, s. 17.

Powers of corporations to produce and supply public utilities.

18.—(1) The corporation of every urban municipality may manufacture, procure, produce and supply for its own use and the use of the inhabitants of the municipality any public utility for any purpose for which the same may be used; and for such purposes may purchase, construct, improve, extend, maintain, and operate any works which may be deemed requisite, and may acquire any patent or other right for the manufacture or production of such public utility, and may also purchase, supply, sell or lease fittings, machines, apparatus, meters, or other things for any of such purposes.

May sell coke, etc.

(2) The corporation may sell and dispose of coke, tar, and every other by-product or residuum obtained in or from its works, and any surplus coal it may have on hand.



(3) The corporation may purchase or rent such land and buildings as may be deemed necessary for the purpose of its undertaking. 3-4 Geo. V. c. 41, s. 18.

May rent or purchase lands.

19. The corporation may require by purchase, lease or otherwise, or may expropriate any land in the municipality which may be required for its works or any extension thereof, and the provisions of Part 15 of *The Municipal Act* shall apply to the exercise by the corporation of the power to expropriate and of the power conferred by section 22. 3-4 Geo. V. c. 41, s. 19.

Power to expropriate lands for works.

Rev. Stat. c. 192.

20. The corporation, for the purpose of laying down, taking up, examining, and keeping in repair the pipes, wires and rods used for the purpose of its undertaking, may break up, dig, and trench in, upon, and under the highways, lanes, and other public communications, or, with the consent of the owner, in, upon and under any private property; or may, upon poles or otherwise, conduct such wires and rods along, over and across such highways, lanes, and other public communications, or, with the consent of the owner, upon private property. 3-4 Geo. V. c. 41, s. 20.

Corporation may break up streets, etc.

21.—(1) The corporation may carry pipes, wires or rods, to any part of any building within the municipality parts of which belong to different owners, or are in possession of different tenants or occupants, passing over the property of any owner, or of any tenant or occupant, to convey the public utility to the part of the building to which it is to be conveyed.

Corporation may carry pipes, wires and rods through parts of buildings to supply other parts.

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same in the inside. 3-4 Geo. V. c. 41, s. 21.

Method

22. The corporation may also break up and uplift all passages common to neighbouring owners, tenants, or occupants, and dig or cut trenches therein, for the purpose of laying down pipes, wires, or rods, or taking up, examining or repairing the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay. 3-4 Geo. V. c. 41, s. 22.

May also break up passages common to neighbouring proprietors.

23. The corporation may, from time to time and upon such terms as may be deemed advisable, enter into contracts for the supply of a public utility to any person for any period not exceeding ten years. 3-4 Geo. V. c. 41, s. 23.

Contracts for supply of public utility for ten years.

24. A corporation possessing or intending to construct works under this Act may, under the authority of a by-law of an adjoining local municipality, exercise the like powers within the adjoining municipality as it may exercise within

Power to carry works into adjoining municipalities.



its own municipality upon such terms and conditions as may be agreed upon. 3-4 Geo. V. c. 41, s. 24.

### PART III.

#### ALL MUNICIPAL PUBLIC UTILITIES.

Application of Part.

**25.** This Part shall apply to all municipal corporations owning or operating public utilities. 3-4 Geo. V. c. 41, s. 25.

Power to make by-laws for maintenance and management of works.

**26.—(1)** The council may pass by-laws for the maintenance and management of the works and the conduct of the officers and others employed in connection with them, and for the collection of the rates or charges for supplying the public utility, and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges and rents, and the times and places when and where the same shall be payable; and for allowing for prepayment or punctual payment such discount as may be deemed expedient.

Discretion of corporation as to rates to be charged.

**(2)** In fixing the rents, rates or prices to be paid for the supply of a public utility the corporation may use its discretion as to the rents, rates or prices to be charged to the various classes of consumers and also as to the rents, rates or prices at which a public utility shall be supplied for the different purposes for which it may be supplied or required.

Power to shut off supply.

**(3)** In default of payment the corporation may shut off the supply but the rents or rates in default shall, nevertheless, be recoverable. 3-4 Geo. V. c. 41, s. 26.

Rates to be lien on lot or building.

**27.** The sum payable by the owner or occupant of any building or lot for the public utility supplied to him there, or for the use thereof, and all rents, rates, costs and charges by this Act to be collected in the same manner as rents or rates for the supply of a public utility, shall be a lien and charge on the building or lot and may be levied and collected in like manner as municipal rates and taxes are recoverable. 3-4 Geo. V. c. 41, s. 27.

