1988

Regional Municipality of Waterloo Statute Law Amendment Act, 1988

Ontario
CHAPTER 23

An Act to amend the
Regional Municipality of Waterloo Act and the
Education Act

Assented to May 24th, 1988

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

1. Section 115 of the Regional Municipality of Waterloo Act,
being chapter 442 of the Revised Statutes of Ontario, 1980, is
repealed and the following substituted therefor:

115. In this Part,

"commercial assessment" means the total, according to the
last returned assessment roll, of,

(a) the assessment of real property that is used as the basis for computing business assessment including
the assessment for real property that is rented and
occupied or used by the Crown in right of Canada
or any province or any board, commission, corpora-
tion or other agency thereof, or by any municipal or
regional corporation or local board thereof,

(b) business assessment, and

(c) the assessment for mineral lands, pipe lines and rail-
way lands, other than railway lands actually in use
for residential and farming purposes;

"public school board" means a public board as defined in
paragraph 42a of subsection 1 (1) of the Education Act;

"rateable property" includes business and other assessment
made under the Assessment Act;

"regional rating by-law" means a by-law passed under sub-
section 118 (2) or (3);
"residential and farm assessment" means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in clauses (a) and (c) of the definition of "commercial assessment";

"separate school board" means a separate school board as defined in paragraph 59a of subsection 1 (1) of the Education Act;

"weighted assessment" means, for the relevant area, the total of,

(a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and

(b) the commercial assessment.

2. Section 118 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 45, section 13, and sections 119, 120, 121 and 122 are repealed and the following substituted therefor:

118.—(1) In this section,

"general regional levy" means a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted under section 117, and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act,

but excludes the special library levy;

"special library levy" means an amount required to be raised by two or more township area municipalities in any year for regional library purposes.

(2) For purposes of raising the general regional levy, the Regional Council, on or before the 30th day of June in 1988 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each area municipality to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipal-
ity rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

(3) For purposes of raising a special library levy, the Regional Council, on or before the 30th day of June in 1988 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each applicable area municipality, to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipality rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

(4) The rate that the Regional Council shall direct to be levied in each year on commercial assessment for each separate levy specified in subsections (2) and (3) shall be determined by multiplying the sum required for each such levy by 1,000 and dividing the product,

(a) by the weighted assessment for all the area municipalities in the Regional Area, in the case of the general regional levy; and

(b) by the weighted assessment of those area municipalities that are rateable for the purpose of raising the special library levy, in the case of a special library levy.

(5) The rate that the Regional Council shall direct to be levied on the residential and farm assessment under subsections (2) and (3) shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (4).

(6) In each year the council of each area municipality shall levy, in accordance with the regional rating by-laws passed for that year, the rates specified in the by-law.

(7) The assessment for real property that is exempt from taxation for regional purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining weighted assessment for the purposes of subsection (4).

(8) The full value of all rateable property shall be used in determining,

(a) the rates to be levied under subsections (4) and (5); and
(b) the assessment on which the levy shall be made under subsection (6),

and, notwithstanding any other Act, but subject to section 22 of the Assessment Act, no fixed assessment applies thereto.

(9) A regional rating by-law shall specify the amount to be raised in an area municipality as a result of a levy being made in that area municipality in accordance with the by-law and the by-law,

(a) may require specified portions of that amount to be paid to the treasurer of the Regional Corporation on or before specified dates; and

(b) may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment required, or portion thereof, made in advance by any area municipality.

(10) The amount specified to be raised in an area municipality pursuant to a regional rating by-law shall be deemed to be taxes and is a debt of the area municipality to the Regional Corporation and the treasurer of the area municipality shall pay the amount owing by the area municipality to the treasurer of the Regional Corporation on or before the dates and in the portions specified in the regional rating by-law.

(11) If an area municipality fails to make any payment, or portion thereof, as provided in the regional rating by-law, the area municipality shall pay to the Regional Corporation interest on the amount in default at the rate of 15 per cent per annum from the due date of the payment, or such lower rate as the Regional Council may by by-law determine, from the date payment is due until it is made.

