1980

c 437 Regional Municipality of Hamilton-Wentworth Act

Ontario
CHAPTER 437
Regional Municipality of Hamilton-Wentworth Act

INTERPRETATION

1. In this Act,

(a) "area municipality" means the municipality or corporation of the City of Hamilton, the Town of Dundas, the Town of Stoney Creek, the Town of Ancaster, the Township of Flamborough and the Township of Glanbrook, all as constituted by section 2;

(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 Regional Council;

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

(e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);

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

(g) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
(h) "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 Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

(i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;

(j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 2(1) or the local municipality to which such part is annexed;

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

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

(m) "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 108;

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

(o) "Regional Area" means the area from time to time included within the area municipalities;

(p) "Regional Corporation" means The Regional Municipality of Hamilton-Wentworth;

(q) "Regional Council" means the council of the Regional Corporation;
"regional road" means a road forming part of the regional road system established under Part III;

"roadway" means that part of the highway designed or intended for use by vehicular traffic. 1973, c. 74, s. 1, revised.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

(a) The City of Hamilton is continued as a city municipality.

(b) The Town of Dundas is continued as a town municipality and portions of the Township of Ancaster and the Township of West Flamborough, described as follows, are annexed to such town:

Firstly, part of the Township of Ancaster, commencing where the north limit of the present Township of Ancaster intersects the west limit of the present Town of Dundas;

Thence southerly along the west limit to the south limit of Toronto, Hamilton and Buffalo Railway right-of-way;

Thence in a generally westerly direction along that limit to the west limit of lot forty-four in the First Concession of the Township of Ancaster;

Thence in a northerly direction along the west limit of lot forty-four to a point 200 feet south of the south limit of Highway Ninety-nine;

Thence in a westerly direction along a line 200 feet south of and parallel to the south limit of Highway Ninety-nine to the west limit of Binkley Road;

Thence northerly along that limit to the north limit of the present Township of Ancaster;

Thence easterly along that limit to the place of commencement.
Secondly, part of the Township of West Flamborough, commencing where the south limit of the Canadian National Railways right-of-way intersects the west limit of the present Town of Dundas;

THENCE southerly and westerly along the limits of the present Town of Dundas to the south limit of the Township of West Flamborough;

THENCE westerly along that limit to the west limit of Binkley Road;

THENCE northerly along that limit to the south limit of the Canadian National Railways right-of-way;

THENCE easterly along that limit to the place of commencement.

Thirdly, part of the Township of West Flamborough, commencing where the north limit of the present Town of Dundas intersects the line between lots 22 and 23 of the present Township of West Flamborough;

THENCE northerly along that line to a point 250 feet north from the north limit of Patterson Road;

THENCE northeasterly and parallel to the north limit of Patterson Road to the north limit of Old Guelph Road;

THENCE northeasterly along that limit to the east limit of the present Township of West Flamborough;

THENCE southeasterly, southerly and southwesterly along the limits of the present Township of West Flamborough to the east limit of the present Town of Dundas;

THENCE northerly and southwesterly along the limits of the present Town of Dundas to the place of commencement.

(c) The Town of Stoney Creek and the Township of Saltfleet are amalgamated as a town municipality bearing the name of The Corporation of the Town of Stoney Creek.

(d) The Township of Ancaster, save and except that portion annexed to the Town of Dundas is estab-
lished as a town municipality bearing the name of The Corporation of the Town of Ancaster.

(e) The Township of East Flamborough and the Village of Waterdown are amalgamated as a township municipality bearing the name of The Corporation of the Township of Flamborough and the Township of Beverly and the Township of West Flamborough, save and except that portion annexed to the Town of Dundas from the Township of West Flamborough are annexed to such township.

(f) The Township of Binbrook and the Township of Glanford are amalgamated as a township municipality bearing the name of The Corporation of the Township of Glanbrook. 1973, c. 74, s. 2 (1).

(2) That portion of the Township of West Flamborough more particularly described as follows is annexed to the City of Hamilton:

COMMENCING at the intersection of the northerly limit of Valley Inn Road and a point on the westerly high water mark of Hamilton Harbour the said point being on an easterly boundary of the City of Hamilton;

THENCE southerly along an easterly boundary of the said City of Hamilton to the southerly limit of the said Valley Inn Road;

THENCE easterly to a point distant 85 metres measured North 72 degrees 06' 30' West from the westerly angle of Part 2 as designated on a Plan deposited in the Land Registry Office for the Registry Division of Halton (No. 20) as Number 20R-4196 and in the Land Registry Office for the Registry Division of Wentworth (No. 62) as Number 62R-4732;

THENCE North 17 degrees 53' 30" East 20 metres to a point;

THENCE North 72 degrees 06' 30" West to the point of commencement. 1980, c. 33, s. 23.

(3) The following police villages are dissolved on the 1st day of January, 1974:

1. The Police Village of Ancaster

2. The Police Village of Freelton
3. The Police Village of Lynden.

(4) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall be deemed to have been effected by order 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 22nd day of June, 1973, pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, 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 and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1973, c. 74, s. 2 (2, 3).

3.——(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Hamilton—sixteen members elected by wards.

2. The Town of Dundas—eight members elected by general vote of the electors of such municipality.

3. The Town of Stoney Creek—seven members elected by wards and one member elected by general vote of the electors of such municipality.

4. The Town of Ancaster—five members elected by wards and one member elected by general vote of the electors of such municipality.

5. The Township of Flamborough—nine members elected by wards and one member elected by general vote of the electors of such municipality.

6. The Township of Glanbrook—five members elected by wards and one member elected by general vote of the electors of such area municipality. 1973, c. 74, s. 3 (1), revised.

(2) Upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,
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(a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;

(b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or

(c) vary the composition of the council of the area municipality,

provided that,

(d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and

(e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 84 (1).

(3) Notwithstanding section 6, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 38.

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 100.

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

4.—(1) The inhabitants of the Regional Area are hereby continued a body corporate under the name of "The Regional Municipality of Hamilton-Wentworth".
(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the Municipal Affairs Act and the Ontario Municipal Board Act. 1973, c. 74, s. 6 (1, 2), revised.

(3) The Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Hamilton-Wentworth. 1973, c. 74, s. 6 (3), revised.

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Wentworth shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974 in and for the Judicial District of Hamilton-Wentworth. 1973, c. 74, s. 6 (4, 5).

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

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

(3) A by-law passed by the Regional 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. 1973, c. 74, s. 7.

6. The Regional Council shall consist of twenty-eight members composed of a chairman and,

(a) the mayor of each area municipality;

(b) sixteen members of council from the City of Hamilton being the remainder of the council of the City;

(c) one member of council from the Town of Dundas elected by general vote of the electors of the said area municipality as a member of the Regional Council and the council of such area municipality;
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(d) one member of council from the Town of Stoney Creek elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;

(e) one member of council from the Town of Ancaster elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;

(f) one member of council from the Township of Flamborough elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;

(g) the member of the council of the Township of Glanbrook elected by general vote. 1973, c. 74, s. 8 (1), revised.

7.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 94 (1).

(2) 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. 1973, c. 74, s. 9 (3).

(3) If, at the first meeting of the Regional Council 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. 33, s. 94 (2).

8.—(1) 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.
(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), 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 Regional Council. 1978, c. 33, s. 95.

(3) A person entitled to be a member of the Regional Council in accordance with section 6, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section. 1973, c. 74, s. 10 (4).

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

(5) No business shall be proceeded with at the first meeting of the Regional Council 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.

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 9. 1973, c. 74, s. 10 (6-8).

9.—(1) Fifteen members of the Regional Council representing three area municipalities 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) Subject to subsection (3), each member of the Regional Council has one vote only.

(3) The chairman does not have a vote except in the event of an equality of votes. 1973, c. 74, s. 11.

10. Subject to section 8, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1973, c. 74, s. 12.
11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council shall appoint a successor 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 7 (1), the Regional 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 Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Regional 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. 1973, c. 74, s. 13 (1-3).

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. 1973, c. 74, s. 13 (4) ; 1976, c. 43, s. 85.

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of the council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1973, c. 74, s. 13 (5, 6).

12. The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1973, c. 74, s. 15 (1).

13. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1973, c. 74, s. 16.
14.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

(2) The Regional 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 Regional Corporation and perform such duties as the Regional 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 Regional Council; and

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

(3) Subsection 99 (2) of the Municipal Act applies to a chief administrative officer appointed under subsection (2) of this section. 1973, c. 74, s. 17.

15.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 45.

16.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the Municipal Act apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 24.

