1980

c 314 Municipality of Metropolitan Toronto Act

Ontario

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CHAPTER 314
Municipality of Metropolitan Toronto Act

INTERPRETATION

1. In this Act,

(a) "area municipality" means the municipality or corporation of the Borough of East York, the Borough of Etobicoke, the City of North York, the Borough of Scarborough, the City of Toronto or the Borough of York;

(b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;

(c) "chairman" means the chairman of the Metropolitan Council;

(d) "debt" includes obligation for the payment of money;

(e) "highway" and "road" mean a common and public highway, and include a street, bridge, and any other structure incidental thereto;

(f) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right of easement affecting them, and land covered with water, and includes any buildings or improvements on land;

(g) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Metropolitan Corporation or of an area municipality or of two or more area municipalities or portions thereof;
(h) "Metropolitan Area" means the area from time to time included within the Borough of East York, the Borough of Etobicoke, the City of North York, the Borough of Scarborough, the City of Toronto and the Borough of York;

(i) "Metropolitan Corporation" means The Municipality of Metropolitan Toronto;

(j) "Metropolitan Council" means the council of the Metropolitan Corporation;

(k) "metropolitan road" means a road forming part of the metropolitan road system established under Part VI;

(l) "Minister" means the Minister of Intergovernmental Affairs;

(m) "Ministry" means the Ministry of Intergovernmental Affairs;

(n) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 222;

(o) "Municipal Board" means the Ontario Municipal Board;

(p) "roadway" means that part of the highway designed or intended for use by vehicular traffic. R.S.O. 1970, c. 295, s. 1; 1972, c. 3, s. 17; O. Reg. 46/79.

PART I

INCORPORATION AND COUNCIL

2.—(1) The inhabitants of the Metropolitan Area are hereby continued a body corporate under the name of "The Municipality of Metropolitan Toronto". R.S.O. 1970, c. 295, s. 2 (1).

(2) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of the Municipal Affairs Act and the Ontario Municipal Board Act. R.S.O. 1970, c. 295, s. 2 (2); 1972, c. 1, s. 104 (6).
(3) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of the Expropriations Act.
R.S.O. 1970, c. 295, s. 2 (4).

3.—(1) The powers of the Metropolitan Corporation shall be exercised by the Metropolitan Council and, except where otherwise provided, the jurisdiction of the Metropolitan Council is confined to the Metropolitan Area.

(2) Except where otherwise provided, the powers of the Metropolitan Council shall be exercised by by-law.

(3) A by-law passed by the Metropolitan Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.
R.S.O. 1970, c. 295, s. 3.

4.—(1) In every area municipality, election of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1980 and in every second year thereafter in accordance with the Municipal Elections Act. 1972, c. 168, s. 1 (1).
R.S.O. 1980, c. 308

(2) The members of council and of such local boards shall hold office for a two-year term and until their successors are elected and the new council or board is organized. 1972, c. 168, s. 1 (3).

(3) This section applies to members of the Metropolitan Separate School Board. R.S.O. 1970, c. 295, s. 4 (5).

5.—(1) On and after the 1st day of December, 1980, the area municipalities are entitled to the following membership on the Metropolitan Council:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>the Borough of East York</td>
<td>2</td>
</tr>
<tr>
<td>the Borough of Etobicoke</td>
<td>5</td>
</tr>
<tr>
<td>the City of North York</td>
<td>10</td>
</tr>
<tr>
<td>the Borough of Scarborough</td>
<td>7</td>
</tr>
<tr>
<td>the City of Toronto</td>
<td>12</td>
</tr>
<tr>
<td>the Borough of York</td>
<td>3</td>
</tr>
</tbody>
</table>

1980, c. 39, s. 1.
Composition

(2) In accordance with the membership to which an area municipality is entitled under subsection (1), the Metropolitan Council shall include the mayor of each area municipality and, subject to subsection (3),

(a) where an area municipality has a board of control,

(i) the controllers, or

(ii) if the number of members, exclusive of the mayor, to which the area municipality is entitled is less than the number of controllers, the number of controllers equal to the number necessary to complete the membership to which the area municipality is entitled who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes, the next greatest, and so on, as the case requires, or

(iii) if the area municipality is entitled to a greater number of members than the mayor and the other members of the board of control, the controllers and such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership to which the area municipality is entitled; or

(b) where the area municipality does not have a board of control, such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership on the Metropolitan Council to which the area municipality is entitled.

(3) Where the number of wards in an area municipality is equal to the number of aldermen to be appointed by the council of such area municipality,

(a) the alderman for each ward; or

(b) if there is more than one alderman for each ward, the alderman for each ward who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes in such ward,

shall be members of the Metropolitan Council in lieu of the aldermen to be appointed.
(4) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller, or controllers, or alderman, or aldermen, is, or are, entitled to be a member, or members, of the Metropolitan Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Metropolitan Council. 1974, c. 42, s. 1, part.

(5) At the first meeting of the Metropolitan Council in each year after a regular election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act. 1978, c. 35, s. 1 (1).

(6) The clerk of the Metropolitan Corporation shall preside at each such first meeting or, if there is no clerk, the members present shall select a member to preside, and the person so selected may vote as a member. 1974, c. 42, s. 1, part.

(7) If, at such first meeting after a regular election, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 35, s. 1 (2).

(8) The Metropolitan Council shall be composed of the chairman and the persons who are members pursuant to this Part.

(9) A resignation from the Metropolitan Council or the council of an area municipality by a person who is a member of both councils shall be deemed to be a resignation from both the Metropolitan Council and the council of the area municipality. 1974, c. 42, s. 1, part.

6.—(1) The first meeting of the Metropolitan Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (2), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.
(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. 1978, c. 35, s. 2.

(3) A person entitled to be a member of the Metropolitan Council under subsection 5 (2) or (3) shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the area municipality for which he was elected and under the seal of the area municipality certifying that he is entitled to be a member under such subsection.

(4) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 5 (2) or (3), he shall, before taking his seat, take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. R.S.O. 1970, c. 295, s. 6 (3, 4).

(5) No business shall be proceeded with at the first meeting until after the declarations of office in Form 3 of the Municipal Act have been made by all members who present themselves for that purpose. 1973, c. 48, s. 1.

(6) The Metropolitan Council shall be deemed to be organized when the declarations of office have been made by at least eleven members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. R.S.O. 1970, c. 295, s. 6 (6).

7. Subject to section 6, all meetings of the Metropolitan Council shall be held at such place within the Metropolitan Area and at such times as the Metropolitan Council from time to time appoints. R.S.O. 1970, c. 295, s. 7.

8.—(1) Eleven members of the Metropolitan Council are necessary to form a quorum, and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

(2) Each member of the Metropolitan Council, except the chairman, has one vote only, and the chairman does not have a vote except in the event of an equality of votes. R.S.O. 1970, c. 295, s. 8.

9. The members of the Metropolitan Council, other than the chairman, hold office while they hold the offices that entitled them to such membership or to appointment to such
membership and until their successors take office and a new Metropolitan Council is organized. R.S.O. 1970, c. 295, s. 9.

10.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, a person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 5 (5), the Metropolitan Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman, who may be one of the members of the Metropolitan Council or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Metropolitan Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 295, s. 10 (1-3).

(4) When a vacancy occurs in the office of a member other than the chairman or a member who held office by reason of being a mayor, the council of the area municipality, of which he was a member, shall within sixty days after the vacancy occurs appoint his successor to hold office for the remainder of the term of his predecessor, provided that, if he held office by reason of being a controller, another controller shall be appointed or, if he held office under subsection 5 (2) by reason of being an alderman, another alderman shall be appointed or, if he held office under subsection 5 (3) by reason of being an alderman for a ward, another alderman for such ward shall be appointed. R.S.O. 1970, c. 295, s. 10 (4); 1976, c. 42, s. 1.

(5) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

(6) The seat of a member of the Metropolitan Council becomes vacant if he absents himself continuously from the meetings of the Metropolitan Council during a period of one month without being authorized so to do by a resolution of the Metropolitan Council entered upon its minutes, and the Metropolitan Council shall forthwith declare the seat to be vacant, and, notwithstanding subsection (4), the council of the area municipality of which he is a member may appoint any one of its members as his successor. R.S.O. 1970, c. 295, s. 10 (5, 6).
11.—(1) There shall be an Executive Committee of the Metropolitan Council composed of,

(a) the chairman;

(b) the mayor of each area municipality;

(c) the member of the board of control of the Borough of Etobicoke who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

(d) the two members of the board of control of the City of North York who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

(e) the member of the board of control of the Borough of Scarborough who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes; and

(f) three alderman members of the Executive Committee of the City of Toronto who are members of the Metropolitan Council appointed by the council of the City of Toronto. 1974, c. 42, s. 2, Part.

(2) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller or controllers is or are entitled to be a member or members of the Executive Committee, the matter shall be determined by resolution of the council of the area municipality. 1974, c. 114, s. 1.

(3) The chairman of the Metropolitan Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

(4) Six members of the Executive Committee constitute a quorum.

(5) The Executive Committee has all the powers and duties of a board of control under subsections 71 (1) and (2) of the Municipal Act, and subsections (3) to (16) and (18) and (19) of that section apply with necessary modifications. 1974, c. 42, s. 2, Part.
(6) An alderman entitled to be a member of the Executive Committee under subsection (1) shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the Executive Committee of the City of Toronto appointed by the council of the city as a member of the Executive Committee.

(7) Where a seat on the Executive Committee becomes vacant by the death or resignation of a member who was a borough or city controller, the vacancy shall be filled by the controller from the same borough or city who received the next greatest number of votes. 1974, c. 42, s. 2, part.

12.—(1) The Metropolitan Council may by by-law authorize the Executive Committee for such period or periods of time and upon such terms and conditions as the by-law specifies to sell land which the Metropolitan Council has declared to be no longer required for the purposes of the Metropolitan Corporation.

(2) Section 195 of the Municipal Act applies with necessary modifications to the Executive Committee in the exercise of an authority provided for in subsection (1).

(3) The Executive Committee shall report each sale made under subsection (1) to the Metropolitan Council not later than the second regular meeting of the Metropolitan Council next following the closing of each sale. 1980, c. 39, s. 2.

13. The Metropolitan Council may from time to time establish such standing or other committees, and assign to them such duties, as it considers expedient. R.S.O. 1970, c. 295, s. 13 (1).

14. The Metropolitan Council may pass by-laws for governing the proceedings of the Metropolitan Council and any of its committees, the conduct of its members and the calling of meetings. R.S.O. 1970, c. 295, s. 14.

15. The chairman is the head of the Metropolitan Council and the chief executive officer of the Metropolitan Corporation. R.S.O. 1970, c. 295, s. 15.

16.—(1) The Metropolitan Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Metropolitan Corporation and perform such duties as the Metropolitan Council by by-law prescribes;
(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Metropolitan Council; and

(d) shall receive such salary as the Metropolitan Council by by-law determines.

Application of (2) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (1) of this section. 1974, c. 42, s. 3.

Application of R.S.O. 1980, c. 302, s. 99 (2)

17.—(1) Sections 57, 58, 60, 62, 63, 65, subsection 85 (1), sections 107, 129, 137 to 141, 206, 207, paragraphs 48 and 49 of section 208, and sections 238 to 244, 247 to 250 of the *Municipal Act* apply with necessary modifications to the Metropolitan Corporation. 1980, c. 39, s. 3.

Application of R.S.O. 1980, c. 302

Idem

18.—(1) The Metropolitan Council shall appoint a clerk, whose duty it is,

(a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Metropolitan Council;

(b) when a recorded vote is requested by a member, to record the name and vote of every member voting on any matter or question;

(c) to preserve and file all accounts acted upon by the Metropolitan Council;

(d) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Metropolitan Council and its committees; and

(e) to perform such other duties as may be assigned to him by the Metropolitan Council.

Deputy clerk

(2) The Metropolitan Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise,
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the Metropolitan Council may appoint an acting clerk pro tempore who shall have all the powers and duties of the clerk.
R.S.O. 1970, c. 295, s. 18.

19.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in sec-
tion 18 and the minutes and proceedings of any committee of
the Metropolitan Council, whether the acts of the committee
have been adopted or not, and other documents in the
possession or under the control of the clerk, and the clerk
shall, within a reasonable time, furnish copies of them,
certified under his hand and the seal of the Metropolitan
Corporation, to any applicant on payment at the rate of 15
cents for every 100 words or at such lower rate as the Metropo-
itan Council may fix.

(2) A copy of any record, book or document in the possession
or under the control of the clerk, purporting to be certified
under his hand and the seal of the Metropolitan Corporation,
may be filed and used in any court in lieu of the original,
and shall be received in evidence without proof of the seal
or of the signature or official character of the person appearing
to have signed the same, and without further proof, unless
the court otherwise directs.  R.S.O. 1970, c. 295, s. 19.

20.—(1) The Metropolitan Council shall appoint a treasurer
who shall keep the books, records and accounts of the Metropo-
itan Corporation and who shall perform such other duties
as may be assigned to him by the Metropolitan Council.

(2) The Metropolitan Council may appoint a deputy
treasurer who shall have all the powers and duties of the
treasurer.

(3) When the office of treasurer is vacant or the treasurer
is unable to carry on his duties, through illness or otherwise,
the Metropolitan Council may appoint an acting treasurer
pro tempore who shall have all the powers and duties of the
treasurer.  R.S.O. 1970, c. 295, s. 20.

21.—(1) The treasurer shall receive and safely keep all
money of the Metropolitan Corporation, and shall pay out the
same to such persons and in such manner as the law of
Ontario and the by-laws or resolutions of the Metropolitan
Council direct, provided that every cheque issued by the
treasurer shall be signed by the treasurer and by some other
person or persons designated for the purpose by by-law or
resolution of the Metropolitan Council, and any such other
person before signing a cheque shall satisfy himself that the
issue thereof is authorized.
(2) Notwithstanding subsection (1), the Metropolitan Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed, or engraved on cheques. R.S.O. 1970, c. 295, s. 21 (1, 2).

(3) Except where otherwise expressly provided by this Act, a member of the Metropolitan Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the Municipal Conflict of Interest Act. R.S.O. 1970, c. 295, s. 21 (3); 1973, c. 48, s. 4.

(4) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Metropolitan Council, unless another disposition of it is expressly provided for by statute.

(5) The treasurer shall open an account or accounts in the name of the Metropolitan Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of 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.

(6) The treasurer shall prepare and submit to the Metropolitan Council, monthly, a statement of the money at the credit of the Metropolitan Corporation.

(7) Where the treasurer is removed from office or absconds, the Metropolitan Council shall forthwith give notice to his sureties. R.S.O. 1970, c. 295, s. 21 (4-7).

22.—(1) The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation, except the Metropolitan Toronto School Board. 1977, c. 37, s. 1.
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(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Metropolitan Corporation and charged back to the local board, and in the event of a dispute as to the amount of the cost the Ministry may upon application finally determine the amount thereof. R.S.O. 1970, c. 295, s. 22 (2); 1972, c. 1, s. 1.

(3) No person shall be appointed as an auditor of the Metropolitan Corporation who is or during the preceding year was a member of the Metropolitan Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Metropolitan Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. R.S.O. 1970, c. 295, s. 22 (3); 1976, c. 42, s. 2.

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Metropolitan Council or any local board of the Metropolitan Corporation that do not conflict with the duties prescribed by the Ministry.

(5) An auditor may administer an oath to any person concerning any account or other matter to be audited.

(6) The Metropolitan Council may provide that all accounts shall be audited before payment. R.S.O. 1970, c. 295, s. 22 (4-6); 1972, c. 1, s. 1.

23.—(1) The Metropolitan Council may pass by-laws for appointing such officers and employees as it may consider necessary for the purposes of the Metropolitan Corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the Metropolitan Council, and for fixing their remuneration and prescribing their duties, and the security to be given for the performance of them.

(2) Except as otherwise provided in this Act, all officers and employees appointed by the Metropolitan Council shall hold office during the pleasure of the Metropolitan Council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the Metropolitan Council. R.S.O. 1970, c. 295, s. 23.

24.—(1) Sections 94 and 96, subsections 98 (4) and (5), sections 100 and 117 and paragraphs 46, 47 and 48 of section 208 of the
Municipal Act apply with necessary modifications to the Metropolitan Corporation. R.S.O. 1970, c. 295, s. 24 (1).

Pensions

(2) In addition to its powers in subsection (1), the Metropolitan Council may pass by-laws for providing pensions for employees, or any class thereof, and their wives and children.

Interpretation

(a) In this subsection, "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the Metropolitan Corporation or any local board thereof, or of any area municipality or local board thereof, or of the Toronto and York Roads Commission, and includes a member of the Metropolitan Police Force and any person designated as an employee by the Minister.

Two-thirds vote required

(b) No by-law establishing a pension plan or a by-law amending such a by-law shall be passed by the Metropolitan Council under this subsection except on an affirmative vote of at least two-thirds of the Metropolitan Council present and voting thereon.

Agreement necessary

(c) A local board of the Metropolitan Corporation, an area municipality, a local board of an area municipality or the Toronto and York Roads Commission may enter into an agreement with the Metropolitan Corporation providing that a pension plan established under this subsection shall be applicable to employees or any class thereof of such local board, area municipality or the Toronto and York Roads Commission, and such agreement may provide for the incorporation of the plan of an area municipality, local board or the Toronto and York Roads Commission with the plan established under this subsection and for the transfer of any credits or assets from one plan to the other, but no pension plan established under this subsection applies to an employee of a local board, area municipality or the Toronto and York Roads Commission unless such an agreement has been entered into.

Deductions from salary, etc.

(d) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a local board thereof or the Toronto and York Roads Commission, the local board, area municipality or the Toronto and York Roads Commission, as the case may be, shall deduct, by instalments from the salary, wages or other
remuneration of each employee to whom the by-law is applicable, the amount that such employee is required to pay in accordance with the provisions of the plan and shall pay the amounts deducted to the treasurer of the Metropolitan Corporation.

(c) Where a pension plan established under this sub-section is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a local board thereof or the Toronto and York Roads Commission, the local board or area municipality or the Toronto and York Roads Commission shall pay to the treasurer of the Metropolitan Corporation the employer contributions in respect of such employee in accordance with the provisions of the plan. R.S.O. 1970, c. 295, s. 24 (2); 1971, c. 80, s. 1; 1974, c. 42, s. 4 (1).

(3) Where the Metropolitan Corporation or a local board thereof employs a person theretofore employed by an area municipality or a local board thereof, a local board of the Metropolitan Corporation, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein or the local board of the Metropolitan Corporation has entered into an agreement under clause (2) (c).

(4) Until such election or an agreement has been entered into under clause (2) (c), the Metropolitan Corporation or local board thereof shall deduct by instalments from the remuneration of the employee the amount that such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission and the Metropolitan Corporation or local board thereof shall pay to the area municipality or local board or to the County of York or the Toronto and York Roads Commission in instalments,
(a) the amounts so deducted;

(b) the future service contributions payable under the plan by the area municipality or local board or by the County of York or the Toronto and York Roads Commission.

(5) Where a pension plan of an area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission is amended to improve the pension benefits under the plan, the cost of such improvements in respect of an employee who on the day such pension plan is so amended is contributing under subsection (4) to the pension plan, shall, in respect of the service of the employee while employed by the Metropolitan Corporation or by a local board thereof, be determined by the actuary of the plan that is amended, after taking into consideration any excess of the assets of the pension plan over the actuarial liabilities of the plan immediately prior to the amendment, and the cost, except that portion, if any, that is payable by the employee, shall be payable by the Metropolitan Corporation or by a local board thereof over such period of time, subject to the Pension Benefits Act, as may be agreed upon by the municipalities or local boards affected. R.S.O. 1970, c. 295, s. 24 (3-5).

(6) Where the Metropolitan Corporation or a local board thereof does not accept the amount of the actuarial liability determined as provided for in subsection (5) or the period of time in which the cost mentioned in subsection (5) is payable, the municipalities or local boards affected shall appoint an actuary whose opinion on the matter shall be final and binding and, if such municipalities or local boards cannot agree on the appointment of an actuary, the Ministry shall appoint an actuary whose opinion on the matter shall be final and binding. R.S.O. 1970, c. 295, s. 24 (6); 1972, c. 1, s. 1.

(7) Upon such election or upon such an agreement being entered into and such an employee becoming a member of the pension plan established by the Metropolitan Corporation, he or his beneficiaries are entitled on termination of his services with the Metropolitan Corporation or a local board thereof to all benefits under the pension plan of the area municipality, or of a local board, or of the County of York or of the Toronto and York Roads Commission accrued up to the date of his becoming a member of the Metropolitan Corporation pension plan, and his employment by and service with the Metropolitan Corporation or a local board thereof shall be deemed to be employment by and service with the respective area municipality, or local board, or the County of York or the Toronto and York Roads Commission for the purpose of determining eligibility for any such accrued benefits.
(8) An employee who has become a member of the pension plan of the Metropolitan Corporation or of a local board thereof in accordance with subsection (3) is entitled to elect a transfer of a sum of money to such pension plan from the pension plan of an area municipality or of a local board thereof or of the County of York—or—of the Toronto and York Roads Commission, in accordance with the provisions of subsection 117 (4) of the Municipal Act, whether or not such an employee is entitled to a refund from the pension plan of his contributions plus any interest thereon and, on the transfer of such a sum of money, the employee and his beneficiaries shall cease to have any rights under the pension plan of the area municipality or the local board thereof or of the County of York or of the Toronto and York Roads Commission.

(9) Where an employee elects a transfer of a sum of money under subsection (8), the sum of money shall be transferred on the termination of the service of the employee with the Metropolitan Corporation or a local board thereof or, at the option of the area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission, at an earlier date. R.S.O. 1970, c. 295, s. 24 (7-9).

(10) Notwithstanding this or any other general or special Act, where a retired employee of the Metropolitan Corporation or of a local board thereof,

(a) was an employee of an area municipality or of a local board thereof and without intervening employment became an employee of the Metropolitan Corporation or of a local board thereof;

(b) became a member of the pension plan of the Metropolitan Corporation;

(c) retired on or after the 1st day of January, 1970;

(d) received or is entitled to receive a pension from or under a pension plan of an area municipality or local board thereof; and

(e) was entitled to elect a transfer of a sum of money under subsection (8) prior to his retirement and did not so elect;

such retired employee may, with the approval of the Metropolitan Corporation and the area municipality or local board thereof, in lieu of the pension referred to in clause (d), elect not later than the 31st day of December, 1974, a transfer of a sum of money to the pension plan of the Metropolitan Corporation from the pension plan of the area municipality or local board thereof, equal to the present value, calculated
as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods, of the pension, including all benefits pertaining thereto to which such retired employee is entitled under the pension plan of the area municipality or of a local board thereof and, where such retired employee has died, the person receiving a pension in respect of the retired employee shall be deemed to be the retired employee for the purposes of this subsection. 1974, c. 42, s. 4 (2).

(11) Where the Metropolitan Corporation or local board thereof employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any sick leave credit plan of the area municipality, local board, the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation or local board thereof has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

(12) Where the Metropolitan Corporation or local board thereof employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation or local board thereof shall, during the first year of his employment by the Metropolitan Corporation or local board thereof, provide for such employee’s holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

(13) A person who was employed by an area municipality or a local board thereof before the 1st day of January, 1967, and who is employed by the Metropolitan Corporation or a local board thereof or by an area municipality or a local board thereof, without intervening employment, shall not be deemed to be a person who enters the employ of an employer within the meaning of clause 9 (1) (a) of the Ontario Municipal Employees Retirement System Act.  R.S.O. 1970, c. 295, s. 24 (10-12).
PART II
ASSESSMENT

25. Where the owner of a golf course makes a payment to an area municipality under subsection 22 (4) or (5) of the Assessment Act, the amount paid shall be distributed among the bodies for which the area municipality is required to levy in the proportion that the sum of the levies for each body during the currency of the agreement bears to the sum of the total levies during such period. R.S.O. 1970, c. 295, s. 25.

26. For the purposes of sections 39, 42 and 47 of the Assessment Act, "school board" includes The Metropolitan Toronto School Board and an agent thereof. R.S.O. 1970, c. 295, s. 26.

27.—(1) The council of the City of Toronto and the council of the Borough of Etobicoke may, without the assent of the electors, repeal any by-law in force in the City or Borough providing for the partial exemption of dwellings from taxation or provide for the abolition of such exemption over a period of five years in such manner as the council may determine.

(2) Any such by-law in force in the City of Toronto immediately before the 1st day of January, 1967, shall be deemed to be in force in the whole of the City of Toronto until repealed. R.S.O. 1970, c. 295, s. 27.

PART III
METROPOLITAN WATER WORKS SYSTEM

28. For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Metropolitan Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof, respecting the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. R.S.O. 1970, c. 295, s. 28.

29.—(1) The Metropolitan Council shall before the 1st day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as part of the metropolitan waterworks system all works for the production, treatment and storage of water vested in each area municipality or any local board thereof and all trunk distribution mains connected therewith, and on the day any such by-law becomes effective the works and mains designated therein vest in the Metropolitan Corporation.
Idem

(2) A by-law under subsection (1) shall designate and describe the works and trunk distribution mains assumed.

Interpretation

(3) For the purpose of subsection (1), a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.

Extension of time

(4) Notwithstanding subsection (1), a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 1st day of December, 1953, and in that case the by-law becomes effective on the date provided therein.

Metropolitan liability

(5) Where the Metropolitan Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or main, but nothing in this clause requires the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under the Local Improvement Act is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 295, s. 29 (1-5).