(12) The Minister by order may extend the time for passing a regional rating by-law in any year and such an order may be made notwithstanding that the time limits set out in subsection (2) or (3) have expired.

(13) Notwithstanding subsections (4) and (5), in each of the years 1988, 1989 and 1990, the Lieutenant Governor in Council may, in a regulation made under section 9a of the Ontario Unconditional Grants Act, prescribe an alternative basis on which apportionments are to be made and may prescribe the manner of determining the mill rates to be specified and determined under subsections (2) and (3).
A basis of apportionment prescribed by the Lieutenant Governor in Council under subsection (13) shall be deemed to have been prescribed under subsection 9a (1) of the Ontario Unconditional Grants Act as an alternative to the basis of apportionment that would have been prescribed for the Regional Area under subsection 9a (1) if the Regional Area had not been subject to an assessment update under subsection 121 (1).

118a.—(1) In each year, The Huron-Perth Roman Catholic Separate School Board, The Waterloo County Board of Education and The Waterloo County Roman Catholic Separate School Board shall determine the rates to be levied by the applicable area municipalities to provide the sums required for elementary and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within an area municipality.

(2) The determinations required by subsection (1) shall be made in accordance with subsection 222 (1) of the Education Act.

(3) On or before the 1st day of March in each year, The Huron-Perth Roman Catholic Separate School Board, The Waterloo County Board of Education and The Waterloo County Roman Catholic Separate School Board shall direct the council of each applicable area municipality to levy the rates determined by the particular Board in respect of that area municipality under subsection (1) and shall advise the area municipality of the amount of money to be raised by levying those rates.

(4) In each year the council of an area municipality shall levy rates, in accordance with the directions under subsection (3), upon all property in the area municipality rateable for public school board or separate school board purposes, as may be appropriate.

(5) The full value of all applicable rateable property shall be used in determining,

(a) the weighted assessment for each area municipality for purposes of apportioning among the applicable area municipalities the sums required for school purposes by the school boards mentioned in subsection (3); and

(b) the rates mentioned in subsection (1); and
(c) the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the Education Act,

and notwithstanding any other Act, but subject to section 22 of the Assessment Act, no fixed assessment applies thereto.

(6) For the purposes of determining and levying rates under this section, a reference in the Education Act to “commercial assessment” or “residential and farm assessment” shall be deemed to be a reference to such assessments as defined in this Part and not as defined in section 220 of that Act.

(7) Subsection 219 (2) of the Education Act does not apply to the determination of rates under subsection (1).

(8) Except as provided in this section, the Education Act continues to apply to the levying of rates and collecting of taxes for each public school board and separate school board having jurisdiction in part of the Regional Area.

118b.—(1) In this section,

“area municipality levy” means the amount required for area municipality purposes under section 164 of the Municipal Act including the sums required for any board, commission or other body, but excluding those amounts required to be raised for regional and school purposes;

“special area municipality levy” means an amount to be raised by an area municipality that is not included in the area municipality levy, but excluding those amounts required to be raised for regional and school purposes.

(2) The council of each area municipality, in each year in accordance with subsections (3) and (4), shall levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the area municipality levy and the special area municipality levy.

(3) The rates to be levied in each year on commercial assessment for each separate levy specified in subsection (2) shall be determined by multiplying the sum required for each such levy by 1,000 and dividing the product,

(a) by the weighted assessment for the area municipality, in the case of an area municipality levy; and
(b) by the weighted assessment determined on the basis of the assessment that is rateable for the purpose of raising the special area municipality levy, in the case of a special area municipality levy.

(4) The rates to be levied in each year on residential and farm assessment for each separate levy specified in subsection (2) shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

(5) Section 158 of the Municipal Act and section 7 of the Ontario Unconditional Grants Act do not apply to an area municipality.

(6) A reference in any other Act to a levy by a local municipality under section 158 of the Municipal Act shall, with respect to an area municipality, be deemed to be a reference to a levy under this section.

