1980

c 438 Regional Municipality of Niagara Act

Ontario
CHAPTER 438
Regional Municipality of Niagara Act

INTERPRETATION

1. In this Act,

(a) "area municipality" means the municipality or corporation of the Town of Lincoln, the Town of Fort Erie, the Town of Grimsby, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Thorold, the Township of Wainfleet, the City of Welland and the Township of West Lincoln, all as constituted or continued 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, pub-
lic 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) “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 under subsection 2 (1) or the local municipality to which such part is annexed or the Township of Wainfleet;

(j) “Minister” means the Minister of Intergovernmental Affairs;

(k) “Ministry” means the Ministry of Intergovernmental Affairs;

(l) “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 137;

(m) “Municipal Board” means the Ontario Municipal Board;

(n) “Regional Area”,

(i) until the 1st day of January, 1970, means the area included within the counties of Lincoln and Welland, and

(ii) on and after the 1st day of January, 1970, means the area from time to time included within the area municipalities;

(o) “Regional Corporation” means The Regional Municipality of Niagara;

(p) “Regional Council” means the council of the Regional Corporation;

(q) “regional road” means a road forming part of the regional road system established under Part V.
(r) "roadway" means that part of the highway designed or intended for use by vehicular traffic. R.S.O. 1970, c. 406, s. 1; 1972, c. 3, s. 17.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1970,

(a) The Corporation of the Town of Beamsville and The Corporation of the Township of Clinton are amalgamated as a town municipality bearing the name of The Corporation of the Town of Lincoln and the portion of the Township of Louth, described as follows, is annexed to such town:

Commencing at a point in the southern boundary of the Township of Louth, where it is intersected by the southerly production of the line between lots 7 and 8 in Concession VIII of the said Township;

Thenence northerly to and along the line between lots 7 and 8 in concessions VIII, VII, VI and V respectively, to the middle of the main channel of the Fifteen Mile Creek, south of the King's Highway No. 8;

Thenence in a general northerly direction following the middle of the main channel of the Fifteen Mile Creek to its mouth at Lake Ontario;

Thenence northerly on the same course as the westerly boundary of the present Township of Louth, to the north boundary of the said Township as defined by subsection 6 (2) of The Territorial Division Act, being chapter 395 of the Revised Statutes of Ontario, 1960;

Thenence westerly along the north boundary of the Township of Louth as defined by subsection 6 (2) of The Territorial Division Act, to the northerly prolongation of the west boundary of the Township of Louth;
THENCE southerly along the last-mentioned prolongation being along the boundary between the townships of Clinton and Louth, in accordance with the provisions of The Territorial Division Act, to the southerly high-water mark of Lake Ontario;

THENCE southerly along the boundary between the present townships of Clinton and Louth to the southwest angle of the said Township of Louth;

THENCE easterly along the south boundary of the said Township of Louth being along the boundary between the townships of Louth and Pelham to the point of commencement;

(b) The Corporation of the Town of Fort Erie, The Corporation of the Township of Bertie and The Corporation of the Village of Crystal Beach are amalgamated as a town municipality bearing the name of The Corporation of the Town of Fort Erie and the portion of the Township of Willoughby, described as follows, is annexed to such town:

COMMENCING at the southwest corner of Lot 30, Adjoining Cross Concession, of the Township of Willoughby;

THENCE northerly along the west limit of said Lot 30 and across the road allowance between the Cross and Adjoining Cross Concessions to the southwest corner of Lot 15, Cross Concession, of the Township of Willoughby;

THENCE easterly along the north limit of the last-mentioned road allowance to the southeast corner of Lot 20 in the Broken Front Concession, southeast angle, of said Township of Willoughby;

THENCE northerly along the easterly limit of Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River of the Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE southeasterly along the said International Boundary through the said Niagara River, to the
easterly prolongation of the southern boundary of the said Township of Willoughby;

THENCE westerly along the last-mentioned prolongation and along the southerly boundary of the Township of Willoughby to the place of beginning;