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause (5) (b), the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. 1979, c. 64, s. 2.

Settling of doubts

(7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpretation

(8) In this section, "works" means buildings, structures, plant, machinery, equipment and appurtenances, devices, conduits, intakes and outlets and underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. R.S.O. 1970, c. 295, s. 29 (7, 8).
30.—(1) Where an area municipality or a local board thereof has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board is relieved of all liability thereunder.

(2) Notwithstanding subsection (1) and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Metropolitan Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. R.S.O. 1970, c. 295, s. 30.

31.—(1) Where all the works of an area municipality or any local board thereof for the production, treatment and storage of water are assumed by the Metropolitan Corporation, the area municipality or local board shall not thereafter establish, maintain or operate any such works.

(2) An area municipality that did not operate any such works on the 31st day of December, 1953, shall not, after that date, establish, maintain or operate any such works.

(3) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Metropolitan Corporation. R.S.O. 1970, c. 295, s. 31.

32.—(1) No municipality or local board that is supplied with water by the Metropolitan Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Metropolitan Council.

(2) Nothing in subsection (1) prohibits an area municipality or local board from supplying water to another municipality where the area municipality or local board has agreed to supply such water before the 1st day of April, 1953, and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Metropolitan Corporation. R.S.O. 1970, c. 295, s. 32.

33. The Metropolitan Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from its waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area a continued and
abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Metropolitan Corporation with regard to the water so supplied. R.S.O. 1970, c. 295, s. 33.

34. The Metropolitan Council may pass by-laws for the maintenance and management of its waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality or local board. R.S.O. 1970, c. 295, s. 34.

35.—(1) The Metropolitan Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

(2) In fixing the rates, the Metropolitan Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to the various area municipalities.

36.—(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 39 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, and such surcharge shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the Assessment Act. 1976, c. 72, s. 1.

(2) Where a person obtains water from a private waterworks system and discharges the water into the Metropolitan sewer system or a sewer system draining into the Metropolitan sewer
system, the Metropolitan Council may by by-law charge a rate in respect of the water discharged. 1979, c. 90, s. 1.

(3) The provisions of section 50 apply to this section. 1974, c. 42, s. 5, *part.*

37.—(1) The Metropolitan Corporation has power to and shall supply water to the area municipalities, but, subject to subsection (2), shall not supply water to any other person. R.S.O. 1970, c. 295, s. 36 (1).

(2) The Metropolitan Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Metropolitan Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality. R.S.O. 1970, c. 295, s. 36 (2); 1971, c. 80, s. 3.

38. The Metropolitan Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities of its waterworks system in such manner as may be prescribed by the Ministry. R.S.O. 1970, c. 295, s. 37; 1972, c. 1, s. 1.

39.—(1) Notwithstanding anything in the *Public Utilities Act* or any other general or special Act, the revenues of the waterworks system shall be applied only for,

(a) the reduction of any indebtedness assumed or incurred with respect to the system;

(b) the operation, maintenance, renewal, improvement or extension of the system;

(c) the establishment of such reserve funds as the Metropolitan Council considers proper, to be used at any future time for any purpose mentioned in clause (a) or (b) or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Metropolitan Corporation.

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or assumed by the Metropolitan Corporation for the purposes of the waterworks system except to the extent...
that the revenues of the system are insufficient to meet the annual payment falling due on account of principal and interest on the debentures.

(3) The moneys forming part of a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the Trustee Act and the earnings derived from the investment of such moneys shall form part of the reserve fund.

(4) The moneys forming part of a reserve fund established under subsection (1) shall be applied or expended only for the purposes of the waterworks system. R.S.O. 1970, c. 295, s. 38.

40.—(1) Subject to section 47, the Metropolitan Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the waterworks system that, in the opinion of the Metropolitan Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues of the waterworks system. R.S.O. 1970, c. 295, s. 39.

41.—(1) The Metropolitan Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Metropolitan Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

(2) Where the supply of water by the Metropolitan Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract, or entitle any person to rescind any contract or release any guarantor from the performance of his obligation. R.S.O. 1970, c. 295, s. 40.

42.—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the
design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect or continue the connection of the same or any part thereof to any work or main of the Metropolitan Corporation without the approval of the Metropolitan Council. R.S.O. 1970, c. 295, s. 41.

43. If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

(a) to assume as a metropolitan work any local work;

(b) to construct any extension of the metropolitan distribution system;

(c) to maintain or increase the supply of water to the area municipality;

(d) to approve the construction or extension of any local water distribution works by the area municipality; or

(e) to permit the connection or the continuance of a connection to the metropolitan system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. R.S.O. 1970, c. 295, s. 42.

44.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Metropolitan Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by by-law of the Metropolitan Council. R.S.O. 1970, c. 295, s. 43 (1).

(2) The Metropolitan Council may by by-law provide for uniform rates of discount for prompt payment of charges for water
supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default of a rate of 15 per cent per annum, or such lower rate as the Metropolitan Council determines, while such default continues. 1979, c. 64, s. 3.

45. The Metropolitan Corporation has, in respect of all works and trunk distribution mains assumed as part of the metropolitan waterworks systems, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. R.S.O. 1970, c. 295, s. 44.

46. Any person authorized by the Metropolitan Council has free access from time to time, upon reasonable notice given and request made, to all works for the production and distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. R.S.O. 1970, c. 295, s. 46.

47. Where a distribution main has been assumed by the Metropolitan Corporation under section 29 and, in the opinion of the Metropolitan Council, is no longer required for the purposes of the metropolitan waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Metropolitan Council shall by by-law remove the main from the metropolitan waterworks system and transfer it to the area municipality. R.S.O. 1970, c. 295, s. 46.

48. The works and mains assumed by the Metropolitan Corporation under section 29, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 37 (2), to any local municipality outside the Metropolitan Area. R.S.O. 1970, c. 295, s. 47.

50.—(1) In this Part,

(a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;

(b) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;

(c) "sewage" means domestic sewage or industrial wastes, or both;

(d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;

(e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;

(f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like works;

(g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for such purposes and uses;

(h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Metropolitan Council. R.S.O. 1970, c. 295, s. 49.
51. For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Metropolitan Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof. R.S.O. 1970, c. 295, s. 50.

52. The Metropolitan Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. R.S.O. 1970, c. 295, s. 51.

58.—(1) The Metropolitan Council shall, before the 1st day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as metropolitan sewage works all treatment works vested in each area municipality or any local board thereof, and on the day any such by-law becomes effective the works designated therein vest in the Metropolitan Corporation.

(2) The Metropolitan Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1954.

(3) A by-law under subsection (1) or (2) shall designate and describe the works assumed.

(4) Notwithstanding subsection (1), a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 1st day of December, 1953, and in that case the by-law becomes effective on the date provided therein.

(5) Where the Metropolitan Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or watercourse, but nothing in this clause requires the Metropolitan
Corporation to pay that portion of the amounts of principal and interest that under the Local Improvement Act is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 295, s. 52 (1-5).

(6) If the Metropolitan Corporation fails to make any payment as required by clause (5)(b), the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. 1979, c. 64, s. 4.

(7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 295, s. 52 (7).

54.—(1) Where an area municipality or a local board thereof has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the receiving municipality or local board is relieved of all liability thereunder.

(2) Where an area municipality or a local board thereof has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board is relieved of all liability thereunder.

(3) Notwithstanding subsections (1) and (2) and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Metropolitan Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. R.S.O. 1970, c. 295, s. 53.

55.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Metropolitan Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Metropolitan Council.
(2) No area municipality shall establish or enlarge any treatment works after the 1st day of December, 1953, without the approval of the Metropolitan Council. R.S.O. 1970, c. 295, s. 54.

56.—(1) The Metropolitan Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area an adequate system of sewage and land drainage disposal. R.S.O. 1970, c. 295, s. 55.

(2) The Metropolitan Council has all the authority and powers in respect of any sewers which mediatelly or immediately enter into sewers or treatment works under the jurisdiction of the Metropolitan Corporation as have councils of local municipalities under paragraph 147 of section 210 of the Municipal Act.

(3) In the event of conflict between a by-law passed under subsection (2) by the Metropolitan Council and a by-law passed by the council of the area municipality in which the land is situate under paragraph 147 of section 210 of the Municipal Act, the by-law passed by the Metropolitan Council prevails to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality remains in full force and effect. 1979, c. 64, s. 5.

57.—(1) Where in the opinion of the Metropolitan Council an area municipality or a portion thereof will or may derive a special benefit from the construction and operation of a work or watercourse, the Metropolitan Council may, with the approval of the Municipal Board, in authorizing the construction, extension or improvement of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Metropolitan Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

(2) Where debentures are issued for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Metropolitan Corporation with respect to such debentures proportionate to its share of the capital cost as set out in the by-law in the same manner as if debentures for such share had been issued by the Metropolitan Corporation for the purposes of the area municipality.

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or,
subject to the approval of the Municipal Board, may pass by-laws under section 218 of the Municipal Act for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality. R.S.O. 1970, c. 295, s. 56.

58.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a metropolitan work or watercourse without the approval of the Metropolitan Council. R.S.O. 1970, c. 295, s. 57 (1).

(2) The Metropolitan Corporation may enter into a contract with any local or regional municipality outside the Metropolitan Area to receive and dispose of sewage and land drainage from the local or regional municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality. R.S.O. 1970, c. 295, s. 57 (2); 1971, c. 80, s. 4.

(3) Any engineer or other officer of the Metropolitan Corporation has power to inspect the plans and specifications of any work referred to in subsection (1) and to inspect the work during its construction and before it is connected with the metropolitan work or watercourse. R.S.O. 1970, c. 295, s. 57 (3).

59.—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a metropolitan work or watercourse, and every area municipality and local board shall conform to such by-laws.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a metropolitan work or watercourse without the approval of the Metropolitan Council. R.S.O. 1970, c. 295, s. 58.

60. If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

(a) to assume as a metropolitan work any local work;

(b) to construct, extend or improve any metropolitan work;
(c) to receive any required volume of sewage or land drainage from the area municipality;

(d) to approve the construction, alteration, improvement or extension of a local work;

(e) to permit a connection or the continuance of a connection to any metropolitan work,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. R.S.O. 1970, c. 295, s. 59.

61.—(1) The Metropolitan Council may pass by-laws, subject to the approval of the Municipal Board, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any metropolitan work or works.

(2) All such charges constitute a debt of the area municipality to the Metropolitan Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Metropolitan Council.

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 218 of the Municipal Act for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. R.S.O. 1970, c. 295, s. 60.

62. The Metropolitan Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality such amount as it considers proper not exceeding 25 per cent of the total cost thereof to the area municipality. R.S.O. 1970, c. 295, s. 61.

63. The Metropolitan Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. R.S.O. 1970, c. 295, s. 62.
64. Any person authorized by the Metropolitan Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. R.S.O. 1970, c. 295, s. 63.

65. Any works assumed by the Metropolitan Corporation under the authority of section 53, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 58 (2), from any local municipality outside the Metropolitan Area. R.S.O. 1970, c. 295, s. 64.

PART V
WASTE DISPOSAL

66.—(1) In this Part,

(a) "area municipality" includes a local board;

(b) "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind. R.S.O. 1970, c. 295, s. 65 (1).

(2) The Metropolitan Corporation may acquire and use land in any local municipality or in territory without municipal organization and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes, volumes or weights of waste or may vary having regard to such other criteria in respect of waste as the Metropolitan Council considers appropriate, but no such fees shall be charged to any area municipality or its agent. R.S.O. 1970, c. 295, s. 65 (2); 1972, c. 89, s. 1 (1); 1974, c. 114, s. 2.

(3) No land shall be acquired in a local municipality under subsection (2) without the approval of the local municipality, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board, and no land shall be acquired in territory without municipal
organization under subsection (2) without the approval of the Municipal Board. 1972, c. 89, s 1 (2).

(4) The Municipal Board, before giving its approval under subsection (3), shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Municipal Board may direct, and the Municipal Board, as a condition of giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the acquisition or use of such land as to the Municipal Board may appear necessary or expedient, and the Municipal Board may order the amendment of any official plan or of any by-law passed under section 39 of the *Planning Act* to permit the use of the land for the purposes for which it is to be acquired. R.S.O. 1970, c. 295, s. 65 (4); 1972, c. 89, s. 1 (3).

(5) On and after the 1st day of January, 1967, no area municipality shall exercise any of its powers with respect to the matters provided for in subsection (2) without the consent of the Metropolitan Council.

(6) The Metropolitan Council shall, before the 1st day of January, 1967, pass by-laws, which shall be effective on the 1st day of January, 1967, assuming for the use of the Metropolitan Corporation any land, building, structure, machinery or equipment, including vehicles used primarily for the disposal of waste, that the Metropolitan Corporation may require for the purposes of subsection (2) that is vested on the 31st day of March, 1966, in any area municipality and is used on such date for the purposes set out in subsection (2) or that is acquired by any area municipality after the 31st day of March, 1966, and before the 1st day of January, 1967, for such use, and on the day any such by-law becomes effective the property designated therein vests in the Metropolitan Corporation.

(7) No area municipality, after the 31st day of March, 1966, and before the 1st day of January, 1967, shall without the consent of the Metropolitan Council sell, lease or otherwise dispose of or encumber any property mentioned in subsection (6).

(8) Notwithstanding subsection (6), a by-law for assuming any property mentioned in subsection (6), with the approval of the Municipal Board, may be passed after the 1st day of January, 1967, and in that case the by-law shall become effective on the date provided therein.
(9) Where the Metropolitan Corporation assumes any property under subsection (6) or (8),

(a) no compensation or damage shall be payable to the area municipality except as provided in this subsection;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of any property vested in the Metropolitan Corporation under subsection (6) or (8); and

(c) notwithstanding any order of the Municipal Board or any debenture by-law passed pursuant thereto, all amounts of principal and interest becoming due thereafter with respect to any debentures theretofore issued by the Metropolitan Corporation in respect of any property vested in the Metropolitan Corporation under subsection (6) or (8) shall be repaid by levies against all the area municipalities. R.S.O. 1970, c. 295, s. 65 (5-9).

(10) If the Metropolitan Corporation fails to make any payment as required by clause (9) (b), the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. 1979, c. 64, s. 6.

(11) In the event of any doubt as to whether,

(a) any outstanding debenture or portion thereof was issued in respect of any property assumed under subsection (6) or (8); or

(b) any vehicle was used primarily for the disposal of waste,

the Municipal Board, upon application, may determine the matter, and its decision is final.

(12) No by-law of any municipality heretofore or hereafter passed under paragraph 129 of section 210 of the Municipal Act or a predecessor thereof shall apply to the operations of the Metropolitan Corporation under subsection (2).

(13) Nothing in this Part affects any contract for the disposal of waste that is existing on the 18th day of May, 1966 between any person and any area municipality, but the Metropolitan Corporation and any such area municipality may enter into an agreement providing that the Metropolitan
Corporation shall assume all or part of the liability created by such contract in respect of the disposal of waste. R.S.O. 1970, c. 295, s. 65 (11-13).

67.—(1) The Metropolitan Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purpose 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 private property with the consent of the owner of such private property; 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.

(2) The Municipal Franchises Act does not apply to any act of the Metropolitan Corporation under this section. 1980, c. 39, s. 4.

PART VI
METROPOLITAN ROAD SYSTEM

68. In this Part,

(a) “approved” means approved by the Minister or of a type approved by the Minister;

(b) “Minister” means the Minister of Transportation and Communications;

(c) “Ministry” means the Ministry of Transportation and Communications. R.S.O. 1970, c. 295, s. 66; 1972, c. 1, s. 100 (2).

69. Unless assumed as a metropolitan road by the by-law mentioned in section 70, all roads within the Metropolitan Area or on the boundary between the Metropolitan Area and an adjoining county that, on the 31st day of December, 1953, form part of the county road system of the County of York established under The Highway Improvement Act shall, on the 1st day of January, 1954, revert or be transferred to the
corporations of the local municipalities in which they are situate. R.S.O. 1970, c. 295, s. 67.

70.—(1) Subject to the approval of the Lieutenant Governor in Council, the Metropolitan Council shall by by-law establish a metropolitan road system in the Metropolitan Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Metropolitan Area and an adjoining county or regional municipality on such terms and conditions as may be agreed upon between the Metropolitan Council and the council of such county or regional municipality, and the by-law shall designate the roads to be assumed as metropolitan roads and intended to form the metropolitan road system. R.S.O. 1970, c. 295, s. 68 (1); 1971, c. 80, s. 5.

(2) The by-law shall be passed not later than the 31st day of October, 1953, and shall come into force on the 1st day of January, 1954.

(3) The Metropolitan Corporation shall submit the by-law to the Minister of Highways for approval by the Lieutenant Governor in Council on or before the 31st day of October, 1953, and upon receipt of the application for such approval the Minister of Highways may obtain such report thereon as he considers necessary and may hear the council of any area municipality that may be dissatisfied therewith before presenting the application for consideration to the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only it shall be enforced and take effect so far as approved, but it is not necessary for the Metropolitan Council to pass any further by-law amending the original by-law or repealing any portion thereof which has not been so approved.

(5) Subject to the approval of the Lieutenant Governor in Council, the Metropolitan Council may amend the by-law from time to time by adding roads to or removing roads from the metropolitan road system or in any other manner.

(6) Where a road or a part thereof is added to the metropolitan road system, the soil and freehold of such road or part is thereupon vested in the Metropolitan Corporation.

(7) Where a road or a part thereof is removed from the metropolitan road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and the soil and freehold thereof is thereupon vested in the corporation of the local municipality in which it is situate.
(8) Subject to the approval of the Lieutenant Governor in Council, the Metropolitan Corporation may from time to time pass a by-law consolidating its by-law establishing the metropolitan road system and all by-laws amending such by-law. R.S.O. 1970, c. 295, s. 68 (2-8).

**71.** Where a contribution has been made from any source whatsoever towards an expenditure to which section 89 of the Public Transportation and Highway Improvement Act applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister under that Act unless the Minister otherwise directs. R.S.O. 1970, c. 295, s. 71.

**72.** Expenditures that shall be deemed to be properly chargeable to road improvement include those made for the purpose of,

(a) opening a new metropolitan road and acquiring the necessary land therefor;

(b) clearing a metropolitan road of obstructions;

(c) widening, altering or diverting a metropolitan road;

(d) subject to section 3 of the Public Service Works on Highways Act, defraying 50 per cent of the cost of labour only in taking up, removing or changing the location of appliances or works placed on or under a metropolitan road by an operating corporation;

(e) constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a metropolitan road;

(f) grading a metropolitan road;

(g) constructing and maintaining an approved base for the road surface on a metropolitan road, including the installing and maintaining of approved drainage;

(h) constructing and maintaining any approved type of road surface on a metropolitan road;

(i) constructing and maintaining necessary curbs, gutters and catch basins on a metropolitan road;

(j) clearing snow from and applying chemicals or abrasives to icy surfaces on a metropolitan road;

(k) establishing and laying out a new road under section 78 and constructing such new road as part of the metropolitan road system before actually assuming it is a metropolitan road by amending the by-law passed under section 70; and
(l) such other work of road improvement as the Minister may approve. R.S.O. 1970, c. 295, s. 72.

73. Every road constructed or repaired as part of the metropolitan road system shall be so constructed and repaired in accordance with the requirements of the Minister. R.S.O. 1970, c. 295, s. 73.

74. The Metropolitan Corporation has, in respect of the roads or streets included in the metropolitan road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they were assumed by the Metropolitan Corporation, and the Metropolitan Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities, as the case may be, might have done if the roads had not been assumed as metropolitan roads. R.S.O. 1970, c. 295, s. 74.

75.—(1) The Metropolitan Corporation is not by reason of assuming a road under this Act liable for the building, maintenance or repair of sidewalks on any metropolitan road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance and repair of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the Municipal Act, in respect of a sidewalk on a road over which a council has jurisdiction.

(2) The council of an area municipality may construct or put down a sidewalk or other improvement or service on a metropolitan road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the written consent of the Metropolitan Council expressed by resolution.

(3) The cost of any sidewalk constructed on a metropolitan road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under the Local Improvement Act.

(4) An area municipality when constructing a sidewalk or other improvements or service on a metropolitan road under
this section shall conform to any requirements or conditions imposed by the Metropolitan Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvements or service on the road. R.S.O. 1970, c. 295, s. 75 (1-4).

(5) Subsection 106(4) of the Public Transportation and Highway Improvement Act does not apply to a sidewalk constructed on a metropolitan road by the council of a township. R.S.O. 1970 c. 295, s. 75 (5); 1971, c. 61, s. 1.

76.—(1) Where a metropolitan road intersects a road that is not a metropolitan road, the continuation of the metropolitan road to its full width across the road intersected, including the bridges and culverts thereon or touching thereon, is a part of the metropolitan road system except in the case of an intersection by a metropolitan road of the King’s Highway, and in that case the full width of the intersection shall be deemed to be part of the King’s Highway. R.S.O. 1970, c. 295, s. 76.

(2) Where a road that is not a metropolitan road is carried over or under a metropolitan road by a bridge or other structure, the surface of the road shall be deemed to be under the jurisdiction and control of the authority that has jurisdiction and control over the adjacent portions of the remainder of the road and the Metropolitan Corporation shall not be liable for maintenance and repair of the surface of the road. 1978, c. 35, s. 7.

77. When land abutting on a metropolitan road is dedicated for highway purposes for, or apparently for, the widening of the metropolitan road, the land so dedicated is part of the metropolitan road and the soil and freehold thereof is vested in the Metropolitan Corporation subject to any rights in the soil reserved by the person who dedicated the land. R.S.O. 1970, c. 295, s. 77.

78. Subject to the approval of the Lieutenant Governor in Council, the Metropolitan Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 70 by assuming such new roads as part of the metropolitan road system, and the provisions of the Municipal Act with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. R.S.O. 1970, c. 295, s. 78.

79. With respect to the metropolitan roads, the Metropolitan Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under the Municipal Act, the Highway Traffic Act and
any other Act with respect to highways. R.S.O. 1970, c. 295, s. 79.

80. The Metropolitan Council and the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles, taxicabs and 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, and, for the purposes of this section, “public transit motor vehicle” means any motor vehicle owned and operated by the Toronto Transit Commission as part of its regular passenger transportation service and such other class or classes of transit motor vehicles as may be specified in the by-law. 1980, c. 68, s. 1.

81.—(1) Subject to the Highway Traffic Act, the Metropolitan Corporation may,

(a) install signal-light traffic control systems on any highway in the Metropolitan Area;

(b) operate all signal-light traffic control systems heretofore or hereafter installed in the Metropolitan Area;

(c) control its signal-light traffic control systems by electronic computers; and

(d) regulate traffic on highways in the Metropolitan Area within 30.5 metres of any signal-light traffic control system and for such purpose the Metropolitan Corporation is deemed to be a municipality under section 169 of the Highway Traffic Act. R.S.O. 1970, c. 295, s. 80 (1); 1978, c. 87, s. 42 (1).

(2) When a by-law passed under subsection (1) regulating traffic on any part of a highway in the Metropolitan Area is in force, any by-law passed by an area municipality that conflicts therewith has no effect to the extent of such conflict.

(3) No area municipality may, after the 1st day of July, 1962, install or operate signal-light traffic control systems in the Metropolitan Area.

(4) All signal-light traffic control systems installed on highways in the Metropolitan Area are vested in the Metropolitan Corporation, and no compensation therefor shall be paid by the Metropolitan Corporation to any area municipality. R.S.O. 1970, c. 295, s. 80 (2-4).

82.—(1) Where the name of a highway is a duplication or is similar to the name of another highway in the Metropolitan Area, the Metropolitan Council may pass by-laws for changing
the name of any such highway, and no area municipality thereafter has power to change the name of such highway.

(2) A by-law passed under subsection (1) shall recite the fact of such duplication or similarity, and the change shall take effect when a certified copy of the by-law is registered in the proper land registry office. R.S.O. 1970, c. 295, s. 81.

83. —(1) The Metropolitan Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any metropolitan road or any portion of a metropolitan road than is prescribed in subsection 109 (1) of the Highway Traffic Act, but such rate of speed shall not be less than 40 kilometres per hour or more than 100 kilometres per hour. R.S.O. 1970, c. 295, s. 82 (1); 1978, c. 87, s. 42 (2).

(2) The metropolitan roads or portions thereof affected by a by-law passed under subsection (1) shall be marked to comply with the regulations made under the Highway Traffic Act. 1976, c. 72, s. 2.

84. The Metropolitan Council may by by-law prescribe the rate of speed for motor vehicles driven on lands vested in the Metropolitan Corporation under Part XVI in accordance with subsection 109 (3) of the Highway Traffic Act. R.S.O. 1970, c. 295, s. 83.

85. —(1) The Metropolitan Council may by by-law empower the council of any area municipality to pass by-laws for the leasing or licensing of the use of the whole or any part of or all sidewalks and untravelled portions of Metropolitan roads within the area municipality for such purposes and upon such terms and conditions as are specified by the Metropolitan Council in the by-law.

(2) Part XIX of the Municipal Act applies with necessary modifications to any by-law passed by the council of an area municipality under the authority of a by-law passed by the Metropolitan Council under subsection (1). 1979, c. 64, s. 7.

86. The Metropolitan Corporation may by by-law authorize agreements between the Metropolitan Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. R.S.O. 1970, c. 295, s. 85.
87. The Metropolitan Council may plant trees on a metropolitan road and the cost of the work shall be deemed to be part of the cost of repairing and maintaining the road. R.S.O. 1970, c. 295, s. 86.