(7) The assessment for real property that is exempt from taxation for area municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

118c.—(1) The Regional Council, before the adoption of the estimates for the year, may by by-law requisition from each area municipality a sum not exceeding 50 per cent of the amount that under subsection 118 (9) was, in the regional rating by-laws for the preceding year, specified to be raised in the particular area municipality and subsections 118 (9), (10) and (11) apply with necessary modifications to the amount requisitioned.

(2) The amount of any requisition made under subsection (1) in any year upon an area municipality shall be deducted when determining the amount of the portions to be paid in that year by the area municipality to the treasurer of the Regional Corporation under the regional rating by-law authorized by clause 118 (9) (a).

118d.—(1) The council of an area municipality may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable commercial assessment and on the rateable residential and farm assessment in the area municipality.
(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

(5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on that assessment for that year under sections 118, 118a and 118b.

(6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 118, 118a and 118b, the treasurer of the area municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 118, 118a and 118b.

(7) The provisions of the Municipal Act with respect to the levy of rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

118e. Where a direction has been made under subsection 121 (1) that a new assessment roll be returned for taxation in the current year, the Minister by order,

(a) may prescribe the maximum sum that may be requisitioned from each area municipality under subsection 118c (1); and

(b) may prescribe the maximum rates that may be levied by the council of each area municipality under subsection 118d (1).

119.—(1) In this section,
“payment in lieu of taxes” means an amount that an area municipality is eligible to receive under,

(a) subsection 26 (3), (4) or (5) of the Assessment Act,

(b) subsection 7 (6) of the Housing Development Act, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,

(c) section 160 and subsection 160a (3) of the Municipal Act,

(d) subsection 4 (1), (2) or (3) of the Municipal Tax Assistance Act,

(e) section 42 of the Ontario Water Resources Act,

(f) subsection 46 (2), (3), (4) or (5) of the Power Corporation Act, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act,

(g) section 10 or 11 of the Trees Act,

(h) the Municipal Grants Act, 1980 (Canada), or

(i) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498 of the Municipal Act;

“taxes for local purposes” means the taxes levied by an area municipality for local purposes under subsection 118b (2), excluding any adjustments under section 32 or 33 of the Assessment Act;

“taxes for regional purposes” means the sum of taxes levied by an area municipality for regional purposes as specified in the regional rating by-laws under subsections 118 (2) and (3), excluding any adjustments under section 32 or 33 of the Assessment Act;

“total taxes for all purposes” means the sum of the taxes for local purposes, the taxes for regional purposes and the taxes levied by the area municipality for school purposes under subsection 118a (1), excluding any adjustments under section 32 or 33 of the Assessment Act.
(2) Where an area municipality is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the Regional Corporation a portion equal to the amount obtained by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the taxes for regional purposes for the year by the total of,

(a) the taxes for local purposes for the year; and

(b) the taxes for regional purposes for the year.

(3) Notwithstanding subsection (2), if an area municipality is eligible to receive a payment in lieu of taxes for any year under,

(a) subsection 26 (3), (4) or (5) of the *Assessment Act*;

(b) section 42 of the *Ontario Water Resources Act*;

(c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act;

(d) section 10 or 11 of the *Trees Act*; or

(e) the *Municipal Grants Act, 1980* (Canada),

and the calculation of the payment is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the taxes for regional purposes for the year by the total taxes for all purposes for the year.

(4) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and each school board showing an estimate of the amount that the area municipality will be required to pay to the Regional Corporation for the year under subsection (2) and to each school board under subsection 7 (10) of the *Housing Development Act* and under subsection 46 (9) of the *Power Corporation Act*.

(5) Where an area municipality is required to pay a portion of a payment in lieu of taxes to the Regional Corporation under subsection (2), or to a school board,
(a) subsections 26 (7) and (9) of the Assessment Act;
(b) subsection 7 (10) of the Housing Development Act;
(c) subsections 160 (12) and (16) and subsection 160a (4) of the Municipal Act; and
(d) subsection 46 (7) of the Power Corporation Act,

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

120.—(1) Each area municipality shall pay a portion of the tax levied by it under subsections 161 (12) and (13) of the Municipal Act to the Regional Corporation and the Waterloo County Board of Education in the proportion that the taxes levied by it on commercial assessment in the year for each such body bears to the total taxes levied by it in the year on commercial assessment for all purposes, other than separate school board purposes.