Protection and powers of officers.

**28.** The officers of the corporation, when acting in the discharge of their duties under this Act, shall *ex-officio* be constables. 3-4 Geo. V. c. 41, s. 28.

Limitation of actions.

**29.** No action shall be brought against any person for any thing done in pursuance of this Act, but within six months next after the act committed, or in case there is a continuation of damage, within one year after the original cause of action arose. 3-4 Geo. V. c. 41, s. 29.

Property exempt from execution.

**30.** Materials procured under contract with the corporation, and upon which the corporation has made advances in

accordance with such contract, shall be exempt from execution against the person who supplied or contracted to supply such materials. 3-4 Geo. V. c. 41, s. 30.

**31.** The public utility works, and the land acquired for the purpose thereof and the property appertaining thereto, shall be specially charged with the repayment of any sum borrowed by the corporation for the purposes thereof, and for any debentures issued therefor, and the holders of such debentures shall have a preferential charge on such works, land and property for securing the payment of the debentures and the interest thereon. 3-4 Geo. V. c. 41, s. 31.

Money borrowed to be a charge on works.

**32.** The revenues arising from supplying any public utility or from the property connected with any public utility work, after providing for the expenses of the maintenance of the works, shall, subject to section 31, form part of the general funds of the corporation. 3-4 Geo. V. c. 41, s. 32.

Application of revenue.

**33.—(1)** The corporation may sell, lease or otherwise dispose of any property which is no longer required for the purpose of the undertaking, and any property so sold shall be free from any charge or lien on account of any debentures issued by the corporation, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any debentures constituting a charge thereon, or if there are no such debentures the proceeds shall form part of the general funds of the corporation.

Power to sell any property when no longer required.

**(2)** If credit is given for any part of the purchase money of real property the corporation may take security by way of mortgage to secure the same, and every such mortgage and the proceeds thereof shall stand as security for any debentures constituting a charge on the real property at the time of the sale. 3-4 Geo. V. c. 41, s. 33.

Power to take security.

#### PUBLIC UTILITY COMMISSION.

**34.—(1)** The council of a municipal corporation which owns or operates works for the production, manufacture or supply of any public utility, or is about to establish such works, may, by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the works and the control and management of the same to a commission to be called "The Public Utilities Commission of the (*naming the municipality*)" or to a commission established under this Part.

Formation of Public Utility Commission for management of works.

**(2)** A Commission established under *The Municipal Waterworks Act*, or *The Municipal Light and Heat Act*, or under a special Act for the construction or the control and management of works for the manufacture, production or supply of any public utility shall, for the purposes of this section, be

R.S.O. 1897 cc. 234, 235.



deemed to be a Commission established under this Part and the provisions of this Part shall apply to it.

One Commission for several public utilities.

(3) Where a commission has been established under this Part as to any public utility and the corporation desires to entrust the control and management of any other public utility works to a commission, subject to subsection 5, such control and management shall be entrusted to the commission so established, or if there is more than one commission so established to one of them, or the by-law may provide for placing under the control and management of one commission all public utility works owned by the corporation.

Name.

(4) Where the construction of any other public utility works and the control and management of them is entrusted to any of the commissions mentioned in subsection 2, such commission thereafter shall be called "The Public Utility Commission of the (*naming the municipality*)"

Special provisions as to Hydro-Electric Commission.

(5) Where the corporation of a city or town has entered into a contract with The Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy a commission shall be established under the provisions of this Part for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of such electrical power or energy and for the purposes of this subsection it shall not be necessary that the by-law receive the assent of the electors; or such control and management shall be entrusted to an existing Public Utilities Commission, and, where the commission is not entrusted with the control and management of any other public utility, it shall be called "The Hydro-Electric Commission of the (*naming the municipality*)."

Special Act not affected.

(6) Subsection 5 shall be subject to the provisions of any special Act providing for the control and management of such works.

Certain by-laws not to be repealed.

(7) A by-law of the council, for the purposes mentioned in subsection 4, shall not be repealed without the consent of "The Hydro-Electric Power Commission of Ontario."

Provision for management of sewerage system. Rev. Stat. c. 192.