(2) Sections 55, 64, 65 and 107 of the Municipal Act apply with necessary modifications to the Regional Council and to every local board of the Regional Corporation. 1973, c. 74, s. 19 (2).
17.—(1) The Regional Council shall appoint a clerk, whose duty it is,

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

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) 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 Regional Council and its committees; and

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

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

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk pro tempore who shall have all the powers and duties of the clerk.

18.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.
(3) 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 Regional 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. 1973, c. 74, s. 21.

19.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional 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 Regional Council may appoint an acting treasurer pro tempore who shall have all the powers and duties of the treasurer. 1973, c. 74, s. 22.

20.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional 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 Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection (1), the Regional Council may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.
(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the Regional 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 the Municipal Conflict of Interest Act.

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1973, c. 74, s. 23.

21. Subject to subsection 20 (3), the treasurer shall, Bank accounts

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

(b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and

(c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 20 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1973, c. 74, s. 24.

22.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1973, c. 74, s. 25.
23.—(1) The Regional 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 Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 39.

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional 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. 1973, c. 74, s. 26 (2).

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional 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 Regional 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. 1973, c. 74, s. 26 (3); 1976, c. 43, s. 86.

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. 1973, c. 74, s. 26 (4).

24.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 22nd day of June, 1973 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership,
as the case may be, in the Ontario Municipal Employees Retirement System, and any employees who are members of the retirement plan established under By-law No. 7970 of the City of Hamilton shall continue in such retirement plan and the Regional Corporation shall stand in the place and stead of The Corporation of the City of Hamilton in respect of such employees and the Regional Council may amend such by-law in respect of such employees. 1973, c. 74, s. 27 (1); 1973, c. 163, s. 1 (1).

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. 1973, c. 74, s. 27 (2).

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional 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 municipality or local board thereof. 1973, c. 74, s. 27 (3); 1973, c. 163, s. 1 (2).

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional 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 municipality or local board thereof.

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Wentworth or by any local board thereof or in any undertaking of, or operated on behalf of, any
local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. 1973, c. 74, s. 27 (4, 5).

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of the Ontario Municipal Employees Retirement System Act.

(7) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973, and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection (5), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

(8) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection (7) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

(9) Any person who accepts employment under subsection (7) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

(10) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1973, c. 74, s. 27 (7-12).

PART III

REGIONAL ROAD SYSTEM

25. In this Part.
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(a) "approved" means approved by the Minister or of a type approved by the Minister;

(b) "construction" includes reconstruction;

(c) "maintenance" includes repairs;

(d) "Minister" means the Minister of Transportation and Communications;

(e) "Ministry" means the Ministry of Transportation and Communications;

(f) "road authority" means a body having jurisdiction and control of a highway. 1973, c. 74, s. 28.

26.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Wentworth and the Hamilton-Wentworth Suburban Roads Commission shall constitute the regional road system.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the Public Transportation and Highway Improvement Act.

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(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

(5) The Lieutenant Governor in Council may remove any road from the regional road system.
(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 36 (1), such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

(7) Notwithstanding subsection (10), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1973, c. 74, s. 29 (1-8).

(9) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 25.

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and 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 in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

(11) The Regulations Act does not apply to an order in council made under this section. 1973, c. 74, s. 29 (10, 11).

27. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. 1973, c. 74, s. 30.
28. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1973, c. 74, s. 31.

29. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the Public Transportation and Highway Improvement Act, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1973, c. 74, s. 32.

30. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1973, c. 74, s. 33.

31. The Regional Corporation has, in respect of the roads included in the regional 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 Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. 1973, c. 74, s. 34.

32.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance 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) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the
Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

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

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

(5) Subsection 106 (4) of the Public Transportation and Highway Improvement Act does not apply to a sidewalk constructed on a regional road by the council of a township. 1973, c. 74, s. 35.

33. — (1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

(3) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under the Local Improvement Act. 1973, c. 74, s. 36.
34. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1973, c. 74, s. 37.

35. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under subsection 26 (2) by adding such new roads to the regional 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. 1973, c. 74, s. 38.

36.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the Municipal Act, the Highway Traffic Act and any other Act with respect to highways.

(2) The Regional Council or 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 and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. 1973, c. 74, s. 39.

37.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within forty-five metres of any limit of a regional road;

(b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1973, c. 74, s. 40 (1); 1978, c. 87, s. 50 (1).

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1973, c. 74, s. 40 (2).
By-laws of area municipalities regulating traffic

(38) — (1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council. 1973, c. 74, s. 41 (1); 1976, c. 43, s. 87 (1).

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part, and where part of a by-law is approved only, that part only shall become operative.

Withdrawal of approval

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 87 (2).

Signal-light devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution toward cost of signal-lights

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1973, c. 74, s. 41 (2, 3).

Traffic control within thirty metres of regional roads

(6) Subject to the Highway Traffic Act, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1973, c. 74, s. 41 (4); 1978, c. 87, s. 50 (2).

Agreements for pedestrian walks

(39) The Regional Council may by by-law authorize agreements between the Regional 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. 1973, c. 74, s. 42.

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

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality 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 Regional Corporation or the corporation of the municipality.

(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 of the Regional Corporation, 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 with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining 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. 1973, c. 74, s. 43.

41. 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 regional road system. 1973, c. 74, s. 44.

42. 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 Regional Area and an adjoining municipality.
municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 74, s. 45.

43. — (1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the Planning Act. 1973, c. 74, s. 46 (1); 1978, c. 87, s. 50 (3).

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the Planning Act or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1973, c. 74, s. 46 (2).

44. — (1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional 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 time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) 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,

(a) determining the portion or portions of the road that shall be closed;

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

(c) providing for the doing of such other acts as in the circumstances it considers proper.
(5) 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 Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) The Regional Corporation, or any person, including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (4).

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

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

(9) 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.

(10) Section 95 of the Ontario Municipal Board Act does not apply to an appeal under this section. 1973, c. 74, s. 47.

45. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. 1973, c. 74, s. 48.

46.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 45.

(2) Every notice given under subsection (1) 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 fifth day following the mailing thereof.

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation 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, structure or facility as required by the notice.
(4) Every person who fails to comply with a notice given under subsection (1) 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.

(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 44 (1) was constructed or used, as the case may be,

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

(b) in compliance with a by-law passed under section 45, in which case the making of compensation is subject to any provisions of such by-law. 1973, c. 74, s. 49.

47.—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional 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. 1973, c. 74, s. 50 (1, 2).

(3) Where the Regional Corporation fails to make any payment required by subsection (2), on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 102.

48.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped-up except by agreement between the area
municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 74, s. 51.

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. 1973, c. 163, s. 2.

49. Sections 101, 103, 105, 108 and 111 of the Public Transportation and Highway Improvement Act apply with necessary modifications with respect to any road in the regional road system. 1973, c. 74, s. 53.

PART IV
PUBLIC TRANSPORTATION SYSTEM

50. In this Part,

(a) "Commission" means the Hamilton Transit Commission;

(b) "Company" means The Hamilton Street Railway Company;

(c) "Corporation" means The Corporation of the City of Hamilton;

(d) "deficit" means the cost of operating a transit service, less all applicable revenues and subsidies in respect of such service in an area municipality;

(e) "public transportation service" means a service provided by vehicles operated either underground, above ground or on highways or rights-of-way on the ground surface for the transportation for compensation of passengers, or passengers and express freight that may be carried in such vehicles, but does not include taxi-cabs or vehicles operated on railroads governed by the laws of Canada or vehicles operated by or for the Province of Ontario;

(f) "public transportation vehicle" means a vehicle owned and operated by the Company, including the subsidiary company, in providing public transportation service;

(g) "Regional Public Transportation System" means the Regional Public Transportation System of The Regional Municipality of Hamilton-Wentworth;
(h) "revenue miles" means actual miles travelled by a transit vehicle for the purpose of picking up and putting down passengers;

(i) "subsidiary company" means The Canada Coach Lines, Limited and Safety Service and Adjusters Limited;

(j) "Urban Transit Area" means the City of Hamilton or such greater area as may from time to time be defined by the Minister;

(k) "Urban Transit Service Area" means an area as defined from time to time by the Minister of Transportation and Communications for such purposes as may be designated herein or by the Minister. 1976, c. 84, s. 1, part.

51. — (1) The Regional Corporation is authorized to establish a public transportation system.

(2) The Regional Corporation may by by-law of the Regional Council acquire all the shares of the Company held by the Commission or the Corporation and all other assets and liabilities of the Commission and the Corporation in respect of the shares of the Company without compensation except as provided in subsection (9), and the acquisition of such shares shall carry with it the ownership and control of the subsidiary company.

(3) The Board of Directors of the Company and the subsidiary company are dissolved on the date on which the Regional Corporation acquires the shares of the Company under subsection (2). 1976, c. 84, s. 1, part.

