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c 209 Housing Development Act

Ontario

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CHAPTER 209

Housing Development Act

1. In this Act,

(a) "building development" means a project or undertaking designed to provide, or to facilitate in any way the provision, repair, rehabilitation or improvement of, housing accommodation with or without public buildings, recreational facilities, industrial and commercial buildings or space appropriate therefor;

(b) "building development corporation" means a corporation authorized to undertake a building development that is approved by the Lieutenant Governor in Council, and includes any authority established by a municipality to undertake a building development;

(c) "Minister" means the Minister of Housing;

(d) "municipality" means the corporation of a county, city, town, village or township or of a district, metropolitan or regional municipality;

(e) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 213, s. 1; 1974, c. 31, s. 1.

2.—(1) The Lieutenant Governor in Council may,

(a) guarantee moneys loaned to persons to be used in the construction of a building development;

(b) advance moneys or guarantee moneys loaned to any building development corporation to undertake a building development;

(c) advance moneys or guarantee moneys loaned to persons to acquire and rehabilitate housing units;

(d) advance moneys or guarantee moneys loaned to any municipality to acquire, demolish and clear
dwellings on land in the municipality that cannot reasonably be rehabilitated for housing purposes;

(e) make grants or loans in aid of the capital, maintenance, operating and other costs of any building development; and

(f) provide financial assistance to or for the benefit of any occupant or any class or classes of occupant of housing accommodation to assist in the payment of rent, mortgage payments or other charges relating to the occupancy of such accommodation.

R.S.O. 1970, c. 213, s. 2 (1); 1974, c. 31, s. 2.

(2) Where moneys are advanced or guaranteed under clause (1) (d), the land shall not be used for other than public purposes without the approval of the Minister. R.S.O. 1970, c. 213, s. 2 (2).

3.—(1) The Minister, out of the moneys appropriated therefor by the Legislature, may make grants or loans to a municipality or to any person on such terms and conditions and in such amounts as are prescribed by the regulations to assist in the repair, rehabilitation, improvement or conversion of real property used or to be used for residential purposes.

(2) Where a municipality uses moneys received from the Minister under subsection (1) to make a loan to an owner of real property used or to be used for residential purposes for the purposes referred to in subsection (1), the amount of the loan, together with interest at a rate to be determined in accordance with the regulations, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made. 1976, c. 44, s. 1 (1).

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to an owner as referred to in subsection (2), including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. 1974, c. 31, s. 3, part.
(4) As an alternative or in addition to adding the amount of the loan and interest to the collector’s roll and registering a certificate in respect thereof as provided in subsections (2) and (3), the municipality may take from the owner a promissory note as security for the repayment of the amount loaned and interest thereon. 1976, c. 44, s. 1 (2).

4. The Minister may,

(a) make grants in aid of studies into housing conditions or any matter relating to housing in Ontario; and

(b) make grants and otherwise assist the house building industry in Ontario by stimulating and encouraging research, education and constructive competition within the industry. R.S.O. 1970, c. 213, s. 3.

5. The Minister may, for the purpose of assisting him in the carrying out of his responsibilities, appoint such advisory committees as he may consider necessary and may pay the reasonable travelling and living expenses incurred by the members of such advisory committees. R.S.O. 1970, c. 213, s. 4.

6. Notwithstanding any other Act, any municipality, with the approval of the Lieutenant Governor in Council, may advance moneys or guarantee moneys to be advanced to any building development corporation undertaking a building development, and may issue debentures therefor. R.S.O. 1970, c. 213, s. 5.

7.—(1) The Crown in right of Ontario represented by the Minister may make agreements with the Crown in right of Canada represented by the Minister of Government Services or such other Minister as may be authorized in that behalf respecting joint projects as contemplated in section 40 of the National Housing Act (Canada) for,

(a) the acquisition and development of land for housing purposes;

(b) the construction of housing projects for sale or for rent; and

(c) the acquisition, improvement and conversion for housing purposes of existing buildings situated in any municipality. R.S.O. 1970, c. 213, s. 6 (1); 1973, c. 2, s. 2.

(2) The Lieutenant Governor in Council may constitute corporations with such powers and duties as are considered expedient to carry out any of the terms of any agreement made under subsection (1), or to carry out any building development or housing project, including power to plan, construct, and manage any
building development or any housing project undertaken under any such agreement or otherwise, and including power to acquire and dispose of land in its own name. 1976, c. 44, s. 2.

(3) Any moneys required to be furnished by the Crown in right of Ontario under any agreement made under subsection (1) shall be paid out of the moneys appropriated therefor by the Legislature.