(8) If no commission has been established under this Part to which the control and management of a sewerage system, to which paragraph 11 of section 406 of *The Municipal Act* applies, may be entrusted a commission may be established, under this Part, for the control and management of such sewerage system, and the provisions of this Part shall apply to it. 3-4 Geo. V. c. 41, s. 34.

Powers of Commission.

35.—(1) Subject to subsection 3, upon the election of the commissioners as hereinafter provided, all the powers, rights, authorities, and privileges which are by this Act conferred on the corporation shall, while such by-law remains in force, be exercised by the commission and not by the council of the corporation.



(2) The officers and employees of the corporation shall be continued until removed by the commission unless their engagement sooner terminates. Officers of corporation to hold office.

(3) Nothing contained in this section shall divest the council of its authority with reference to providing the money required for such works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided. 3-4 Geo. V. c. 41, s. 35. Council to provide money required for works.

36.—(1) A commission established under this Part shall be a body corporate and shall consist of three or five members as may be provided by the by-law, of whom the head of the council shall *ex-officio* be one and the others shall be elected at the same time and place and in the same manner as the head of the council, and subject to subsection 2 the elected members shall hold office for two years and until their successors are elected and the new commission is organized. Number of Commissioners.

(2) One-half of the first elected members shall hold office for two years and the other one-half for one year, and shall continue in office until their successors are elected and the new commission is organized. Term of office.

(3) At the first meeting of the commission after the first election the members who are to hold office for two years shall be chosen by lot. Term of office to be determined by lot.

(4) Except where otherwise expressly provided the provisions of Parts 2, 3 and 4 of *The Municipal Act* which are applicable to members of the council of a local municipality shall apply *mutatis mutandis* to the commissioners to be elected under the provisions of this Part. 3-4 Geo. V. c. 41, s. 36. Provisions as to mode of election of, etc. Rev. Stat. c. 192.

37.—(1) Where a vacancy in the commission occurs from any cause the council shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected. Filling of vacancies.

(2) A majority of the commissioners shall constitute a quorum of the commission. 3-4 Geo. V. c. 41, s. 37. Quorum.

38. The salary, if any, of the commissioners shall from time to time be fixed by the council and no member of the council, except the head thereof, shall at the same time be a member of the commission. 3-4 Geo. V. c. 41, s. 38. Salary of Commissioners.

39.—(1) The council may, by by-law passed with the assent of the municipal electors, repeal any by-law passed under section 34. Repeal of by-law.

(2) Where a by-law is repealed the council shall apportion the current year's salary of the commissioners, and any officer or employee of the commission shall be continued until removed by the council unless his engagement sooner terminates. 3-4 Geo. V. c. 41, s. 39. Apportionment of salaries.

Book of  
accounts.

40.—(1) Separate books and accounts of the revenues derived from every public utility under its management shall be kept by the commission, and such books and accounts shall also be kept separate from the books and accounts relating to the other property, funds, or assets connected with such public utility, and such books and accounts shall be open to inspection by any person appointed for that purpose by the council.

Regulation of  
system of  
book-keeping.  
Rev. Stat.  
c. 186.

(2) Subsection 1 shall be subject to section 58 of *The Ontario Railway and Municipal Board Act*. 3-4 Geo. V. c. 41, s. 40.

Returns to  
council.

41.—(1) The commission shall, on or before the fifteenth day of January in each year, or upon such other day as the council may direct, cause a return to be made to the council containing a statement of the affairs of each public utility work showing

- (a) the amount of the rents, issues, and profits, arising therefrom and the number of persons supplied with each of the public utilities during the previous calendar year;
- (b) the extent and value of the property connected with each public utility work;
- (c) the amount of all outstanding debentures and the interest thereon, due and unpaid, and the state of the sinking fund;
- (d) the expenses of management, and all other expenses;
- (e) the salaries of officers and servants;
- (f) the cost of repairs, improvements and alterations;
- (g) the price paid for any land acquired for the purpose of such public utility work and such a statement of revenue and expenditure as will at all times afford full and complete information of the state of its affairs.

Information  
for council.

(2) The commission shall also furnish such information as from time to time may be required by the council.

Audit of  
accounts.

(3) The accounts of the commission shall be audited by the auditors of the corporation, and the commission and its officers shall furnish to the auditors such information and assistance as may be in their power to enable the audit to be made. 3-4 Geo. V. c. 41, s. 41.

Records of  
proceedings.