88.—(1) Sections 292 and 294 of the Municipal Act do not apply to a bridge or highway crossing or forming a boundary between the Metropolitan Area and an adjoining county where such bridge or highway is included in the metropolitan road system and in the county road system of the county.

(2) When there is a difference between the Metropolitan Council and the council of a county in respect of any such bridge or highway as to the corporation upon which the obligation rests for the building, maintaining or keeping in repair of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Metropolitan Council and the council of the county are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Metropolitan Corporation or the corporation of the county.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it considers just and proper, and may by the order fix and determine the amount or proportion which each municipality shall pay or contribute toward the building, maintaining and keeping in repair of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. R.S.O. 1970, c. 295, s. 87.

89. Clause 261 (1) (b) of the Municipal Act does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the metropolitan road system. R.S.O. 1970, c. 295, s. 88.

90. Section 276 of the Municipal Act does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Metropolitan Area and an adjoin-
ing county or regional municipality, and the councils of the area municipality and the local municipality in the adjoining county on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the metropolitan road system. R.S.O. 1970, c. 295, s. 89.

Restrictions

91.—(1) The Metropolitan Council has, with respect to all land lying within a distance of forty-five metres from any limit of a metropolitan road, all the powers conferred on the council of a local municipality by section 39 of the Planning Act. R.S.O. 1970, c. 295, s. 90 (1); 1978, c. 87, s. 42 (3).

Conflict with local by-law

(2) In the event of conflict between a by-law passed under subsection (1) by the Metropolitan Council and a by-law passed under section 39 of the Planning Act or a predecessor of such section by the council of the area municipality in which the land is situate, the by-law passed by the Metropolitan Council prevails to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality remains in full force and effect. R.S.O. 1970, c. 295, s. 90 (2).

Controlled-access roads

92.—(1) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law designate any metropolitan road, or any portion thereof, as a metropolitan controlled-access road.

(2) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law close any municipal road that intersects or runs into a metropolitan controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Municipal Board and the Metropolitan Corporation within such time as the Municipal Board shall direct.

(4) No claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Municipal Board shall be allowed except by leave of the Municipal Board.

(5) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,
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(a) determining the portion or portions of the road that shall be closed;

(b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,

(i) by the payment by the Metropolitan Corporation to any of such persons of such damages as may be fixed by the Municipal Board,

(ii) by the providing of another road for the use of any such persons,

(iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding any other Act, and

(iv) in such other manner as the Municipal Board considers proper;

(c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(d) providing for the doing of such other acts as in the circumstances it considers proper.

(6) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Metropolitan Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(7) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Metropolitan Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Municipal Board, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Metropolitan Corporation as it considers proper and may fix the amount of such costs.

(8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Divisional Court, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Metropolitan Corporation
may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

(9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court considers just.

(10) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final.

(11) Section 95 of the Ontario Municipal Board Act does not apply to an appeal under this section. R.S.O. 1970, c. 295, s. 91.

93.—(1) The Metropolitan Corporation may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a metropolitan controlled-access road and may impose penalties for contravention of any such by-law.

(2) The Metropolitan Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a metropolitan controlled-access road in contravention of a by-law passed under subsection (1).

(3) Every notice given under subsection (2) shall be in writing and shall be served personally or by registered mail and, in the case of service by registered mail, shall be deemed to have been received on the second day following the mailing thereof.

(4) Where the person to whom notice is given under subsection (2) fails to comply with the notice within thirty days after its receipt, the Metropolitan Corporation may by resolution direct any officer, employee or agent of the municipality to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, gate or other structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than $10 and not more than $100 for a first offence and to a fine of not less than $50 and not more than $500 for a second or subsequent offence.

(6) Where a notice given under subsection (2) has been complied with, the Metropolitan Corporation shall make due compensation to the owner of the land if the private road,
entranceway, gate or other structure or facility constructed or used as a means of access to a metropolitan controlled-access road was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a metropolitan controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection (1), in which case the making of compensation is subject to any provisions of such by-law. R.S.O. 1970, c. 295, s. 92 (1-6).

(7) Every claim for such compensation shall be determined in accordance with subsections 14 (2) to (5) of the Public Transportation and Highway Improvement Act, which subsections apply with necessary modifications. R.S.O. 1970, c. 295, s. 92 (7); 1971, c. 61, s. 1.

94. Sections 101, 103, 104, 105, 108 and 111 of the Public Transportation and Highway Improvement Act apply with necessary modifications to any metropolitan road. R.S.O. 1970, c. 295, s. 93; 1971, c. 61, s. 1.

95. The Metropolitan Council may contribute such amount as the Metropolitan Council considers proper as its share of the cost of maintenance of the part of the Malton Road in the County of Peel extending from the County of York to the Malton Airport thereby assuming the liability of The Corporation of the City of Toronto under an agreement dated July 2, 1943, but not to exceed 25 per cent of the annual maintenance costs of such part of the road. R.S.O. 1970, c. 295, s. 94.

96.—(1) Where the Metropolitan Corporation assumes as a metropolitan road any road in an area municipality, other than a road mentioned in section 69,

(a) no compensation or damages shall be payable to the area municipality in which it was vested;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such road, but nothing in this clause requires the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under the Local Improvement Act is payable as the owners' share of a local improvement work.
(2) Notwithstanding subsection (1), the Metropolitan Corporation shall, after the 1st day of January, 1956, pay to The Corporation of the City of North York before the due date all amounts of principal and interest becoming due upon any outstanding debentures of the Bayview Avenue bridge that are payable as the owners' share of such local improvement work. R.S.O. 1970, c. 295, s. 95 (1, 2).

(3) If the Metropolitan Corporation fails to make any payment as required by clause (1) (b), the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. 1979, c. 64, s. 8.

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 295, s. 95 (4).

97.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Metropolitan Corporation by registered mail. 1974, c. 42, s. 6, par.

(2) If the Metropolitan Council objects to such stopping-up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection (1) and the highway or part thereof concerned shall not be stopped-up except by agreement between the area municipality and the Metropolitan Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1974, c. 42, s. 6, par; 1975, c. 22, s. 2.

(3) For the purposes of giving notice under subsection (2), the Metropolitan Council may by by-law authorize the Executive Committee, for such period of time as the by-law specifies, to exercise the powers of the Metropolitan Council, but no such notice is valid unless confirmed at the next regular meeting of the Metropolitan Council. 1980, c. 39, s. 5.

(4) In the case of a township in the Metropolitan Area, it is not necessary to obtain the approval of the judge of the county court to such stopping up under section 298 of the Municipal Act.
(5) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the metropolitan road system, without the prior written approval of the Metropolitan Corporation. 1974, c. 42, s. 6, part.

PART VII

METROPOLITAN TRANSPORTATION

98. In this Part,

(a) "Commission" means the Toronto Transit Commission established under this Part;

(b) "Former Commission" means The Toronto Transportation Commission. R.S.O. 1970, c. 295, s. 97.

99. The Toronto Transit Commission is continued with the powers, rights, authorities and privileges vested in it by this Act. R.S.O. 1970, c. 295, s. 98.

100.—(1) The Commission is a body corporate and shall consist of five members appointed by by-law of the Metropolitan Council.

(2) A member shall hold office until his successor is appointed, and, except in the case of the filling of a vacancy occurring during the term of office, a member shall be appointed for a term of three years.

(3) For the purpose of instituting a three-year term on a staggered basis, the Metropolitan Council may designate the terms of office of the members in office on the 30th day of April, 1963.

(4) The Metropolitan Council may provide that the Commission shall consist of not fewer than three members. R.S.O. 1970, c. 295, s. 99 (1-4).

(5) No person is eligible to be appointed as a member of the Commission unless that person is a resident of an area municipality. 1973, c. 171, s. 3.

(6) Notwithstanding subsection (2), where a member of the Metropolitan Council is appointed as a member of the Commission, he shall hold office for a term of three years.
mission he shall not be appointed for a term of office extending beyond his term of office on the Council, and he shall cease to be a member of the Commission upon ceasing to be a member of the Metropolitan Council.

Two-thirds vote

(7) No appointment of a member of the Commission shall be made except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting.

Re-appointment

(8) A member of the Commission is eligible for reappointment on the expiration of his term of office.

Vacancies

(9) Where the office of a member of the Commission becomes vacant during his term of office, the Metropolitan Council shall immediately appoint a member who shall hold office for the remainder of the term for which his predecessor was appointed.

Quorum

(10) A majority of the members of the Commission constitutes a quorum.

Remuneration

(11) The members of the Commission shall be paid such salary or other remuneration as may be fixed by by-law of the Metropolitan Council. R.S.O. 1970, c. 295, s. 99 (6-11).

Assets vested in Commission

101.—(1) On the 1st day of January, 1954, there is vested in the Commission,

(a) all the undertaking, assets and real and personal property, wherever situate, owned by, vested in or held by the Former Commission, including the capital stock of Gray Coach Lines Limited held by it;

(b) all real and personal property acquired or held by The Corporation of the City of Toronto for the purposes of or on behalf of the Former Commission;

(c) all real and personal property acquired or held by any area municipality in respect of any service furnished by the Former Commission to such municipality or any portion thereof.

Liabilities

(2) The Commission, on the 1st day of January, 1954, shall assume all liabilities of the Former Commission, and shall assume all liabilities of any area municipality incurred in respect of any property vested in the Former Commission under subsection (1).
(3) Subject to section 113, no compensation or damages shall be payable to the Former Commission or any area municipality in respect of any undertaking, assets and property vested in the Commission under this section.

(4) In the event of any doubt as to whether any particular asset or liability is vested in the Commission by this section, the Municipal Board, upon application, shall determine the matter and its decision is final and not subject to appeal.

(5) For the purposes of the Registry Act, the Land Titles Act, the Bills of Sale Act or any other Act affecting title to property, it is sufficient to cite this Act to show the transmission of title to the Commission and the vesting therein of any real or personal property or any interest therein, but, if an order has been made by the Municipal Board under subsection (4), the order shall be cited as well.

(6) The Former Commission is dissolved as of the 1st day of January, 1954.

(7) On or after the 1st day of January, 1954, the Commission in relation to the Toronto Transportation Commission Pension Fund Society, a corporation subject to Part V of the Corporations Act and incorporated by letters patent dated the 3rd day of January, 1940, shall stand in the place and stead of the Former Commission.

(8) The name of the said Toronto Transportation Commission Pension Fund Society is changed to “Toronto Transit Commission Pension Fund Society”. R.S.O. 1970, c. 295, s. 100.

102.—(1) The Commission may provide by contract with an insurer licensed under the Insurance Act or with an association registered under the Prepaid Hospital and Medical Services Act or with a corporation to be known as the Toronto Transit Commission Sick Benefit Association, to be established subject to the Co-operative Corporations Act, for weekly sick-pay, special service, medical and surgical benefits for employees or any class thereof of the Commission and their wives or husbands and dependent children and retired employees in accordance with this section and for paying the whole or part of the cost thereof.

(2) The Commission shall only make contributions in respect of,
(a) regular employees who have been employed for at least sixty days with the Commission and their wives or husbands and dependent children;

(b) retired employees who reside in Ontario and who elect to continue the benefits,

and shall not make contributions in respect of temporary or seasonal employees or dependants of regular employees other than wives or husbands and dependent children.

(3) Special service and medical and surgical benefits may be provided for dependants other than wives or husbands and dependent children of regular employees, and for dependants of retired employees, who so elect, provided the cost thereof shall be borne by such employees.

(4) Sick-pay benefits shall not be provided for other than active regular employees of the Commission.

(5) Weekly sick-pay in an amount greater than may be provided under the other provisions of this section may be provided for such employees who elect to bear the excess cost of such greater sick-pay.

(6) The Commission may assume the cost of the administration of the benefits provided under this section.

(7) The sick-pay, special service and medical and surgical benefits provided or to be provided before the 1st day of January, 1961, and contributions made in relation thereto by The Toronto Transportation Commission, the Toronto Transit Commission, the Toronto Transportation Commission Sick Benefit Association and the Toronto Transit Commission Sick Benefit Association are hereby confirmed and declared to be legal and valid. R.S.O. 1970, c. 295, s. 101.

103.—(1) Where the Former Commission has agreed with any area municipality or other municipality or person, or any two or more of them, for services to be provided by the Former Commission, the Commission shall, on the 1st day of January, 1954, assume all liabilities and is entitled to all benefits of the Former Commission under such agreement and the Former Commission is relieved of any liability thereunder.

(2) Notwithstanding subsection (1) and notwithstanding anything in any such agreement, the Municipal Board, upon the
application of the Commission or of any municipality or person who is a party to such agreement, may by order terminate or vary such agreement and adjust all rights and liabilities thereunder. R.S.O. 1970, c. 295, s. 102.

104. No further investment in the capital stock of Gray Coach Lines, Limited shall be made by the Toronto Transit Commission, nor shall the capitalization of Gray Coach Lines, Limited hereafter be increased until the consent of the Metropolitan Council is first obtained thereto. R.S.O. 1970, c. 295, s. 103.

105. On and after the 1st day of January, 1954, the Commission,

(a) shall consolidate and co-ordinate all forms of local passenger transportation within the Metropolitan Area, with the exception of steam railways and taxis, and shall plan for the future development of such transportation so as to serve best the inhabitants of the Metropolitan Area;

(b) has and may exercise, with respect to the entire Metropolitan Area, all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation which the Former Commission had with respect to any part of the Metropolitan Area on the 31st day of December, 1953;

(c) has and may exercise all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation systems heretofore or hereafter conferred upon or exercisable by the council or corporation of any area municipality, and such powers, rights, authorities and privileges shall not be exercised by any area municipality or its council or by the Metropolitan Corporation or the Metropolitan Council. R.S.O. 1970, c. 295, s. 104.

106.—(1) The Commission has, in particular, but not so as to restrict its general powers and duties, the following powers and duties:

(a) To construct, maintain, operate, extend, alter, repair, control and manage a local transportation system
within the Metropolitan Area by means of surface, underground or overhead railways, tramways or buses, or any other means of local transportation except steam railways and taxis.

(b) To establish new local passenger transportation services in the Metropolitan Area as and when required and to alter, curtail or abolish any services if the Commission considers it desirable so to do.

(c) If the Commission considers it desirable, to establish, construct, manage and operate parking lots for the parking of vehicles in connection with its local passenger transportation system, and to charge fees for parking therein.

(d) Subject to section 107, to fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.

(e) To purchase, lease, acquire and use any real or personal property for its purposes, but the Commission shall not acquire any property that is to be paid for by moneys raised on the issue of debentures of the Metropolitan Corporation unless the approval of the Metropolitan Council has first been obtained.

(f) To make requisitions upon the Metropolitan Corporation for all sums of money necessary to carry out its powers and duties, but nothing in this Act divests the Metropolitan Council of its authority with reference to providing the money required for such works, and when such money is provided by the Metropolitan Corporation the treasurer of the Metropolitan Corporation shall upon the certificate of the Commission pay out any money so provided.

(g) To engage in the business of providing consulting services in transit related matters within or outside the Metropolitan Area, either directly or through a subsidiary, provided that the investment by the Commission in the capital stock of the subsidiary, shall not exceed the sum of $100,000 without the consent of the Metropolitan Council. R.S.O. 1970, c. 295, s. 105 (1); 1980, c. 68, s. 2.
(2) The power of the Metropolitan Council to acquire land for the purposes of the Metropolitan Corporation includes the power to acquire land for the purposes of the Commission. R.S.O. 1970, c. 295, s. 105 (2).

107.—(1) Subject to the approval of the Municipal Board, the Metropolitan Corporation may contribute to the capital costs of the Commission.

(2) The Metropolitan Corporation may contribute to the cost of operating the transportation system operated by the Commission. R.S.O. 1970, c. 295, s. 106.

108.—(1) The Commission may enter into an agreement with any person, or with one or more area municipalities, or with one or more other municipalities situated within twenty-five miles of the Metropolitan Area, under which the Commission will operate a local passenger transportation service upon such terms as may be agreed upon, but every such agreement shall provide that any deficit in operations shall be paid by the person or municipality or municipalities, and if the agreement is with one or more municipalities the agreement shall provide that any surplus in operations shall be credited to the municipality or municipalities.

(2) Where an agreement is entered into under subsection (1) with one or more municipalities, the council of any such municipality may pass by-laws,

(a) providing that any deficit charged to the municipality shall be payable out of, and any surplus shall be credited to, the general funds of the municipality; or

(b) with the approval of the Municipal Board, providing that any deficit shall be assessed against, and any surplus shall be credited to, the rateable property in any area or areas of the municipality defined in the by-law. R.S.O. 1970, c. 295, s. 107.

109. In clauses 106 (1) (a) and (b) and in subsection 110 (1), "Metropolitan Area" shall be deemed to include the whole of Steeles Avenue where it is a boundary of an area municipality. R.S.O. 1970, c. 295, s. 108.

110.—(1) For the purposes of the Public Vehicles Act and the regulations with respect to registration fees under the Highway Traffic Act, the Metropolitan Area shall be deemed to be one urban municipality and, for the purpose of the
Public Commercial Vehicles Act, the Metropolitan Area shall be deemed to be one urban zone. R.S.O. 1970, c. 295, s. 109 (1).

(2) Except in accordance with an agreement made under subsection (3), no person other than the Commission shall, after the 1st day of July, 1954, operate a local passenger transportation service within the Metropolitan Area, with the exception of steam railways, taxis, horse-drawn vehicles used for the purpose of providing sightseeing tours, buses owned and operated by or operated pursuant to a contract with a board of education, school board or private school and buses owned and operated by any corporation or organization solely for the purposes of the corporation or organization provided no fare or fee is charged for transportation. R.S.O. 1970, c. 295, s. 109 (2); 1975, c. 22, s. 3.

(3) An agreement may be entered into between the Commission and any person legally operating a local public passenger transportation service wholly within or partly within and partly without the Metropolitan Area on the 1st day of January, 1954, under which such person may continue to operate such service or any part thereof for such time and upon such terms and conditions as such agreement provides.

(4) Where a local public passenger transportation service is legally operating wholly within the Metropolitan Area on the 1st day of April, 1953, and continues in operation, and will be required by subsection (2) to cease to operate within the Metropolitan Area on the 1st day of July, 1954, or upon the termination of an agreement made under subsection (3),

(a) the Commission may agree with the owner of the service, not later than one month before the date upon which the service will be required to cease to operate, to purchase the assets and undertaking used in providing the service; and

(b) if no agreement is entered into under clause (a), the assets and undertaking used in providing the service, not disposed of by the owner thereof before the date upon which the service is required to cease to operate, shall vest in the Commission on that date.

(5) Where a local public passenger transportation service is legally operating partly within and partly without the Metropolitan Area on the 1st day of April, 1953, and continues in operation, and will be required by subsection (2) to cease to operate within the Metropolitan Area on the 1st day of July, 1954, or upon the termination of an agreement made under subsection (3),

(a) the Commission may agree with the owner of the service, not later than one month before the date
upon which the service will be required to cease to operate within the Metropolitan Area, to purchase the assets and undertaking used in providing the entire service or to purchase the portion thereof that is allocated to the provision of the service within the Metropolitan Area; and

(b) if no agreement is entered into under clause (a), the portion of the assets and undertaking that is allocated to the provision of the service within the Metropolitan Area, not disposed of by the owner thereof before the date upon which the service is required to cease to operate, shall vest in the Commission on that date.

(6) Where the whole or a portion of the assets and undertaking used in or allocated to the provision of a local public passenger transportation service vests in the Commission, the Commission shall pay due compensation therefor to the owner thereof, based upon the value to the owner of the assets and undertaking used in providing the service where the service was operated wholly within the Metropolitan Area, and based upon the proportion of such value that is allocated to the provision of the service within the Metropolitan Area where the service was operated partly within and partly without the Metropolitan Area.

(7) The amount of any compensation payable under this section or any question of allocation, if not mutually agreed upon, shall be determined by the Municipal Board, and the decision of the Municipal Board on any question of allocation is final.

(8) The Commission shall be deemed to be a street railway company for the purposes of The Railways Act.

(9) Where a local public passenger transportation service operating partly within and partly without the Metropolitan Metropolitan Area and thereupon discontinues the portion of Area is required by subsection (2) to cease to operate within the its service beyond the Metropolitan Area, the Municipal Board may, on the application of any municipality, order the Commission to furnish a similar service upon such terms and conditions and to such extent as may be fixed by the Municipal Board.

(10) Where the Municipal Board orders the Commission to furnish a service under subsection (9), the Commission shall be deemed to have applied for an operating licence under the Public Vehicles Act, and the Ontario Highway Transport Board shall issue a certificate of public necessity and convenience, with respect thereto.
(11) Every person who contravenes any of the provisions of subsection (2) is guilty of an offence and on conviction is liable to a fine of $50 for the first offence and $300 for each subsequent offence. R.S.O. 1970, c. 295, s. 109 (3-11).

111. Immediately after the close of each calendar year, the Commission shall prepare, deliver to the Metropolitan Council, and publish,

(a) a complete audited and certified financial statement of its affairs, including revenue and expense account, balance sheet and profit and loss statement;

(b) a general report of its operations during that calendar year. R.S.O. 1970, c. 295, s. 110.

112.—(1) All claims, actions and demands arising from or relating to the construction, maintenance, operation, extension, alteration, repair, control and management of the Commission's transportation system and property, or arising from the exercise of any of the powers of the Commission, shall be made upon and brought against the Commission and not upon or against the Metropolitan Corporation or any area municipality.

(2) The Commission may sue and be sued in its own name. R.S.O. 1970, c. 295, s. 111.

113.—(1) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by that area municipality in respect of any property vested in the Commission under subsection 101 (1) or issued by that area municipality for or on behalf of the Former Commission.

(2) The Commission shall pay to the Metropolitan Corporation, before the date mentioned in subsection (1), the amount which the Metropolitan Corporation is liable to pay on that date under subsection (1). R.S.O. 1970, c. 295, s. 112 (1, 2).

(3) If the Metropolitan Corporation fails to make any payment as required by subsection (1), or if the Commission fails to make any payment as required by subsection (2), the area municipality may charge the Metropolitan Corporation, or the Metropolitan Corporation may charge the Commission, as the case may be, interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality or the Metropolitan Council determines, from the date payment is due until it is made. 1979, c. 64, s. 9.
(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under subsection 101 (1) or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 295, s. 112 (4).

114. The Metropolitan Council may expend moneys and make grants to the Commission in such amounts and on such terms and conditions as the Council may consider appropriate to meet the cost of providing transportation free of charge or at a reduced rate for persons resident in the Metropolitan Area who are sixty-five years of age or over, or for any class or classes of such persons. R.S.O. 1970, c. 295, s. 114.

115.—(1) So long as any lands and easements owned by the Metropolitan Corporation or by the Commission are used by the Commission for the purpose of a subway or other rapid transit or as car yards or shops for or in connection with such subway or other rapid transit, such lands and easements and buildings and structures thereon so owned and used are exempt from business and real property taxation, and the Commission is not liable for payments in lieu thereof under section 26 of the Assessment Act. R.S.O. 1980, c. 31

(2) Subsection (1) does not apply to concessions operated, rented or leased in subway or rapid transit stations.

(3) The exemption provided by subsection (1) shall be deemed to be an exemption from taxation provided by section 3 of the Assessment Act. R.S.O. 1970, c. 295, s. 115.

PART VIII
EDUCATION

116. In this Part,

(a) "Minister" means the Minister of Education;

(b) "Ministry" means the Ministry of Education;

(c) "regulations" means regulations made under the Education Act;

(d) "resident pupils" means pupils,
Sec. 116(rf) (i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers, within the limits of a secondary school district for secondary school purposes, or a school section for public school purposes, within the Metropolitan Area, but does not include pupils residing with their parents or guardians on land that is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for secondary school purposes or public school purposes, respectively, in the secondary school district or school section;

(e) "School Board" means The Metropolitan Toronto School Board. R.S.O. 1970, c. 295, s. 116; 1972, c. 1, ss. 1, 61 (2, 7).

117. Each area municipality is a secondary school district and is deemed to be an urban school section. R.S.O. 1970, c. 295, s. 117.

118.—(1) On and after the 1st day of January, 1967, there shall be a board of education for each area municipality, to be known respectively as,

(a) The Board of Education for the Borough of East York;

(b) The Board of Education for the Borough of Etobicoke;

(c) The Board of Education for the City of North York;

(d) The Board of Education for the Borough of Scarborough;

(e) The Board of Education for the City of Toronto; and

(f) The Board of Education for the Borough of York. R.S.O. 1970, c. 295, s. 118 (1); 1979, c. 90, s. 2.

(2) The number of members to be elected by public school electors to the boards of education,
(a) for the City of Toronto and for the boroughs of
Etobicoke and East York shall be two in each ward of
the city or borough, as the case may be;

(b) for each of the other area municipalities shall be one
in each ward of the area municipality. 1972, c. 54, s. 2.

(3) Nothing in subsection (2) prevents the changing of the com-
Application
position of a board of education and the election of the members
R.S.O. 1980, c. 129
thereof in accordance with the provisions of the Education

(4) The members of such boards of education shall hold
Term of
office for a two-year term and until their successors are
elected or appointed and a new board organized. R.S.O.
office
1970, c. 295, s. 118 (4); 1972, c. 168, s. 3.

(5) On the day on which each such new board of educa-
Dissolution
tion holds its first meeting,
boards of

(a) the board or boards of education having jurisdiction
education
in the area municipality for which such new board
of education is established are dissolved; and

(b) all the assets and liabilities of the former board or
assets and
boards of education are assets and liabilities of such
liabilities of
new board of education. R.S.O. 1970, c. 295,
new board
s. 118 (5).