(4) Any moneys required by the Crown in right of Ontario for the purposes of any corporation constituted under subsection (2) for purposes other than to carry out the terms of an agreement made under subsection (1) shall be paid out of the moneys appropriated therefor by the Legislature.

(5) Notwithstanding any other Act, the council of a municipality that enters into or has heretofore entered into an agreement with Her Majesty the Queen in right of Ontario, or with Her Majesty the Queen in right of Ontario and Central Mortgage and Housing Corporation, a corporation established by The Central Mortgage and Housing Corporation Act (Canada), pursuant to The Housing Development Act, 1948 or this Act or a predecessor of this Act shall be deemed to have and to have had authority to enter into such agreement and shall have all such powers as may be necessary to carry out the provisions thereof or of any undertaking given by such council pursuant thereto, and, without limiting the generality of the foregoing, such council may incur continuing obligations and make provisions for the discharge thereof and may contribute moneys to and expend moneys on joint housing projects and raise moneys therefor by the issue of debentures, all without the assent of the electors and without reference to the Ontario Municipal Board, and such council may apportion any debt or obligation arising out of such agreement in such manner as it considers equitable against any properties, whether such properties form part of a project within the meaning of such agreement or are adjacent thereto, and such debt or obligation when so apportioned shall be deemed to be a land tax within the meaning of the Municipal Act and recoverable as such. R.S.O. 1970, c. 213, s. 6 (3-5).

(6) The Crown in right of Ontario represented by the Minister may agree to pay annually to any municipality, in respect of any lands in the municipality acquired for any housing project or building development and that are exempt from municipal taxation, a sum of money calculated on any basis whatsoever but not in excess of the amount that in the opinion of the Minister of Revenue would have been payable to the municipality as taxes on such lands if they had been assessed and taxed in the usual way. 1974, c. 31, s. 4, part.
(7) Where an agreement under subsection (6) is in force in respect of land occupied by tenants, the land is nevertheless exempt from taxation, including local improvement rates.

(8) The right to vote of such tenants is not affected by subsection (7), and the assessment rolls and voters’ lists shall be prepared in the usual manner as if subsection (7) had not been passed. R.S.O. 1970, c. 213, s. 6 (7, 8).

(9) Notwithstanding any other Act, the Lieutenant Governor in Council may authorize any municipality in or near which a housing project or building development is undertaken to do or not to do such acts or things as are considered expedient in order to avoid undue delay in the development of the housing project or building development, including the furnishing of municipal services.

(10) Where a payment is made to a municipality under subsection (6), such payment shall be distributed by the council of the municipality to each of the bodies for which the council is required by law to levy or collect rates as if the land in respect of which the payment is made had been assessed and taxed in the usual way, and for all purposes of distribution of any part of such payment between school boards, the tenants of such land shall be deemed to be rated as tenants on the assessment roll of the municipality. 1974, c. 31, s. 4 part.

8.—(1) The Minister may, for and in the name of Her Majesty in right of Ontario, acquire by purchase or otherwise, or, without the consent of the owner, enter upon, take and expropriate any land he considers necessary for the purposes of a housing project under section 7, or of a building development and may sell, lease or otherwise dispose of any of such land on such terms and conditions as the Minister may determine. R.S.O. 1970, c. 213, s. 7 (1); 1972, c. 129, s. 1.

(2) The Minister in the exercise of his powers to take land compulsorily has all the powers conferred by the Ministry of Government Services Act, on the Minister of Government Services in relation to a public work, and in the application of this section where the words “the Minister”, “the Ministry” or “the Crown” appear in such Act, they mean, where the context permits, the Minister under this Act. R.S.O. 1970, c. 213, s. 7 (2); 1972, c. 1, s. 1; 1973, c. 2, s. 2.

(3) The Minister shall proceed in the manner provided by the Expropriations Act, and the provisions of that Act apply. R.S.O. 1970, c. 213, s. 7 (3).
9.—(1) The Crown in right of Ontario may enter into an agreement with any corporation under which the corporation will contribute moneys to any joint housing project being carried out under section 7.

(2) Any corporation incorporated under the laws of Ontario has power to enter into and carry out such agreement. R.S.O. 1970, c. 213, s. 8.

10.—(1) In this section, "family of low income" means a family that receives a total family income that, in the opinion of the Minister, is insufficient to permit it to rent housing accommodation adequate for its needs at the current rental market in the area in which the family lives.

(2) With the approval of the Lieutenant Governor in Council, a corporation constituted under subsection 7 (2) may,

(a) lease privately-owned housing units for occupancy by families of low income and lease such housing units to families of low income; and

(b) if requested by the municipality in which the corporation exercises its powers,

(i) inquire into any matter relating to housing conditions or a building development in the municipality and report thereon to the municipality with its recommendations, and

(ii) undertake the management of any housing development in the municipality.