42. A book wherein shall be recorded all the proceedings of the commission shall be kept and shall be open to inspection by any person appointed for that purpose by the council. 3-4 Geo. V. c. 41, s. 42.

**43.** The revenues, after deducting disbursements, shall, Revenues to be paid to municipal treasurer. quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality, and shall be by him placed to the credit of the account of the public utility work, and if not required for the purpose of the work shall form part of the general funds of the corporation. 3-4 Geo. V. c. 41, s. 43.

#### PART IV.

##### ALL MUNICIPAL AND COMPANY PUBLIC UTILITIES.

**44.** This Part shall apply to all municipal or other cor- Application of Part. porations owning or operating public utilities. 3-4 Geo. V. c. 41, s. 44.

**45.—(1)** Any person authorized by the corporation for Inspection of premises. that purpose shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any public utility is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any service pipe, wire or rod, within or without the building, or for placing meters upon any service pipe or connection within or without the building as he may deem expedient and for that purpose or for the purpose of protecting or regulating the use of such meter, may set it or alter the position of it, or of any pipe, wire, rod, connection or tap, and may alter or disconnect any service pipe.

**(2)** The corporation may fix the price to be paid for the Prices for use of meters, etc. use of such meter, and the times when and the manner in which the same shall be payable, and may also recover the expense of such alterations; and such price, and the expense of such alterations, may be collected in the same manner as rents or rates for the supply of a public utility.

**(3)** Where a consumer discontinues the use of the public Removal of fittings from premises of consumers utility, or the corporation lawfully refuses to continue any longer to supply it, the officers and servants of the corporation may, at all reasonable times, enter the premises in or upon which such consumer was supplied with the public utility for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation in or upon such premises, and may remove the same therefrom, doing no unnecessary damage. 3-4 Geo. V. c. 41, s. 45.

**46.** No property of the corporation used for or in connection with the supply of any public utility shall be liable to be seized for rent due to the landlord of any land or building whereon or wherein the same may be or under execution against the owner or occupant of the land or building. Property of corporation exempt from distress. 3-4 Geo. V. c. 41, s. 46.



Liability of  
persons doing  
damage.

**47.** Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any public utility works or to any plant, machinery, fitting or appurtenances thereof shall be liable to the corporation therefor. 3-4 Geo. V. c. 41, s. 47.

Penalty for  
wilful damage  
of meters,  
lamps, etc.

**48.** Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, conduit, wire, rod, or fitting belonging to the corporation, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the public utility which passes through it, shall incur a penalty, to the use of the corporation, for every such offence, of not less than \$4 or more than \$20, and shall also be liable for the expenses of repairing or replacing such meter, lamp, lustre, service pipe, conduit, wire, rod or fitting and double the value of the surplus public utility so consumed, all of which, including the penalty, shall be recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 41, s. 48.

Rev. Stat.  
c. 90.

Penalty for  
injuring public  
utility works.

**49.** Every person who wilfully extinguishes any public lamp or light, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the corporation shall incur a penalty, to the use of the corporation, of not less than \$4 or more than \$20, and shall also be liable for all damages occasioned thereby, all of which shall be recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 41, s. 49.

Corporation  
constructing  
works to  
supply build-  
ings on line of  
supply, on  
request.

**50.** Where there is a sufficient supply of the public utility the corporation shall supply all buildings within the municipality situate upon land lying along the line of any supply pipe, wire or rod, upon the request in writing of the owner, occupant or other person in charge of any such building. 3-4 Geo. V. c. 41, s. 50.

Prohibition as  
to laying main  
pipes and con-  
duits within 6  
feet of exist-  
ing ones.

**51.—(1)** Main pipes or conduits for carrying or conveying any public utility underground in any highway, lane or public communication shall not be laid down therein by a municipal corporation or company within the distance of 6 feet of the main pipes or conduits for carrying or conveying any public utility underground of any person without the consent of such person, or the authority of "The Ontario Railway and Municipal Board."

Power of  
Municipal  
Board as to  
granting leave  
to lay pipes,  
etc., within  
less than 6 feet.

**(2)** The Board, upon the application of the corporation or company, and after notice to such person and hearing any objections which may be made, may authorize the main pipes or conduits to be laid down within such distance less than six feet as may be deemed proper, and all main pipes and conduits laid down in accordance with such authority shall

be deemed to have been laid down under statutory authority and to be lawfully laid down, and may be maintained and operated by the corporation or company without its incurring any liability to such person in respect of the construction, maintenance or operation of them, except that provided for by subsection 5, any general or special statute or law to the contrary notwithstanding.