(c) The Corporation of the Town of Grimsby and The Corporation of the Township of North Grimsby are amalgamated as a town municipality bearing the name of The Corporation of the Town of Grimsby;

(d) The Corporation of the City of Niagara Falls and The Corporation of the Village of Chippawa are amalgamated as a city municipality bearing the name of The Corporation of the City of Niagara Falls and the portions of the townships of Crowland, Humberstone and Willoughby, described as follows, are annexed to such city:

FIRSTLY, part of the Township of Crowland, commencing at the northeast angle of the Township of Crowland being at a point in the middle of the main channel of the Welland River;

THENCE westerly along the middle of the main channel of the Welland River being along the boundary between the Township of Crowland and the City of Niagara Falls, to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession and between lots 9 and 10 in concessions I to VII both inclusive, and between lots 9 and 10 in the Gore and its extension southerly, to the southern boundary of the Township of Crowland;

THENCE easterly along the southern boundary of the said Township being along the boundary between the townships of Crowland and Humberstone, to the southeast angle of the said Township of Crowland;

THENCE northerly along the eastern boundary of the Township of Crowland being along the boundary between the townships of Crowland and Willoughby, to the point of commencement;
SECONDLY, part of the Township of Humberstone, commencing at the southeast angle of the Township of Crowland;

THENENCE westerly along the boundary between the townships of Humberstone and Crowland, to the southerly prolongation of the line between lots 9 and 10 in the Gore of the said Township of Crowland;

THENENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENENCE southerly along the easterly limit of said Lot 10, 1,000 feet;

THENENCE easterly parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland and its production easterly, to the easterly boundary of the Township of Humberstone;

THENENCE northerly along the boundary between the townships of Humberstone and Bertie, to the northeasterly angle of the Township of Humberstone;

THENENCE westerly along the north boundary of the said Township of Humberstone to the point of commencement;

THIRDLY, part of the Township of Willoughby, commencing at the northwesterly angle of the Township of Willoughby being at a point in the middle of the main channel of the Welland River;

THENENCE southerly along the west boundary of the Township of Willoughby being along the boundary between the townships of Willoughby and Crowland, to the southwestern angle of Lot 15, in the Cross Concession of the Township of Willoughby;

THENENCE easterly along the north limit of the road allowance between the Cross and Adjoining Cross Concessions to the southeast angle of Lot 20 in the Broken Front Concession, southeast angle, of the said Township of Willoughby;

THENENCE northerly along the east limit of the said Lot 20 and its prolongation northerly to the
centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River, of the said Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation, to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE in a general northerly direction along the said International Boundary to the easterly prolongation of a straight line joining the middle of the main channel of the Welland River at the west limit of the Township of Willoughby, with the middle of the said river where it enters the Niagara River;

THENCE westerly along the last-mentioned prolongation to the east limit of the Village of Chippawa;

THENCE southeasterly, southwesterly, westerly and northerly along the boundaries of the said village, to the middle of the main channel of the Welland River;

THENCE westerly following the middle of the main channel of the Welland River being along the north boundary of the Township of Willoughby to the point of commencement;

(e) The Corporation of the Town of Niagara and The Corporation of the Township of Niagara are amalgamated as a town municipality bearing the name of The Corporation of the Town of Niagara-on-the-Lake;

(f) The Corporation of the Township of Pelham and The Corporation of the Village of Fonthill are amalgamated as a town municipality bearing the name of The Corporation of the Town of Pelham and the portion of the Township of Thorold, described as follows, is annexed to such town:

COMMENCING at a point in the westerly boundary of the Township of Thorold where it is intersected by the southerly limit of the right-of-way of Ontario Hydro crossing Lot 163 of the Township of Thorold;
THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162 and 161 of the Township of Thorold to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the eastern limit of Rice Road in the said Township of Thorold;

THENCE southerly parallel with the eastern limit of Rice Road, to a point in a line midway between Merritt Road and Quaker Road, the said point being in the line between the north and south halves of Lot 174 in the said Township of Thorold;