119.—(1) The provisions of the Education Act and the regu-
Application
lations that are not inconsistent with this Act apply to the boards
of R.S.O. 1980,
of education referred to in subsection 118 (1), and, so far as such
Act. c. 129
provisions are inconsistent with this Act, they do not apply to such
boards of education. 1978, c. 45, s. 1 (1).

(2) Each such board of education has all the powers,
Powers and
duties conferred and imposed upon it by
any general or special Act and regulations made thereunder
that are not inconsistent with the provisions of this Act,
that apply to them. R.S.O. 1970, c. 295, s. 119 (2).

(3) Each such board of education may borrow money under
Borrowing
powers section 217 of the Education Act only with the approval of the
Metropolitan Council on the recommendation of the School
Board. R.S.O. 1970, c. 295, s. 119 (3); 1978, c. 45, s. 1 (3).
(4) Each such board of education shall have a director of education appointed under Part X of the Education Act, and he shall also be the secretary and treasurer of such board. R.S.O. 1970, c. 295, s. 119 (4); 1978, c. 45, s. 1 (4).

(5) An employee of a board of education in the Metropolitan Area or of the School Board is not eligible to be a member of any board of education in the Metropolitan Area. R.S.O. 1970, c. 295, s. 119 (5).

120. The first meeting of each such board of education after a regular election shall be held not later than the seventh day following the day on which the terms of office of the elected members commence at such place and time as the board may determine. 1978, c. 45, s. 2.

121.—(1) The Metropolitan School Board is continued a corporation under the name of The Metropolitan Toronto School Board with the powers and duties and for the purposes set out in this Act. R.S.O. 1970, c. 295, s. 121 (1).

(2) On and after the 1st day of December, 1980, the School Board, subject to subsection (6), shall be composed of the chairman of each board of education in the Metropolitan Area and,

(a) one member of and appointed by The Board of Education for the Borough of Etobicoke;

(b) three members of and appointed by The Board of Education for the City of North York;

(c) three members of and appointed by The Board of Education for the Borough of Scarborough;

(d) five members of and appointed by The Board of Education for the City of Toronto; and

(e) three members appointed by the Metropolitan Separate School Board who may be members of such board. 1980, c. 42, s. 1.

(3) The Board of Education for the Borough of East York, The Board of Education for the Borough of Etobicoke and The Board of Education for the Borough of York may each appoint one of its members as an alternate member of the School Board, and such alternate member may attend the meetings of the School Board and of its committees, but shall not vote or otherwise participate in the meetings of
the School Board or of its committees except in the absence of the chairman of the board of education to which such member belongs or of the member appointed in place of the chairman under subsection (6). R.S.O. 1970, c. 295, s. 121 (3); 1972, c. 54, s. 4 (2).

(4) The appointment of members of a board of education as members of the School Board shall be made at the first meeting of the board of education in each year after elections have been held in the area municipalities.

(5) At the first meeting of the School Board in each year, at which a quorum is present, the School Board shall elect as chairman one of its members to hold office for that year and until his successor is elected in accordance with this section. R.S.O. 1970, c. 295, s. 121 (4, 5).

(6) A member of a board of education for an area municipality who is,

(a) elected by separate school supporters; or

(b) appointed, in the case of a vacancy, by the remaining members elected to the board of education by separate school supporters or by the Metropolitan Separate School Board,

is not eligible to be a member of the School Board and, where such member is the chairman of the board of education, the board of education shall appoint in his stead another member thereof as a member of the School Board.

(7) No person employed by the School Board is eligible to be a member of the School Board. 1972, c. 54, s. 4 (3).

122.—(1) The first meeting of the School Board after a regular election shall be held after the boards of education for the area municipalities have held their first meetings, but in any event, not later than the fourteenth day following the day on which the terms of office of the members of such boards of education commence, at such place and time as may be fixed by resolution of the School Board. 1978, c. 45, s. 3.

(2) At the first meeting of the School Board in each year after elections have been held in the area municipalities, at which a quorum is present, the members present shall select a member to preside, and the person so selected may vote as a member, and the School Board shall organize as a board. R.S.O. 1970, c. 295, s. 122 (2).
(3) A person entitled to be a member of the School Board under subsection 121 (2) or (6) or an alternate member of the School Board under subsection 121 (3) shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the secretary of the board of education of which he is the chairman or by which he was appointed, or of the Metropolitan Separate School Board, as the case may be, and under the seal of such board certifying that he is entitled to be a member or an alternate member, as the case may be. R.S.O. 1970, c. 295, s. 122 (3); 1972, c. 54, s. 5.

(4) No business shall be proceeded with at the first meeting until after the certificates mentioned in subsection (3) have been filed by all the members who present themselves for that purpose.

(5) The School Board shall be deemed to be organized when the certificates have been filed by at least nine members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to file such certificate. R.S.O. 1970, c. 295, s. 122 (4, 5).

123. Subject to section 122, all meetings of the School Board shall be held at such places within the Metropolitan Area and at such times as the School Board from time to time appoints. R.S.O. 1970, c. 295, s. 123.

124.—(1) Eight members of the School Board are necessary to form a quorum when the School Board is dealing with matters that affect public schools exclusively and ten members of the School Board are necessary to form a quorum in all other cases, and the concurring votes of a majority of the members of the School Board present who are entitled to vote on any matter are necessary to carry such matter.

(2) Each member of the School Board has one vote only. R.S.O. 1970, c. 295, s. 124 (1, 2).

(3) A member of the School Board appointed by the Metropolitan Separate School Board shall not vote or otherwise take part in any of the proceedings of the School Board exclusively affecting the public schools. R.S.O. 1970, c. 295, s. 124 (3); 1972, c. 54, s. 6.

125.—(1) The members of the School Board appointed by boards of education shall hold office while they are members of their respective boards of education and until their successors take office and a new School Board is organized, provided that, if, as the result of a change in the chairman-
ship of a board of education, a member of the board of education who is also a member of the School Board becomes chairman of such board of education, his seat on the School Board, otherwise than as chairman of the board of education, becomes vacant, and another member of the board of education shall be appointed to fill the vacancy. R.S.O. 1970, c. 295, s. 125 (1).

(2) The members of the School Board appointed by the Metropolitan Separate School Board, shall hold office for two years and until their successors are appointed. R.S.O. 1970, c. 295, s. 125 (2); 1972, c. 89, s. 3.

126.—(1) When a vacancy occurs in the office of chairman, the School Board shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect as chairman one of its members to hold office for the remainder of the term of his predecessor.

(2) When a vacancy occurs in the office of an appointed member, other than a member appointed by the Metropolitan Separate School Board, the board of education of which he was a member shall, within fifteen days after the vacancy occurs, appoint his successor from among its members to hold office for the remainder of the term of his predecessor.

(3) When a vacancy occurs in the office of a member appointed by the Metropolitan Separate School Board, that board shall, within fifteen days after the vacancy occurs, appoint his successor to hold office for the remainder of the term of his predecessor.

(4) Where the chairman of the School Board is a member of a board of education, he may resign his office as chairman without resigning from such board of education.

(5) The seat of a member of the School Board shall become vacant if he absents himself from the meetings of the School Board for three consecutive months without being authorized so to do by a resolution of the School Board entered upon its minutes, and the School Board shall forthwith declare the seat to be vacant. R.S.O. 1970, c. 295, s. 126.

127.—(1) It is the duty of the School Board and it has power,

(a) to require each board of education within the Metropolitan Area to prepare and submit to the School Board, from time to time as the School Board may prescribe, its proposals and recommendations with
respect to the provision of adequate public elementary and secondary school accommodation within its jurisdiction, and the estimated cost thereof;

(b) to review and consolidate all such proposals, in consultation with the boards of education, the Ministry and the Metropolitan Council and their respective officials, and to prepare and revise from time to time a composite proposal and the recommendations of the School Board for the provision of adequate public elementary, academic secondary and vocational secondary school accommodation for the Metropolitan Area as a whole;

(c) to submit to the Metropolitan Council from time to time the composite proposal referred to in clause (b), together with all relevant information with respect thereto;

(d) notwithstanding the provisions of this or any other Act, to review and to determine, in consultation with the respective boards of education, the boundaries of the attendance areas for those public elementary and secondary schools in the Metropolitan Area that are to be attended by resident pupils from more than one school section or secondary school district;

(e) to appoint a director who holds a certificate of qualification as a supervisory officer, who shall be secretary-treasurer of the School Board, and such other officers and staff as may be considered expedient for the purposes of the School Board, to pay their salaries and, subject to the regulations, to prescribe their duties, and to provide and pay for office accommodation, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of officers and members of the School Board, if authorized by the School Board;

(f) if considered expedient, to pay to each member an allowance in such amount as may be determined by the School Board for each kilometre necessarily travelled by him in going to the meetings of the School Board from his home and in returning to his home, and to pay to each member who is a member of a board of education an allowance not exceeding $2,400 per annum and to each member appointed by the Metropolitan Separate School Board an
allowance not exceeding $1,200 per annum, and to the chairman of the School Board an additional allowance not exceeding one-third of the allowance paid to him as a member of the School Board;

(g) to prepare, adopt and submit each year to the Metropolitan Council, on or before such date and in such form as the Metropolitan Council may prescribe, the estimates of the School Board for the current year, separately for public elementary and for secondary school purposes, of all sums required to meet its expenditures and obligations under this Act, and such estimates,

(i) shall set forth the estimated revenues and expenditures of the School Board,

(ii) shall make due allowance for a surplus of any previous year that will be available during the current year,

(iii) shall provide for a deficit of a previous year,

(iv) shall provide for the amounts of principal and interest payable during the current year in respect of all outstanding debentures issued for school purposes,

(v) may provide for expenditures to be made out of current funds for permanent improvements as defined in paragraph 34 of subsection 1 (1) of the Education Act, provided that the expenditures for permanent improvements referred to in subparagraphs 1, 2 and 3 of paragraph 33 of subsection 1 (1) of that Act do not exceed,

(A) for secondary school purposes, an amount that would increase the sum that would be required to be raised for such purposes by levy on assessment in the Metropolitan Area if no such provision for expenditures were made by an amount calculated at two mills in the dollar upon the total assessment in the Metropolitan Area, and
(B) for public school purposes, an amount that would increase the sum that would be required to be raised for such purposes by levy on assessment in the Metropolitan Area if no such provision for expenditures were made by an amount calculated at two mills in the dollar upon the assessment in the Metropolitan Area rateable for public school purposes, according to the last revised assessment rolls. R.S.O. 1970, c. 295, s. 127; 1972, c. 1, s. 1; 1978, c. 87, s. 42 (4); 1979, c. 90, s. 4.

(2) The School Board may,

(a) include in its estimates a sum for expenditures by or on behalf of one or more boards of education within the Metropolitan Area without designating such board or boards and, when such board or boards have been designated, pay amounts from such sum to or on behalf of such board or boards;

(b) hold conferences with members and officers of the boards of education for the area municipalities and pay all or part of the costs incurred in connection with such conferences including all or part of the expenses of members and officers of the School Board and of the boards of education for the area municipalities; and

(c) authorize the destruction of documents in accordance with the Education Act. 1972, c. 54, s. 7.

R.S.O. 1980, c. 129

Auditors for school board, etc. 128. Section 207 of the Education Act applies with necessary modifications to the School Board as if it were a divisional board of education. 1972, c. 54, s. 8.

Interpretation 129.—(1) In this section, “sub-system” means an identifiable, predesigned, physically integrated, co-ordinated series of parts that function as a unit of the construction of a building. R.S.O. 1970, c. 295, s. 128 (1).

Sub-systems (2) Where one or more boards of education within the Metropolitan Area have agreed to participate with the School
Board in a unified school building construction program, the School Board has power,

(a) to enter into contracts with persons for the production of sub-systems to be used in the construction of schools by such boards of education and to give commitments to such persons that the sub-systems that they contract to produce will be used in the construction of a minimum of square metres of school building construction;

(b) to enter into contracts with persons for the performance of work or services or for the placing or furnishing of materials upon or in respect of such school building construction;

(c) to require such boards of education to construct the school buildings necessary to fulfil commitments given by the School Board and to use in constructing such buildings the sub-systems, services and materials of the persons with whom the School Board has entered into contracts; and

(d) to supervise and control the programming and integration of the construction of such school buildings.

R.S.O. 1970, c. 295, s. 128 (2); 1978, c. 87, s. 42 (5).

130.—(1) Section 155, 156 and 158 of the Education Act apply with necessary modifications to the School Board.

(2) Where the School Board employs or has employed a person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purpose of any pension plan of such board of education, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the board of education, until the School Board has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.

(3) Until such election, the School Board shall deduct by instalments from the remuneration of the employee the amount that such employee is required to pay in accordance with the provisions of the plan of the board of education, and the School Board shall pay to the board of education in instalments,
(a) the amounts so deducted; and

(b) the future service contributions payable under the plan by the board of education.

(4) Where the School Board employs or has employed a person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purposes of any sick leave credit plan of such board of education until the School Board has established a sick leave credit plan for its employees, whereupon the School Board shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the board of education. R.S.O. 1970, c. 295, s. 129.

131.—(1) The Metropolitan Corporation shall pay to the School Board, in monthly instalments, the moneys required by the School Board as shown in its estimates submitted under clause 127 (g), except the moneys required for the purposes of subclauses (iv) and (v) of such clause, and the moneys required for the purposes of such subclause (v) shall be paid to the School Board from time to time as required.

(2) The School Board shall pay to each board of education in the Metropolitan Area, in monthly instalments, the moneys required by such board of education as shown in its estimates approved by the School Board, except moneys approved for permanent improvements, which shall be paid to such board of education from time to time as required, but the total of such monthly payments shall be reduced by the amounts, if any, that are deducted from the legislative grants for payment to the Teachers' Superannuation Fund and the Canada Pension Plan on behalf of the teachers employed by that board of education. R.S.O. 1970, c. 295, s. 130.

132.—(1) The special and general legislative grants, which but for this Act would be payable to boards of education in the Metropolitan Area, shall be calculated as provided in the regulations.

(2) The special and general legislative grants, except those paid to boards of education under subsection (3), shall be paid to the School Board. R.S.O. 1970, c. 295, s. 131 (1, 2).

(3) The legislative grants in respect of expenditures made by a board of education for the construction of classrooms to the
extent that such expenditures were approved by the Minister and raised entirely by levies under subsection 133 (5) in the area municipality in which such board of education has jurisdiction, shall be paid to the board of education. R.S.O. 1970, c. 295, s. 131 (3); 1972, c. 54, s. 9.

133.—(1) Each board of education in the Metropolitan Area, instead of submitting to a municipal council its annual estimates as provided by law, shall prepare, adopt and submit each year to the School Board, on or before such date and in such form as the School Board may prescribe, its estimates for the current year, separately for public elementary and for secondary school purposes, of all sums required during the year for the purposes of the board of education, and such estimates,

(a) shall set forth the estimated revenues and expenditures of the board of education;

(b) shall make due allowance for a surplus of any previous year that will be available during the current year;

(c) shall provide for a deficit of any previous year;

(d) may provide for expenditures to be made out of current funds for permanent improvements.

(2) Upon receipt by the School Board of the estimates of all the boards of education in the Metropolitan Area, the School Board shall consider the estimates, having regard to the limit upon the amount that it may include in its estimates for expenditures for permanent improvements out of current funds, and approve such estimates in whole or in part, and shall notify each such board of education of the extent to which its estimates have been approved by the School Board.

(3) In considering such estimates, the School Board shall endeavour to provide for all boards of education in the Metropolitan Area, having regard to their varying needs, the funds necessary for an educational program throughout the Metropolitan Area.

(4) If the estimates of a board of education are not approved in whole by the School Board, the board of education may submit to the council of the area municipality in which it has jurisdiction, within twenty days after notice is given under sub-
section (2), its estimates made up as provided for in subsection (1), except that such estimates shall include and make due allowance for the revenues to be derived from the School Board pursuant to the estimates approved by the School Board, provided that, before submitting such estimates to the council, the board of education shall revise the estimates, if necessary, so that the difference between,

(a) the aggregate estimates of all sums required for public elementary school purposes and the aggregate of the revenues for such purposes to be derived from the School Board pursuant to the estimates approved by the School Board shall not exceed a sum calculated at one and one-half mills in the dollar upon the total assessment in the area municipality for public school purposes according to the last revised assessment roll; and

(b) the aggregate estimates of all sums required for secondary school purposes and the aggregate of the revenues for such purposes to be derived from the School Board pursuant to the estimates approved by the School Board shall not exceed a sum calculated at one mill in the dollar upon the total assessment in the area municipality for secondary school purposes according to the last revised assessment roll.

(5) The council of each area municipality shall levy and collect each year and transfer to the board of education for that area municipality from time to time as required, but not later than the 15th day of December, such sums as may be required by the board of education for its purposes during the year in accordance with its estimates submitted to the council under subsection (4).

(6) The amount required to be raised by the council of each area municipality under subsection (5),

(a) for public school purposes, shall be raised by levy upon the whole rateable property rateable for public school purposes; and

(b) for secondary school purposes, shall be raised by levy upon the whole rateable property rateable for secondary school purposes,

within the area municipality according to the last revised assessment roll thereof.
Sec. 134 (1) MUNICIPALITY OF METRO. TORONTO Chap. 314

(7) If the estimates of a board of education are not approved in whole by the School Board, the board of education may, within fifteen days after notice is given under subsection (2), appeal to the Municipal Board, provided that any amount in issue in such an appeal shall not be included in its estimates under subsection (4).

(8) The Municipal Board shall conduct a public hearing of every such appeal upon such notice as it considers proper and may dismiss the appeal or may by order require the School Board to provide additional funds to the board of education to an extent not exceeding the amounts in issue in such appeal, and, in considering any such appeal, the Municipal Board shall have regard amongst other things to the matters referred to in subsections (2) and (3).

(9) If an order of the Municipal Board requiring the School Board to provide additional funds to a board of education,

(a) is issued in any year before the estimates of the School Board for such year are submitted to the Metropolitan Council, the School Board shall include in its estimates for that year the amount required to be paid pursuant to the order; or

(b) is issued in any year after the estimates of the School Board for such year are submitted to the Metropolitan Council, the Metropolitan Council shall advance to the School Board the amount required to be paid pursuant to the order and may borrow money from time to time by way of promissory note for such purpose, and the School Board shall include in its estimates for the next succeeding year the amount required to repay such advance and the interest charges on any amounts borrowed by the Metropolitan Council for the purpose of making such advance.

(10) The Municipal Board may issue an order under subsection (8) upon such terms and conditions, including terms and conditions with respect to the use of the funds to be paid to the board of education thereunder, as the Municipal Board considers appropriate. R.S.O. 1970, c. 295, s. 132.

134.—(1) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to each area munici-
pality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality for public or secondary school purposes. R.S.O. 1970, c. 295, s. 133 (1).

(2) If the Metropolitan Corporation fails to make any payments as required by subsection (1), the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. 1979, c. 64, s. 10.

(3) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for public or secondary school purposes, the Municipal Board, upon application, may determine the matter, and its decision is final. R.S.O. 1970, c. 295, s. 133 (3).

135.—(1) All real property in that portion of the Township of Pickering annexed to The Corporation of the Borough of Scarborough under subsection 150 (2) vested in The Ontario County Board of Education on the 31st day of December, 1973, is vested in The Board of Education for the Borough of Scarborough.

(2) No compensation shall be payable by The Board of Education for the Borough of Scarborough, but on or after the 1st day of January, 1974, the Metropolitan Corporation shall pay to The Corporation of the Town of Pickering before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued in respect of any property vested in The Board of Education for the Borough of Scarborough under subsection (1), and The Corporation of the Town of Pickering shall reimburse the Borough of Scarborough for the amount of any payments made by the Borough of Scarborough to The Corporation of the Town of Pickering in respect of such debentures.

(3) All amounts of principal and interest becoming due in respect of the debentures referred to in subsection (2) shall be included in the estimates of the School Board under subclause 127 (1) (g) (iv) and shall be repaid by levies against all the area municipalities. 1974, c. 114, s. 3.

136. Notwithstanding any order of the Municipal Board or any debenture by-law passed pursuant thereto, all amounts of principal and interest becoming due on and after the 1st day of January, 1967, with respect to any debentures issued
for public or secondary school purposes by the Metropolitan Corporation since the 1st day of January, 1954, or issued hereafter, shall be repaid by levies against all the area municipalities. R.S.O. 1970, c. 295, s. 134.

137.—(1) Notwithstanding the provisions of this or any other Act, no board of education in the Metropolitan Area, 

(a) shall discontinue the operation and maintenance of any school under its jurisdiction; or 

(b) shall sell, lease or otherwise dispose of any school site or school building, or any item of school property the cost of which was financed in whole or in part by the issue of debentures, 

without the approval of the School Board. 

(2) Where a board of education sells, leases or otherwise disposes of any school site or school building in accordance with clause (1) (b), it shall pay the proceeds of such sale to the School Board. 

(3) The School Board shall use the proceeds of the disposal of property paid to it under subsection (2) only for permanent improvements, 

(a) if such property was used for public school purposes, for public school purposes; or 

(b) if such property was used for secondary school purposes, for secondary school purposes. R.S.O. 1970, c. 295, s. 135. 

138. A board of education with the approval of the School Board may transfer property that was acquired for public school purposes to secondary school purposes or vice versa, and, where property is so transferred, the transfer shall be made effective on the 1st day of January in any year and the principal and interest on any debentures issued with respect to such property to be raised in that year and subsequent years by levy shall be raised by levy on the whole rateable property rateable for the purposes to which such property is transferred. R.S.O. 1970, c. 295, s. 136. 

139.—(1) Where a board of education in the Metropolitan Area desires that the sums required for permanent
improvements as defined in paragraph 34 of subsection 1(1) of the Education Act shall be raised by the issue and sale of debentures, it may apply to the School Board and it shall at the same time deliver a copy of such application to the clerk of the Metropolitan Corporation.

(2) The application shall state the purpose of the proposed borrowing, the nature and the estimated cost of the proposed work or project.

(3) The School Board, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and the secretary of the School Board shall forward a certified copy of its resolution in respect of the application to the secretary of the applicant board of education and to the clerk of the Metropolitan Corporation.

(4) A board of education in the Metropolitan Area may renovate any school buildings under its jurisdiction and the same shall be deemed permanent improvements for the purposes of this Act. R.S.O. 1970, c. 295, s. 137.

140.—(1) The Metropolitan Council, after the application referred to in section 139 has been dealt with by the School Board, shall consider and approve or disapprove the application, and the clerk of the Metropolitan Corporation shall thereupon give notice of the decision of the Metropolitan Council to the secretary of the applicant board of education and to the secretary of the School Board.

(2) If the Metropolitan Council approves the application, it shall apply to the Municipal Board for its approval under section 64 of the Ontario Municipal Board Act and, if the Municipal Board approves, the Metropolitan Council shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures of the Metropolitan Corporation for the purposes stated in the application.

(3) Where the Metropolitan Council disapproves the application, the applicant board of education or the School Board may appeal to the Municipal Board for an order requiring the Metropolitan Council to pass a by-law for borrowing money by the issue and sale of debentures for the purpose or purposes stated in the application.
(4) The Municipal Board shall conduct a public hearing of every such appeal upon such notice as it considers proper, and may dismiss the appeal or may by order require the Metropolitan Council to pass the by-law mentioned in subsection (3), and the decision of the Municipal Board on such appeal is final. R.S.O. 1970, c. 295, s. 138.

141.—(1) At the request of the School Board, an application may be made by the Metropolitan Council to the Municipal Board for approval by the Municipal Board of expenditures and the borrowing of money and the issuing of debentures for the undertaking of any permanent improvements as defined in paragraph 34 of subsection 1 (1) of the Education Act or in subsection 139 (4) of this Act without specifying particular sites and projects, and the Municipal Board may dismiss the application or may approve part or all thereof, provided that no board of education in the Metropolitan Area shall make any commitment for the acquisition of a site or the undertaking of a project to be financed under an order of the Municipal Board made on such an application until the School Board has approved the cost of such acquisition or undertaking and the treasurer of the Metropolitan Corporation has certified that funds can be provided under such order in payment thereof.

(2) In any order made under this section, the Municipal Board may impose such terms and conditions as it may see fit and may permit preliminary expenditures by a board of education in the Metropolitan Area, including expenditures for the preparation of surveys, architects’ plans, appraisals and other expenditures that may be necessary for the calling of tenders, prior to the approval of the School Board and the certificate of the treasurer referred to in subsection (1).

(3) The approval of the Municipal Board provided for in this section shall be deemed to be the approval of the Municipal Board required by section 64 of the Ontario Municipal Board Act and sections 139 and 140 of this Act for any site acquired or project carried out under and in accordance with such order. R.S.O. 1970, c. 295, s. 139.

142.—(1) If it appears to the School Board that the erection of a school for pupils from more than one school section or secondary school district in the Metropolitan Area is or will be desirable, the School Board may acquire land for the school site by purchase or otherwise or by expropriation.
Borrowing

(2) The Metropolitan Council may borrow money at the request of the School Board for the purpose of acquiring land under subsection (1), and the School Board shall pay the interest charges on the amount borrowed as they fall due and shall repay the principal sum within five years from the date it was made available to it.