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 15 per cent per annum thereof from such date until payment is made. 1979, c. 81, s. 103, part.

(5) The Commission shall be deemed to be dissolved on the day of the passing of the by-law under subsection (2). 1976, c. 84, s. 1, part.

(6) No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection (2) or exercise any power under any Act respecting public transit.
matters provided for under this Part without the prior written approval of the Regional Corporation.

(7) Subject to subsection 57 (5), no person shall operate or cause to be operated in the Urban Transit Service Area, after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area. 1979, c. 81, s. 103, part.

(8) Nothing in this Part shall be construed as limiting the right of the holder of an operating licence issued pursuant to the Public Vehicles Act, from operating a public transportation service according to the provisions of such licence through the Urban Transit Service Area or from or to any point within the Urban Transit Service Area.

(9) If the whole, or a substantial part, of the assets of the subsidiary company, including any of its routes, are disposed of by the Regional Corporation, the equity of the Corporation in such assets shall be credited to the Corporation in a manner to be determined by the Regional Corporation and the Corporation, and, in the event agreement cannot be reached, the parties shall submit the matter to arbitration under the Arbitrations Act. 1976, c. 84, s. 1, part.

(10) Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination. 1979, c. 81, s. 103, part.

(12) Subsection 7 (5) of the Public Vehicles Act does not apply to the acquisition of the shares of the Company under this section.

(13) The contractual relations in respect of terms of employment, including rates of pay, sick leave credits,
holidays with pay and superannuation benefits existing on the 1st day of January, 1977, between the Company or the subsidiary company on the one hand and the employees of the Company or the subsidiary company on the other hand remain in force and are binding upon the Regional Corporation and the Board of Directors established under subsection 52 (2) for the remainder of the term of any subsisting agreement or agreements in that regard. 1976, c. 84, s. 1, part.

52. — (1) The Regional Council upon the acquisition of the shares of the Company by the Regional Corporation in accordance with subsection 51 (2) shall have the right to hold and vote such shares and shall be solely responsible for the general management, regulation and control of the Company and the subsidiary company, including the provision of public transportation service to any area outside the Regional Area as such public transportation service exists on the 1st day of January, 1977, and the establishment of an appropriate fare structure for the provision of public transportation service within the Urban Transit Area as established under this Part.

(2) The Regional Council shall appoint a Board of Directors for the Company and the subsidiary company, whose term of office shall be concurrent with the term of office of the Regional Council, composed of five members of the Regional Council representing the City of Hamilton, four members of the Regional Council representing the remaining area municipalities and the chairman of the Regional Council, ex officio, and such Board of Directors shall be a commission to be known as "The Regional Municipality of Hamilton-Wentworth Transit Commission".

(3) The Commission established under subsection (2) shall operate and manage the Regional Public Transportation System in accordance with the powers and duties delegated to it by by-law of the Regional Council.

(4) The Commission established under subsection (2) is dissolved on the 31st day of December, 1979, and thereafter no transit commission shall be established to operate and manage the Regional Public Transportation System, but the Board of Directors shall continue and be appointed from among the members of the Regional Council in such manner as may be prescribed by the Regional Council.

(5) The Regional Corporation may borrow such sums of money as are required by the Company and the subsidiary company for the purposes of providing the public transportation service. 1976, c. 84, s. 1, part.
53. — (1) The City of Hamilton is established as the Urban Transit Area.

(2) The boundaries of the Urban Transit Area may be altered from time to time by the Minister upon application made by the Regional Council, provided that the Urban Transit Area shall always comprise at least the City of Hamilton, and the council of any area municipality affected by such application may make representations thereon to the Minister. 1976, c. 84, s. 1, part.

54. — (1) The Regional Council may by by-law levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the operation of the Regional Public Transportation System within the Urban Transit Area, and such by-law may include any expenditures made by the Regional Corporation required for the provision, planning or improvement of the Regional Public Transportation System in the Regional Area and such levy may also include any expenditures made by the Regional Corporation for the provision, planning or improvement of service provided to such area municipality, or any part or parts thereof, the costs of providing public transportation service to such area municipality, the revenue miles in such area municipality, actual deficits, or the combination thereof pertaining to such area municipality and such other factors that are in the opinion of the Regional Council relevant to such apportionment.

(2) The Regional Council may in its levy under subsection 101 (1) include any sums required to provide for any deficit arising out of the operation of the Regional Public Transportation System outside the limits of the Regional Area in so far as such provision has not been provided for in the agreement entered into under subsection 51 (11).

(3) The provisions of section 101 pertaining to equalized assessment apply with necessary modifications to the calculation of any levy made under this Part.

(4) The clerk of the Regional Council shall within ten days of the passing of a by-law under subsection (1) give written notice to the clerk of each area municipality affected by such by-law of the terms of such by-law and the area municipality may, within thirty days of receipt of such notice, appeal the levy under such by-law to the Municipal Board for determination.

(5) An area municipality may pay the amounts charged to it under a by-law passed under subsection (1), or under
an agreement entered into under this Part, out of its general funds, or subject to the approval of the Municipal Board may pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amounts charged to such area municipality.

(6) Where a special rate is levied under subsection (5), such amount shall be deemed to be a tax and collectable in the same manner as municipal taxes. 1976, c. 84, s. 1, part.

55.—(1) The Regional Council may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with the Regional Public Transportation System and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein and thereon.

(2) The Regional Council may, by by-law,

(a) acquire by purchase or otherwise, without the approval of the Municipal Board, the transportation facilities and equipment of any person or area municipality;

(b) acquire, by purchase or otherwise, any real or personal property required for its public transportation service; and

(c) subject to the Public Vehicles Act, provide public transportation service beyond the Regional Area throughout Ontario, and whether by chartered trips or otherwise, outside Ontario, subject to compliance with the laws of all jurisdictions in which such public transportation service or chartered trips are to operate. 1976, c. 84, s. 1, part.

56.—(1) The auditors of the Regional Corporation shall be the auditors of the Company and the subsidiary company.

(2) The Municipal Franchises Act does not apply to the public transportation service operated by the Regional Corporation within the Regional Area. 1976, c. 84, s. 1, part.

57.—(1) The Regional Council shall apply to the Minister of Transportation and Communications for the establishment of an area within the Regional Area as an Urban Transit Service Area and such Area when established shall be deemed to be an urban municipality for the purposes of the Public Vehicles Act.
(2) Each area municipality shall, subject to subsection (1), be deemed to be an urban municipality for the purposes of the Public Vehicles Act.

(3) The Minister of Transportation and Communications may by order establish an Urban Transit Service Area upon application by the Regional Council and may refer the application to the Ontario Highway Transportation Board for a report thereon.

(4) The Regional Council, the council of any area municipality and the holder of an operating licence under the Public Vehicles Act that notify the Ontario Highway Transportation Board that they desire a hearing in respect of the application shall be parties to the hearing before the Board.

(5) Nothing in this Part affects the rights of any board of education to provide transportation services for the purposes for which such boards are entitled to transport persons nor any rights existing on the 1st day of January, 1977, of any duly licensed public transportation operator.

58. Any part of the Regional Public Transportation System operated by the Regional Council outside the Urban Transit Service Area but entirely within the Regional Area shall, subject to the approval of the Minister of Transportation and Communications, be exempt from the provisions of the Public Vehicles Act. 1976, c. 84, s. 1, part.

59.—(1) The Regional Corporation may, consistent with the provisions of this Part, do all such acts and things as may be necessary to provide a public transportation service within the Regional Area and may exercise all the rights, powers and privileges conferred by any Act upon a local municipality, including any area municipality, with respect to the provision of public transit service, including, but without limiting the generality of the foregoing, the right to enter into agreements with any area municipality for the maintenance or repair of any road or highway in an area municipality on which a public transportation vehicle is operated.

(2) Notwithstanding any other provision of this Part, the Regional Council may, in each year, pay such sums of money as may be sufficient to,

(a) reduce the fares charged to the public or any part of the public served by the Regional Public Transportation System, in such amounts as the Regional Council may determine, and such payments shall be charged back to the area municipality for whose residents the payments were made; or
(b) provide public transportation to any part or parts of the public free of charge as the Regional Council may determine. 1976, c. 84, s. 1, part.

60. The Minister may by order on application of the Regional Council dissolve the Company and subsidiary company, on such terms and conditions as he considers advisable. 1976, c. 84, s. 1, part.

PART V
ELECTRICAL SERVICE AREAS

61. In this Part,

(a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(b) “area municipality” means the municipality or corporation of the Town of Ancaster, the Town of Dundas, the Town of Stoney Creek, the Township of Flamborough and the Township of Glanbrook;

(c) “municipal commission” means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area immediately before the 19th day of June, 1980 and established or deemed to be established under Part III of the Public Utilities Act;

(d) “power” means electrical power and includes electrical energy;

(e) “regulations” means the regulations made under this Part;

(f) “retail”, when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts. 1980, c. 41, s. 1, revised.