THENCE westerly along the said midway line and its prolongation, to a point in the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE southerly along the westerly limit of the said right-of-way to the northern limit of the City of Welland;

THENCE westerly along the northern limit of the City of Welland, to the east boundary of the Township of Pelham;

THENCE northerly along the east boundary of the Township of Pelham, being along the boundary between the townships of Pelham and Thorold, to the south boundary of the Village of Fonthill;

THENCE following the boundaries of the said Village, easterly, northerly and westerly to the west boundary of the Township of Thorold;

THENCE northerly along the western boundary of the Township of Thorold to the point of commencement;

(g) The portion of the Township of Humberstone, described as follows, is annexed to the City of Port Colborne:

COMMENCING at a point in the northern high-water mark of Lake Erie where it is intersected by the
easterly boundary of the said Township of Humberstone;

THENCE northerly along the said easterly boundary being along the boundary between the townships of Humberstone and Bertie, to a point distant 1,000 feet measured southerly thereon from the easterly production of the south limit of the allowance for road between the townships of Crowland and Humberstone;

THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;

THENCE westerly parallel with the last-mentioned limit of road allowance to the western boundary of the Township of Humberstone;

THENCE southerly along the west boundary of the said Township of Humberstone being along the boundary between the townships of Humberstone and Wainfleet to the northwestern angle of the City of Port Colborne;

THENCE following along the northern, eastern and southern boundaries of the said City of Port Colborne, to the boundary between the townships of Humberstone and Wainfleet;

THENCE southerly along the prolongation of the boundary between the said townships to the Inter-
national Boundary between Canada and the United States of America;

THENCE northeasterly along the said International Boundary, to the southerly prolongation of the eastern boundary of the said Township of Humberstone;

THENCE northerly along the last-mentioned prolongation, to the point of commencement;

(h) The portion of the Township of Louth, described as follows, is annexed to the City of St. Catharines:

COMMENCING at a point in the south boundary of the Township of Louth where it is intersected by the southerly prolongation of the line between lots 7 and 8 in Concession VIII;

THENCE northerly to and along the line between lots 7 and 8 across concessions VIII, VII, VI and V, to the middle of the main channel of the Fifteen Mile Creek south of the King's Highway Number 8;

THENCE northerly along the middle of the main channel of the Fifteen Mile Creek to its outlet into Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the Township of Louth, to the north boundary of the said Township being to a line in Lake Ontario as defined by sub-section 6 (2) of The Territorial Division Act, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE easterly along the last-mentioned line, to the northerly prolongation of the easterly boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation, being along the boundary between the Township of Louth and the City of St. Catharines, to the southerly high-water mark of Lake Ontario;

THENCE southerly, easterly and southerly continuing along the boundary between the Township of Louth and the City of St. Catharines, to the southeast angle of the said Township of Louth;
THENCE westerly along the south boundary of the Township of Louth being along the boundary between the Township of Louth and the Township of Thorold and between the Township of Louth and the Township of Pelham, to the point of commencement;

(i) The portions of the townships of Crowland and Thorold, described as follows, are annexed to the Town of Thorold:

NOTE—Erection of Town of Thorold into city municipality, see 1975, c. 32.

FIRSTLY, that part of the Township of Crowland lying between the middle of the main channel of the Welland River diversion to be constructed and the middle of the existing main channel of the present course of the Welland River (the constructed diversion to be defined in detail after completion), lying all in lots 16, 17, and 18 of the Broken Front Concession in the Township of Crowland;

SECONDLY, part of the Township of Thorold, commencing at the northwest angle of the original Township of Thorold;

THENCE southerly along the western boundary of the said Township to the southerly limit of the right-of-way of Ontario Hydro crossing Lot 163 of the said Township;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned railway right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the east limit of Rice Road;

THENCE southerly parallel to the said Rice Road to a point in the line between the north and south halves of Lot 174 of the said township being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves
of lots 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession, to the middle of the diverted course of the Welland River to be constructed;

