1982

c 29 Municipality of Metropolitan Toronto Amendment Act, 1982

Ontario
CHAPTER 29

An Act to amend the Municipality of Metropolitan Toronto Act

 Assented to July 7th, 1982

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

1. Subsection 5 (9) of the Municipality of Metropolitan Toronto Act, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed.

2.—(1) Section 10 of the said Act is amended by adding thereto the following subsections:

   (3a) Sections 38, 39, 43, 44 and 97 of the Municipal Act apply with necessary modifications to the Metropolitan Council.

   (3b) A member of the Metropolitan Council, with the consent of the majority of the members present at a meeting entered upon the minutes of it, may resign his office and his seat on the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

   (3c) If not already vacant by virtue of any general or special Act,

       (a) the seat of a member of the Metropolitan Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

       (b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Metropolitan Council is declared vacant by the Metropolitan Council.

(3d) Where the Metropolitan Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3e), and subsection (3c) applies, the Metropolitan Council or the council of the area municipality, as the
case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Metropolitan Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

(2) Subsection 10 (6) of the said Act is repealed.

3. Subsection 11 (7) of the said Act is repealed and the following substituted therefor:

(7) The seat of a member on the Executive Committee becomes vacant if his seat on the Metropolitan Council is declared vacant or if he ceases to be qualified to be a member of the Executive Committee under subsection (1).

(7a) Where the seat of a member on the Executive Committee becomes vacant and the member was a borough or city controller immediately prior to the occurring of the vacancy, the vacancy shall be filled by the controller from the same borough or city who received the next greatest number of votes.

4. Subsection 21 (5) of the said Act is repealed and the following substituted therefor:

(5) The treasurer shall open an account or accounts in the name of the Metropolitan Corporation at such place of deposit as may be approved by the Metropolitan Council and shall deposit therein all money received by him on account of the Metropolitan Corporation, and he shall keep the money of the Metropolitan Corporation entirely separate from his own money.

5. Section 80 of the said Act is repealed and the following substituted therefor:

80.—(1) The Metropolitan Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law, and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

(2) For the purposes of subsection (1),

(a) "any other municipality" includes a regional municipality;
(b) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Metropolitan Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service, and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

6.—(1) Subsection 92 (1) of the said Act is repealed and the following substituted therefor:

(1) The Metropolitan Corporation may by by-law designate any metropolitan road, or any portion thereof, as a metropolitan controlled-access road.

(2) Subsections 92 (7) and (8) of the said Act are repealed and the following substituted therefor:

(7) Any person, including an area municipality, that has filed particulars of an objection or the Metropolitan Corporation may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (5).

(8) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board, subject to the rules of the court as to vacations.

7. Section 151 of the said Act is repealed and the following substituted therefor:

151.—(1) Notwithstanding section 150, upon the recommendation of the Minister of Municipal Affairs and Housing pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the Municipal Act apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.
8. Section 157 of the said Act is repealed.

9. Section 175 of the said Act is amended by adding thereto the following subsections:

(3) The Metropolitan Police Force, in addition to performing the policing duties prescribed in the Police Act,

(a) may maintain a safety and lifesaving patrol of the waters of Lake Ontario within the limits of the Metropolitan Area;

(b) may provide lifeguard service on the beaches in the Metropolitan Area; and

(c) may provide The Toronto Harbour Commissioners with such security and port policing for the Port of Toronto as the Commissioners may require from time to time.

(4) The Metropolitan Board may charge such fees for the services provided under clauses (3) (b) and (c) as the Board from time to time determines.

(5) The Metropolitan Corporation and the Metropolitan Board may enter into agreements with The Toronto Harbour Commissioners in respect of the transfer of members of the Toronto Harbour Police or the Port of Toronto Police, or both, to the Metropolitan Police Force and any such agreement shall provide,

(a) that every person who was a member of the Toronto Harbour Police or the Port of Toronto Police, as the case may be, on the 1st day of June, 1981, and who continues to be a member until the 30th day of September, 1982, shall be offered employment at no loss in salary as a member of the Metropolitan Police Force as of the 1st day of October, 1982; and

(b) that all property, both real and personal, used on the 1st day of June, 1981, in connection with the operation of the Toronto Harbour Police or the Port of Toronto Police, as the case may be, shall be transferred without compensation to the Metropolitan Corporation for the use of the Metropolitan Board.

(6) The Corporation of the City of Toronto may contribute to the Ontario Municipal Employees Retirement System such sums as may be required to provide to members of the Toronto Harbour Police who accept employment under clause (5) (a) the same
period of credited service in the Ontario Municipal Employees Retirement System as their period of credited service in the pension plan of The Toronto Harbour Commissioners on the 30th day of September, 1982.

10. Subclause 217 (2) (a) (iii) of the said Act is repealed and the following substituted therefor:

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by a bank named in Schedule A or B to the Bank Act (Canada).

11. Subsection 218 (2) of the said Act is repealed and the following substituted therefor:

(2) In preparing the estimates, the Metropolitan Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

12.—(1) Subsection 227 (16) of the said Act is repealed and the following substituted therefor:

(16) Subsections 143 (4) and (16), sections 143a, 144 and 145 and subsections 147 (1) and (2) of the Municipal Act apply with necessary modifications to the Metropolitan Corporation.

(2) Section 227 of the said Act is amended by adding thereto the following subsection:

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d), the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

13. Subsection 245 (1) of the said Act is repealed and the following substituted therefor:

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 105, 106, 113, 114, 115, 116 and 122, subsection 165 (3), paragraphs
3, 11, 12, 23, 24, 27, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

14.—(1) This Act, except section 5 and subsection 12 (1), comes into force on the day it receives Royal Assent.

(2) Section 5 and subsection 12 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.

15. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1982*. 