62.—(1) On the 19th day of June, 1980, a hydro-electric commission for each of the towns of Ancaster, Dundas and Stoney Creek and the Township of Flamborough is established.
(2) Each commission established by subsection (1) shall be deemed to be a commission established under Part III of the Public Utilities Act and a municipal commission within the meaning of the Power Corporation Act.

(3) Each commission established by subsection (1) shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

4. Stoney Creek Hydro-Electric Commission.

(4) Each commission established by subsection (1) shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under the Municipal Elections Act in the area municipality.

(5) Except as otherwise provided in this Part, the council of each area municipality shall determine by by-law whether the number of additional members of the commission established by subsection (1) in respect of the area municipality shall be two or four.

(6) For the term expiring with the 30th day of November, 1982, the Ancaster Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Ancaster and the following additional members who shall be appointed by the council of the Town of Ancaster:

1. Two members of the Public Utilities Commission of the Township of Ancaster as it existed immediately before the 19th day of June, 1980.
2. Two persons who reside outside the part of the Town of Ancaster supplied with power by a municipal commission immediately before the 19th day of June, 1980.

(7) For the term expiring with the 30th day of November, 1982, the Dundas Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Dundas and the following additional members who shall be appointed by the council of the Town of Dundas:
1. Three members of the Dundas Public Utilities Commission as it existed immediately before the 19th day of June, 1980.

2. One person who resides outside the part of the Town of Dundas supplied with power by a municipal commission immediately before the 19th day of June, 1980.

(8) For the term expiring with the 30th day of November, 1982, the Flamborough Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Township of Flamborough and the following additional members who shall be appointed by the council of the Township of Flamborough:

1. One member of the Public Utilities Commission of the Village of Waterdown as it existed immediately before the 19th day of June, 1980.

2. One member of the Lynden Hydro-Electric Commission as it existed immediately before the 19th day of June, 1980.

3. Two persons who reside outside the part of the Township of Flamborough supplied with power by a municipal commission immediately before the 19th day of June, 1980.

(9) For the term expiring with the 30th day of November, 1982, the Stoney Creek Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Stoney Creek and the following additional members who shall be appointed by the council of the Town of Stoney Creek:

1. Two members of the Hydro-Electric Commission of the Town of Stoney Creek as it existed immediately before the 19th day of June, 1980.

2. Two persons who reside outside the part of the Town of Stoney Creek supplied with power by a municipal commission immediately before the 19th day of June, 1980.

(10) Where this section provides that one or more members of a municipal commission are to be additional members for a term specified by this section and the number of such members who are qualified electors under the Municipal Elections Act is less than the required number of additional members, the council of the area municipality in respect of which the commission was established under subsection (1) shall appoint an additional member or additional members so that there will be the required number of additional members of the corporation.
(11) For terms commencing after the 30th day of November, 1982, the additional members of each commission established by subsection (1) shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1982 the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

(12) Members of the council of the area municipality served by a commission established by subsection (1) may be members of the commission, but the members of the council shall not form a majority of the commission.

(13) Subject to subsections (6) to (9), a member of a commission established by subsection (1) shall hold office for the same term as the members of council or until his successor is elected or appointed.

(14) The council of an area municipality served by a commission established by subsection (1) may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

(15) The salaries of the members of the commissions established by subsection (1) for the term expiring with the 30th day of November, 1982 shall be fixed on or before the 1st day of October, 1980 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area on the 1st day of January, 1980.

(16) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection (1) shall be deemed to be a resignation from both the council and the commission. 1980, c. 41, s. 2.

68.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the Public Utilities Act on a municipal corporation with respect to power shall, on and after the 1st day of January, 1981, be exercised on behalf of each area municipality by the commission established by section 62 in respect of the area municipality and not by the council of any municipality or any other person.

(2) Subject to sections 65 and 66, on and after the 1st day of January, 1981, each commission established by section 62 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

(3) The right of a commission established by section 62 to distribute and supply power is subject to any subsisting contracts.
for the supply of power made under section 69 of the *Power Corporation Act*.

(4) A commission established by section 62 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission.

(5) A contract under subsection (4) shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

(6) Except where inconsistent with the provisions of this Part, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 62.

(7) With the consent of a commission established by section 62, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. 1980, c. 41, s. 3.

### 64. — (1) The council of the Township of Glanbrook, with the consent of Ontario Hydro, may establish by by-law a hydro-electric commission for the Township of Glanbrook and, commencing on the date that the council shall specify in the by-law, the commission shall distribute and supply power in all of the Township of Glanbrook.

(2) The commission established under subsection (1) shall be known as the Glanbrook Hydro-Electric Commission.

(3) The commission established under subsection (1),

(a) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*; and

(b) shall consist of the mayor of the Township of Glanbrook and additional members who are qualified electors under the *Municipal Elections Act* in the Township of Glanbrook.

(4) The council of the Township of Glanbrook shall appoint the first additional members of the commission established under subsection (1).
(5) For terms after the first term, the additional members of the commission shall be elected by a general vote of the electors of the area municipality unless, before the completion of the first term of office of the members of the commission, the council of the Township of Glanbrook provides by by-law that the additional members shall be appointed by the council.

(6) Upon the establishment of a commission under subsection (1),

(a) subsections 62 (5), (12), (13), (14) and (16), section 63, subsection 66 (2) and sections 68 to 72 shall apply with necessary modifications and, for the purpose, the dates mentioned therein shall be deemed to be the dates that shall be specified in the by-law mentioned in subsection (1); and

(b) the commission, for the purposes of clause (a), shall be deemed to be a commission established by section 62.

(7) Until such time as the power conferred by subsection (1) has been exercised,

(a) the council of the Township of Glanbrook shall review the distribution and supply of power within the area municipality at least once in every three years, and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (1); and

(b) where the council determines as provided in clause (a) that it is financially feasible, the council shall exercise the power conferred by subsection (1). 1980, c. 41, s. 4.

65.—(1) The council of each of the Town of Ancaster and the Township of Flamborough, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

(a) may direct the commission established by section 62 in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day sections 68 and 72 shall apply with necessary modifications to the assets and employees of Ontario Hydro in the municipality; or

(b) may dissolve the commission established by section 62 in respect of the municipality on a day specified by the by-law and on the specified day,
(i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and

(ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

Review of distribution and supply of power

(2) Until such time as the power conferred by subsection (1) has been exercised,

(a) the council of each of the Town of Ancaster and the Township of Flamborough shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (1); and

(b) where the council of the Town of Ancaster or the Township of Flamborough determines as provided in clause (a) that it is financially feasible for the commission established under section 62 in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection (1).

Flamborough Hydro-Electric Commission, additional duty

(3) The Flamborough Hydro-Electric Commission established by section 62 shall distribute and supply power to those customers in the Town of Ancaster to whom the Lynden Hydro-Electric Commission is distributing and supplying power as of the 31st day of December, 1980 until either,

(a) the Ancaster Hydro-Electric Commission established by section 62 commences to distribute and supply power in all areas of the Town of Ancaster; or

(b) the Flamborough Hydro-Electric Commission established by section 62 is dissolved,

as provided in subsection (1). 1980, c. 41, s. 5.

66.—(1) Ontario Hydro shall continue to distribute and supply power in those areas of the Town of Ancaster and the townships of Flamborough and Glanbrook that Ontario Hydro served immediately before the 19th day of June, 1980.
(2) The duty of Ontario Hydro under subsection (1) to distribute and supply power in an area municipality is terminated, on the date specified in the by-law, by a by-law passed with the consent of Ontario Hydro by the council of the area municipality under subsection 64 (1) or clause 65 (1) (a).

(3) Sections 68 and 72 do not apply in respect of the assets and employees of Ontario Hydro in an area municipality until the passing of the by-law referred to in subsection (2). 1980, c. 41, s. 6.

67.—(1) On the 1st day of January, 1981, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 62 in respect of the area municipality.

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1981 to the commission established by section 62 in respect of the area municipality. 1980, c. 41, s. 7.

68.—(1) On or before the 1st day of January, 1981, each commission established by section 62 shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

(2) The purchases mentioned in subsection (1) shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

1980, c. 41, s. 8.

69.—(1) In this section, “parties” means Ontario Hydro and, in each case, the commission established by section 62.
Where price to be determined by arbitration

(2) If the purchase price under section 68 is not determined before the 1st day of January, 1982, either of the parties at any time thereafter may request that the purchase price be determined by a single arbitrator agreed on by the parties.