(2) In determining the taxes levied on commercial assessment under subsection (1), there shall be excluded any adjustments under section 32 or 33 of the Assessment Act.

(3) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and the Waterloo County Board of Education showing an estimate of the amount which the area municipality will be required to pay to that body for the year under subsection (1).

(4) Subsections 161 (18) to (24) of the Municipal Act do not apply if payments are made by an area municipality under subsection (1).

120a.—(1) An amount payable by an area municipality to,

(a) the Regional Corporation under subsection 119 (2) or 120 (1);

(b) a public school board under subsection 120 (1); or

(c) a school board under subsection 7 (10) of the Housing Development Act or under subsection 46 (9) of the Power Corporation Act,

is a debt of the area municipality to the Regional Corporation or school board, as the case may be, and, subject to sub-
sections (2) and (3), instalments are payable on account thereof as follows:

1. A first instalment equal to 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 31st day of March.

2. A second instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of June.

3. A third instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of September.

4. A fourth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

(2) The Regional Council may by by-law provide for an alternative number of instalments and due dates for amounts payable by area municipalities to the Regional Corporation under subsection (1).

(3) Where a school board having jurisdiction within the Regional Area has established an agreement which applies to one or more area municipalities in accordance with subsection 215 (3) of the Education Act, the number of instalments and due dates specified in that agreement shall apply with necessary modifications to those amounts otherwise payable to the school board under subsection (1).

(4) An amount payable by an area municipality under subsection 119 (2) or 120 (1) or under subsection 7 (10) of the Housing Development Act or under subsection 46 (9) of the Power Corporation Act shall be credited by the Regional Corporation or school board to its general revenues.

(5) If an area municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the area municipality shall pay to the Regional Corporation or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or Regional Corporation may by by-law determine from time to time.

(6) Where the total amount paid for the year under subsection (1), (2) or (3) exceeds the total amount payable for that purpose in the year, the area municipality shall notify the Regional Corporation or the school board, as the case may
be, of the amount of the overpayment and the Regional Corporation or school board shall forthwith pay that amount to the area municipality.

121.—(1) If the Minister of Revenue considers that, within any class or classes of real property within the Regional Area, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each area municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

(a) prescribing the classes of real property into which the real property in the Regional Area shall be divided for the purpose of this subsection;

(b) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the Regional Area;

(c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the Regional Area, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

(2) If the assessment roll of an area municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (1),

(a) the assessment roll to be returned for that area municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and

(b) the assessment roll to be returned in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the Assessment Act up to R.S.O. 1980, c. 31
the date when the assessment roll is returned in each such following year.

(3) Notwithstanding subsection (2), where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

(4) For the purpose of every Act, the assessment roll of an area municipality returned under subsection (2) shall be deemed to be the assessment roll of the area municipality returned under the Assessment Act.

(5) In every fourth year following the most recent direction under subsection (1), the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

(6) The Minister of Revenue shall not make a direction under subsection (1) unless the Regional Council by resolution has requested that a direction be made, but a resolution is not required where a direction of the Minister of Revenue is made as required under subsection (5).

(7) Except as provided in subsections (1) and (8), the Assessment Act and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (2).

(8) Subsections 63 (1) and (3) and sections 64 and 65 of the Assessment Act do not apply to an area municipality or to the assessment roll of any area municipality in respect of 1988 and subsequent years.

(9) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.
(10) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the Regional Area under subsection (1), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (1) for the Regional Area is not similar to real property described in another class prescribed under subsection (1) for the Regional Area, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

(11) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the Assessment Act until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (1) is at least in the sum of $5,000 at market value or, if the assessment in the Regional Area is at less than market value, at an equivalent rate.