Transfer to board of education

(3) Upon being reimbursed for all expenses, including interest charges on money borrowed under subsection (2), actually incurred in acquiring and holding the land less any revenue received therefrom, the School Board may convey the land to a board of education having jurisdiction in one of the school sections or secondary school districts from which pupils will attend the school when erected.

Disposition

(4) The School Board may sell land acquired under subsection (1) if it appears to the School Board that such land will not be required for the erection of a school and may lease or rent such land at any time if it appears to the School Board that it is not immediately so required. R.S.O. 1970, c. 295, s. 142.

143.—(1) Nothing in this Act affects any public school board or public school section within the Metropolitan Area heretofore or hereafter established by the Minister under section 70 of the Education Act or any secondary school board or secondary school district within the Metropolitan Area hereafter established by the Minister under subsection 70 (2) of the Education Act.

Application of R.S.O. 1980, c. 494

144.—(1) A board of education in the Metropolitan Area shall not admit to a secondary school operated by it any pupil who is not a resident pupil without prior approval of the School Board.

(2) Where a child,

(a) who is a ward in the care of The Metropolitan Toronto Children's Aid Society or whose mother is his sole support; and

(b) who has the right to attend a public or secondary school in an area municipality without payment of a fee,
resides in the Metropolitan Area, he has the same right to attend a school without payment of a fee as he would have if his residence was that of his parents or guardians, and, if he does so attend, he shall be deemed for all purposes to be a resident pupil of the school section or secondary school district in which he resides.

(3) Where a child,

(a) who is a ward in the care of The Metropolitan Toronto Catholic Children’s Aid Society or whose mother is his sole support; and

(b) who has the right to attend a secondary school in an area municipality without payment of a fee,

resides in the Metropolitan Area, he has the same right to attend a secondary school without payment of a fee as he would have if his residence was that of his parents or guardians, and, if he does so attend, he shall be deemed for all purposes to be a resident pupil of the secondary school district in which he resides. R.S.O. 1970, c. 295, s. 142.

145.—(1) The council of any area municipality may grant aid to the board of education for the area municipality to pay in whole or in part for the construction by the board of education of indoor or outdoor swimming pools on the property of the board of education.

(2) An area municipality and the board of education thereof may enter into agreements with respect to the construction, control, operation, maintenance and repair of such swimming pools and with respect to the operation and use of such swimming pools, except during school hours, by the area municipality.

(3) The council of an area municipality may charge fees for the use of or admission to such swimming pools while the operation and use of the pools is under the control of the area municipality.

(4) The Metropolitan Corporation may issue debentures for the purposes of any undertaking under this section. R.S.O. 1970, c. 295, s. 143.
146. Insurance placed by a board of education on its property shall be deemed to have been placed on its own behalf and on behalf of the School Board, and any proceeds of such insurance shall,

(a) if requested by the School Board, be paid to the School Board; and

(b) be used in the manner provided in subsection 137 (3). R.S.O. 1970, c. 295, s. 144.

PART IX

REGIONAL LIBRARY BOARD

147. In this Part,

(a) "area board" means a public library board established for an area municipality;

(b) "Library Board" means the Metropolitan Toronto Library Board. R.S.O. 1970, c. 295, s. 145.

148.—(1) The regional library board, which is a corporation, under the name of "Metropolitan Toronto Library Board", is continued and shall be composed of,

(a) one person appointed by the council of each area municipality who shall be a resident in the area municipality and who may be a member of a public library board;

(b) the chairman of the Metropolitan Council;

(c) one person appointed by The Metropolitan Toronto School Board who shall be a resident in the Metropolitan Area;

(d) one person appointed by the Metropolitan Separate School Board who shall be a resident in the Metropolitan Area; and
(e) two persons appointed by the Metropolitan Council who shall be residents in the Metropolitan Area. R.S.O. 1970, c. 295, s. 146 (1); 1972, c. 89, s. 4.

(2) Appointments of members of the Library Board shall be made in the month of January, 1967, and in the month of January in every third year thereafter.

(3) The appointed members of the Library Board shall hold office for a three-year term and until their successors are appointed.

(4) Vacancies arising from any cause shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

(5) The chairman of the Metropolitan Council may designate any member of the Metropolitan Council to be his delegate at any or all of the meetings of the Library Board.

(6) The Library Board, from among its members, shall elect a chairman and may elect a vice-chairman, and a majority of the members of the Library Board constitutes a quorum.

(7) Except as otherwise provided in this Act, the Library Board with respect to the Metropolitan Area shall be deemed to be a board of a regional library system under the Public Libraries Act and may make grants in aid of capital or current expenditures to any area board for the provision of central or regional reference library services.

(8) The Library Board shall submit annually to the Metropolitan Council an estimate of its financial requirements for the year, and the Metropolitan Council may amend such estimate and shall pay to the Library Board out of the moneys appropriated for the Library Board such amounts as may be requisitioned from time to time. R.S.O. 1970, c. 295, s. 146 (2-8).

(9) The Library Board may,

(a) with the approval of the Metropolitan Council, acquire by purchase, lease or otherwise any land required for its purposes and sell, lease or otherwise
dispose of any land or buildings when no longer required for its purposes; and

(b) erect, maintain and repair buildings on its lands and make additions to or alterations of such buildings and may, with the approval of the Metropolitan Council, acquire or erect on its land, buildings larger than are required for library or branch library purposes, and may lease any parts of the buildings not so required, and shall be deemed to have always had such powers. R.S.O. 1970, c. 295, s. 146 (9); 1974, c. 114, s. 4.

(10) The power of the Metropolitan Corporation to acquire land for the purposes of the Metropolitan Corporation includes the power to acquire land for the purposes of the Library Board.

(11) All claims, actions and demands arising from or relating to the operations of the Library Board or the exercise of any of its powers shall be made upon and brought against the Library Board and not upon or against the Metropolitan Corporation.

(12) The Library Board may sue and be sued in its own name. R.S.O. 1970, c. 295, s. 146 (10-12).

149.—(1) At the request of the Library Board, the Metropolitan Council may, after the 1st day of January, 1967, pass by-laws assuming on behalf of the Library Board any land or building that the Library Board requires for its purposes that is vested on the 31st day of March, 1966, in any area municipality or area board and that is used on such day for public library purposes, and on the day any such by-law becomes effective the property designated therein vests in the Library Board.

(2) No area municipality or area board, after the 31st day of March, 1966, shall, without the consent of the Metropolitan Council until the Library Board is organized and thereafter without the consent of the Library Board, sell, lease or otherwise dispose of or encumber any land or building that is used for public library purposes.

(3) Where any part of a building mentioned in subsection (1) is used by the area municipality or area board for pur-
poses other than those for which the Library Board was established, the Metropolitan Council may, at the request of the Library Board,

(a) where practicable, assume on behalf of the Library Board only the part of the building and land appurtenant thereto used for purposes similar to those for which the Library Board was established; or

(b) assume on behalf of the Library Board the whole building and land appurtenant thereto, and the Library Board may enter into an agreement with the area municipality or area board for the use of a part of the land or building by such area municipality or area board on such terms and conditions as may be agreed upon.

(4) Where the Metropolitan Corporation assumes any property under subsection (1) or (3),

(a) no compensation or damage shall be payable to the area municipality or area board except as provided in this subsection;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due thereafter upon any outstanding debentures issued by the area municipality in respect of any property vested in the Library Board under subsection (1) or (3);

(c) notwithstanding any order of the Municipal Board or any debenture by-law passed pursuant thereto, all amounts of principal and interest becoming due thereafter with respect to any debentures theretofore issued by the Metropolitan Corporation on behalf of such area municipality in respect of any property vested in the Library Board under subsection (1) or (3) shall be repaid by levies against all the area municipalities;

(d) the Metropolitan Corporation shall thereafter pay to the area municipality or area board, for the portion of any land or building vested in the Library Board under this section that is not used, on the 31st day
of March, 1966, for purposes similar to those for which the Library Board was established, such amount as may be agreed upon, and, failing agreement, the Municipal Board, upon application, may determine the amount, and its decision is final, provided that such amount shall not be greater than the capital expenditure for such portion of the land or building less the amount of any outstanding debentures in respect of such portion. R.S.O. 1970, c. 295, s. 147 (1-4).

(5) If the Metropolitan Corporation fails to make any payments as required by clause (4) (b), the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. 1979, c. 64, s. 11.

(6) At the request of the Library Board, each area municipality or area board shall transfer to the Library Board for its use without compensation all personal property, including books, periodicals, newspapers, manuscripts, pictures, films, recordings and catalogues in the possession of the area municipality or area board at any time during the period between the 31st day of March, 1966, and the 1st day of January, 1968, that was provided for purposes similar to those for which the Library Board was established.

(7) No area municipality or area board during the period referred to in subsection (6) shall, without the consent of the Metropolitan Council until the Library Board is organized and thereafter without the consent of the Library Board, dispose of any personal property referred to in subsection (6).

(8) In the event of any doubt as to whether,

(a) any outstanding debenture or portion thereof was issued in respect of any property assumed; or

(b) any personal property referred to in subsection (6) was used for purposes similar to those for which the Library Board was established,

the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 295, s. 147 (6-8).
150. — (1) On the 1st day of January, 1967,

(a) the Township of East York and the Town of Leaside are amalgamated as a township municipality the inhabitants of which are a body corporate under the name of The Corporation of the Borough of East York;

(b) the Township of Etobicoke, the Village of Long Branch, the Town of Mimico and the Town of New Toronto are amalgamated as a township municipality the inhabitants of which are a body corporate under the name of The Corporation of the Borough of Etobicoke;

(c) the Township of North York is continued as a township municipality the inhabitants of which are a body corporate under the name of The Corporation of the Borough of North York;

NOTE — erection of North York into a city municipality, see s. 151 and O. Reg. 46/79.

(d) the Township of Scarborough is continued as a township municipality the inhabitants of which are a body corporate under the name of The Corporation of the Borough of Scarborough;

(e) the City of Toronto, the Village of Forest Hill and the Village of Swansea are amalgamated as a city municipality the inhabitants of which are a body corporate under the name of The Corporation of the City of Toronto;

(f) the Township of York and the Town of Weston are amalgamated as a township municipality the inhabitants of which are a body corporate under the name of The Corporation of the Borough of York. R.S.O. 1970, c. 295, s. 148 (1).

(2) On the 1st day of January, 1974, that portion of the Township of Pickering described as follows is annexed to The Corporation of the Borough of Scarborough:

COMMENCING at a point in the western boundary of the Township of Pickering, where it is intersected by the middle of the main channel of the Little Rouge Creek;

THENCE in a general southeasterly direction following the middle of the main channels of the Little Rouge Creek and the Rouge River to its mouth at Lake Ontario;
Thence southerly on the same course as the western boundary of the Township of Pickering to the International Boundary between Canada and the United States of America;

Thence westerly along the said International Boundary to the southwest angle of the Township of Pickering;

Thence northerly along the west boundary of the Township of Pickering, being along the boundary between the Township of Pickering and the Borough of Scarborough to the point of commencement. 1973, c. 48, s. 5.

(3) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the Borough of Scarborough shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

(4) The audited surplus or operating deficit of that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection (2), shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

(5) In each year commencing in the year 1973, the Ministry of Revenue shall revise and adjust, by the 15th day of December, the assessments of the property in that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection (2) by the use of adjustment factors which when applied to the local assessments of properties in that portion so annexed would increase or decrease the local assessments on such properties to a value on the same basis as the local assessments on similar properties in the Borough of Scarborough.

(6) Notwithstanding the provisions of any general or special Act, the last revised assessment roll of the Borough of Scarborough as revised and adjusted under subsection (5) by the Ministry of Revenue shall be deemed to be the last revised assessment roll of the Borough of Scarborough for all purposes.

(7) Subsections (5) and (6) shall cease to apply on a date to be determined by order of the Minister. 1973, c. 171, s. 4.

(8) For the purposes of every Act, the municipalities amalgamated by this section shall be deemed to have been amalgamated by orders of the Municipal Board, not subject
to section 42 of the *Ontario Municipal Board Act*, or to petition or appeal under section 94 or 95 of such Act, made on the 18th day of May, 1966 pursuant to applications made under section 14 of *The Municipal Act*, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area—municipality or local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

(9) The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the City of Toronto, the Township of East York, the Township of Etobicoke or the Township of York shall apply to the whole of the new city or borough formed under subsection (1) of which it forms a part.

(10) The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to,

(a) the Village of Forest Hill or the Village of Swansea, shall continue to apply to the part of the City of Toronto formerly in the Village of Forest Hill or the Village of Swansea except where they are in conflict with any special Act relating to the City of Toronto;

(b) the Town of Leaside, shall continue to apply in the part of the Borough of East York formerly in the Town of Leaside except where they are in conflict with any special Act relating to the Township of East York;

(c) the Town of Mimico, the Town of New Toronto or the Village of Long Branch, shall continue to apply in the part of the Borough of Etobicoke formerly in the Town of Mimico, the Town of New Toronto or the Village of Long Branch except where they are in conflict with any special Act relating to the Township of Etobicoke;

(d) the Town of Weston, shall continue to apply in the part of the Borough of York formerly in the Town of Weston except where they are in conflict with any special Act relating to the Township of York.

(11) Notwithstanding subsections (1) and (8), on the 1st day of January, 1967, the provisions of any special Act respecting the composition of council relating to any area municipality are repealed.  R.S.O. 1970, c. 295, s. 148 (2-5).
151.—(1) Notwithstanding section 150, upon the application of the council of an area municipality that has the status of a township municipality, the Minister may, by order, erect the area municipality into a city municipality and may direct the name the newly erected municipality shall bear and the date when the erection shall take effect and may provide for any matters that he considers necessary for the establishment and carrying on of the newly erected municipality, 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 relating to the former township municipality apply to the newly erected municipality. 1974, c. 42, s. 7.

152.—(1) The council of each area municipality shall be composed of,

(a) a mayor elected by general vote who shall be the head of council; and

(b) a board of control, if at any time the area municipality has such a board; and

(c) aldermen as follows:

(i) if elected by general vote, not fewer than four aldermen, or

(ii) if elected by wards and the area municipality has four or more wards, one, two or three aldermen for each ward, or, if the area municipality has fewer than four wards, two or three aldermen for each ward.

(2) The Borough of East York shall be deemed to have a population of not less than 100,000 for the purposes of section 68 of the Municipal Act.

(3) The council of any area municipality may pass by-laws providing for the composition of its council in accordance with subsection (1). R.S.O. 1970, c. 295, s. 149 (1-3).

(4) A by-law under this section, and a by-law amending or repealing any such by-law, shall be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with the Municipal Elections Act and shall not be passed unless it has received the approval of the Municipal Board. 1978, c. 35, s. 8.

(5) Every such by-law, including an amending or repealing by-law, shall take effect at and for the purposes of the biennial election next after its passing. 1972, c. 168, s. 4.
153.—(1) In this section, "public welfare purposes" includes any purpose in respect of which any obligation is imposed or power is conferred on the Metropolitan Corporation in relation to matters referred to in this Part.

(2) The Metropolitan Council may pass by-laws, which shall not become effective before the 1st day of January, 1967, assuming any land or building that it requires for public welfare purposes that is vested on the 31st day of March, 1966, in any area municipality and that is used on such day primarily for public welfare purposes, and on the day any such by-law becomes effective the property designated therein vests in the Metropolitan Corporation. R.S.O. 1970, c. 295, s. 150 (1, 2).

(3) Where any part of a building mentioned in subsection (2) is used by the area municipality or a local board thereof for purposes other than public welfare purposes, the Metropolitan Council may,

(a) where practicable, assume only the part of the building and land appurtenant thereto used for public welfare purposes; or

(b) assume the whole building and land appurtenant thereto, and enter into an agreement with the area municipality or a local board thereof for the use of a part of the land or building by such area municipality or local board on such terms and conditions as may be agreed upon.

(4) Where the Metropolitan Corporation assumes any property under subsection (2) or (3),

(a) no compensation or damage shall be payable to the area municipality except as provided in this subsection;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due thereafter upon any outstanding debentures issued by the area municipality in respect of any property vested in the Metropolitan Corporation under subsection (2) or (3);

(c) notwithstanding any order of the Municipal Board or any debenture by-law passed pursuant thereto, all amounts of principal and interest becoming due thereafter with respect to any debentures theretofore issued by the Metropolitan Corporation on behalf of such area municipality in respect of any property
vested in the Metropolitan Corporation under subsection (2) or (3) shall be repaid by levies against all the area municipalities;

(d) the Metropolitan Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Metropolitan Corporation under this section that is not used, on the 31st day of March, 1966, for public welfare purposes such amount as may be agreed upon, and, failing agreement, the Municipal Board, upon application, may determine the amount, and its decision is final, provided that such amount shall not be greater than the capital expenditure for such portion of the land or building less the amount of any outstanding debentures in respect of such portion. R.S.O. 1970, c. 295, s. 150 (4, 5).

(5) If the Metropolitan Corporation fails to make any payments as required by clause (4) (b), the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. 1979, c. 64, s. 12.

(6) Where a building vested in an area municipality or local board is used partly for public welfare purposes and is not vested in the Metropolitan Corporation under this section, the area municipality or local board at the request of the Metropolitan Council shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Metropolitan Corporation as was being provided by the area municipality for public welfare purposes on the 31st day of March, 1966.

(7) At the request of the Metropolitan Council, each area municipality, for the use of the Metropolitan Corporation,

(a) shall transfer to the Metropolitan Corporation without compensation all office supplies and stationery in the possession of the area municipality on the 31st day of December, 1966, that was provided exclusively for public welfare purposes; and

(b) shall transfer to the Metropolitan Corporation without compensation all personal property with the exception of office supplies and stationery in the possession of the area municipality on the 31st day of March, 1966, or thereafter that was provided exclusively for public welfare purposes.

(8) No area municipality, without the consent of the Metropolitan Council, shall dispose of any personal property referred to in clause (7) (b).
(9) In the event of any doubt as to whether,
   (a) any outstanding debenture or portion thereof was 
       issued in respect of any property assumed; or
   (b) any land or building referred to in subsection (2) was 
       used primarily for public welfare purposes,
the Municipal Board, upon application, may determine the 
matter and its decision is final. R.S.O. 1970, c. 295, s. 150 
(7-10).

154. For the purposes of the following Acts, the Metro-
politan Corporation shall be deemed to be a city and no 
area municipality shall be deemed to be a municipality:

   Anatomy Act,
   Day Nurseries Act,
   Homemakers and Nurses Services Act,
   Mental Hospitals Act,

155. The Metropolitan Corporation shall be deemed to be 
a city for all the purposes of the provisions of the Public 
Hospitals Act respecting the hospitalization and burial of 
indigent persons and their dependants, and no area muni-
cipality has any liability under such provisions. R.S.O. 
1970, c. 295, s. 152.

(1) The Regional Municipality of York is not liable and 
the Metropolitan Corporation is liable, for the hospitalization or 
burial, after the 31st day of December, 1953, of an indigent person 
or his dependant who was in hospital on the 31st day of December, 
1953, and in respect of whom the County of York was liable because 
the indigent person was a resident of an area municip-
ality.

(2) The Corporation of the City of Toronto is not liable, and 
the Metropolitan Corporation is liable, for the hospi-
talization or burial, after the 31st day of December, 1953, of 
an indigent person or his dependant who was in hospital on the 31st day of December, 1953, and in respect of whom the City was liable because the indigent person was a resident of the City.

(3) Nothing in subsection (1) or (2) relieves The Regional 
Municipality of York or the City from any liability in respect of 
hospitalization provided or burials before the 1st day of January, 
1954.

(4) The Corporation of the City of Toronto is not liable, and 
the Metropolitan Corporation is liable, after the 31st day
of December, 1953, for the hospitalization and burial of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, or who is admitted to hospital after such date and in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel, which agreement was validated and confirmed by The City of Toronto Act, 1947, and nothing in this subsection relieves the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954. R.S.O. 1970, c. 295, s. 153.

157. The Metropolitan Council may pass by-laws for granting aid for the erection, establishment, maintenance or equipment of public hospitals, including municipal hospitals or municipal isolation hospitals in the Metropolitan Area and may issue debentures therefor. R.S.O. 1970, c. 295, s. 154.

158. The Metropolitan Corporation may pay to the local board of health of any area municipality the whole or any part of the cost incurred by such local board for dairy farm inspections made after the 31st day of December, 1960. R.S.O. 1970, c. 295, s. 155 (4).

159.—(1) Subject to the Public Hospitals Act, the Metropolitan Corporation may establish, erect, equip, maintain and operate a public hospital and shall be deemed to be a city for the purposes of establishing, erecting and maintaining an isolation hospital under the Public Health Act.

(2) For such purposes, the Riverdale Isolation Hospital established, erected and maintained by The Corporation of the City of Toronto under the Public Health Act and the nurses’ residence used in connection therewith and all real and personal property used for the purposes of such hospital and nurses’ residence are vested in the Metropolitan Corporation and no compensation shall be paid to the City in respect thereof. R.S.O. 1970, c. 295, s. 156.

160. The Metropolitan Corporation shall be deemed to be a city for the purposes of the Homes for the Aged and Rest Homes Act, and no area municipality has any liability as to the establishment, erection and maintenance of a home for the aged under that Act. R.S.O. 1970, c. 295, s. 157 (1).
161. The Metropolitan Corporation is liable for the maintenance of indigent persons in nursing homes awaiting accommodation in a home for the aged of the Metropolitan Corporation from the day admission to such home for the aged has been authorized by the committee of management thereof. 1980, c. 39, s. 7.

162. A home for the aged of the Metropolitan Corporation may be established, erected and maintained either within or outside the Metropolitan Area. R.S.O. 1970, c. 295, s. 159.

163.—(1) The home for the aged established, erected or maintained under The Homes for the Aged Act, 1955 by The Corporation of the City of Toronto, and all real and personal property used for the purposes of such home, is vested in the Metropolitan Corporation and, subject to subsection (2), no compensation or damages shall be payable to the City in respect thereof.

(2) The Metropolitan Corporation shall pay to The Corporation of the City of Toronto before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the City for the purposes of such home for the aged. R.S.O. 1970, c. 295, s. 160 (1, 2).

(3) If the Metropolitan Corporation fails to make any payments as required by subsection (2), the City may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the City determines, from the date payment is due until it is made. 1979, c. 64, s. 13.

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for the purposes of such home for the aged, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 295, s. 160 (4).

164.—(1) The Metropolitan Corporation shall pay to The Regional Municipality of York the cost of maintenance in the County of York home for the aged, after the 31st day of December, 1953, of every resident of that home who was admitted thereto due to residence in an area municipality.

(2) The amount payable by the Metropolitan Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. R.S.O. 1970, c. 295, s. 161.
165. Notwithstanding clause 1 (g) of the Elderly Persons Centres Act, the Metropolitan Corporation shall be deemed to be a municipality for the purposes of such Act. 1973, c. 171, s. 5.

166. For the purposes of subsection 20 (2) of the Juvenile Delinquents Act (Canada), the Metropolitan Corporation shall be deemed to be a municipality and no area municipality shall be deemed to be a municipality. R.S.O. 1970, c. 295, s. 163.

167.—(1) The Regional Municipality of York is not liable, and the Metropolitan Corporation is liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the County of York on the 31st day of December, 1953, where the order was made because the child belonged to the County of York due to residence in an area municipality.

(2) The Corporation of the City of Toronto is not liable, and the Metropolitan Corporation is liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the City on the 31st day of December, 1953.

(3) Nothing in subsections (1) and (2) relieves The Regional Municipality of York or the City from any liability in respect of maintenance provided before the 1st day of January, 1954.

(4) The Corporation of the City of Toronto is not liable, and the Metropolitan Corporation is liable, after the 31st day of December, 1953, for the maintenance of children committed temporarily or permanently to the care and custody of a children’s aid society in respect of which child an order for maintenance was in force on the 31st day of December, 1953, or is made after such date and in respect of which maintenance the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by The City of Toronto Act, 1947, and nothing in this subsection relieves the City from any liability in respect of maintenance provided before the 1st day of January, 1954. R.S.O. 1970, c. 295, s. 164.
169. The Metropolitan Council may pass by-laws to provide money for the health and welfare of the resident poor not otherwise specifically provided for in this Act. R.S.O. 1970, c. 295, s. 166.

170. Every area municipality and every officer or employee thereof shall, at the request of the welfare officer of the Metropolitan Corporation, furnish forthwith to such officer any information he may require for public welfare purposes as defined in subsection 153 (1). R.S.O. 1970, c. 295, s. 169.

171. The Metropolitan Council may acquire the lands and premises known as 186-194 Beverley Street in the City of Toronto for the use of the Metropolitan Toronto Association for Retarded Children and may lease such lands and premises to the Association for a nominal amount for such term and under such conditions as the Metropolitan Council may determine. R.S.O. 1970, c. 295, s. 171.

172. The Metropolitan Corporation may assume and pay 50 per cent of the annual operating deficit of Regent Park South Nursery School for the year 1963 and subsequent years. R.S.O. 1970, c. 295, s. 172.

173.—(1) The Metropolitan Council may,

(a) acquire, maintain and operate ambulances for the conveyance of persons requiring medical attention to a hospital or other place, and fix and charge fees therefor;

(b) enter into an agreement with any person for a period not exceeding five years to maintain and operate ambulances for the purpose of conveying persons requiring medical attention to a hospital or other place at such rates or charges and on such other terms and conditions, including the payment of an annual subsidy to such person, as may be agreed upon;

(c) establish, maintain and operate a central ambulance dispatching system for the Metropolitan Area, and enter into an agreement with any person for a period not exceeding five years for such purposes on such terms and conditions as may be agreed upon;
(d) provide for payment by the Metropolitan Corporation to owners of ambulances of charges for making calls as directed through such central ambulance dispatching system and provide for the recovery of such charges by the Metropolitan Corporation;

(e) provide a public education program to give instruction in and disseminate information in respect of emergency first aid and basic life support techniques and charge a fee for the program provided. R.S.O. 1970, c. 295, s. 173 (1); 1980, c. 39, s. 8.