(3) Such authority may be granted subject to such conditions as the Board may deem necessary to prevent injury to the main pipes or conduits of such person, or to such person, his servants and workmen, in maintaining, repairing and operating them. Conditions.

(4) The powers conferred by this section may be exercised from time to time as occasion may require. Exercise of powers.

(5) If any damage or injury is done to the main pipes or conduits of such person, or is occasioned in the maintenance of them, by reason of the main pipes or conduits of the corporation or company being laid down at a less distance than six feet from the main pipes or conduits of such person, no action shall lie in respect thereof, but the corporation or company doing such damage or injury shall make due compensation therefor, and any question or dispute as to such damage or injury having been so done or occasioned, or as to the amount of compensation, shall be determined by arbitration, and the provisions of *The Municipal Act* shall apply *mutatis mutandis*. Compensation for damages.  
Rev. Stat. c. 192.

(6) The person claiming damages shall, within one month after the expiration of any calendar year in which he claims that any such damage or injury has been so done or occasioned, give notice in writing to the corporation of his claim and the particulars thereof, and upon failure to do so the right to compensation in respect of the damage or injury done or occasioned during that calendar year shall be forever barred. 3-4 Geo. V. c. 41, s. 51. Claim for damages.

52. Except where otherwise expressly provided all penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 41, s. 52. Recovery of penalties.  
Rev. Stat. c. 90.

## PART V.

### ALL COMPANY PUBLIC UTILITIES.

53. This Part shall apply to every company heretofore or hereafter incorporated for the purpose of supplying any public utility. 3-4 Geo. V. c. 41, s. 53. Application of Part.

Conditions precedent to company carrying on business or expropriating land.  
Rev. Stat. c. 197.

**54.—(1)** The company shall not exercise any of its powers within a municipality unless and until a by-law of the council of the municipality has been passed with the assent of the municipal electors where such assent is required by *The Municipal Franchises Act* authorizing the company to exercise the same and the company when so authorized may exercise any of the powers of expropriation conferred on a municipal corporation by Parts 1 and 2, if the power to expropriate is conferred on it by the letters patent incorporating the company or by supplementary letters patent.

Power to carry pipes through land within 10 miles of municipality.

(2) Subject to subsection 1 a company may conduct any of its pipes or carry any of its works through the land of any person lying within ten miles of the municipality for supplying which the company was incorporated.

Rev. Stat. c. 185.

(3) The powers of expropriation conferred on a company shall be exercised under and in accordance with the provisions of *The Ontario Railway Act*. 3-4 Geo. V. c. 41, s. 54.

Power to take security from consumer.

**55.** A company, before supplying any public utility to any building or premises or as a condition of its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor, or for carrying the public utility into such building. 3-4 Geo. V. c. 41, s. 55.

Remedy for price of public utility furnished.

**56.** If any person supplied with any public utility neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under its authority, on giving forty-eight hours' previous notice, may stop the supply from entering the premises of such person by cutting off the service pipes, or by such other means as the company or its officers may deem proper, and the company may recover the rent or charge due up to that time, together with the expenses of cutting off the supply, notwithstanding any contract to furnish it for a longer time. 3-4 Geo. V. c. 41, s. 56.

Charges by exporting gas companies.

**57.** Where a natural gas company or natural gas transmitting company produces or transmits gas for export the price or charge at which the same shall be supplied shall be subject to regulation by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 41, s. 57.

General powers.

**58.** The provisions of sections 6, 7 and 8, except as to the manner of recovering charges and expenses, sections 10, 11 and 12 as to making agreements for a supply of water to a railway company, manufactory or builder, and sections 14, 17, 18, 20, 21, 22 and 23 shall, *mutatis mutandis*, apply to a company. 3-4 Geo. V. c. 41, s. 58.



## PART VI.

## ACQUIRING WORKS FROM COMPANIES.

59.—(1) Where a by-law of the council of an urban municipality is passed with the assent of the electors entitled to vote on money by-laws declaring that it is expedient to acquire the works of a company, incorporated on or after the 10th day of March, 1882, for the purpose of supplying within such municipality any public utility the corporation may take possession of the works of the company and all property used in connection therewith for the purposes of supplying such public utility, whether the works and property, or any of them, are within or without the municipality, and shall pay therefor at a valuation to be determined by arbitration under *The Municipal Act*, subject to the provisions hereinafter mentioned.