(3) The municipality at whose request an inquiry is made under subsection (2) may pay all or any part of the expenses incurred by the corporation with respect to such inquiry.

(4) Where a corporation manages a housing development at the request of a municipality, the municipality shall pay to the corporation such fees for the management of the housing development as may be prescribed by the regulations made under this Act. R.S.O. 1970, c. 213, s. 9.

11. The moneys required by the Lieutenant Governor in Council for the purposes of this Act, except section 14, shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 213, s. 10.
12. The cost of administration of this Act shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 213, s. 11.

13.—(1) A municipality, either solely or together with one or more other persons, may incorporate under the laws of Ontario one or more non-profit housing corporations having as the objects of incorporation the provision and operation of housing accommodation with or without any public space, recreational facilities and commercial space or buildings appropriate thereto primarily for persons of low or modest income at rentals below the current rental market in the area in which the accommodation is located.

(2) A municipality that incorporates a corporation as referred to in subsection (1) may own or control all or any part of the shares, capital or assets, as the case may be, of the corporation, provided however that, notwithstanding any of the provisions of the Corporations Act or the Business Corporations Act, the directors of the corporation shall not declare, nor the corporation pay, any dividends on any issued shares of the corporation, and no part of the income of the corporation shall be payable to or otherwise available for the personal benefit of any shareholder or member of the corporation and its letters patent, supplementary letters patent or articles may so provide.

(3) Where a corporation is incorporated as referred to in subsection (1), the corporation shall not acquire lands for its purposes except with the approval of the Minister or except in accordance with the provisions of an official plan or a policy statement, which official plan provisions or policy statement have been approved by the Minister under section 17.

(4) Section 64 of the Ontario Municipal Board Act does not apply to a corporation as referred to in subsection (1). R.S.O. 1974, c. 31, s. 5.

14.—(1) Notwithstanding subsection 4 (3) of the Corporations Act, Housing Corporation Limited, being a corporation incorporated by letters patent dated the 29th day of April, 1948, for the purpose and object of lending and investing money on mortgage of real estate, may issue bonds, debentures or debenture stock.

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to purchase or to guarantee the payment of any notes, bonds, debentures or debenture stock issued by Housing Corporation Limited.
(3) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to make advances to Housing Corporation Limited in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council considers expedient.

(4) All moneys required for the purposes of this section shall be paid out of the Consolidated Revenue Fund. R.S.O. 1970, c. 213, s. 13.

15. The Lieutenant Governor in Council may make regulations,

(a) prescribing amounts of and the terms and conditions upon which money may be granted, loaned, advanced or guaranteed under this Act or any section thereof;

(b) providing for the incorporation, constitution and management of building development authorities;

(c) prescribing fees for the management of housing developments which may be different in respect of any one or more housing developments;

(d) prescribing forms and providing for their use;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 213, s. 14; 1974, c. 31, s. 6.

16. In sections 17 and 18, "housing project" means a project designed to provide housing accommodation, or to facilitate in any way the provision of housing accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto. R.S.O. 1970, c. 213, s. 15.

17. If there is an official plan in effect in a municipality that includes provisions relating to the provision of housing, which provisions have been approved by the Minister subsequent to the coming into force of this section, or if the council of a municipality has adopted a policy statement containing provisions relating to the provision of housing which statement has been approved by the Minister, the council of the municipality may,

(a) acquire and hold land, with or without buildings thereon, within the municipality for the purpose of a housing project;
(b) survey, clear, grade, subdivide, service and otherwise prepare such land for the purpose of the project; and

(c) sell, lease or otherwise dispose of such land for a nominal or other consideration for housing purposes. 1974, c. 31, s. 7.

18.—(1) A municipality, with the approval of the Minister, may,

(a) enter into an agreement with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of a housing project, or for providing financial assistance to or for the benefit of any occupant or any class or classes of occupant of housing accommodation to assist in the payment of rent, mortgage payments or other charges relating to the occupancy of such accommodation;

(b) enter into an agreement with any person or governmental authority undertaking a housing project to provide that certain specified uses of land in a specified area surrounding or adjacent to the project will be maintained for the period specified in the agreement. R.S.O. 1970, c. 213, s. 17 (1); 1976, c. 44, s. 3.

(2) For the purpose of subsection (1), “maintenance cost” includes taxes assessed by the municipality against the housing project. R.S.O. 1970, c. 213, s. 17 (2).

19. To relieve any emergency in housing conditions, a municipality, with the approval of the Minister, may erect, maintain, manage and wind up projects for temporary housing accommodation either in or outside the municipality. R.S.O. 1970, c. 213, s. 18.