THENCE northeasterly and easterly along the middle of the main channel of the said river, to the southeast angle of the said Township of Thorold;

THENCE northerly, westerly and northerly along the boundary between the said Township of Thorold and the City of Niagara Falls to the south boundary of the Town of Thorold;

THENCE following the southerly and westerly boundaries of the said Town of Thorold, to the northwest angle of the said Town being on the northern boundary of the Township of Thorold;

THENCE westerly along the northern boundary of the said Township, westerly, northerly and westerly, to the point of commencement;

(j) The Corporation of the Township of Wainfleet is continued;

(k) The portions of the townships of Crowland, Humberstone and Thorold, described as follows, are annexed to the City of Welland:

Firstly, part of the Township of Crowland, commencing at a point in the north boundary of the City of Welland where it is intersected by the middle of the present main channel of the Welland River;

THENCE northeasterly and easterly along the middle of the present main channel of the Welland River, along the middle of the main channel of the diverted course of the said river to be constructed, and along the middle of the main channel of the Welland River to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession, along the line between lots 9 and 10 in concessions I to VII, both inclusive, and along the line between lots 9 and 10 in the Gore of the said
Township and its prolongation to the south boundary of the Township of Crowland;

THENCE westerly along the south boundary of the said Township of Crowland, being along the boundary between the townships of Crowland and Humberstone to the east boundary of the City of Welland;

THENCE northerly, westerly, northerly, westerly and northerly along the boundary between the Township of Crowland and the City of Welland, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at a point in the east boundary of the City of Welland where it is intersected by the boundary between the townships of Humberstone and Crowland;

THENCE easterly along the last-mentioned boundary to the southerly prolongation of the line between lots 9 and 10 in the Gore of the Township of Crowland;

THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet;

THENCE westerly along a line parallel to the south limit of the road allowance between the said townships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175’ west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175’ west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100’ east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100’ east of the centre line of the present ship canal to a point distant 1,000’ measured southerly at right angles
from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;

THENCE westerly parallel with the last-mentioned limit of the road allowance to the western limit of the said Township of Humberstone;

THENCE northerly along the west boundary of the said Township of Humberstone being along the line between the townships of Humberstone and Wainfleet, to the southern boundary of the present City of Welland;

THENCE easterly following the boundaries of the present City of Welland to the point of commencement;

THIRDLY, part of the Township of Thorold, commencing at a point in the north boundary of the City of Welland where it is intersected by the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE northerly along the western limit of the said railway to the line between the north and south halves of Lot 176 of the Township of Thorold, being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 176, 175, 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession to the middle of the main channel of the Welland River;

THENCE southwesterly along the said middle of channel being along the southeast boundary of the Township of Thorold to its intersection with the north boundary of the City of Welland;

THENCE westerly along the said boundary of the City of Welland to the point of commencement;

(1) The Corporation of the Township of Caistor, The Corporation of the Township of Gainsborough and The Corporation of the Township of South Grimsby are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Lincoln. R.S.O. 1970, c. 406, s. 2 (1); 1973, c. 57, s. 19.
(2) That portion of the City of Thorold described as follows is annexed to the City of Welland on the 1st day of July, 1975:

All of the north half of Lot 225 of the former Township of Thorold presently in the City of Thorold.

(3) Subsection (5) applies with necessary modifications to the annexation provided for in subsection (2). 1975, c. 46, s. 7.

(4) The following police villages are dissolved on the 1st day of January, 1970:

1. The Police Village of Campden.
2. The Police Village of Fenwick.
3. The Police Village of Jordan.
4. The Police Village of Jordan Station.
5. The Police Village of Queenston.
7. The Police Village of Vineland.

(5) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the Ontario Municipal Board Act or to petition or appeal under section 94 or 95 of such Act, made on the 27th day of June, 1969 pursuant to applications made under sections 14 and 25 of The Municipal Act, being chapter 249 of the Revised Statutes of Ontario, 1960, 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. R.S.O. 1970, c. 406, s. 2 (2, 3).

