1986

c 36 Toronto Hospital Act, 1986

Ontario
CHAPTER 36

An Act to amalgamate Toronto General Hospital and Toronto Western Hospital

Assented to October 29th, 1986

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

1. In this Act,

"Board" means the board of trustees of The Toronto Hospital;

"Corporation" means The Toronto Hospital;

"Toronto General Hospital" means the corporation named "The Trustees of the Toronto General Hospital" and also known as Toronto General Hospital.

2.—(1) Toronto General Hospital and Toronto Western Hospital are amalgamated and continued as a corporation without share capital under the name of The Toronto Hospital.

(2) The Corporation shall be composed of its members who are those persons who from time to time comprise its Board.

3. The letters patent of Toronto Western Hospital are revoked on the day this Act comes into force but their revocation does not affect the property, rights, duties, licences, privileges, contracts or obligations of Toronto Western Hospital as they existed on the day this Act comes into force.

4.—(1) All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in a deed, will or other document, to be made, given or conveyed to Toronto General Hospital or Toronto Western Hospital or any of their units or to any person in trust for or for the benefit of the foregoing, shall, in so far as the same shall not have vested in possession or been carried into effect on the day this
Act comes into force, in the absence of an expressed intention to the contrary set out in such deed, will or other document, be construed as though the same had been expressed to be made to the Corporation and shall be paid over, granted or conveyed, by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed, will or other document to the Corporation whose receipt shall be a sufficient discharge thereof.

(2) All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in a deed, will or other document, to be made, given or conveyed to The Toronto General Hospital Foundation or Toronto Western Hospital Foundation or to any person in trust for or for the benefit of the foregoing, shall, in so far as the same shall not have vested in possession or been carried into effect on the day the foundations amalgamate, in the absence of an expressed intention to the contrary set out in such deed, will or other document, from and after such amalgamation, be construed as though the same had been expressed to be made to the amalgamated foundation and shall be paid over, granted or conveyed, by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed, will or other document to the amalgamated foundation whose receipt shall be a sufficient discharge thereof.

(3) The Corporation shall,

(a) possess all the property, rights, privileges and franchises and shall be subject to all liabilities, contracts, disabilities and debts of Toronto General Hospital and Toronto Western Hospital existing on the day this Act comes into force; and

(b) be deemed to be the party plaintiff or the party defendant, as the case may be, in any civil action commenced by or against Toronto General Hospital or Toronto Western Hospital before the coming into force of this Act.

(4) A conviction against or ruling, order or judgment in favour or against Toronto General Hospital or Toronto Western Hospital may be enforced by or against the Corporation.

5.—(1) The objects of the Corporation are,
(a) to establish, equip, maintain, operate and conduct hospital, teaching and research facilities and provide programs of patient care and community health;

(b) to conduct programs of education and research in the field of health in association with the University of Toronto or with other persons; and

(c) to accept donations, gifts, legacies and bequests for use in promoting the objects of and carrying on the work of the Corporation.

(2) The Corporation shall, prior to conducting programs under clause (1) (b) with persons other than the University of Toronto, consult with the University of Toronto in the manner set out in the by-laws of the Corporation.

6.—(1) The affairs of the Corporation shall be managed and controlled by a board of trustees constituted as follows:

1. Three trustees appointed by the Lieutenant Governor in Council for a term of three years.

2. Four trustees appointed by The Governing Council of the University of Toronto for a term of three years.

3. Three trustees appointed by the council of The Corporation of the City of Toronto to hold office until the expiration of the term of the council that made the appointments.

4. At least one but not more than two representatives of The Toronto Hospital Auxiliary appointed in the manner and for the term set out in the by-laws of the Corporation.

5. The president of the Corporation, the president of the medical staff, the chairman and the vice-chairman of the medical advisory board.

6. Eleven trustees elected by the financial contributors to the Corporation as determined by by-law for a term of three years.

7. Such other persons as are provided for under the Public Hospitals Act.

R.S.O. 1980, c. 410
(2) Trustees shall serve until their successors are appointed or elected and may be reappointed or re-elected subject to any restrictions set out in the by-laws.

(3) The trustees elected under paragraph 6 of subsection (1) shall be retired in rotation in accordance with the by-laws of the Corporation but at least two of such trustees shall retire each year.

(4) The number of trustees elected under paragraph 6 of subsection (1) may be changed by by-law of the Corporation.

(5) No by-law of the Corporation under subsection (4) is effective unless it is passed,

(a) by a majority of votes cast by the elected trustees; and

(b) by a majority of votes cast by the appointed trustees,

at a meeting called for that purpose.