Application of R.S.O. 1980, c. 25

(3) The Arbitrations Act applies where a request is made under subsection (2). 1980, c. 41, s. 9.

Vesting of real property

70. — (1) All real property transferred by section 67 to the control and management of a commission established by section 62 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Disposition of real property

(2) Where a commission established by section 62 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.

2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with the Public Utilities Act. 1980, c. 41, s. 10.

R.S.O. 1980, c. 423

Borrowing

71. Except as otherwise provided in this Part, sections 129 to 150 apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 62. 1980, c. 41, s. 11.
72.—(1) In this section, "transfer date", when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by section 62 assumes liability for the payment of the wages or salary of the employee.

(2) On or before the 31st day of December, 1980, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1980, and who continued such employment until the 31st day of December, 1980 or until their transfer dates, as the case may be, and each commission established by section 62 shall offer employment to the employees designated in respect of the area municipality served by the commission.

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

(4) Each commission established by section 62 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 19th day of June, 1980, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the Ontario Municipal Employees Retirement System Act applies to such person as a member of the System.

(5) When a person who accepts employment under this section with a commission established by section 62 is entitled immediately before this transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the 19th day of June, 1980, supplied power in an area municipality mentioned in subsection 62 (1), the commission established by section 62 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to
the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

(7) Notwithstanding subsection (4), a person who accepts employment under this section with a commission established by section 62 and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

(b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1980, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (4) shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

(9) On or before the 31st day of December, 1982, each commission established by section 62 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance.
plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

(11) Each commission established by section 62 shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 62.

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1980, c. 41, s. 12.

73.—(1) For the purposes of section 153 and except in respect of Hamilton Hydro-Electric Commission, the 1st day of January, 1981 is the date determined and the date designated by the Minister in respect of the Regional Area and on that date the municipal commissions, other than Hamilton Hydro-Electric Commission, supplying only electrical power and energy in that area immediately before the 19th day of June, 1980 are dissolved and any by-laws establishing them passed under sections 37 and 39 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

(2) On and after the 19th day of June, 1980, section 153 does not apply to Hamilton Hydro-Electric Commission and that Commission is no longer a local board and is a commission to which Part III of the *Public Utilities Act* applies. 1980, c. 41, s. 13.

74. The Lieutenant Governor in Council may make regulations,

(a) for the purpose of subsection 68 (3) in respect of,

(i) the method of determining the original cost of the assets or of any asset or of any part of any asset,

(ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
(iii) the method of determining the amount of any component of the accumulated net retail equity,

(iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

(v) the method of calculating accumulated depreciation of any component of accumulated depreciation,

(vi) the allocation of accumulated depreciation or any component of accumulated depreciation,

(vii) the method of payment of the price of the assets;

(b) for the purposes of subsection 72 (7), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1980, c. 41, s. 14.

PART VI

PLANNING

75.—(1) The Regional Area is continued as a joint planning area under the Planning Act known as the Hamilton-Wentworth Planning Area. 1973, c. 74, s. 54 (1).

(2) The Regional Corporation is the designated municipality within the meaning of the Planning Act for the purposes of the Hamilton-Wentworth 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. 33, s. 99.

(3) All planning areas and subsidiary planning areas that are included in the Hamilton-Wentworth Planning Area together with the boards thereof are dissolved on the 31st day of December, 1973.

(4) Each area municipality is continued as a subsidiary planning area and the council thereof shall have all the powers of a planning board under the Planning Act and no area municipality shall establish a planning board.

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.
(6) When the Minister of Housing has approved an official plan adopted by the Regional 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 approved that does not conform therewith. 1973, c. 74, s. 54 (3-6).

76.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Hamilton-Wentworth 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 Hamilton-Wentworth Planning Area, and without limiting the generality of the foregoing 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 Hamilton-Wentworth Planning Area;

(b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;

(c) consult with any local board having jurisdiction within the Hamilton-Wentworth Planning Area;

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary. 1973, c. 74, s. 55 (1-3).

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional 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, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the Planning Act and where the Regional Council meets in respect of matters pertaining
to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 100.

(5) The Regional Corporation shall be deemed to be a county for the purposes of section 47 of the Planning Act.

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

(7) The Regional 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 Hamilton-Wentworth Planning Area or any part thereof. 1973, c. 74, s. 55 (5-7).

(8) All committees of adjustment heretofore constituted by the council of a local municipality in the Hamilton-Wentworth Planning Area are dissolved on the 31st day of December, 1973, and the council of each area municipality shall by by-law constitute and appoint a committee of adjustment under section 48 of the Planning Act, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

(9) The Regional Council shall, without notice from the Minister of Housing, constitute and appoint a land division committee composed of such number of persons, not fewer than three, as the Regional Council considers advisable, to grant consents referred to in section 29 of the Planning Act. 1973, c. 74, s. 55 (9, 10).

77. Except as provided in this Part, the provisions of the Planning Act apply to the Regional Corporation. 1973, c. 74, s. 56.

PART VII

HEALTH AND WELFARE SERVICES

78.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the Public Hospitals Act and the Private Hospitals Act respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.
(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Wentworth.

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. 1973, c. 74, s. 57.

79.—(1) The Regional Council shall be responsible for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of all public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

(2) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area. 1973, c. 74, s. 58 (1, 2).

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 104.

(4) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 101. 1973, c. 74, s. 58 (4).

80.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under the Public Health Act and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Hamilton-Wentworth Regional Board of Health.
Dissolution of Hamilton-Wentworth health unit

(2) The health unit serving the County of Wentworth and the City of Hamilton on the 31st day of December, 1973, is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Hamilton-Wentworth Regional Board of Health.

Boundaries fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. 1973, c. 74, s. 59.

Constitution of health board

81.—(1) On and after the 1st day of January, 1974, the Hamilton-Wentworth Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. 1973, c. 74, s. 60 (1).

Expenses of board

(2) Notwithstanding the provisions of any other Act, the expenses incurred by the Hamilton-Wentworth Regional Board of Health in establishing and maintaining the health unit and performing its functions under the Public Health Act or any other Act shall be accounted for, borne and paid by the Regional Corporation. 1973, c. 74, s. 60 (3).

Regional Corporation deemed city under R.S.O. 1980, cc. 21, 263, 465, 527

82.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:


(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:
Sec. 84  REG. MUN. OF HAMILTON-WENTWORTH Chap. 437  365


(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection (2) become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. 1973, c. 163, s. 4.

83.—(1) The Regional Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

(2) The homes for the aged known as Wentworth Lodge and Macassa Lodge and all assets and liabilities thereof together with all the real and personal property of such homes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

(3) The Regional Corporation shall pay to The Corporation of the City of Hamilton on or before the due date all amounts of principal and interest becoming due upon any outstanding debt in respect of Macassa Lodge. 1973, c. 74, s. 62 (1-3).

(4) If the Regional Corporation fails to make any payment as required by subsection (3), the City of Hamilton may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the City determines, from such date until payment is made. 1979, c. 81, s. 105.

84.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.
(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1973, c. 74, s. 63.

85. No area municipality shall be deemed to be a municipality for the purposes of the Child Welfare Act. 1973, c. 74, s. 64, revised.

86. Where an order is made under subsection 20 (2) of the Juvenile Delinquents Act (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1973, c. 74, s. 66.

87. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act. 1973, c. 74, s. 67.

88. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1973, c. 74, s. 68.

89. The Regional Corporation may grant aid to approved corporations established under the Homes for Retarded Persons Act, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1973, c. 74, s. 69.

PART VIII

POLICE

90. In this Part, "Hamilton-Wentworth Police Board" means the Hamilton-Wentworth Regional Board of Commissioners of Police. 1973, c. 74, s. 70.
Sec. 91.—(1) The board of commissioners of police known as the
Hamilton-Wentworth Regional Board of Commissioners of Police
is continued and shall consist of,

(a) two members of the Regional Council appointed by
resolution of the Regional Council;

(b) a judge of a county or district court designated by
the Lieutenant Governor in Council; and

(c) two persons appointed by the Lieutenant Governor
in Council.

(2) Three members of the Hamilton-Wentworth Police Quorum
Board, including a member appointed by the Regional Coun-
cil, are necessary to form a quorum. 1973, c. 74, s. 71 (1, 2).

(3) The Regional Corporation shall provide for the pay-
ment of a reasonable remuneration, not being less than the
minimum prescribed by the regulations under the Police
Act, to the members of the Hamilton-Wentworth Police
Board appointed by the Lieutenant Governor in Council.
1978, c. 33, s. 102.