(12) For the purposes of subsection 24 (16a) of the Assessment Act, changes made in the assessment roll of an area municipality under a direction of the Minister of Revenue under subsection (1) shall be deemed to be an update of the assessment of all property within the area municipality under subsection 63 (3) of the Assessment Act.

(13) Nothing in section 118, 118a or 118b deprives any person of any right of appeal provided for in the Assessment Act or affects the operation of subsection 36 (6) of that Act.

(14) A regulation made under subsection (1) may be made retroactive to the 1st day of December of the year preceding the year in which it was made.

122.—(1) Where changes are made in the assessment rolls of area municipalities under a direction of the Minister of Revenue under subsection 121 (1) and the changes directly affect the relative cost sharing of conservation authority responsibilities for any municipality beyond the Regional Area or cause within the Regional Area substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations prescribing an alternative basis of apportionment to that specified under the Conservation Authorities Act.
(2) A regulation made under subsection (1) may be made retroactive to a date not earlier than the 1st day of January of the year in which it was made.

3. Subsection 163 (5) of the said Act is repealed and the following substituted therefor:

(5) The operation of the regional library service shall be limited to the township area municipalities.

4. Section 169 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 29, is repealed and the following substituted therefor:

169.—(1) In this Part, "waste" means ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the Regional Council.

(2) The Regional Corporation shall provide facilities for the purposes of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

(3) The Regional Council shall, for each area municipality, designate one or more facilities for the receiving, dumping and disposing of waste or any class or classes thereof and, where such a designation has been made, an area municipality shall not utilize any facilities except the facilities that have been so designated for that area municipality.

(4) No facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the Municipal Affairs Act, or by any other regional municipality or by a metropolitan or district municipality or by the County of Oxford or by a local board of a regional, district or metropolitan municipality or of the County of Oxford without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon.

(5) Where the Regional Council refuses its consent under subsection (4) or the applicant and the Regional Council fail to agree on the terms and conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter, and may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final.
(6) For the purposes of subsection (2), the Regional Corporation may,

(a) acquire and use land;

(b) erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste;

(c) contract with any person for such purposes;

(d) prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land;

(e) prescribe rates or charges for the use of waste facilities, which rates or charges may relate to the volume, weight or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances; and

(f) provide standards and regulations for vehicles, or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

(7) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of any municipal facility for the receiving, dumping and disposing of waste assumed by the Regional Corporation.

(8) If the Regional Corporation fails to make any payment required under subsection (7), on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(9) For the purposes of subsection (6), paragraph 84 of section 210 of the Municipal Act applies with necessary modifications.

(10) A by-law passed under paragraph 129 of section 210 of the Municipal Act does not apply to the Regional Corporation.

(11) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by...
vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

(12) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

(13) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

(a) enter into agreements with any person;

(b) carry on investigations, experiments, research or development;

(c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or any other land with the consent of the owner of such land; and

(d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(14) In subsection (13), "product" includes fuel derived from waste.

(15) The Municipal Franchises Act does not apply to any act of the Regional Corporation under subsection (13).

169a.—(1) The Regional Council may, with the consent of an area municipality, assume the responsibility for the collection and removal of waste for that area municipality or for one or more defined areas therein.

(2) A by-law passed by Regional Council under subsection (1) shall not be repealed without the consent of the area municipality which consented to the passing of the by-law.
(3) On and after the effective day of a by-law passed under subsection (1),

(a) the Regional Corporation shall be responsible for the collection and removal of waste in the area municipality or defined areas therein to which the by-law applies;

(b) for the purposes of clause (a), the Regional Corporation has all the powers conferred by any general or special Act upon the area municipality or local board thereof for the collection and removal of waste;

(c) no area municipality shall collect or remove waste in the area municipality or defined areas therein to which the by-law applies without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon;

(d) all rights and obligations and all personal property of the area municipality pertaining to or exclusively used for the collection and removal of waste in the area municipality or defined areas therein to which the by-law applies are vested in the Regional Corporation without compensation;

(e) subsections 169 (7) and (8) apply with necessary modifications to outstanding debts in respect of the property vested in the Regional Corporation under clause (d); and

(f) where, prior to the effective date of the by-law, the area municipality had entered into an agreement for another municipality or person to collect and remove waste in the area municipality or defined area therein to which the by-law applies, the Regional Corporation shall be bound by the agreement, and the area municipality is relieved of all liability under the agreement.