Powers of area municipalities
R.S.O. 1980, c. 409

Assumption of ambulances
(2) On and after the 1st day of January, 1967, no area municipality or local board of health thereof shall exercise any of its powers under section 34 of the Public Health Act without the consent of the Metropolitan Council.

(3) The Metropolitan Council shall, before the 1st day of January, 1967, pass by-laws, which shall be effective on the 1st day of January, 1967, assuming for the use of the Metropolitan Corporation any ambulance and any personal property used in connection therewith that the Metropolitan Corporation may require for the purposes of subsection (1) that is vested on the 31st day of March, 1966, in any area municipality or local board of health thereof, and on the day any such by-law becomes effective the property designated therein vests in the Metropolitan Corporation and no compensation or damage shall be payable in respect of such property.

Extension of time
(4) Notwithstanding subsection (3), a by-law for assuming any property under subsection (3), with the approval of the Municipal Board, may be passed after the 1st day of January, 1967, and in that case the by-law shall become effective on the date provided therein.

Assumption of agreements
(5) On the 1st day of January, 1967, the Metropolitan Corporation shall assume and become liable for the obligations and entitled to the benefits,

(a) of any area municipality under any agreement entered into under paragraph 379 (1) (88c) of The Municipal Act, being chapter 249 of the Revised Statutes of Ontario, 1960; and

(b) of any local board of health of an area municipality under any agreement entered into under section 34 of the Public Health Act,
and no area municipality or local board of health thereof, after the 31st day of March, 1966, shall without the consent of the Metropolitan Council enter into any such agreement. R.S.O. 1970, c. 295, s. 173 (2-6).

PART XII

METROPOLITAN POLICE


175.—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of the Police Act. R.S.O. 1970, c. 295, s. 175 (1).

(2) The Police Act, except section 70, does not apply to any area municipality. 1978, c. 35, s. 9.

176. All boards of commissioners of police of area municipalities are dissolved. R.S.O. 1970, c. 295, s. 176.

177.—(1) The Board of Commissioners of Police for the Metropolitan Corporation shall be known as Metropolitan Board of Commissioners of Police and shall be composed of,

(a) the chairman of the Metropolitan Council;

(b) one member of the Metropolitan Council appointed by the Metropolitan Council;

(c) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council;

(d) one provincial judge under the Provincial Courts Act designated by the Lieutenant Governor in Council; and

(e) one person, who is not qualified to be appointed or designated under clause (b), (c) or (d), appointed by the Lieutenant Governor in Council.

(2) The Metropolitan Board may pass by-laws under paragraph 1 of section 235 of the Municipal Act. R.S.O. 1970, c. 295, s. 177.
178. The Metropolitan Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Metropolitan Board appointed or designated by the Lieutenant Governor in Council, except the member designated by the Lieutenant Governor in Council under clause 177 (1) (c). 1978, c. 35, s. 10.

179. The Metropolitan Corporation shall provide all real and personal property necessary for the purposes of the Metropolitan Board. R.S.O. 1970, c. 295, s. 179.

180. All regulations under the *Police Act* made by the boards of commissioners of police dissolved under section 176 that are in force immediately before the 1st day of January, 1957, shall continue in force and effect and apply to the members of the Metropolitan Police Force until repealed by the Metropolitan Board. R.S.O. 1970, c. 295, s. 180.

181.—(1) Every person who is a member of a police force in an area municipality, including any chief constable, constable, police officer and assistant, on the 15th day of March, 1956, and is continuously so employed until immediately before the 1st day of January, 1957, becomes a member of the Metropolitan Police Force on the 1st day of January, 1957, and is subject to the government of the Metropolitan Board to the same extent as if appointed by the Metropolitan Board.

(2) Subsections 24 (3) to (7) apply to every person who becomes a member of the Metropolitan Police Force, except a chief constable, constable or other police officer, to the same extent as if such person had been an employee of an area municipality or the board of commissioners of police thereof and thereafter became employed by the Metropolitan Corporation.

(3) The Metropolitan Board and the members of the Metropolitan Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Metropolitan Corporation. R.S.O. 1970, c. 295, s. 181.

182.—(1) The Metropolitan Council shall, before the 1st day of January, 1957, pass by-laws which shall be effective on the 1st day of January, 1957, assuming for the use of the Metropolitan Board any such land or building that the Metropolitan Board may require that is vested on the 15th day of February, 1956, in any area municipality or local board.
thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that area municipality, and on the day any such by-law becomes effective the property designated therein vests in the Metropolitan Corporation.

(2) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1957, and in that case the by-law shall become effective on the date provided therein.

(3) Where any part of a building mentioned in subsection (1) is used by the area municipality or a local board thereof for other than police purposes, the Metropolitan Council may,

(a) where practicable assume only the part of the building and land appurtenant thereto used for the purposes of the police force of the area municipality; or

(b) vest the building and land appurtenant thereto in the Metropolitan Corporation and enter into an agreement with the area municipality or local board thereof for the use of a part of the building by the area municipality or local board on such terms and conditions as may be agreed upon.

(4) Where the Metropolitan Corporation assumes any property under subsection (1) or (2),

(a) no compensation or damage shall be payable to the area municipality or local board except as provided in this subsection;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of any property vested in the Metropolitan Corporation;

(c) the Metropolitan Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Metropolitan Corporation under this section that is not used for police purposes on the 15th day of February, 1956, such amount as may be agreed upon and failing agreement the Muni-
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Pincipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debentures in respect of such portion. R.S.O. 1970, c. 295, s. 182 (1-5).

(5) If the Metropolitan Corporation fails to make any payments as required by clause (4)(b), the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. 1979, c. 64, s. 14.

(6) Where a building vested in an area municipality or local board is used partly by the police force of the area municipality and is not vested in the Metropolitan Corporation under this section, the area municipality at the request of the Metropolitan Board shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Metropolitan Board as was being provided by the area municipality for its police force on the 15th day of February, 1956.

(7) At the request of the Metropolitan Board, each area municipality, for the use of the Metropolitan Board,

(a) shall transfer to the Metropolitan Corporation without compensation all office supplies and stationery in the possession of the area municipality on the 31st day of December, 1956, that was provided for the exclusive use of the police force of the area municipality;

(b) shall transfer to the Metropolitan Corporation without compensation all personal property with the exception of office supplies and stationery in the possession of the area municipality on the 15th day of February, 1956, or thereafter that was provided for the exclusive use of the police force of the area municipality;

(c) shall make available to the Metropolitan Corporation all personal property the use of which was shared by the police and any department or departments of the area municipality on the 15th day of February, 1956,
on the same terms and to the same extent as the police department used the property before the 15th day of February, 1956.

(8) No area municipality or board of commissioners of police, without the consent of the Metropolitan Board, shall dispose of any personal property referred to in subsection (7) owned by the area municipality on the 15th day of February, 1956, or thereafter.

(9) All signal and communication systems owned by any area municipality and used for the purposes of the police force of the area municipality on the 15th day of February, 1956, or thereafter are vested in the Metropolitan Corporation for the use of the Metropolitan Board on the 1st day of January, 1957, and no compensation shall be payable to the area municipality therefor and the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of any such signal or communication system.

(10) In the event of any doubt as to whether,

(a) any outstanding debenture or portion thereof was issued in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 295, s. 182 (7-11).

183.—(1) The Metropolitan Council, on the recommendation of the Metropolitan Board, shall provide a pension plan for the chief of police, constables and other police officers who are members of the Metropolitan Police Force and may provide for the incorporation of the plan of any area municipality and the Toronto Police Benefit Fund with the plan established under this section, and may provide for the transfer of the interests of such members who were in the service of the police force of an area municipality from the Toronto Police Benefit Fund and from the pension plan of any area municipality to the pension plan established under this section. R.S.O. 1970, c. 295, s. 183 (1); 1974, c. 42, s. 8 (1).
(2) The benefits provided in the pension plan established under this section for the services of any member of the Metropolitan Police Force performed on and after the 1st day of January, 1957, shall be on a basis not less favourable with respect to such services than the benefits provided in By-law No. 13273 of The Corporation of the City of Toronto, as amended, respecting the Toronto Police Benefit Fund.

(3) The benefits provided in the pension plan established under this section,

(a) with respect to the services performed before the 1st day of January, 1957, of members of the Toronto Police Benefit Fund shall be not less favourable than the benefits provided in the said By-law No. 13273, provided such benefits shall be limited to those purchasable with the assets transferred from the Toronto Police Benefit Fund and the payments to be made by the City of Toronto as provided in subsection (14) and any additional payments agreed to be made by the City of Toronto to the pension plan established under this section; and

(b) with respect to the services performed before the 1st day of January, 1957, by the chief constable, constables and other police officers of any other area municipality shall be not less favourable than the benefits provided for the chief constable, constables and other police officers under the pension plan of such other area municipality, provided such benefits shall be limited to those purchasable with the assets transferred from the pension plan of the area municipality, the payments to be made by the area municipality as provided in subsection (14) and any additional payments agreed to be made by the area municipality to the pension plan established under this section.

(4) Every chief constable, constable and other police officer of the police force of an area municipality who has become a member of the Metropolitan Police Force pursuant to subsection 181 (1), or his beneficiaries, is entitled on termination of his services with the Metropolitan Police Force to all benefits accrued up to the 31st day of December, 1956, under the pension plan of the area municipality, and his employment by and service with the Metropolitan Police Force shall be deemed to be employment by and service with the police force of the area municipality for the purpose of determining eligibility for any such accrued benefits.
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(5) An area municipality is liable to pay benefits accrued up to the 31st day of December, 1956, under subsection (4) only to the extent that such benefits exceed the benefits provided for services before the 1st day of January, 1957, in the pension plan established under this section. R.S.O. 1970, c. 295, s. 183 (2-5).

(6) The Metropolitan Council, on the recommendation of the Metropolitan Board, may by by-law provide benefits under the pension plan established under this section with respect to services performed prior to the 1st day of January, 1957, by the chief constables, constables and other police officers of the police forces of the area municipalities who have become members of the Metropolitan Police Force under subsection 181 (1) on a basis not less favourable than the basis required by subsection (2) for services after that date, and in such event the Metropolitan Council, with the like approval, may, for such purpose, determine,

(a) the extent to which the provisions of subsections (3) and (14) shall continue to apply;

(b) the payments to be made to such pension plan by each area municipality; and

(c) the assets to be assigned or transferred under subsection (12). R.S.O. 1970, c. 295, s. 183 (6); 1974, c. 42, s. 8 (2).

(7) The benefits authorized by subsection (6) may be provided for such chief constables, constables and other police officers whose services with the Metropolitan Police Force were terminated by retirement with immediate pension benefits or by death after the 1st day of January, 1957, and before the date a by-law passed under subsection (6) becomes effective.

(8) Any payments required to be made by an area municipality under subsection (6) other than assets transferred or assigned may, with the consent of the Metropolitan Council, be on a deferred basis and raised in a subsequent year or years and any such payments shall be deemed to be current expenditures.

(9) Any additional payments required to be made by the Metropolitan Corporation to provide the benefits authorized by subsection (6) may be on a deferred basis and raised in a subsequent year or years and shall be deemed to be current expenditures.
(10) Every chief constable, constable and other police officer of an area municipality who becomes a member of the Metropolitan Police Force under section 181 thereupon becomes a member of the pension plan established or to be established under this section.

(11) Until a pension plan is established under this section, the Metropolitan Board shall deduct by instalments 7 per cent of the gross salary of each member of the Metropolitan Police Force referred to in subsection (10), and the Metropolitan Corporation shall contribute an equivalent amount and shall pay over to the treasurer of the Metropolitan Corporation all deductions and contributions which shall be held by him in trust in a provisional fund.

(12) At the request of the Metropolitan Board,

(a) the ownership of the assets of the Toronto Police Benefit Fund;

(b) a sum equal to the amount standing to the credit of the chief constable, constables and other police officers of each area municipality, except the City of Toronto, in the pension plan of the area municipality; and

(c) the interest of every such police officer in the pension plan of an area municipality provided by contract with Her Majesty in accordance with the Government Annuities Act (Canada) or with an insurer,

shall be transferred to the provisional fund under subsection (11) until the pension plan is established under this section and thereafter to such pension plan.

(13) The ownership of all securities registered in the name of the Toronto Police Benefit Fund shall be deemed to be transferred upon the various registry books of the issuers of such securities to the name of the Metropolitan Toronto Police Benefit Fund.

(14) Where any area municipality is committed to make payments in any year into the pension plan of any area municipality or the Toronto Police Benefit Fund with respect to past services of any chief constable, constable or other police officer, the area municipality shall pay over in such year the amounts for which it is so committed to the provisional fund
under subsection (11) until the pension plan is established under this section and thereafter to such pension plan.

(15) When a pension plan is established under this section, the assets of the provisional fund shall be transferred thereto. R.S.O. 1970, c. 295, s. 183 (7-15).

(16) Notwithstanding this or any other Act, the Metropolitan Council may by by-law provide pension benefits for widows of members of the Metropolitan Police Force whose services were terminated by death or retirement prior to the 1st day of January, 1963. 1974, c. 114, s. 5.

(17) The Metropolitan Board shall establish, effective on and after the 1st day of January, 1957, a sick leave credit plan for the chief constable, constables and other police officers who are members of the Metropolitan Police Force, and shall provide therein for sick leave credits at least equivalent to those to which each such person would have been entitled if he had remained a member of a police force in an area municipality and shall place to the credit of each such person the sick leave credits standing to his credit in the plan of the area municipality.

(18) Where a chief constable, constable or other police officer of an area municipality becomes a member of the Metropolitan Police Force under section 181, the Metropolitan Board shall provide, during the first year he is such a member, for holidays with pay at least equivalent to those to which such police officer would have been entitled if he had remained a member of the police force of the area municipality. R.S.O. 1970, c. 295, s. 183 (16, 17).

184. — (1) The Metropolitan Council may, to such extent as it thinks fit, pay the legal costs incurred by a member of the Metropolitan Police Force in respect of an inquiry held by a commissioner under the Public Inquiries Act or held by a commissioner under The Public Inquiries Act, being chapter 379 of the Revised Statutes of Ontario, 1970, where the subject-matter of the inquiry includes in whole or in part the conduct of the member in the performance or purported performance of his duties.

(2) This section does not apply in respect of inquiries held into matters occurring before the 25th day of October, 1971. 1972, c. 168, s. 5.

185. The Metropolitan Corporation shall be deemed to be a municipality for the purpose of the Administration of Justice Act,
Penalties

186. The fines and penalties that but for this Act would otherwise belong to an area municipality belong to the Metropolitan Corporation. R.S.O. 1970, c. 295, s. 186.

PART XIII
LICENSING COMMISSION

Interpretation


Licensing Commission

188.—(1) There shall be a licensing commission for The Municipality of Metropolitan Toronto to be known as Metropolitan Licensing Commission composed of,

(a) the chairman of the Metropolitan Council or his delegate; and

(b) two persons appointed by the Metropolitan Council who are not members of the council of an area municipality.

Chairman may appoint delegate

(2) The chairman of the Metropolitan Council may designate any member of the Metropolitan Council to be his delegate at any or all of the meetings of the Licensing Commission.

Chairman and quorum

(3) The Licensing Commission shall elect a chairman and may elect a vice-chairman, and a majority of the members of the Licensing Commission constitutes a quorum. R.S.O. 1970, c. 295, s. 188.

Powers

189.—(1) The Licensing Commission has all the powers that may be exercised by boards of commissioners of police under,

R.S.O. 1980, c. 302

(a) paragraphs 1, 4 and 6 of section 227 of the Municipal Act;

(b) paragraphs 7 and 8 of subsection 230(1) of the Municipal Act;
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(c) paragraphs 4, 5, 12 and 14 of section 232 of the Munici-
pal Act.

(2) A by-law passed by the Licensing Commission under clause (1) (a) of this section and paragraph 1 of section 227 of the Municipal Act with respect to licensing, regulating and governing owners and drivers of ambulances may include provisions,

(a) for licensing, regulating and governing ambulance attendants and providing for examinations to be passed by ambulance drivers and attendants;

(b) for requiring owners of ambulances to install and maintain such means of communication with any central ambulance dispatching system maintained by or for the Metropolitan Corporation as the by-law may prescribe;

(c) for requiring owners and drivers of ambulances to accept and make calls as directed through such central ambulance dispatching system.

(3) The Metropolitan Council, by reference to the provisions of any Act, may by by-law authorize the Licensing Commission to exercise the powers of any area municipality or board of commissioners of police with respect to the licensing, revoking of a licence, regulating, governing, prohibiting or limiting of any trade, calling, business or occupation or the person carrying on or engaged in it and upon being so authorized the Licensing Commission may exercise such powers.  R.S.O. 1970, c. 295, s. 189.

190. The Licensing Commission has the same power to summon and examine witnesses on oath as to any matter connected with the execution of its powers and duties or as to any matter respecting any licence issued before the 1st day of January, 1957, by any body that formerly exercised the powers now vested in the Licensing Commission, to enforce their attendance and to compel them to give evidence and produce documents and things, as is vested in any court of law in civil cases.  R.S.O. 1970, c. 295, s. 190.

191. Where a by-law of the Licensing Commission passed under a provision of the Municipal Act or any other Act is applicable to an area municipality, any by-law of the area municipality passed under the same provision of the Municipal Act or any other Act has no effect and the area municipality does not have power to pass such a by-law while the by-law passed by the Licensing Commission is in effect in such area municipality.  R.S.O. 1970, c. 295, s. 191.
192. All the powers and duties of a board of commissioners of police under the Municipal Act or any other Act and all the powers and duties of the Board of Commissioners of Police for the City of Toronto under any special Act, except those which by this Act are exercised by the Licensing Commission or the Metropolitan Board of Commissioners of Police, shall after the 1st day of January, 1957, be exercised by the council of the City of Toronto. R.S.O. 1970, c. 295, s. 192.

193. Sections 110 and 111 and Part XIX of the Municipal Act apply with necessary modifications to the Licensing Commission and to the by-laws passed by the Licensing Commission, and the Licensing Commission shall fix the fees to be paid for any licence. R.S.O. 1970, c. 295, s. 193.

194.—(1) Notwithstanding sections 189 and 190, the Metropolitan Council may pass any by-law that the Licensing Commission may pass, including any by-law that the Metropolitan Council may authorize the Licensing Commission to pass under subsection 189 (3), and may repeal in whole or in part any existing by-law of the Licensing Commission. R.S.O. 1970, c. 295, s. 194 (1); 1974, c. 42, s. 9.

(2) Where the Metropolitan Council has passed a by-law under a provision in any Act, the Licensing Commission shall not have the power to pass a by-law under such provision.

(3) Section 191 applies to by-laws passed by the Metropolitan Council under this section.

(4) For the purposes of section 192, a power exercised by the Metropolitan Council under this section shall be deemed to be a power exercised by the Licensing Commission.

(5) Where the Metropolitan Council passes a by-law under subsection (1), the provisions of section 193 in so far as they apply to the passing and enforcement of by-laws and the fixing of fees shall apply to the Metropolitan Council and to such by-law.

(6) Except with respect to its power to pass by-laws and fix fees, nothing in this section affects the powers of the Licensing Commission. R.S.O. 1970, c. 295, s. 194 (2-6).

195. The Metropolitan Corporation shall pay to the members of the Licensing Commission, except the chairman of the Metropolitan Council or his delegate, such remuneration for their services as may be determined by the Metropolitan Council. R.S.O. 1970, c. 295, s. 195.
PART XIV
HOUSING AND REDEVELOPMENT

196.—(1) The Metropolitan Corporation and the Metropolitan Council have all the powers conferred on the corporation or council of a municipality under the Housing and redevelopment Act or any other Act with respect to housing or building development, housing projects, temporary housing accommodation and redevelopment areas and with respect to any other matter concerned with the provision or improvement of housing accommodation.

(2) Nothing in subsection (1) shall be deemed to limit or interfere with the powers of the area municipalities with respect to the matters mentioned in subsection (1). R.S.O. 1970, c. 295, s. 196.

197. Without limiting its powers under subsection 196 (1), the Metropolitan Corporation,

(a) shall be deemed to be a governmental authority within the meaning of section 18 of the Housing Development Act; and

(b) may enter into agreements with any area municipality for sharing or contributing to the costs incurred by the area municipality in exercising any of its powers with respect to the matters mentioned in subsection 196 (1). R.S.O. 1970, c. 295, s. 197.

198. The Metropolitan Council may make grants in aid of the establishment, construction, extension or equipment of homes for the care of elderly persons. R.S.O. 1970, c. 295, s. 198.

199.—(1) The Metropolitan Council and the council of any area municipality may, by by-law approved by the Minister of Housing, adopt a policy statement related to housing, containing specific objectives, production targets and financial arrangements.

(2) Where a policy statement referred to in subsection (1) has been adopted by the Metropolitan Council and approved by the Minister of Housing, every housing policy statement that has been adopted by the council of an area municipality shall be amended forthwith to conform therewith and no housing policy statement of an area municipality shall thereafter be approved that does not conform with the housing policy statement of the Metropolitan Council and no by-law shall be passed by the Metropolitan Council or by the council of an area municipality that does not conform with the housing policy statement of the Metropolitan Council. 1974, c. 42, s. 10.
PART XV
PLANNING

200.—(1) The Metropolitan Toronto Planning Area is continued as a joint planning area under the Planning Act. 1974, c. 42, s. 11, part.

(2) The Metropolitan Corporation is the designated municipality within the meaning of the Planning Act for the purposes of The Metropolitan Toronto Planning Area and each area municipality is the designated municipality within the meaning of the Planning Act for the purposes of the subsidiary planning area it constitutes. 1978, c. 35, s. 11.

(3) The planning board for The Metropolitan Toronto Planning Area is dissolved.

(4) Subject to the Planning Act, each area municipality is a subsidiary planning area within The Metropolitan Toronto Planning Area.

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Metropolitan Area.

(6) When the Minister of Housing has approved an official plan adopted by the Metropolitan Council,

(a) every official plan and every by-law passed under section 39 of the Planning Act or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith. 1974, c. 42, s. 11, part.

201.—(1) The Metropolitan Council shall investigate and survey the physical, social and economic conditions in relation to the development of The Metropolitan Toronto Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in The Metropolitan Toronto Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area;
(b) hold public meetings and publish information for the purpose of obtaining the participation and cooperation of the inhabitants of The Metropolitan Toronto Planning Area in determining the solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area; and

(c) consult with any local board having jurisdiction within The Metropolitan Toronto Planning Area.

(2) The Metropolitan Council shall prepare, adopt and forward to the Minister of Housing for approval an official plan for The Metropolitan Toronto Planning Area.

(3) The Metropolitan Council may appoint such planning committees and staff as it considers necessary. 1974, c. 42, s. 11, part.

(4) Subject to this Part, the Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 2(4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, subsection 29(25), sections 36, 50 and 51 of the Planning Act and where the Metropolitan Council meets in respect of matters pertaining to planning for the purposes aforesaid no separate meeting as a planning board is required. 1978, c. 35, s. 12.

(5) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

(6) The Metropolitan Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to The Metropolitan Toronto Planning Area or any part thereof. 1974, c. 42, s. 11, part.

202. Except as provided in this Part, the provisions of the Planning Act apply. 1974, c. 42, s. 11, part.

203. All the assets and liabilities of the planning board for The Metropolitan Toronto Planning Area are assets and liabilities of the Metropolitan Corporation and the Metropolitan Corporation, for all purposes, stands in the place and stead of the planning board for The Metropolitan Toronto Planning Area. 1974, c. 42, s. 11, part.
Sick leave credits, holidays and application of O.M.E.R.S.

204. Where a person who was employed by the planning board for The Metropolitan Toronto Planning Area immediately prior to the 1st day of January, 1975, is employed by the Metropolitan Corporation without intervening employment,

(a) employment with the planning board shall be deemed to have been employment with the Metropolitan Corporation for the purposes of sick leave credits and gratuities and holidays; and

(b) the employee, if a member of the pension plan of the Metropolitan Corporation, shall be deemed not to be a person who enters the employ of an employer within the meaning of clause 9 (1) (a) of the Ontario Municipal Employees Retirement System Act. 1974, c. 42, s. 11, part.

R.S.O. 1980, c. 348

Offer of employment

205.—(1) The Metropolitan Corporation shall offer to employ every person who, on the 1st day of June, 1974, is employed by the planning board for The Metropolitan Toronto Planning Area, and who continues to be so employed until the 31st day of December, 1974.

(2) Any person who accepts employment under subsection (1) shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of June, 1974.

(3) Nothing in this section prevents the Metropolitan Corporation from terminating the employment of an employee for cause. 1974, c. 42, s. 11, part.

PART XVI

PARKS, RECREATION AREAS, ETC.

Acquiring land for parks, etc.

206.—(1) The Metropolitan Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Metropolitan Area or in any adjoining area municipality in The Regional Municipality of Durham or The Regional Municipality of Peel or in any area municipality in The Regional Municipality of York, and for exercising all or any of the powers that are conferred on boards of park management by the Public Parks Act. R.S.O. 1970, c. 295, s. 204 (1).
(2) In addition to the powers that may be exercised under subsection (1), the Metropolitan Council has power to let from year to year, or for any time not exceeding ten years the right to sell, subject to the Liquor Licence Act, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within metropolitan parks under such regulations as the Metropolitan Council may prescribe. 1971, c. 7, s. 2.