(6) A by-law passed under subsection (4), and a repeal, amendment or re-enactment thereof, unless confirmed by at least two-thirds of the votes cast at a meeting of the financial contributors to the Corporation called for that purpose, is effective only until the next annual meeting unless so confirmed by the financial contributors at such annual meeting and in that case no new by-law of the same or like substance has any effect until so confirmed at a general meeting of the financial contributors.

(7) No member of the medical staff or employee of the Corporation and no child, parent, brother, sister or spouse of a trustee is eligible for election or appointment to the Board other than as an honorary or ex officio trustee.

(8) Notwithstanding subsection (7), or the Public Hospitals Act, the president, a dean of a health science faculty and the health sciences vice provost of the University of Toronto are eligible to be members of the Board.

(9) Vacancies on the Board shall be filled,

(a) in the case of appointed trustees, by the body making the original appointment; and
(b) in the case of elected trustees, by the remaining elected trustees, from persons nominated by the chairman of the Board,

and such person shall hold office for the unexpired term of the vacating member.

(10) Two-fifths of the members of the Board constitute a quorum for the transaction of business.

(11) The services of the members of the Board shall be given without remuneration, except for actual disbursements incurred in connection with the affairs of the Corporation and approved by the Board, but this subsection does not prevent an ex officio member of the Board from receiving a salary or other remuneration for his or her employment by or services rendered to the Corporation otherwise than as a trustee.

7.—(1) The members of the boards of trustees of Toronto General Hospital and Toronto Western Hospital in office immediately prior to the coming into force of this Act are the first trustees of the Corporation and shall remain in office until their successors are appointed or elected in accordance with this Act and the by-laws.

(2) Notwithstanding subsection (1), the Board may by by-law reduce the number of trustees until the Board is constituted as set out in subsection 6 (1).

8. Subject to the Public Hospitals Act, the Corporation may,

(a) furnish, equip, alter, expand or enlarge its hospitals and establish or acquire other hospitals or similar institutions;

(b) acquire real property that is necessary or desirable for the alteration, expansion or enlargement of its hospital, or otherwise for the purposes of the Corporation, by gift, deed or lease or, subject to the Expropriations Act, by expropriation;

(c) acquire personal property that is necessary or desirable for the purposes of the Corporation by gift, purchase or lease;

(d) sell or dispose of any real or personal property no longer required for its purposes, but the proceeds derived from any such sale or disposal shall be held and applied for the purposes of the Corporation;
(e) borrow money on the credit of the Corporation and provide security therefor on such terms and in such amounts as it may deem advisable; and

(f) subject to any express term of a specific trust, invest and reinvest its funds in such securities as are authorized by by-law without being limited to those investments authorized for trustees under the Trustee Act.

9. Notwithstanding the Public Hospitals Act,

(a) the annual meeting of the Corporation shall be held between the 1st day of April and the 1st day of October in each year on a day fixed by the Board; and

(b) notice of the annual or any other meeting of the Corporation shall be given in the manner set out in the by-laws of the Corporation.

10. The Board may by by-law permit proxy voting by the financial contributors of the Corporation in the manner set out in the by-law.

11.—(1) The Board may by by-law elect from among themselves an executive committee and may delegate to the executive committee any powers of the Board subject to any limitations set out in the by-law.

(2) The Board may by by-law appoint a committee or committees and delegate to that committee or committees any of the powers of the Board as set out in the by-law.

12. The Board shall appoint a public accountant, licensed under the Public Accountancy Act, as auditor of the Corporation.

13. Subject to the Public Hospitals Act, the Board may enact by-laws for the operation and management of the affairs of the Corporation and of its hospital or any similar institution established by the Corporation.

14.—(1) The Board shall elect a chairman from among its members who shall hold office for such period as may be set out in the by-law.

(2) The Board shall appoint a president and may appoint other officers.
(3) Members of the Board may be appointed under subsection (2).

15.—(1) The Board may by by-law establish voting rights and categories of persons eligible to vote at any meeting called for the purpose of electing trustees, based on financial contributions or other criteria.

(2) Those persons who are subscribers of Toronto General Hospital or members of Toronto Western Hospital on the day this Act comes into force continue as financial contributors to the Corporation with the same rights and privileges unless and until varied by by-law of the Corporation.

16.—(1) Subject to the Public Hospitals Act, the Board may appoint medical staff including persons engaged in research activities on such terms and conditions as the Board considers advisable.

(2) Subject to the Public Hospitals Act, each person who is a member of the medical staff of Toronto Western Hospital or Toronto General Hospital continues as a member of the medical staff of the Corporation for the term of the member’s appointment.

17. The following Acts are repealed:

1. The Toronto General Hospital Act, being chapter 396 of the Revised Statutes of Ontario, 1937.

2. The Toronto Western Hospital Act, 1942, being chapter 59.

3. The Toronto General Hospital Amendment Act, 1946, being chapter 99.

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

19. The short title of this Act is the Toronto Hospital Act, 1986.