Sec. 92.—(1) On and after the 1st day of January, 1974,

(a) the Regional Corporation shall be deemed to be a
city having a population of more than 15,000 accord-
ing to the last municipal census for the purposes of
the Police Act, except subsections 8 (1) to (4) thereof;

(b) the Police Act, except section 70, does not apply
to any area municipality; and

(c) the Hamilton-Wentworth Police Board and the
members of the Hamilton-Wentworth Regional
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 Regional Corporation.
1973, c. 74, s. 72 (1); 1978, c. 33, s. 103.

(2) The fines imposed for the contravention of the by-laws
of any area municipality shall, where prosecuted by the
Hamilton-Wentworth Regional Police Force, belong to the
Regional Corporation and, where prosecuted by any other
person, belong to the area municipality whose by-law has been contravened. 1973, c. 74, s. 72 (2).

93.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Hamilton-Wentworth Regional Police Force, and the provisions of subsections 24 (1), (4) and (10) apply to such members. 1973, c. 74, s. 73 (1); 1973, c. 163, s. 5 (1).

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Hamilton-Wentworth Regional Police Force on the 1st day of January, 1974, is subject to the government of the Hamilton-Wentworth Police Board to the same extent as if appointed by the Hamilton-Wentworth Police Board and the Hamilton-Wentworth Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Hamilton-Wentworth Regional Police. 1973, c. 74, s. 73 (2).

(3) Every person who becomes a member of the Hamilton-Wentworth Regional Police Force under subsection (1) shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Hamilton-Wentworth Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and be entitled to participate in the supplementary plan as may be established either for the Town of Stoney Creek or the Town of Dundas on and after the 1st day of January, 1974, in respect of service after such date;

(b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;

(c) have credited to him in the Hamilton-Wentworth Regional Police Force the total number of years of service that he had in the police force of the local
municipality of which he was a member immediately prior to the 1st day of January, 1974;

(d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Hamilton-Wentworth Police Board as he had standing to his credit in the plan of the local municipality; and

(e) not be transferred without his consent to a detachment farther than a distance of 24.14 kilometres from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973. 1973, c. 74, s. 73 (3); 1973, c. 163, s. 5 (2); 1978, c. 87, s. 50 (4).

(4) Notwithstanding clause (3) (a), those members of the Hamilton-Wentworth Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection (7), and its successor, shall be entitled to negotiate with the Hamilton-Wentworth Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members. 1973, c. 163, s. 5 (3).

(5) Civilian employees and assistants of the Hamilton-Wentworth Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age. 1973, c. 74, s. 73 (4).

(6) Notwithstanding the provisions of clauses (3) (a) and (b), those members of the police force of a local municipality whose retirement age under By-law No. 7970 of the City of Hamilton was sixty-five years of age immediately before they became members of the Hamilton-Wentworth Regional Police Force shall retire on attaining thirty-five years of service or sixty years of age, at the option of the member, and for the purpose of bargaining for benefits in the retirement plan established by the said By-Law No. 7970 with the bargaining committee established under subsection (7), and its successor, the Hamilton-Wentworth Police Board shall stand in the place and stead of The Corporation of the City of Hamilton and the provisions of the Police Act apply, with necessary modifications, thereto. 1980, c. 33, s. 26.

(7) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional
Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Hamilton-Wentworth Police Board in the manner and for the purposes provided in the Police Act and the Hamilton-Wentworth Police Board shall be the sole negotiating body to bargain with such committee.

(8) Section 100 of the Municipal Act applies with necessary modifications to the Hamilton-Wentworth Police Board. 1973, c. 74, s. 73 (6-8).

Assumption of buildings 9.4.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Hamilton-Wentworth Police Board any such land or building that the Hamilton-Wentworth Police Board may require that is vested on the 1st day of July, 1973, in any local 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 municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. 1973, c. 74, s. 74 (1).

(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, 1974, 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 local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

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

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

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

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, 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 such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1973, c. 74, s. 74 (3-5).

(5) If the Regional Corporation fails on or before the due date to make any payment required by clause (4) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 106 (1).

(6) Where a building vested in a local municipality or local board is used partly by the police force of the regional municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Hamilton-Wentworth Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Hamilton-Wentworth Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(7) At the request of the Hamilton-Wentworth Police Board, each area municipality, for the use of the Hamilton-Wentworth Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and
(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date. 1973, c. 74, s. 74 (7, 8).

(8) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 106 (2).

(9) In the event of any doubt as to whether 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. 1973, c. 74, s. 74 (10).

95. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Hamilton-Wentworth Police Board. 1973, c. 74, s. 75.

PART IX

REGIONAL WATERWORKS SYSTEM

96.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality
or a local board thereof, apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission.

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under the Local Improvement Act, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

(4) Where the Regional Corporation does not proceed under the Local Improvement Act or under section 218 of the Municipal Act, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct
the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

(7) Subject to subsection (13), on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional 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. 1974, c. 117, s. 46, part.

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 107.

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.
(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 30 (2), (3) and (4) of the Public Utilities Act apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 46, part.

. PART X

REGIONAL SEWAGE WORKS

97.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection (12), have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission. 1974, c. 117, s. 46, part.

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and 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;

(b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(c) by any method or methods authorized by law or by any combination thereof. 1974, c. 117, s. 46, part; 1976, c. 70, s. 44.

(3) If the Regional Corporation proceeds under the Local Improvement Act, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under the Local Improvement Act, or under section 218 of the Municipal Act, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.
(7) Subject to subsection (15), on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection (12).

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection (12), and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional 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 the local improvement work. 1974, c. 117, s. 46, part.

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 108.

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection (12), the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(12) Subject to subsection (13), each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from area municipality responsibility for storm drainage

No area municipality to collect and dispose of sewage

Vesting of property in Regional Corporation

Regional Corporation liability

R.S.O. 1980, c. 250

Default

Agreements

Area municipality responsibility for storm drainage
land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, with necessary modifications, to the establishment, construction, maintenance, operation and financing thereof.

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 46, part.

PART XI
FINANCES

INTERPRETATION

98. In this Part, "rateable property" includes business and other assessment made under the Assessment Act. 1973, c. 74, s. 78 (1).

99.—(1) Section 169 of the Municipal Act applies with necessary modifications to the Regional Corporation. 1973, c. 74, s. 79.

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the Credit Unions and Caisses Populaires Act. 1979, c. 81, s. 109.

YEARLY ESTIMATES AND LEVIES

100.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for
the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional 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 Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. 1973, c. 74, s. 80 (1, 2).

(3) Section 33 of the Assessment Act and section 465 of the Municipal Act apply with necessary modifications to the Regional Corporation. 1973, c. 74, s. 80 (7).

101.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

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

(2) The Regional 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) Subject to subsection (9), all 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 Regional Area, according to the last revised assessment rolls.

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.
(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, 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 Regional 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 the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, 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.
(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro or under subsection 155 (6) to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the Municipal Act and section 4 of the Provincial Parks Municipal Tax Assistance Act and subsection 8 (1) of the Ontario Unconditional Grants Act.

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the Ministry a statement of the payments referred to in subsection (10) and the Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

(13) Subject to subsections 36 (4), (5) and (6) of the Assessment Act, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(14) All moneys 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 Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1973, c. 74, s. 81 (1-14).

(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 Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 110.

102—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each
such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) The net regional levy and the sums adopted in accordance with section 164 of the Municipal Act for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the Assessment Act shall not apply to any apportionment by an area municipality under this subsection. 1973, c. 74, s. 82 (1-3).

103.—(1) Notwithstanding section 101, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 101 (14) and (15) apply to such levy.

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 101.

(3) Notwithstanding section 102, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 102.

(5) Subsection 159 (5) of the Municipal Act applies to levies made under this section. 1973, c. 74, s. 83 (2-6).
104.—(1) For the purposes of levying taxes under Part IV of the Education Act, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the Education Act shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 102 (1).

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the Education Act shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 102 (1).

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the Education Act shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 102 (1).

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the Education Act shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance within subsection 102 (1).

(6) Notwithstanding subsections (2), (3), (4) and (5) where, in any year, a regulation is in force under section 214 of the Educa-
tion Act, the apportionments referred to in subsections (2), (3), (4) and (5) shall be made in accordance with the regulation. 1973, c. 74, s. 84.

ADJUSTMENTS

105. 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 any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged 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 section. 1973, c. 74, s. 85.

RESERVE FUNDS

106.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1973, c. 74, s. 89.

107.—(1) The Regional 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. 70, s. 45 (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. 1973, c. 74, s. 90 (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 Regional Council. 1976, c. 70, s. 45 (2).

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). 1973, c. 74, s. 90 (4).

TEMPORARY LOANS

108.—(1) The Regional 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 Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional 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 Regional Corporation as set forth in the estimates adopted for the next preceding year.