(3) Paragraph 53 of section 208 of the Municipal Act applies with necessary modifications to the Metropolitan Corporation.

(4) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of the Parks Assistance Act.

(5) Where, under an agreement with The Metropolitan Toronto and Region Conservation Authority, lands vested in the Authority are managed and controlled by the Metropolitan Corporation, the Metropolitan Corporation may,

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to the Highway Traffic Act, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the Highway Traffic Act;

(d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Metropolitan Corporation and used for park purposes.

(6) An exemption from taxes under subsection (5) shall be deemed to have the same effect as an exemption from taxes under section 3 of the Assessment Act. R.S.O. 1970, c. 295, s. 204 (2-5).

207. (1) Where the Metropolitan Corporation has acquired land under section 206, the Metropolitan Council may agree to pay annually to the area municipality in which the land is situate a sum not exceeding the amount that would have been payable to the municipality as taxes in the year of acquisition if the land were not exempt from taxation.
(2) Subsection (1) does not apply where the land acquired by the Metropolitan Corporation was acquired from the municipality in which the land was situate or from a local board thereof and at the time of acquisition was used as a public park, recreation area, square, avenue, boulevard or drive. R.S.O. 1970, c. 295, s. 205.

208.—(1) For the purposes of section 206, the Metropolitan Council may with the approval of the Municipal Board by by-law assume any existing public park, zoological gardens, recreation area, square, avenue, boulevard or drive vested in any area municipality or in any local board thereof, and upon the passing of the by-law the public park, zoological gardens, recreation area, square, avenue, boulevard or drive vests in the Metropolitan Corporation.

(2) Where the Metropolitan Corporation assumes any existing public park, zoological gardens, recreation area, square, avenue, boulevard or drive vested in any area municipality or local board thereof,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of the property assumed. R.S.O. 1970, c. 295, s. 206 (1, 2).

(3) If the Metropolitan Corporation fails to make any payments as required by clause (2) (b), the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. 1979, c. 64, s. 15.

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the property assumed, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 295, s. 206 (4).

209.—(1) The Metropolitan Council may by by-law assume any of the lands in the City of Toronto designated or known as Exhibition Park or created by fill to the south thereof, saving and excepting any lands or any interest therein of
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Her Majesty in right of Ontario, and the enactment of such by-law shall vest in the Metropolitan Corporation a full, clear and absolute title to the lands as described in such by-law free and clear of all conditions as to use contained in An Act respecting the City of Toronto, being chapter 86 of the Statutes of Ontario, 1903.

(2) No compensation or damages shall be payable by the Metropolitan Corporation to the City of Toronto for such assumed lands, but the Metropolitan Corporation shall thereafter pay before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued in respect of the property assumed, and the provisions of subsections 208 (3) and (4) apply with necessary modifications.

(3) Such assumed lands shall be used,

(a) for parks and exhibition purposes;

(b) for the purposes of trade and agricultural fairs;

(c) for the holding of displays, sporting events, public entertainments and meetings;

(d) for highway, electrical transmission or public utility purposes; or

(e) for any other purpose that the City of Toronto may approve.

(4) An exhibition shall be held annually on such assumed lands.

(5) With respect to the lands so assumed, the Metropolitan Council may exercise all or any of the powers that are conferred on boards of park management by the Public Parks Act and shall have all other powers required for the full and effective use of such assumed lands in accordance with subsection (3).

(6) If any of the lands vested by this section in the Metropolitan Corporation cease to be used for the purposes of subsection (3), the Metropolitan Corporation shall thereupon transfer such lands to the City of Toronto, and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof.

(7) Such assumed lands shall be exempt from taxation for municipal purposes so long as such lands continue to be owned by the Metropolitan Corporation and used for the purposes of the Canadian National Exhibition Association,
provided that the full value of such lands, except the lands
that are exempt from taxation under section 3 of the Assessment Act, shall be included in the assessment of the City of Toronto for the purposes of the apportionment of the levies of the Metropolitan Corporation among the area municipalities.

(8) Subject to subsection (9), upon the passing of the by-law referred to in subsection (1), the Metropolitan Corporation shall be responsible for all liabilities of the City of Toronto and is entitled to all benefits under agreements made by or on behalf of the City of Toronto with respect to the use of such assumed lands, and the City of Toronto shall be relieved of any liability thereunder.

(9) Subsection (8) does not apply to agreements between the City of Toronto and the Metropolitan Corporation or to agreements for payments in lieu of taxes.

(10) The City of Toronto may continue to use, maintain, repair, reconstruct and replace watermains, sewers and sewage works in such assumed lands until and unless the areas in which such watermains, sewers and sewage works are located are required by the Metropolitan Corporation, in which case the Metropolitan Corporation shall pay to the City of Toronto such amount as may be agreed upon or, failing agreement, such amount as may be determined by arbitration, and the provisions of the Expropriations Act apply to any such arbitration.

(11) The Metropolitan Corporation shall pay to the City of Toronto such amount for personal property on such assumed lands or in the buildings thereon as may be mutually agreed upon between the Metropolitan Corporation and the City of Toronto.

(12) The Metropolitan Corporation may enter into agreements with the Canadian National Exhibition Association, the Royal Agricultural Winter Fair and other bodies respecting the use of such assumed lands, the charging of entrance or admission fees and any other matter or thing that the Metropolitan Council considers desirable for the full and effective use of such assumed lands for the purposes set out in subsection (3).

(13) The Metropolitan Corporation may make grants to and erect and maintain buildings and structures for the use of the Canadian National Exhibition Association and other bodies and may enter into agreements with the Association and other bodies with respect to the operation and maintenance
throughout the year of all or any part of such assumed lands and any buildings or structures now or hereafter erected thereon.

(14) The Metropolitan Corporation may enter into an agreement with the Canadian National Exhibition Association appointing the Association as its agent to carry out any of the powers of the Metropolitan Corporation under this section, and, upon the execution of such an agreement, the Association is authorized to exercise such powers subject to such restrictions as may be set out in the agreement. R.S.O. 1970, c. 295, s. 207.

210.—(1) In this section, Interpretation

(a) "Board" means the Board of Management of the Corporation;

(b) "Corporation" means the Exhibition Stadium Corporation;

(c) "Exhibition Stadium" means the land and buildings in Exhibition Park known as the Canadian National Exhibition Stadium in The Municipality of Metropolitan Toronto used for athletic contests, sporting events and public entertainments.

(2) The Corporations Act does not apply to the Corporation. R.S.O. 1980, c. 95, not to apply

(3) The Exhibition Stadium Corporation is continued as a corporation without share capital having as its purpose and objects the operation, management and maintenance of the Exhibition Stadium as a stadium for the holding of athletic contests, sporting events, public entertainments and meetings.

(4) There shall be a Board of Management of the Corporation consisting of seven members and composed of,

(a) three members appointed by the Canadian National Exhibition Association from among its membership;

(b) two members appointed by the Lieutenant Governor in Council;

(c) the Metropolitan Chairman or his delegate who shall be a member of the Metropolitan Council; and

(d) one member appointed by the Metropolitan Council, who shall be a member of the Metropolitan Council.
(5) The members of the Board appointed under clauses (4) (a) and (b) shall be appointed for a term of office not exceeding three years, and the member of the Board appointed under clause (4) (d) shall be appointed for a term of office not exceeding his term of office in the Metropolitan Council, provided that such members shall be eligible for reappointment and provided that a member of the Board may at any time be removed from office before the expiration of his term by the person or body responsible under subsection (4) for his appointment, and such vacancy, or a vacancy resulting from death or resignation, may be filled by such person or body for the remainder of the unexpired term.

(6) The Board shall elect a chairman from among its members appointed by the Canadian National Exhibition Association and may elect a vice-chairman, and a majority of the members of the Board constitutes a quorum for the transaction of business at meetings of the Board.

(7) The Corporation shall have,

(a) a head office in The Municipality of Metropolitan Toronto;

(b) a corporate seal upon which its corporate name shall appear;

(c) capacity to sue and be sued in its own name;

(d) capacity to enter into contracts, including contracts of employment, in its own name; and

(e) all powers incidental or conducive to the attainment of the purpose and objects of the Corporation set out in subsection (3).

(8) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

(9) The Board shall manage or supervise the management of the business and affairs of the Corporation.

(10) The Metropolitan Council may by by-law establish general policies to be followed by the Corporation in the operation, management and maintenance of Exhibition Stadium.
(11) Except for the purposes of the Ontario Municipal Employees Retirement System Act, the Board shall be deemed not to be a local board of the Metropolitan Corporation.

(12) The accounts and transactions of the Corporation shall be audited by the auditor for the Metropolitan Corporation.

(13) The Metropolitan Corporation shall be entitled to receive any surplus resulting from the operations of the Corporation and shall be responsible for any deficit incurred by the Corporation.

(14) The Corporation may borrow money for its purposes with the prior approval of the Metropolitan Council.

(15) The Metropolitan Corporation may enter into one or more agreements with the Corporation providing for the management and control of Exhibition Stadium by the Corporation on such terms and conditions as the Metropolitan Council may consider proper.

(16) The occupation, management and control of Exhibition Stadium by the Corporation under an agreement under subsection (15) shall be deemed, for the purposes of paragraph 9 of section 3 of the Assessment Act, to be occupation, management and control by the Metropolitan Corporation of lands used for the purposes set out in subsection 209 (3) of this Act. 1975, c. 22, s. 4, part.

211. The Metropolitan Corporation may acquire, erect, alter, maintain, operate and manage stadia, and may charge fees in connection therewith. 1975, c. 22, s. 4, part.

212.—(1) The Metropolitan Corporation may acquire the theatre in the City of Toronto known as the O'Keefe Centre and the land used in conjunction therewith, and for such purpose may enter into an agreement providing for payment of purchase moneys over a period of years without the approval of the Municipal Board and for the occupation by the Metropolitan Corporation of such land and building during such period.

(2) The corporation known as “The Board of Management of the O'Keefe Centre”, in this section referred to as the Board of Management, is continued and such Board shall have a corporate seal, may sue and be sued in its own name, may enter into contracts, including contracts of employment, and shall have all powers necessary for the operation, management and maintenance of such Centre as a theatre and auditorium and as a centre for the holding of meetings, receptions and displays of every kind.
(3) The Metropolitan Council may by by-law establish general policies to be followed by the Board of Management in the operation and management of the Centre. R.S.O. 1970, c. 295, s. 208 (1-3).

(4) The Board of Management shall be composed of not less than three and not more than seven persons, who shall be appointed by the Metropolitan Council by resolution for such terms of office as the Council may determine. R.S.O. 1970, c. 295, s. 208 (4); 1974, c. 42, s. 12.

(5) The Board of Management, from among its members, shall elect a chairman and may elect a vice-chairman, and a majority of its members constitutes a quorum. R.S.O. 1970, c. 295, s. 208 (5).

(6) Except for the purposes of the Ontario Municipal Employees Retirement System Act, the Board of Management shall be deemed not to be a local board of the Metropolitan Corporation. 1979, c. 64, s. 16 (1).

(7) The accounts and transactions of the Board of Management shall be audited by the auditor for the Metropolitan Corporation.

(8) The Board of Management may provide pensions for its employees or any class thereof and their wives and children, and may enter into agreements with any person for such purpose.

(9) The Metropolitan Corporation is entitled to any surplus resulting from the operations of the Board of Management and is responsible for any deficit incurred by it, but the Board of Management shall not borrow money without the approval of the Metropolitan Council. R.S.O. 1970, c. 295, s. 208 (7-9).

(10) The occupation, management and control by the Board of Management of the land acquired by the Metropolitan Corporation under this section shall be deemed, for the purposes of paragraph 9 of section 3 of the Assessment Act, to be occupation, management and control by the Metropolitan Corporation. 1979, c. 64, s. 16 (2).

213.—(1) In this section and in section 214,

(a) "Board of Management" means the Board of Management of the Metropolitan Toronto Zoo;

(b) "Metropolitan Toronto Zoo" means the zoological garden and related facilities which have been established by the Metropolitan Council or which may hereafter be established by the Council;
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(c) "Society" means the Metropolitan Toronto Zoological Society.

(2) The corporation without share capital known as the "Board of Management of the Metropolitan Toronto Zoo" is continued and the Board shall have a corporate seal, may sue and be sued in its own name, may enter into contracts including contracts of employment, and shall have all powers necessary for or incidental to the operation, management and maintenance of the Metropolitan Toronto Zoo.

(3) The Corporations Act does not apply to the Board of Management.

(4) The Board of Management shall be composed of nine members appointed by the Metropolitan Council, of whom four shall be nominees of the Society.

(5) The members of the Board of Management shall be appointed for a term of office not exceeding the term of office of members of the Metropolitan Council and shall hold office until their successors are appointed.

(6) The Board of Management, from among its members, shall elect a chairman and may elect a vice-chairman, and a majority of its members constitutes a quorum.

(7) The Board of Management may from time to time establish such standing or other committees, appoint as members thereof such persons, including members of the Society, and assign such duties to the committees so established as the Board deems fit.

(8) Notwithstanding subsection (7), the Board of Management shall establish an Animal Acquisition Committee and the Society may appoint one member, or with the approval of the Board of Management more than one member, of such Committee.

(9) The Board of Management may enact by-laws for the regulation of its proceedings and for the conduct and management of its affairs.

(10) The Metropolitan Corporation may enter into one or more agreements with the Board of Management entrusting the operation, management and maintenance of the Metropolitan Toronto Zoo to the Board of Management on such terms and conditions as the Metropolitan Council may consider proper.
By-laws
regeneral
policies

(11) The Metropolitan Council may by by-law establish
general policies to be followed by the Board of Management
in the operation, management and maintenance of the
Metropolitan Toronto Zoo under an agreement entered into
under subsection (10).

Surplus or
deficit

(12) The Metropolitan Corporation is entitled to any surplus
resulting from the operations of the Board of Management and
is responsible for any deficit incurred by it.

Occupation
by Board
deemed
occupation
by Metro-
politan
Corporation

R.S.O. 1980,
c. 31

(13) The occupation, management and control of lands
by the Board of Management under an agreement under
subsection (10) shall be deemed for the purposes of subsections 206
(5) and (6) of this Act and of paragraph 9 of section 3 of the
Assessment Act, to be occupation, management and control by the
Metropolitan Corporation of lands used for park purposes.

Application
of
R.S.O. 1980,
c. 305

(14) The Municipal Conflict of Interest Act does not apply to a
member of the Board of Management in respect of a contract,
proposed contract or other matter between the Board of Manage-
ment and the Society by reason only of such member being a
member or officer of the Society. 1977, c. 68, s. 1, part.

Offer of
employment

214.—(1) The Board of Management shall offer to employ
every person who, on the 1st day of July, 1977, is employed
by the Society in connection with the operation, manage-
ment and maintenance of the Metropolitan Toronto Zoo and
who continues to be so employed until the date of coming
into force of an agreement under subsection 213 (10).

Wages and
salaries

(2) Any person who accepts employment under subsection (1)
shall be entitled to receive a wage or salary up to and
including the 31st day of December, 1978, of not less than
he was receiving on the 1st day of July, 1977.

Pension
benefits

(3) Employment with the Society by a person who accepts
employment with the Board of Management under sub-
section (1) shall be deemed to have been employment with the
Board of Management for the purposes of pension benefits.

Sick leave
credits

(4) Any sick leave credits standing, on the 31st day of
December, 1977, to the credit of any person who accepts
employment under subsection (1) shall be placed to the
credit of such employee in any sick leave credit plan established
by the Board of Management.

Holidays

(5) Any person who accepts employment under subsection (1)
shall be entitled during 1978 to holidays with pay equivalent
to those to which he would have been entitled if he had
remained in the employment of the Society.
(6) Nothing in this section prevents the Board of Management from terminating the employment of an employee for cause. 1977, c. 68, s. 1, part.

215.—(1) For the purposes of section 206, all land comprising Toronto Islands owned by the City of Toronto and all rights of the City of Toronto to use and occupy land comprising Toronto Islands owned by The Toronto Harbour Commissioners, except such portions of all such lands as are set aside and used or required for the purposes of the Toronto Island Airport, are vested in the Metropolitan Corporation as of the 1st day of January, 1956, subject to the provisions of then existing leases, and, subject to subsection (2), no compensation or damages shall be payable to the City of Toronto in respect thereof.

(2) The Metropolitan Corporation shall pay to the City of Toronto,

(a) before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the City of Toronto for the purposes of the land and rights vested by this section in the Metropolitan Corporation;

(b) the amount approved by the Municipal Board and expended by the City of Toronto, but not debentured, for shore protection of Algonquin Island;

(c) the amount approved by the Municipal Board and expended by the City of Toronto, but not debentured, for acquisition of leasehold interests and clearing of sites;

(d) such amount for personal property, exclusive of leaseholds, transferred to the Metropolitan Corporation as may be mutually agreed upon between the Metropolitan Corporation and the City of Toronto;

(e) the amount of the expenses incurred by the City of Toronto after the 1st day of January, 1956, with respect to the operation and maintenance of the land and rights vested by this section in the Metropolitan Corporation.

(3) Where any portion of the land and rights vested by this section in the Metropolitan Corporation is being used by the City of Toronto for the purpose of providing municipal services other than park and recreation services, the City of Toronto may continue to use such portion rent free so long as it is required to provide such municipal services.
(4) The Metropolitan Corporation shall pay to the City of Toronto annually such amount for the lighting, refuse collection and disposal services provided by the City of Toronto in respect of the land and rights vested by this section in the Metropolitan Corporation as may be mutually agreed upon between the Metropolitan Corporation and the City of Toronto.

(5) If any of the land vested by this section in the Metropolitan Corporation and any land comprising Toronto Islands, which is hereafter conveyed by The Toronto Harbour Commissioners to the Metropolitan Corporation, ceases to be used for any of the purposes of section 206, the Metropolitan Corporation shall thereupon transfer such land to the City of Toronto and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof; provided this subsection does not apply to any land so long as it continues to be used as at the 1st day of January, 1956, under any then existing lease or renewal or extension thereof.

(6) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for the purposes of the land and rights vested by this section in the Metropolitan Corporation or of failure to agree as to the amount to be paid for the personal property transferred to the Metropolitan Corporation or as to the amount to be paid for lighting, refuse collection and disposal services provided by the City of Toronto, the Municipal Board, upon application, may determine the matter, and its decision is final.

(7) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a ferry service for providing access to the lands vested in the Metropolitan Corporation under this section for so long as such lands or any part thereof remain so vested and are used for park purposes, and, for such purposes, the Metropolitan Corporation may assume the rights, equipment and other assets of the Toronto Transit Commission used in providing such service subject only to the payment of any outstanding liability in respect thereto and such adjustment as the Metropolitan Corporation may determine and may enter into agreements with any person with respect to the provision of such service.

(8) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a public bus transportation system on the Toronto Islands and for such purposes the Metropolitan Corporation may,

(a) maintain and operate buses for the conveyance of passengers;
(b) acquire by purchase or otherwise any real or personal property required for the establishment, operation, maintenance or extension of the system; and

(c) fix transportation fares and tolls and make regulations with respect to the operation and control of the system. R.S.O. 1970, c. 295, s. 210.

PART XVII
FINANCES

216. In this Part, "rateable property" includes business and other assessment made under the Assessment Act. R.S.O. 1970, c. 295, s. 211.

217.—(1) For the purposes of this section, "municipality" includes a metropolitan, regional or district municipality. 1974, c. 42, s. 13, part.

(2) Where the Metropolitan Corporation or an area municipality has moneys not required immediately by the Metropolitan Corporation or the area municipality, such moneys may be,

(a) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under the Loan and Trust Corporations Act,

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by a chartered bank to which the Bank Act (Canada) applies,

(iv) promissory notes of a metropolitan, regional or district municipality or of a municipality as defined in the Municipal Affairs Act, or of a conservation authority established under the Conservation Authorities Act,

(v) term deposits accepted by a credit union as defined in the Credit Unions and Caisses Populaires Act; or
(b) advanced to the capital account of the Metropolitan Corporation or the area municipality for the purpose of interim financing of capital undertakings, provided that the moneys invested or advanced are repayable by the day on which they are required by the Metropolitan Corporation or the area municipality, and the investments are in other respects reasonable and proper. 1974, c. 42, s. 13, part; 1976, c. 42, s. 16; 1979, c. 64, s. 17 (1).

(3) The Metropolitan Corporation is deemed to be a municipality for the purposes of section 35 of the Credit Unions and Caisses Populaires Act. 1979, c. 64, s. 17 (2).

YEARN LEVIES AND ESTIMATES

218.—(1) The Metropolitan Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Metropolitan Corporation, including the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

(2) In preparing the estimates, the Metropolitan Council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve but shall not make any allowance for payments to be received during the current year under the Ontario Unconditional Grants Act. R.S.O. 1970, c. 295, s. 213; 1972, c. 1, s. 1.

219.—(1) The Metropolitan Council shall in each year levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted;

(b) for payment of all debts of the Metropolitan 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 Metropolitan Corporation is liable under this Act.

(2) The Metropolitan Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.
(3) The amount levied under subsection (1) for public school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property rateable for public school purposes in each of the area municipalities bears to the whole rateable property rateable for public school purposes in the Metropolitan Area, according to the last revised assessment rolls.

(4) The amount levied under subsection (1) for secondary school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property rateable for secondary school purposes in each of the area municipalities bears to the whole rateable property rateable for secondary school purposes in the Metropolitan Area, according to the last revised assessment rolls.

(5) All other amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Metropolitan Area, according to the last revised assessment rolls.

(6) Notwithstanding subsections (3), (4) and (5), the Metropolitan Council may pass its by-law under subsection (2) before the assessment rolls of all the area municipalities are revised by the Assessment Review Court, and in that case the levies shall be apportioned among the area municipalities according to the last revised assessment rolls of those area municipalities whose assessment rolls have been so revised and the assessment rolls as returned of those area municipalities whose assessment rolls have not been so revised.

(7) Where the by-law under subsection (2) is passed as provided in subsection (6), the Metropolitan Council shall, forthwith after the assessment rolls of all the area municipalities have been revised by the Assessment Review Court, amend the by-law so as to make the apportionments among the area municipalities according to the assessment rolls as so revised, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Metropolitan Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay to the treasurer of the Metropolitan Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Metropolitan Cor-
poration shall pay the amount of the decrease to the treasurer of the area municipality.

(8) The apportionment of the levy among the area municipalities as provided for in subsections (2) to (5) shall be based on the full value of all rateable property, and no fixed assessment other than a fixed assessment under section 22 of the Assessment Act or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the Assessment Act. R.S.O. 1970, c. 295, s. 214 (1-8).

(9) Notwithstanding anything in this section, the assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality. R.S.O. 1970, c. 295, s. 214 (9); 1973, c. 57, s. 19.

(10) The clerk of an area municipality shall transmit to the clerk of the Metropolitan Corporation, within sixty days of the receipt of a grant paid in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such grant was made.

(11) One by-law or several by-laws for making the levies may be passed as the Metropolitan Council considers expedient.

(12) The clerk of the Metropolitan Corporation shall forthwith after the metropolitan levies have been apportioned certify to the clerk of each area municipality the amount that has been so directed to be levied therein for the then current year for metropolitan purposes showing separately the amounts required for public school purposes, secondary school purposes and general purposes.

(13) Subject to subsections 36 (4), (5) and (6) of the Assessment Act, in each area municipality, the metropolitan levy,

(a) for public school purposes, shall be calculated and levied upon the whole rateable property rateable for public school purposes;

(b) for secondary school purposes, shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and

(c) for all other purposes, shall be calculated and levied upon the whole rateable property rateable for such purposes,
within such area municipality according to the last revised assessment roll thereof.

(14) All money levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Metropolitan Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by the by-law of the Metropolitan Council mentioned in subsection (2). R.S.O. 1970, c. 295, s. 214 (10-14).

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Metropolitan Council determines, from the date payment is due until it is made. 1979, c. 64, s. 18.

220.—(1) Notwithstanding section 219, the Metropolitan Council may, in any year before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Metropolitan Council in the preceding year against that area municipality or against the former area municipalities included within that area municipality, and subsections 219 (14) and (15) apply to such a levy.

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 219. R.S.O. 1970, c. 295, s. 215.

RESERVE FUNDS

221.—(1) The Metropolitan Council, or The Metropolitan Toronto School Board or the Metropolitan Toronto Library Board with the approval of the Metropolitan Council, may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 72, s. 4 (1).

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the Trustee Act, and the earnings derived from the investment of such moneys form part of the reserve fund. R.S.O. 1970, c. 295, s. 216 (2).

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Metropolitan Council. 1976, c. 72, s. 4 (2).
(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). R.S.O. 1970, c. 295, s. 216 (4).

TEMPORARY LOANS

222.—(1) The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation and the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation. 1977, c. 37, s. 2 (1).

(2) The amount that may be borrowed in any year for the purposes mentioned in subsection (1) shall not, except with the approval of the Municipal Board, exceed 70 per cent of the total amount of the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the next preceding year.

(4) For the purposes of subsections (2) and (3), estimated revenues shall not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of levies and proceeds from the sale of assets.

(5) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

(6) Any promissory note made under the authority of this section shall be sealed with the seal of the Metropolitan Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. R.S.O. 1970, c. 295, s. 217 (2-6).