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and aldermen in the respective area municipalities as follows:

1. Town of Lincoln—eight aldermen elected by wards.
2. Town of Fort Erie—eight aldermen elected by wards.
3. Town of Grimsby—eight aldermen elected by general vote.
4. City of Niagara Falls—twelve aldermen elected by wards.
5. Town of Niagara-on-the-Lake—eight aldermen elected by general vote.
6. Town of Pelham—six aldermen elected by wards.
7. City of Port Colborne—eight aldermen elected by wards.
8. City of St. Catharines—twelve aldermen elected by wards.
9. City of Thorold—ten aldermen elected by general vote.
10. Township of Wainfleet—four aldermen elected by general vote.
11. City of Welland—twelve aldermen elected by wards.
12. Township of West Lincoln—six aldermen elected by wards. R.S.O. 1970, c. 406, s. 3 (1).

(2) Notwithstanding the provisions of this or any other Act, 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,

(a) divide or redivide the area municipality into wards and shall designate the name or number that 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;

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

provided that,

(d) 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. 14 (2).

(3) 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. 18.

(4) The mayor of the Town of Niagara-on-the-Lake shall be known as the Lord Mayor. R.S.O. 1970, c. 406, s. 3 (6).

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

4.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of “The Regional Municipality of Niagara”. R.S.O. 1970, c. 406, s. 5 (1).

(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. R.S.O. 1970, c. 406, s. 5 (2); 1972, c. 1, s. 104 (6).

(3) Each of the judicial districts of Niagara North and Niagara South, as described in section 6 of the Territorial Division Act, shall be deemed to be a county for all judicial purposes.

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1969, in and for the County of Lincoln or in and for the County of Welland 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, 1970, in and for the Judicial District of Niagara North or in and for the Judicial District of Niagara South, as the case may be. R.S.O. 1970, c. 406, s. 5 (3, 4).

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 unreasonable or supposed unreasonableness of its provisions or any of them. R.S.O. 1970, c. 406, s. 6.

6.—(1) The Regional Council shall consist of thirty members composed of a chairman and,  

(a) the head of the council of each area municipality;  

(b) six members elected by general vote of the electors of the area municipality of the City of St. Catharines;  

(c) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;  

(d) two members elected by general vote of the electors of the area municipality of the City of Welland;  

(e) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Lincoln, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the City of Thorold. 1978, c. 59, s. 1.

(2) 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 and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 17 shall preside until the chairman is elected. 1978, c. 33, s. 15 (1).

(3) Where the head 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, and an election shall be held in such municipality forthwith to elect a head of council, except where the vacancy occurs after the 31st day of
March of an election year as defined in the *Municipal Elections Act* in which case section 45 of the *Municipal Act* applies, and the expenses of such election shall be borne by the Regional Corporation. R.S.O. 1970, c. 406, s. 7 (4).

(4) 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. 15 (2).

7.—(1) The election of the members of the Regional Council to be elected by general vote of the electors of an area municipality, as provided in section 6, shall be held at the same times and in the same manner as the election of the mayor of such area municipality, and the members so elected shall hold office for a two-year term and until their successors are elected and the new Regional Council is organized. R.S.O. 1970, c. 406, s. 8 (1).

(2) A person is eligible to be elected a member of the Regional Council by the electors of an area municipality if he is eligible to be elected a member of the council of the area municipality or to be appointed to fill a vacancy in the office of a member so elected, but no person, except a mayor, may be a member of the Regional Council and the council of an area municipality at the same time.

(3) Section 38 of the *Municipal Act* applies with necessary modifications to the Regional Council. R.S.O. 1970, c. 406, s. 8 (3, 4).

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. 16.
(3) A person entitled to be a member ex officio of the Regional Council shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality of which he is the head of the council and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

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

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

(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 subsection 10 (1). R.S.O. 1970, c. 406, s. 9 (4-7).