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional 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.

(6) 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.

(7) The Regional 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 Regional 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.

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefore is disqualified from holding any municipal office for two years.

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly 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.

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the Municipal Affairs Act, nor do they apply in any case where appli-
cation of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1977, c. 34, s. 40.

109.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 88.

DEBT

110.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional 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 Regional Corporation and of the area municipalities respectively as among themselves.
(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

(4) When an area municipality, on or before the 31st day of December, 1973,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project 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 Regional 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 Regional Corporation for the purposes and in the amount approved by the Municipal 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 113 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the Trustee Act. 1973, c. 74, s. 92.

111. Subject to the limitations and restrictions in this Act and the Ontario Municipal Board Act, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 110 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. 1973, c. 74, s. 93.

112.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional 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 Regional Council has been obtained.
(2) Nothing in subsection (1) requires the assent of any 

Proviso
electors where such assent has been dispensed with under 

section 63 of the Ontario Municipal Board Act. 1973, c. 74, 

R.S.O. 1980, 

s. 94.

113.—(1) When the Municipal Board has authorized the 

Borrowing 
borrowing of money and the issue of debentures by the Regional 

issue and 
Corporation for its purposes, the Regional Council pending 

sale of 
the issue and sale of the debentures may agree with a bank 

debentures 
or person for temporary advances from time to time for the 

or 
purposes authorized, and may by by-law pending the sale of 

purposes 
such debentures or in lieu of selling them authorize the 

authorized, 
chairman and treasurer to raise money by way of loan on 

and 
the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow-

Idem 
ing of money and the issue of debentures by the Regional 

Corporation for the purposes of an area municipality, the 

Regional Council or the council of the area municipality 

pending the issue and sale of the debentures may, and the 

Regional Council on the request of the area municipality 

shall, agree with a bank or person for temporary advances 

from time to time for the purposes authorized, and the 

Regional Council may, or on the request of the area municip-

ality 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 pro-

ceeds of such advance or loan to the area municipality.

1977, c. 34, s. 41 (1).

(3) The Regional Corporation may charge interest on any 

Interest 
proceeds of an advance or loan transferred under subsection (2) 
on proceeds 
at a rate sufficient to reimburse it for the cost of such advance 

transferred 
or loan.

(4) The proceeds of every advance or loan under this 

Application 
section shall be applied to the purposes for which the 

proceeds of 
debentures were authorized, but the lender shall not be 

of loan 
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 munici-

pality, the balance, subject to section 126 shall be transferred 
to the area municipality.

(5) Subject to subsection (4), the redemption of a debenture 

Hypothecati-
hypothecated does not prevent the subsequent sale thereof. 
tion not to 
1973, c. 74, s. 95 (3-5). 
prevent 
subsequent 
sale of 
debentures
(6) The signature of the chairman or any 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. 34, s. 41 (2).

114.—(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 payable under the by-law in such year, and each area municipality shall pay to the Regional 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) Notwithstanding subsection (5), the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) 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 (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.
(10) The Regional 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 Regional 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. 1973, c. 74, s. 96 (1-10).

(11) All the debentures shall be issued within two years after the passing of the by-laws 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 Regional Council it would not 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. 1973, c. 74, s. 96 (11); 1976, c. 43, s. 89 (1).

(12) 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.

(13) 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 (11) 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.

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality 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.

(15) 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.
(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Regional 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.

(18) Section 145 of the Municipal Act applies with necessary modifications to the Regional Corporation.

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional 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 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 prepaid mail 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 Regional Area 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 debentures that have 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 Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

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.

Annual rates

(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 Regional 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.

Principal levies

(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.

(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 Regional 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 that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1973, c. 74, s. 96 (12-24).

(25) The Regional 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 Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 46.

(26) The treasurer of the Regional Corporation shall be the chairman and the 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 Regional Corporation shall determine, and in other respects the provisions of section 94 of the Municipal Act apply with respect to such security. 1976, c. 70, s. 46.

(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. 1973, c. 74, s. 96 (26-31).

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- in securities in which a trustee may invest under the *Trustee Act*;
- in debentures of the Regional Corporation;
- in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- in temporary loans to the Regional 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;
- in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;
- in such other securities as are authorized by the Lieutenant Governor in Council. 1973, c. 74, s. 96 (32); 1976, c. 43, s. 89 (2).

(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 portion 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 Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

(38) If the treasurer of the Regional Corporation 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 Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional 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 Regional Council or the council of an area municipality, may authorize the Regional 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 Regional Corporation or otherwise than is provided in this section.

(42) When 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 Regional Corporation or of an area municipality,

(ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional 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,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality 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.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be...
provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42).

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

(45) In respect of the term debentures, the by-law shall provide for raising,

(a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity. 1973, c. 74, s. 96 (33-45).

(46) The retirement fund for the 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. 1973, c. 74, s. 96 (46); 1976, c. 43, s. 89 (3).

(47) 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 Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 89 (4).

115. Notwithstanding any other provision of this Act,

(a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a
specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

(b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

(c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

(d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

(e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

(f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

(g) the aggregate amounts of principal and interest, or the amounts of principal payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 90.
116.—(1) Subsection 152 (1) of the Municipal Act applies with necessary modifications to the Regional Council. 1976, c. 70, s. 47.

(2) For the purposes of this section, the hypothecation of debentures under section 113 shall not constitute a sale or other disposal thereof.

(3) The Regional 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 Regional Council to continue to levy and collect from any area municipality the subsequent payments or principal and interest payable by it to the Regional Council. 1973, c. 74, s. 97 (2-4).

117.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as 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 provide that it shall 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. 1973, c. 74, s. 98.

118.—(1) Subject to section 117, after a debt has been contracted under a by-law, the Regional 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 Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional 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 moneys so paid for any purpose other
than the payment of the amounts of principal and interest so becoming due. 1973, c. 74, s. 99.

119. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional 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. 1973, c. 74, s. 100.

120.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

(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 112 (1) or a by-law where it appears on the face of it that any of the provisions of subsection 114 (5) have not been substantially complied with.

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1973, c. 74, s. 101.

121.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional 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 Regional Corporation to sign it, and by the treasurer.

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature 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 Regional 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 debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional 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 Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature 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 Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1973, c. 74, s. 102.

122. 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 Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1973, c. 74, s. 103.

123.—(1) Where a debenture contains or has endorsed upon it 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

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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.

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. 1973, c. 74, s. 104.

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 91.

124. Where a debenture is defaced, lost or destroyed, the Regional 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. 1973, c. 74, s. 105.

125.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional 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 Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respect shall be of the same force and effect as the debenture or debentures surrendered for exchange.

(4) The treasurer and auditor of the Regional Corporation 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 debenture issued in exchange. 1973, c. 74, s. 106.

126.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the
extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment 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 Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture 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 Regional 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. 1973, c. 74, s. 107.

127. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale of 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 126 (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 property disposed of or sold. 1973, c. 74, s. 108.

128. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional 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. 1973, c. 74, s. 109.

129.—(1) The Regional Council shall,

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture 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 debenture 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 Regional 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. 1973, c. 74, s. 110.

130. 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 principal. 1973, c. 74, s. 111.
Liability of members

131.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of 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 Regional 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 Regional Area.

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1973, c. 74, s. 112.

Refinancing of debentures

132. When, by or under the authority of this Act, the Regional 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 Regional 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 Regional 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 Regional Corporation to raise the moneys required for such redemption; and

(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 Regional Corporation to raise the money required to complete such purchase. 1973, c. 74, s. 113.

PART XII

GENERAL

133.—(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 116, 117 and
121, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the Municipal Act apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 111 (1).

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the Municipal Act, the council of any area municipality may exercise the powers contained in subsections (6), (7) and (8) of that section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. 1974, c. 117, s. 47 (2).

(3) Sections 10 and 11 and, subject to subsection 2 (4), subsection 14 (2) of the Municipal Act do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. 1973, c. 74, s. 115 (2, 3).

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 129 of section 210 and section 253 of the Municipal Act. 1973, c. 74, s. 115 (4); 1976, c. 84, s. 2 (1).

(5) Notwithstanding any other provision of this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 32 (2) and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1973, c. 74, s. 115 (5).

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the Mortmain and Charitable Uses Act. 1977, c. 34, s. 42 (2).

(7) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the Municipal Act. 1979, c. 81, s. 111 (2).

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. 1973, c. 74, s. 115 (7).
(9) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection (8) apply with necessary modifications to any such by-law. 1974, c. 5, s. 5.

134.—(1) Section 211 of the Municipal Act applies with necessary modifications to the Regional Corporation, except that no by-law shall be passed by the Regional Council under this section with respect to retail gasoline service stations.