Municipalities may acquire works of company on payment therefor.

Rev. Stat. c. 192.

(2) The arbitrators, in determining the amount to be paid for such works and property, shall first determine the actual value thereof, having regard to what the same would cost if the works should be then constructed, or the property then bought, making due allowance for deterioration, wear and tear, and all other proper allowances, and shall increase the amount so ascertained by ten per centum thereof, which increased sum the arbitrators shall award as the amount to be paid by the corporation to the company, with interest from the date of their award.

Mode of computing value.

(3) The amount shall be paid within six months from the date of the award, and the council shall take all requisite steps for providing the amount; and it shall not be necessary that a by-law passed for borrowing the amount shall receive the assent of the electors.

Time within which amount to be paid.

(4) The council may, without submitting the question to the vote of the electors, take the proceedings authorized by subsection 1 for determining the amount to be paid for such works and property, upon notice to the company that the corporation intends to acquire the works and property by arbitration, under the provisions of this Act; but in such case any by-law for raising money to pay therefor shall require the assent of the electors and until the by-law is finally passed, the corporation shall not, unless with the consent of the company, take possession of the works or property; and in the event of the by-law not being passed the corporation shall indemnify the company for all costs it has been put to in and about the arbitration.

Council may take proceedings to determine value without first obtaining assent of electors.

(5) The council and the company may agree as to the amount to be paid for the works and property or any of them.

Amount may be settled by agreement.

(6) If the amount awarded, or agreed to be paid, to the company is not paid within six months after the time at which it is payable the company may resume possession of

If amount not paid, rights of company to revive.

its works and property, and all its rights in respect thereof shall thereupon revive.

Existing companies may consent to be bound by above provisions.

(7) Any company incorporated before the 10th day of March, 1882, may, by by-law, declare that such company consents to be bound by the provisions of this section, and upon the passing of the by-law this section shall apply to the company.

Limitations as to by-laws.

(8) A by-law may be passed under subsection 1, with respect to a company incorporated before the 10th day of March, 1882, if an agreement has been made between the company and the corporation under which the corporation has the right at any time, or at any time after a date thereby fixed, not being later than ten years from the date of the agreement, to acquire the works of the company and all property used in connection therewith for such purposes, at a valuation to be determined by arbitration under *The Municipal Act*.

Rev. Stat. c. 192.

Certain rights not affected.

(9) Nothing in this section shall affect the right of a municipal corporation to acquire the works and property of any public utility company by agreement with the company, or any right of acquisition which has been or may be secured by any such corporation independently of the provisions of this section. 3-4 Geo. V. c. 41, s. 59.

#### TAKING STOCK, ETC., IN COMPANIES.

Power to subscribe for stock, etc.

**60.**—(1) Subject to the provisions of *The Municipal Act* the corporation of any municipality which has power to construct such works, and in which the public utility works of a company are situate, may subscribe for shares or take stock in the company or may loan money to it on mortgage or otherwise or guarantee payment of money borrowed by it.

When the head to be a director.

(2) The head of a municipality, the corporation of which holds stock in any such company to the extent of one-tenth or more of the whole of the capital stock, shall be *ex officio* a director of the company so long as the corporation continues to hold stock to that extent. 3-4 Geo. V. c. 41, s. 60.

### PART VII.

#### COMMISSION FOR RAILWAYS AND TELEPHONES.

Commission to construct and manage railways and telephones.

**61.** The council of a municipal corporation, which owns or operates, or is about to establish any of the following works:—

(a) A railway, an electric railway, a street railway, or an incline railway;

(b) Telephone systems, or lines;

may, by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the work and the control and management of it to a commission, to be called The Public Service Commission of the (*naming the municipality*) or to an existing Public Utilities Commission established under the authority of this Act; and if such a by-law is passed the provisions of sections 34 to 43 shall apply *mutatis mutandis* to the commission to which the construction, control and management of the work are entrusted and to the work. 3-4 Geo. V. c. 41, s. 61.

## PART VIII.

### MISCELLANEOUS.

**62.** Nothing in this Act shall affect the provisions of section 38 or section 39 of *The Power Commission Act*, and they shall continue to apply to the cases to which they now apply. 3-4 Geo. V. c. 41, s. 62.

Certain provisions of  
Rev. Stat.  
c. 39 not  
affected.