(7) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.
on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 37, s. 2 (2).

(8) The Metropolitan Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Metropolitan Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(9) Any agreement entered into under subsection (8) shall be sealed with the corporate seal and signed by the chairman and treasurer.

(10) If the Metropolitan Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

(11) If the Metropolitan Council authorizes the application of any revenues of the Metropolitan Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(12) If any member of the Metropolitan Council or officer of the Metropolitan Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. R.S.O. 1970, c. 295, s. 217 (7-11).

(13) Subsections (10), (11) and (12) do not apply to the Metropolitan Council or any member of the Metropolitan Council or officer of the Metropolitan Corporation acting under an order or direction issued or made under the authority of Part III of the Municipal Affairs Act, nor do they apply in any case where application of the revenues of the Metropolitan Corporation is made with the consent of the lender in whose favour a charge exists. R.S.O. 1970, c. 295, s. 217 (12); 1972, c. 1, s. 104 (6).
DEBT

223.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Metropolitan Council may borrow money for the purposes of,

(a) the Metropolitan Corporation, including the purposes of the Toronto Transit Commission and of the Metropolitan Toronto Library Board;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities;

(d) any board of education in the Metropolitan Area,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Metropolitan Corporation.

(2) Notwithstanding any other provision of this Part, the Metropolitan Corporation may expend moneys for the purposes of an extension to the rapid transit system of the Toronto Transit Commission and may issue debentures therefor for any term or terms not exceeding forty years and may, with the approval of the Municipal Board, provide for the refinancing of not more than one-half of the amount of any such issue at the end of the term thereof, provided that the total period for repayment of the debt created shall not exceed forty years.

(3) All debentures issued pursuant to a by-law passed by the Metropolitan Council under the authority of this Act are direct, joint and several obligations of the Metropolitan Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Metropolitan Corporation and of the area municipalities respectively as among themselves.

(4) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1953, power to issue debentures.

(5) When an area municipality, prior to the 31st day of December, 1953,
(a) has applied for and obtained the final approval of
the Municipal Board in respect of any work, pro-
ject or other matter mentioned in subsection 64 (1)
of the Ontario Municipal Board Act; and

(b) has entered into a contract for or authorized the
commencement of such work, project or matter but
has not prior to that date issued the debentures
authorized,

the Metropolitan Council, upon the request of the council of
the area municipality, shall pass a by-law authorizing the
issue and sale of debentures of the Metropolitan Corporation
for the purposes and in the amount approved by the Munici-
pal Board and shall, if required by the area municipality,
issue such debentures and provide temporary financing for
the area municipality in the manner provided in section 226,
and no further approval of the Municipal Board is required.

(6) Bonds, debentures and other evidences of indebtedness
of the Metropolitan Corporation shall be deemed to be bonds,
debentures and other evidences of indebtedness of a munici-
pal corporation of the purposes of the Trustee Act. R.S.O.
1970, c. 295, s. 218.

224.—(1) Subject to the limitations and restrictions in
this Act and the Ontario Municipal Board Act, the Metro-
politan Corporation may by by-law incur a debt or issue
debentures for the purposes set forth in subsection 223 (1)
of this Act and, notwithstanding any general or special Act, such
by-law may be passed without the assent of the electors of the
Metropolitan Area.

(2) Where, under any general or special Act, an area muni-
cipality cannot incur a debt or issue debentures for a
particular purpose without the assent of its electors or with-
out the concurrence of a specified number of the members
of its council, the Metropolitan Council shall not pass
a by-law authorizing the issue of debentures on behalf of
such area municipality for such purpose unless such assent
or concurrence to the passing of the by-law by the Metro-
politan Council has been obtained.

(3) Nothing in subsection (2) requires the assent of any
electors where such assent has been dispensed with under
section 63 of the Ontario Municipal Board Act. R.S.O. 1970,
c. 295, s. 220.

225.—(1) Notwithstanding any other provisions in this Act or
any other general or special Act, when the Municipal Board has
authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes or for the purposes of any area municipality or board of education, the Metropolitan Council may by by-law authorize the chairman and treasurer subject to such terms and conditions as the by-law specifies to enter into an agreement or agreements, upon such terms and conditions including price or prices as the chairman and the treasurer consider expedient, with any person or persons at any time in the year in which the by-law is passed for the issue and sale of debentures.

(2) A by-law passed under subsection (1) shall set out the maximum amount of money which may be raised by the issue and sale of debentures under such by-law.

(3) Where an agreement has been entered into in accordance with subsection (1), the treasurer shall report the terms of the agreement to the Metropolitan Council not later than the second regular council meeting next following the entering into of the agreement.

(4) Where the chairman and treasurer have entered into an agreement or agreements authorized under subsection (1), the Metropolitan Council shall pass all necessary money by-laws in accordance with section 227 and with such agreement or agreements. 1980, c. 39, s. 9.

226.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to
the area municipality or board of education. 1977, c. 37, s. 3 (1).

(3) The Metropolitan Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality or board of education, the balance, subject to section 238, shall be transferred to the area municipality or board of education.

(5) Subject to subsection (3), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. R.S.O. 1970, c. 295, s. 222 (3-5).

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 37, s. 3 (2).

227.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest on proceeds transferred.
interest payable under the by-law in such year, and each such area municipality shall pay to the Metropolitan Corporation such sums at the times and in the amounts specified in the by-law.

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality, for the same purpose, for the portion of the debt levied against it under subsection (4).

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Metropolitan Corporation.

(8) The Metropolitan Council may by by-law authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or vice versa, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Metropolitan Council, upon again acquiring them, or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. R.S.O. 1970, c. 295, s. 223 (1-8).

(9) All the debentures shall be issued within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Metropolitan Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years after the passing of the by-law. R.S.O. 1970, c. 295, s. 223 (9); 1976, c. 42, s. 17 (1).
(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (9) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the Metropolitan Council, the council of any area municipality, a board of education or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the Metropolitan Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. R.S.O. 1970, c. 295, s. 223 (10-15).

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

(17) Subsection 183 (4) of the Municipal Act applies and shall be deemed to have always applied, with necessary modifications, to the Metropolitan Corporation.

(18) The retirement fund for term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. 1976, c. 42, s. 17 (2).

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Metropolitan Corporation on any date prior to maturity subject to the following provisions:
1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in The Ontario Gazette and in a daily newspaper of general circulation in the City of Toronto and in such other manner as the by-law may provide.

5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates, and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council in respect of the debenture so redeemed. R.S.O. 1970, c. 295, s. 223 (17).

Currency (20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

(a) in lawful money of Canada and payable in Canada;
or

(b) in lawful money of the United States of America and payable in the United States of America; or
(c) in lawful money of Great Britain and payable in
Great Britain; or

(d) subject to the prior approval of the Lieutenant
Governor in Council, in a currency other than that
of Canada, the United States of America, or Great
Britain. R.S.O. 1970, c. 295, s. 223 (18); 1975, c. 22,
s. 6 (1).

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Metropolitan Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary. R.S.O. 1970, c. 295, s. 223 (19); 1975, c. 22, s. 6 (2).

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. R.S.O. 1970, c. 295, s. 223 (20); 1975, c. 22, s. 6 (3).

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the Metropolitan Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Metropolitan Corporation and two members appointed by the Metropolitan Council, and the two appointed members shall be paid, out of the current fund of the Metropolitan Corporation, such annual remuneration as the Metropolitan Council may determine. R.S.O. 1970, c. 295, s. 223 (21, 22).

(25) The Metropolitan Council may appoint an alternate member for each of the appointed members and any such
alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Metropolitan Corporation, such remuneration as the Metropolitan Council determines. 1976, c. 72, s. 5.

(26) The treasurer of the Metropolitan Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Metropolitan Corporation shall determine, and in other respects the provisions of section 94 of the Municipal Act apply with respect to such security.

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. R.S.O. 1970, c. 295, s. 223 (24-29).

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms:

(a) in securities in which a trustee may invest under the Trustee Act;

(b) in debentures of the Metropolitan Corporation;

(c) in temporary advances to the Metropolitan Corporation pending the issue and sale of any debentures of the Metropolitan Corporation;
(d) in temporary loans to the Metropolitan Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. R.S.O. 1970, c. 295, s. 223 (30); 1975, c. 22, s. 6 (4).

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause (a).

(37) The treasurer of the Metropolitan Corporation shall prepare and lay before the Metropolitan Council in each year, before the annual metropolitan levies are made, a statement showing the sums that the Metropolitan Council will be required, by by-law, to raise for sinking funds in that year.
(38) If the treasurer contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than $250.

(39) If the Metropolitan Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Metropolitan Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Metropolitan Council, the council of an area municipality, The Metropolitan Toronto School Board or a board of education in the Metropolitan Area may authorize the Metropolitan Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Metropolitan Corporation or otherwise than is provided in this section. R.S.O. 1970, c. 295, s. 223 (31-39).

(42) When, after the debentures for which any sinking fund was provided have been paid off or fully provided for, there is a surplus in a sinking fund account, the sinking fund committee shall,

(a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes:

(i) to retire unmatured debentures of the Metropolitan Corporation or of an area municipality,

(ii) to reduce the next annual levy on account of principal and interest payable with re-
spect to debentures of the Metropolitan Corporation or of an area municipality,

(iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

(iv) to defray the cost of other capital expenditures in lieu of the issue of debentures therefor,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Metropolitan Council, the council of an area municipality, The Metropolitan Toronto School Board for public schools, The Metropolitan Toronto School Board for secondary schools, a board of education for public schools, a board of education for secondary schools, the Toronto Transit Commission, a hydro-electric system and the metropolitan waterworks in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose. 1975, c. 22, s. 6 (5).

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities or of a board of education, any deficit in the sinking fund account shall be provided by the Metropolitan Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42). R.S.O. 1970, c. 295, s. 223 (41).

(44) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and pari passu in respect of payment of principal and interest thereon with all other debentures of the Metropolitan Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 42, s. 17 (3).

228.—(1) Subsection 152 (1) of the Municipal Act applies with necessary modifications to the Metropolitan Council. 1976, c. 72, s. 6.

(2) For the purposes of this section, the hypothecation of debentures under section 226 shall not constitute a sale or other disposal thereof.
(3) The Metropolitan Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council.  R.S.O. 1970, c. 295, s. 224 (2-4).

229.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Metropolitan Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.  R.S.O. 1970, c. 295, s. 225.

230.—(1) Subject to section 229, after a debt has been contracted under a by-law, the Metropolitan Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Metropolitan Corporation that has been directed to be applied to such payment.

(2) When the Metropolitan Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.  R.S.O. 1970, c. 295, s. 226.

231. Any officer of the Metropolitan Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Metropolitan Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to
repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than $100. R.S.O. 1970, c. 295, s. 227.

232.—(1) Within four weeks after the passing of a money by-law, the clerk of the Metropolitan Corporation may register a duplicate original or a copy of it, certified under his hand and the seal of the Metropolitan Corporation, in the Registry Office for the Registry Division of the City of Toronto.

(2) Subject to section 61 of the Ontario Municipal Board Act, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the Drainage Act or the Local Improvement Act, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 224 (2), or a by-law where it appears on the
Failure to register

Debentures how sealed and executed

Interest coupons

Mechanical reproduction of signatures

Effect of mechanical reproduction

 Sufficiency of signatures

face of it that any of the provisions of subsection 227 (5) have not been substantially complied with.

(7) Failure to register a by-law as prescribed by this section does not invalidate it. R.S.O. 1970, c. 295, s. 228.

233.—(1) A debenture or other like instrument shall be sealed with the seal of the Metropolitan Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Metropolitan Corporation to sign it, and by the treasurer.

(2) A debenture may have attached to it interest coupons which shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Metropolitan Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Metropolitan Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Metropolitan Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Metropolitan Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the
date the Metropolitan Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. R.S.O. 1970, c. 295, s. 229.

234. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Metropolitan Corporation, the by-law and the debentures issued under it are valid and binding upon the Metropolitan Corporation. R.S.O. 1970, c. 295, s. 230.

235.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then
owner of it or his executors or administrators or his or their
attorney and, if the then owner of it is a corporation, the
written authority of such corporation, or its successors.
R.S.O. 1970, c. 295, s. 231.

(4) Where debentures are payable in a currency other
than that of Canada, the Metropolitan Council may provide
that the Debenture Registry Book of the Metropolitan
Corporation in respect of such debentures be maintained
outside Canada by a person other than the treasurer and
may make such other provisions for the registration and
transfer of such debentures as the Metropolitan Council
considers appropriate. 1975, c. 22, s. 7.

236. Where a debenture is defaced, lost or destroyed, the
Metropolitan Council may by by-law provide for the replacing
of the debenture on the payment of such fee and on such terms
as to evidence and indemnity as the by-law may provide.

237.—(1) On request of the holder of any debenture issued
after the 3rd day of April, 1957, by the Metropolitan Corpora-
tion, the treasurer of the Metropolitan Corporation may issue
and deliver to such holder a new debenture or new debentures in
exchange therefor for the same aggregate principal amount.

(2) On the request of the sinking fund committee, the
treasurer of the Metropolitan Corporation may, as provided in
this section, exchange debentures heretofore or hereafter
issued by the Metropolitan Corporation.

(3) Any new debenture mentioned in subsection (1) may be
registered as to principal and interest but in all other respects
shall be of the same force and effect as the debenture or
debentures surrendered for exchange.

(4) The treasurer and auditor of the Metropolitan Corpora-
tion shall cancel and destroy all debentures surrendered for
exchange and shall certify in the Debenture Registry Book that
they have been cancelled and destroyed and shall also enter in
the Debenture Registry Book particulars of any new deben-

238.—(1) The moneys received by the Metropolitan Corpo-
racion from the sale or hypothecation of any debentures to
the extent that such moneys are required for the purpose or
purposes for which the debentures were issued, and for the repay-
ment of any outstanding temporary loans with respect thereto,
shall be used only for such purpose or purposes.
(2) None of the moneys received by the Metropolitan Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Metropolitan Corporation, an area municipality or a board of education in the Metropolitan Area.

(3) Where on the sale of any debentures an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

(a) if any such debentures are redeemable prior to maturity at the option of the Metropolitan Corporation, to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. R.S.O. 1970, c. 295, s. 234.

239. Where real or personal property acquired out of moneys received by the Metropolitan Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 238 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the
principal and interest charges of the debentures issued in respect of the property disposed of or sold. R.S.O. 1970, c. 295, s. 235.

240. When the Metropolitan Corporation intends to borrow money on debentures under this or any other Act, the Metropolitan Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. R.S.O. 1970, c. 295, s. 236.

241.—(1) The Metropolitan Council shall,

(a) keep a separate account of every debt;

(b) where the whole of the debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Metropolitan Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. R.S.O. 1970, c. 295, s. 237.

242. If in any year after paying the interest and appropriating the necessary sum in payment of the instalments there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. R.S.O. 1970, c. 295, s. 238.
243.—(1) If the Metropolitan Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(2) If the Metropolitan Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Metropolitan Area.

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

R.S.O. 1970, c. 295, s. 239.

244. When, by or under the authority of this Act, the Metropolitan Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Metropolitan Corporation may, with the approval of the Municipal Board,

(a) cancel all such debentures that have not been sold and issue new debentures of the Metropolitan Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;

(b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Metropolitan Corporation to raise the moneys required for such redemption;

(c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Metropolitan Corporation to raise the money required to complete such purchase. R.S.O. 1970, c. 295, s. 240.

PART XVIII

GENERAL

section 210, and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the Metropolitan Corporation. 1979, c. 64, s. 19.

(2) Sections 10 and 11 and, subject to subsection 150(8), section 14 of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Metropolitan Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

(3) Nothing in this Act alters or affects the powers of The Toronto Harbour Commissioners.

(4) The Metropolitan Corporation shall be deemed to be a local municipality for the purpose of paragraph 134 of section 210 of the *Municipal Act*.

(5) By-laws may be passed by the Metropolitan Council,

(a) for the establishment and maintenance of emergency measures civil defence organizations in the Metropolitan Area; and

(b) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work in the Metropolitan Area,

and, when a by-law passed under this subsection is in force in the Metropolitan Area, any by-law passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* has no effect.

(6) When a by-law passed under clause (6) (a) is in force, the Metropolitan Council may pass by-laws,

(a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of the Metropolitan Toronto Emergency Measures Organization or any committee thereof;

(b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their functions under the Metropolitan Toronto Emergency Measures Organization;
(c) for appointing members of the Metropolitan Toronto Emergency Measures Organization, or of any committee thereof, to be in charge of such departments or utilities throughout the Metropolitan Area, as the by-law may provide, when an emergency has been proclaimed under the War Measures Act (Canada); R.S.C. 1970, c. W-2

(d) for acquiring alternative headquarters for the metropolitan government outside the Metropolitan Area;

(e) for designating evacuation routes and empowering members of the Metropolitan Police Force to require persons to use such routes;

(f) for obtaining and distributing emergency materials, equipment and supplies; and

(g) for complying with any request of the Government of Canada or Ontario in the event of a nuclear attack.

(7) Notwithstanding any other provision in this Act, the Metropolitan Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 42 (2), subsection 58 (1), subsection 59 (2) and subsection 75 (2) as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. R.S.O. 1970, c. 295, s. 241 (2-8).

(8) The Metropolitan Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the Mortgage and Charitable Uses Act. 1977, c. 37, s. 4 (2).

(9) The Metropolitan Corporation is deemed to be and to have always been a municipality for the purposes of section 311 of the Municipal Act. 1979, c. 90, s. 5.

(10) Notwithstanding any provision in this or any other Act, the Metropolitan Council may, by by-law, authorize the head of a department or other official thereof, subject to such terms and conditions as the by-law specifies, to exercise the powers of the Metropolitan Council under paragraphs 101, 102, 103 and 104 of section 210, subsection 309 (3) and subsection 313 (2) and clauses 313 (4) (a) and (b) of the Municipal Act. R.S.O. 1980, c. 302

(11) Where any applicant, resident or ratepayer objects to the decision or approval of the department head or other official
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described in subsection (10), the Metropolitan Council shall afford that person an opportunity to be heard and the Metropolitan Council may confirm, rescind, change, alter or vary any such decision or approval. 1980, c. 68, s. 3.

246. The Metropolitan Council may expend in any year such sum as it may determine for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre. 1976, c. 42, s. 19.

247. The Metropolitan Council may expend in any year such sum as it may determine for the purposes set out in section 253 of the Municipal Act. 1977, c. 37, s. 5.

248.—(1) The Metropolitan Corporation may enter into an agreement with the Ontario Motor League or any similar organization for the provision and maintenance of an emergency call system on any metropolitan road.

(2) An agreement entered into under subsection (1) may be for such period and on such terms and conditions as may be thought proper. R.S.O. 1970, c. 295, s. 243.

249. The Metropolitan Corporation may assume the whole or any part of the capital and operating costs of the fire boat and the marine fire boat station of the City of Toronto. R.S.O. 1970, c. 295, s. 245.

250. The Metropolitan Corporation may pass by-laws prohibiting the driving or operating of motor vehicles in the Metropolitan Area that create undue noise and for the purposes of any such by-law may define the expressions motor vehicles and undue noise. R.S.O. 1970, c. 295, s. 246.

251. Where in an action or by the settlement of a claim arising out of an injury to an employee, including a member of the Metropolitan Police Force, or to any person deemed an employee for the purposes of the Workmen's Compensation Act the Metropolitan Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Metropolitan Corporation may impose. R.S.O. 1970, c. 295, s. 247; 1971, c. 80, s. 6.

252.—(1) Where the Metropolitan Council passes a resolution requesting a judge of the county court of the Judicial District
of York, or a judge of the county court of a judicial district adjoining the Judicial District of York, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Metropolitan Council, or an officer or employee of the Metropolitan Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Metropolitan Corporation, or to inquire into or concerning any matter connected with the good government of the Metropolitan Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Metropolitan Corporation, the judge shall make the inquiry and for that purpose has the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the inquiry as if it were an inquiry under that Act, and he shall, with all convenient speed, report to the Metropolitan Council the result of the inquiry and the evidence taken. R.S.O. 1970, c. 295, s. 248 (1); 1971, c. 49, s. 18.

(2) The judge shall be paid by the Metropolitan Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the Judicature Act.

(3) The Metropolitan Council may engage and pay counsel to represent the Metropolitan Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Metropolitan Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. R.S.O. 1970, c. 295, s. 248 (2, 3).

253.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into the affairs of the Metropolitan Corporation or a local board thereof, and any matter connected therewith, and the commissioner has the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 295, s. 249 (1); 1971, c. 49, s. 18.

(2) A commission may be recommended at the instance of the Ministry, or upon the request in writing of not less than one-third of the members of the Metropolitan Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. R.S.O. 1970, c. 295, s. 249 (2); 1972, c. 1, s. 1.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the
commissioner, shall be fixed and certified by the Minister
and are subject to such division between the Metropolitan
Corporation and the Province as the Lieutenant Governor in
Council may direct. R.S.O. 1970, c. 295, s. 249 (3).

254. The Metropolitan Corporation for its purposes may
enter, break up, dig and trench in, upon and under the high-
ways, lanes and other public communications of any area
municipality and may construct and maintain therein pipes,
sewers, drains, conduits and other works necessary for its
purposes, without making compensation therefor, but all
such highways, lanes and other public communications shall
be restored to their original condition without unnecessary
delay. R.S.O. 1970, c. 295, s. 250.

255. The Metropolitan Corporation and any area municip-
almcity may enter into agreements for the use within any part
of the Metropolitan Area of the services of their respective
officers, employees and equipment. R.S.O. 1970, c. 295, s. 251.

256. The Metropolitan Corporation and one or more area
municipalities may enter into agreements for obtaining insurance
protecting the Metropolitan Corporation, the area municipalities
or any of them, their respective local boards, the members of their
respective councils and local boards, and officers and employees
of such municipal corporations and local boards against risks that
may involve loss or liability, and may establish and contribute to a
fund in connection with such insurance on such terms and condi-
tions as may be agreed. 1979, c. 90, s. 6.

257.—(1) For the purposes of paragraph 9 of section 3 and
section 26 of the Assessment Act, the Metropolitan Corporation
shall be deemed to be a municipality.

(2) For the purposes of paragraph 9 of section 3 of the Assess-
ment Act, where property belonging to the Metropolitan Cor-
oporation is occupied by an area municipality or where property
belonging to an area municipality is occupied by the Metropolitan
Corporation or another area municipality, the occupant shall be
deaemed not to be a tenant or lessee, whether rent is paid for such
occupation or not.

(3) In subsection (2), “Metropolitan Corporation” and “area
municipality” include a local board thereof. R.S.O. 1970,
c. 295, s. 252.

258.—(1) An execution against the Metropolitan Corpora-
tion may be endorsed with a direction to the sheriff to levy
the amount thereof by rate, and the proceedings therein shall
then be the following:
1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Metropolitan Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Metropolitan Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates are struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate, and shall by the precept, after reciting the writ and that the Metropolitan Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Municipality of Metropolitan Toronto" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the
time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. R.S.O. 1970, c. 295, s. 253.

259. The Lieutenant Governor in Council, upon the recommendation of the Municipal Board, may authorize the Metropolitan Corporation to do all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the intent and purposes of this Act. R.S.O. 1970, c. 295, s. 254.

260. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. R.S.O. 1970, c. 295, s. 255.

261.—(1) Notwithstanding anything in the Power Corporation Act or in the Public Utilities Act or in any other special or general Act, the whole of the Township of Scarborough, the whole of the City of North York and the whole of the Township of Etobicoke shall each be deemed to be an area established under subsection 70 (1) of The Power Commission Act, being chapter 300 of the Revised Statutes of Ontario, 1960, and The Public Utilities Commission of the Township of Scarborough, The Hydro-Electric Commission of the City of North York and The Hydro-Electric Commission of the Township of Etobicoke shall each be deemed to have been established for the whole of the said respective areas.

(2) If any of such corporations desire to enter into a contract with Ontario Hydro for the supply of electrical power or energy for the use of the municipality and inhabitants thereof, the assent of the municipal electors is not necessary.

(3) Subject to this section and where not inconsistent therewith, Part II of the Power Corporation Act shall be deemed
to apply to each of such commissions and areas. R.S.O. 1970, c. 295, s. 256; 1973, c. 57, s. 19.

262.—(1) The Metropolitan Corporation or an area municipality or the Metropolitan Corporation and one or more area municipalities,

(a) may acquire land for the purposes of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Metropolitan Corporation or the Metropolitan Corporation and one or more area municipalities.

(2) Section 125 of the Municipal Act applies with necessary modifications to any joint undertaking under this section. R.S.O. 1970, c. 295, s. 257.

263.—(1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of paragraphs 55 and 56 of section 208 of the Municipal Act.

(2) The Metropolitan Corporation and The Corporation of the City of Toronto may enter into an agreement to provide for the operation by The Parking Authority of Toronto of any or all of the parking lots of the Metropolitan Corporation or the parking authority established by the Metropolitan Corporation. R.S.O. 1970, c. 295, s. 258.

264. For the purposes of section 109 of the Highway Traffic Act, the boroughs of East York, Etobicoke, Scarborough and York shall be deemed to be cities. R.S.O. 1970, c. 295, s. 259.
FORM 1

(Section 6 (4))

I, ........................................, having been elected (or appointed) as chairman of the council of The Municipality of Metropolitan Toronto, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.


FORM 2

(Section 6 (4))

Declaration of Qualification by Chairman

I, ........................................, having been elected (or appointed) as chairman of the council of The Municipality of Metropolitan Toronto, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

R.S.O. 1970, c. 295, Form 2; 1973, c. 48, s. 6.