9. 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. R.S.O. 1970, c. 406, s. 10.

10.—(1) Sixteen members of the Regional Council representing at least six 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. 1978, c. 59, s. 2.

(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. R.S.O. 1970, c. 406, s. 11 (2, 3).

11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.
(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 6 (2), 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. R.S.O. 1970, c. 406, s. 12 (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 from which he was elected shall by by-law within sixty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the Regional Council, to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 406, s. 12 (4); 1976, c. 43, s. 15.

(5) Section 39 of the Municipal Act, except clauses (d) and (f), applies to the Regional Council.

(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 council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. R.S.O. 1970, c. 406, s. 12 (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. R.S.O. 1970, c. 406, s. 14 (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. R.S.O. 1970, c. 406, s. 15.

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). R.S.O. 1970, c. 406, s. 16.

(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.

(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. 1.

(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 Council. 1980, c. 406, s. 18 (2).
17.—(1) The Regional Council shall appoint an officer, whose duty it is,

(a) to record truly in a book, 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 who shall have all the powers and duties of the officer appointed under subsection (1).

(3) When the office of the officer appointed under subsection (1) is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer pro tempore who shall have all the powers and duties of the officer appointed under subsection (1).

(4) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act. R.S.O. 1970, c. 406, s. 19.

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 an officer appointed under section 17, 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 officer 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 officer appointed under section 17 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 an officer appointed under section 17, 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. R.S.O. 1970, c. 406, s. 20.

19.—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer 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 financial officer who shall have all the powers and duties of the financial officer.

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

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act. R.S.O. 1970, c. 406, s. 21.

20.—(1) The financial officer 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 financial officer shall be signed by the financial officer 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 financial officer; and

(b) provide that the signature of the financial officer 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 financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. R.S.O. 1970, c. 406, s. 22 (1-3).

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the Municipal Conflict of Interest Act. R.S.O. 1970, c. 406, s. 22 (4); 1973, c. 54, s. 1.

(5) The financial officer 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. R.S.O. 1970, c. 406, s. 22 (5).

21. Subject to subsection 20 (3), the financial officer shall,

(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 financial officer vary from such provisions. R.S.O. 1970, c. 406, s. 23.
22.—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. R.S.O. 1970, c. 406, s. 24.

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. 1977, c. 34, s. 7.

(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. R.S.O. 1970, c. 406, s. 25 (2); 1972, c. 1, s. 1.

(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. R.S.O. 1970, c. 406, s. 25 (3); 1976, c. 43, s. 16.

(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. R.S.O. 1970, c. 406, s. 25 (4); 1972, c. 1, s. 1.

(5) The Regional Council may provide that all accounts shall be audited before payment. R.S.O. 1970, c. 406, s. 25 (5).

24.—(1) Sections 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 109 and 117 and paragraphs 45,
46, 47, 48 and 49 of section 208 of the Municipal Act apply with
necessary modifications to the Regional Corporation.

(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 or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 27th day of June, 1969 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.

(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, 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.

(4) 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 Lincoln or a local board thereof or the County of Welland 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.

(5) 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 Lincoln or a local board thereof or the County of Welland or a local board thereof or a suburban roads commission, 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.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1969, is employed by the County of Lincoln or the County of Welland or by any suburban roads commission or the Niagara District Health Unit or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act. R.S.O. 1970, c. 406, s. 26 (1-6).

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

(8) 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, 1969, and continue to be so employed until the 31st day of December, 1969, except employees offered employment by the Regional Council under subsection (6), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

(9) Any sick leave credits standing, on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection (8) shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

(10) Any person who accepts employment under subsection (8) 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. R.S.O. 1970, c. 406, s. 26 (8-11).

(11) 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. 1973, c. 158, s. 1.
(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. Termination of employment
R.S.O. 1970, c. 406, s. 26 (12).

PART III
REGIONAL WATERWORKS SYSTEM

25.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system.