(2) No area municipality shall exercise any powers under section 211 of the Municipal Act except with respect to retail gasoline service stations.

(3) Every by-law passed by the council of an area municipality under section 211 of the Municipal Act in effect on the 23rd day of October, 1979 continues to apply until a by-law passed by the Regional Council applies thereto. 1979, c. 95, s. 1.

135.—(1) The Regional Council shall pass by-laws under subclauses 209 (b) (ii) and (iii) of the Municipal Act, and no area municipality shall pass any such by-laws.

(2) When a by-law passed under subsection (1) is in force, the Regional 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 or advisers to the emergency measures planning committee or any subcommittee 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 emergency functions;

(c) for appointing members of the emergency measures planning committee or of any subcommittee thereof.
to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the \textit{War Measures Act} (Canada);

\(d\) for acquiring alternative headquarters for the Regional Government outside the Regional Area;

\(e\) for obtaining and distributing emergency materials, equipment and supplies; and

\(f\) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. \textit{1973, c. 74, s. 116 (1, 2).}

\textbf{136}.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre. \textit{1973, c. 74, s. 117 (1); 1976, c. 43, s. 93.}

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the \textit{Municipal Act} apply with necessary modifications to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, \textit{1973, c. 74, s. 117 (2).}

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection (2), the provisions of section 24 apply with necessary modifications to such employee on the date he is transferred to the Regional Corporation. \textit{1973, c. 163, s. 8.}

\textbf{137}: Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Hamilton-Wentworth Regional Police Force, or to any person considered an employee for the purposes of the \textit{Workmen's Compensation Act}, the Regional 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 Regional Corporation may impose. \textit{1973, c. 74, s. 119.}

\textbf{138}.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional
Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional 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 Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of the *Public Inquiries Act* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the Regional 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 Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional 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.

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1973, c. 74, s. 120.

**Commission of Inquiry**

139.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*.

(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 Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.
(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 Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1973, c. 74, s. 121.

140. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, 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, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1973, c. 74, s. 122.

141. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. 1973, c. 74, s. 123.

142.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the Assessment Act, the Regional Corporation shall be deemed to be a municipality.

(2) For the purposes of paragraph 9 of section 3 of the Assessment Act, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection (2), “Regional Corporation” and “area municipality” include a local board thereof. 1973, c. 74, s. 124.

143.—(1) An execution against the Regional Corporation 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 Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, 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 Regional 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 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 Regional 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 to 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 in A.B. vs. The Regional Municipality of Hamilton-Wentworth" (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 considered 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. 1973, c. 74, s. 125.

144.—(1) The Corporation of the County of Wentworth is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Wentworth.

(2) All the assets and liabilities of the County of Wentworth become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Wentworth shall be transferred to the clerk.

(3) The Hamilton-Wentworth Suburban Roads Commission is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof become on that date the assets and liabilities of the Regional Corporation and all records and documents of the said roads commission shall be transferred to the clerk. 1973, c. 74, s. 126.

145.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14 (11) (a), (b) and (d) of the Municipal Act in relation to the dissolution of the County of Wentworth.

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the Ontario Municipal Board Act do not apply to decisions or orders made in the exercise of such power.

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under
this Act, the Municipal Board may upon application determine the matter and its decision is final. 1973, c. 74, s. 127.

146. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1973, c. 74, s. 127.

147.—(1) 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.

(2) The provisions of any special Act relating to the County of Wentworth or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. 1973, c. 74, s. 128.

148.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 125 of the Municipal Act applies with necessary modifications to any joint undertaking under this section. 1973, c. 74, s. 130.

149.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council.

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving,
dumping and disposing of waste, and no area municipality shall provide such facilities. 1973, c. 74, s. 131 (1, 2).

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. 1973, c. 74, s. 131 (3); 1974, c. 117, s. 49.

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1973, c. 74, s. 131 (4).

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection (4), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 112.

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

(7) For the purposes of subsection (3), paragraph 84 of section 210 of the Municipal Act applies with necessary modifications. 1973, c. 74, s. 131 (6, 7).

150. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand
in the place and stead of such local municipality in so far as
the agreement pertains to the functions of the Regional
Corporation or area municipality. 1973, c. 74, s. 132.

151. The Regional Corporation shall appoint a Regional
Fire Co-ordinator who shall be responsible for the establish-
ment of an emergency fire service plan and program for the
Regional Area, and the Regional Corporation is authorized
to expend such sums as it considers necessary to implement
such plan and program. 1973, c. 74, s. 133.

152.—(1) Notwithstanding the other provisions of this
Act but subject to subsections (2) and (3), for the purposes
of section 109 of the Highway Traffic Act the area in the
Regional Area that, on the 31st day of December, 1973,
formed part of a town, village or township municipality shall
be considered to continue to form part of a town, village or
township municipality except the area municipality of the
Town of Ancaster which shall be a town for the purpose
of the said section 109. 1973, c. 74, s. 134 (1); 1973, c. 163, s. 9.

(2) Notwithstanding subsection (1), the Regional Council
and the council of each area municipality may exercise any
of its powers under section 109 of the Highway Traffic Act
in respect of highways under its jurisdiction and control.

(3) Every by-law passed by the council of a municipality
under any provision of section 109 of the Highway Traffic Act
that applied, on the 31st day of December, 1973, to any
highway or portion thereof within the Regional Area shall
continue to apply thereto until a by-law passed by the
Regional Council or the council of an area municipality
under such section 109 applies thereto. 1973, c. 74, s. 134 (2, 3).

153.—(1) On and after the 1st day of January, 1974, no
area municipality shall be required to comply with section 107
of the Power Corporation Act.

(2) Where, on the 31st day of December, 1973, Ontario Hydro
or a public utilities commission or a hydro-electric commission
was supplying electrical power and energy in any area within the
Regional Area, such commission shall continue, until a date to be
determined by the Minister, to distribute and sell power within
such area and such commission shall be deemed to be a local board
of the area municipality in which it has jurisdiction.

(3) The members of a public utilities commission or a
hydro-electric commission referred to in subsection (2) in-
cluding *ex officio* members, who held office on the 22nd day of June, 1973, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

(4) The Board of Trustees of the Police Village of Lynden as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of the *Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Lynden.

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Lynden shall be assumed on the 1st day of January, 1974 by the Hydro-Electric Commission of Lynden and the said Commission shall be deemed to be a local board of the Township of Flamborough.

(6) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection (2), are dissolved on the 1st day of January, 1974.

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. 1973, c. 74, s. 135.

154.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof become on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality forms part or is continued, and in the event the area of jurisdiction of any such board is divided between two or more area municipalities, the committee of arbitrators appointed under section 88 of *The Regional Municipality of Hamilton-Wentworth Act, 1973* shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

(2) The council of an area municipality shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation centre under the *Community Recreation Centres Act*. 1973, c. 74, s. 136.
155.—(1) The Regional 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 Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the Public Parks Act.

(2) In addition to the powers that may be exercised under subsection (1), the Regional 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 regional parks under such regulations as the Regional Council may prescribe.

(3) Paragraph 53 of section 208 of the Municipal Act applies with necessary modifications to the Regional Corporation.

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the Parks Assistance Act.

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional 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.

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. 1973, c. 74, s. 137.

156. The Minister may by order do all such things as may be necessary to re-establish the Wentworth County Library. 1973, c. 74, s. 138.
157. On and after the 1st day of January, 1974, the portion of the Regional Municipality of Hamilton-Wentworth that is not in the City of Hamilton is a school division and The Wentworth County Board of Education is continued subject to subsection 54 (6) of the Education Act, as the divisional board of education of such school division. R.S.O. 1980, c. 129

158. Section 59 of the Education Act applies to the election of the members of The Wentworth County Board of Education, section 57 of the Education Act applies to the election of the members of The Board of Education for the City of Hamilton and section 113 of the Education Act applies to the election of the members of The Wentworth County Roman Catholic Separate School Board. 1973, c. 74, s. 139.

159. Notwithstanding the provisions of the Public Libraries Act, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1973, c. 74, s. 140, revised.

160. The council of the City of Hamilton may pass any by-law that a board of commissioners of police of a city is authorized to pass under the Municipal Act. 1973, c. 74, s. 143.
FORM 1

(Section 8 (4))

OATH OF ALLEGIANCE

I, ................................................................., having been elected (or appointed) as chairman of the council of The Regional Municipality of Hamilton-Wentworth, 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. 1973, c. 74, Form 1.

FORM 2

(Section 8 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ................................................................., having been elected (or appointed) as chairman of the council of The Regional Municipality of Hamilton-Wentworth 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 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. 1973, c. 74, Form 2.