(4) The Regional Council shall offer to employ every person who on the effective date of the by-law passed under subsection (1) is employed by the area municipality in the collection and removal of waste in the area municipality or defined area therein to which the by-law applies.

(5) Any person who accepts employment under subsection (4) is entitled to receive a wage or salary for the one year...
period following such acceptance of not less than that person was receiving on the date the by-law was passed.

(6) Subsections 24 (2), (3), (5), (10), (11) and (13) apply with necessary modifications to a person who accepts employment with the Regional Corporation under subsection (4).

(7) The Regional Council may by by-law provide for imposing on and collecting from an area municipality in which or in defined areas of which it collects and removes waste, a waste collection rate sufficient to pay the whole or such portion as the by-law may specify of the regional capital costs including debentures charges and expenditures for maintenance and operation of the waste collection and removal system in the area municipality and such rate may be based on the volume, weight or class of waste collected and removed or on any other basis that the by-law may specify.

(8) All rates under subsection (7) constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

(9) The area municipality may,

(a) pay the whole or part of the amount chargeable to it under this section out of its general funds;

(b) pass by-laws under paragraphs 85 and 86 of section 210 of the Municipal Act for imposing rates to recover the whole or part of the amount chargeable to the area municipality; and

(c) pass by-laws for imposing rates to recover the whole or part of the amount chargeable as part of the cost of an urban service within an urban service area established in the area municipality under any general or special Act.

169b.—(1) The Regional Corporation may establish and operate programs for the reduction, recovery, recycling and reuse of waste and the Regional Corporation may enter into agreements with one or more area municipalities to provide for the joint management and operation of the programs upon such terms and conditions as may be agreed upon.

(2) An agreement under subsection (1) may provide that the Regional Corporation shall be responsible for the collection and marketing of waste separated by the public at source for recycling or reuse.
5. The said Act is amended by adding thereto the following section:

178.—(1) In this section,

“development” means development as defined in subsection 40 (1) of the Planning Act, 1983;

“industrial development charge” means a uniform charge per hectare based on the total area of the land and all or any part of the net cost of providing the services;

“land” means the land described in the Schedule to subsection (2);

“net cost of providing the services” means the total cost to the Regional Corporation of providing the services after deducting all grants, subsidies or payments and any other moneys from any source which have been or will be received in respect of or applied against the cost of providing the services;

“services” means the undertakings and works prescribed by the Minister.

(2) The Regional Corporation may, in respect of any commercial or industrial development on all or any portion of the land described in the following Schedule, impose on and collect from the registered owners of all or any portion of the land being so developed an industrial development charge to defray all or any part of the net cost of providing the services:

SCHEDULE

The land located in the following areas:

1. The portion of the City of Cambridge described as follows:

   Beginning at the intersection of the northwesterly limit of the King's Highway No. 401 and the northeasterly limit of the right of way of the Grand River Railway;

   Thence northwesterly along the Grand River Railway to a westerly boundary of the City of Cambridge;

   Thence southerly along the said westerly boundary to the northerly limit of the King's Highway No. 401;

   Thence easterly along the northerly limit of the said Highway to the place of beginning.

2. The portion of the City of Kitchener described as follows:
Beginning at the intersection of the easterly boundary of the City of Kitchener and the northerly limit of the King's Highway No. 401;

Thence westerly along the northerly limit of the King's Highway No. 401 to the northeasterly limit of the King's Highway No. 8 (Old);

Thence northwesterly along the said northeasterly limit to the southwesterly limit of the King's Highway No. 8 (New);

Thence southeasterly along the southwesterly limit of the said King's Highway No. 8 (New) to the easterly boundary of the City of Kitchener;

Thence southerly along the said easterly boundary to the place of beginning.