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. R.S.O. 1970, c. 406, s. 27.

26.—(1) The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith. 1972, c. 51, s. 2.

(2) 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 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. 1974, c. 117, s. 8.

27.—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.
(2) A by-law under subsection (1) shall designate and describe the works and trunk distribution mains assumed.

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

(4) Notwithstanding subsection (1), a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein.

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

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

(b) the 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 work or main, but nothing in this clause 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. R.S.O. 1970, c. 406, s. 28 (1-5).

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), 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. 20.

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

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production,
treatment and storage of water and includes lands appropriated for such purposes and uses. R.S.O. 1970, c. 406, s. 28 (7, 8).

28.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(2) Notwithstanding subsection (1) and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. R.S.O. 1970, c. 406, s. 29.

29.—(1) No area municipality, after the 31st day of December, 1969, shall establish, maintain or operate any works for the production, treatment and storage of water.

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. R.S.O. 1970, c. 406, s. 30.

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

(2) Nothing in subsection (1) prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 15th day of October, 1969, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been
assumed by the Regional Corporation. R.S.O. 1970, c. 406, s. 31.

31.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. R.S.O. 1970, c. 406, s. 32 (1).

(2) Where, immediately before the 1st day of January, 1970, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of The Fluoridation Act, 1960-61, the Regional Corporation may continue to fluoridate the water supply to such area. R.S.O. 1970, c. 406, s. 32 (2).

(3) Subsection (2) is repealed on a day to be named by proclamation of the Lieutenant Governor. 1972, c. 51, ss. 4, 15 (2).

32. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. R.S.O. 1970, c. 406, s. 33.

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

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

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.
(4) Clause 53 (1) (k) of the Ontario Municipal Board Act does not apply with respect to water supplied by the Regional Corporation to an area municipality. R.S.O. 1970, c. 406, s. 34.

34.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection (2), shall not supply water to any other person.

(2) The Regional Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. R.S.O. 1970, c. 406, s. 35.

35. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Ministry. R.S.O. 1970, c. 406, s. 36; 1972, c. 1, s. 1.

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

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

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

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

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

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

Reserve fund

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

Application of reserve fund

(4) The moneys forming part of a reserve fund established under subsection (1) shall be applied or expended only for the purposes of the regional waterworks system. R.S.O. 1970, c. 406, s. 37.

Disposal of property

37.—(1) Subject to section 44, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system, that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Proceeds

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. R.S.O. 1970, c. 406, s. 38.

Temporary shut-offs

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

No breach of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to
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rescind any contract or release any guarantor from the performance of his obligation. R.S.O. 1970, c. 406, s. 39.

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

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. R.S.O. 1970, c. 406, s. 40.

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

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

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

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

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

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

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. R.S.O. 1970, c. 406, s. 41.

41.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. R.S.O. 1970, c. 406, s. 42 (1).
(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. 1979, c. 81, s. 21.

42. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. R.S.O. 1970, c. 406, s. 43.

43. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. R.S.O. 1970, c. 406, s. 44.

44. Where a distribution main has been assumed by the Regional Corporation under section 27 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. R.S.O. 1970, c. 406, s. 45.

45. The works and mains assumed by the Regional Corporation under section 27, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 34 (2), to any local or regional municipality outside the Regional Area. R.S.O. 1970, c. 406, s. 46.
46.—(1) In this Part,

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

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

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

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

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

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

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

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

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. R.S.O. 1970, c. 406, s. 47.
47.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission. R.S.O. 1970, c. 406, s. 48.

48. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. R.S.O. 1970, c. 406, s. 49.

49.—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality, or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1970.

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

(4) Notwithstanding subsection (1), a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein.

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

(a) no compensation or damages shall be payable to the area municipality or local board;
(b) the 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 work or watercourse, but nothing in this clause 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. R.S.O. 1970, c. 406, s. 50 (1-5).

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), 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. 22.

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 50 (7).