(3) An industrial development charge imposed under subsection (2) constitutes a debt of the registered owner to the Regional Corporation and may be recovered in a court of competent jurisdiction.

(4) An industrial development charge imposed under subsection (2) shall be paid before the issuance of any building permit required for the development.

(5) Subsection (4) shall be deemed to be “applicable law” for the purposes of clause 6 (1) (a) of the Building Code Act.

(6) If the registered owner of the land upon which an industrial development charge has been imposed under subsection (2) disputes the amount of the charge, the registered owner, at any time prior to paying the charge to the Regional Corporation, may apply to the Municipal Board by written notice to the secretary of the Board and to the Regional Corporation, and the Board shall hear and determine the matter.

(7) Subject to subsection (8), the amount of any development or lot charge imposed on the land by the Regional Corporation under section 50 of the Planning Act, 1983 shall be reduced by the amount of the industrial development charge imposed and collected on the same land under this section.

(8) The amount of the reduction in the charge imposed under section 50 of the Planning Act, 1983 arising out of the imposition of the industrial development charge shall not exceed the amount of the charge imposed under section 50 of the Planning Act, 1983.

(9) The Minister may by order prescribe the undertakings and works to which this section applies.
(10) The services shall be deemed to be provided to and utilized by any commercial or industrial development of all or any portion of the land.

6. Nothing in this Act affects the validity of an interim levy made by the Regional Council or by the council of an area municipality under section 120 of the Regional Municipality of Waterloo Act as it existed before the coming into force of this Act, and subsections 118 (9), (10) and (11) and subsection 118c (2) of that Act, as enacted by this Act, apply with necessary modifications to the interim levy made by the Regional Council in 1988 and subsections 118d (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to an interim levy made by an area municipality in 1988.

7. Notwithstanding subsection 164 (2) of the Municipal Act or subsection 216 (2) of the Education Act, where the amount levied by an area municipality for regional purposes or school purposes in 1987 differs from the sum the area municipality ought to have levied for regional purposes or school purposes, the area municipality shall debit or credit such deficit or surplus, as applicable, to the general funds of the municipality and not revise the rates to be levied for such body in 1988.

8.—(1) Subsection 130 (10) of the Education Act, being chapter 129 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed and the following substituted therefor:

(10) This section does not apply to The Haldimand-Norfolk Roman Catholic Separate School Board, The Sudbury District Roman Catholic Separate School Board, The Waterloo County Roman Catholic Separate School Board or to a separate school board having jurisdiction wholly or partly in a county where an assessment update has been carried out under subsection 368b (2) of the Municipal Act.

(2) Subsection 214 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed and the following substituted therefor:

(6) Subsections (3) and (5) do not apply to an area municipality in The Regional Municipality of Haldimand-Norfolk, The Regional Municipality of Sudbury, The Regional Municipality of Waterloo or to a local municipality in a county where an assessment update has been carried out under subsection 368b (2) of the Municipal Act.
(3) Clause 214b (2) (b) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed and the following substituted therefor:

(b) The Regional Municipality of Haldimand-Norfolk or The Regional Municipality of Waterloo.

(4) Subsection 222 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed and the following substituted therefor:

(4) Subsection (2) does not apply to an area municipality in The Regional Municipality of Haldimand-Norfolk, The Regional Municipality of Sudbury, The Regional Municipality of Waterloo or a local municipality in a county where an assessment update has been carried out under subsection 368b (2) of the Municipal Act.

(5) Section 225 of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed and the following substituted therefor:

225. In the event of a conflict between any provision in sections 220 to 224 and any provision in any other Act, other than the Regional Municipality of Haldimand-Norfolk Act, the Regional Municipality of Sudbury Act, the Regional Municipality of Waterloo Act and section 368d of the Municipal Act, the provisions in sections 220 to 224 prevail.

9.—(1) This Act, except sections 4 and 5, shall be deemed to have come into force on the 1st day of January, 1988.

(2) Sections 4 and 5 come into force on the day this Act receives Royal Assent.