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

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

(3) Notwithstanding subsections (1) and (2) and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of
the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. R.S.O. 1970, c. 406, s. 51.

51. — (1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1969, without the approval of the Regional Council. R.S.O. 1970, c. 406, s. 52.

52. — (1) The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. R.S.O. 1970, c. 406, s. 53.

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

(3) In the event of conflict between a by-law passed under subsection (2) by the Regional Council and a by-law passed by the council of an area municipality under paragraph 147 of section 210 of the Municipal Act, the by-law passed by the Regional Council prevails to the extent of such conflict but in all other aspects the by-law of the area municipality remains in full effect and force. 1979, c. 81, s. 23.

53. — (1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or water course assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs. 1979, c. 81, s. 24 (1).
(2) An area municipality may,

(a) pay the amounts chargeable to it under subsection (1) out of its general funds; or

(b) subject to the approval of the Municipal Board, may pass by-laws under section 218 of the Municipal Act for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act. 1973, c. 54, s. 2, part.

(3) Notwithstanding any general or special Act, the Municipal Board shall 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. 1979, c. 81, s. 24(2).

54.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

(2) The Regional Corporation may enter into a contract with any local or regional municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any
work referred to in subsection (1) and to inspect the work during its construction and before it is connected with the regional work or watercourse. R.S.O. 1970, c. 406, s. 55.

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

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. R.S.O. 1970, c. 406, s. 56.

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

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

(b) to construct, extend or improve any regional work;

(c) to receive any required volume of sewage or land drainage from the area municipality;

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

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

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. R.S.O. 1970, c. 406, s. 57.

57.—(1) The Regional Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works. R.S.O. 1970, c. 406, s. 58 (1).

(2) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 218 of the Municipal Act.
for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. R.S.O. 1970, c. 406, s. 58 (3).

58. The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1969, such amount as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. R.S.O. 1970, c. 406, s. 59.

59. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local boards might have done if such works had not been assumed. R.S.O. 1970, c. 406, s. 60.

60. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. R.S.O. 1970, c. 406, s. 61.

61. Any works assumed by the Regional Corporation under section 49, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 54 (2), from any local or regional municipality outside the Regional Area. R.S.O. 1970, c. 406, s. 62.

62.—(1) All rates and charges against an area municipality imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. 1973, c. 54, s. 4, part.
(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges imposed under the authority of this Part and may by by-law provide for interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. 1979, c. 81, s. 25.

PART V
REGIONAL ROAD SYSTEM

63. In this Part,

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

(b) "construction" includes reconstruction;

(c) "maintenance" includes repair;

(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. R.S.O. 1970, c. 406, s. 63; 1972, c. 1, s. 100 (2).

64.—(1) On and after the 1st day of January, 1970, all roads under the jurisdiction and control of the County of Lincoln and the County of Welland on the 31st day of December, 1969, shall constitute the regional road system until a by-law passed under subsection (3) is in force and is effective.

(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 municipality as may be agreed upon between the Regional Council and the council of the municipality.

(3) A by-law shall be passed under subsection (2) and submitted not later than the 31st day of March, 1970, to the Minister for approval by the Lieutenant Governor in Council, which by-law shall establish the regional road system and
designate the roads to be included in and those removed from the regional road system as constituted under subsection (1). R.S.O. 1970, c. 406, s. 64 (1-3).

(4) 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. R.S.O. 1970, c. 406, s. 64 (4); 1971, c. 61, s. 1; 1972, c. 1, s. 1.

(5) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

(6) The Lieutenant Governor in Council may remove any road from the regional road system.

(7) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 75, such road or part is thereupon transferred to and 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. R.S.O. 1970, c. 406, s. 64 (5-7).

(8) 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. 2.

(9) 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 has effect after the day named by the Lieutenant Governor in Council. R.S.O. 1970, c. 406, s. 64 (9).

65. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time there-
after shall adopt such other plans as may be necessary. R.S.O. 1970, c. 406, s. 65 (1).

66. 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. R.S.O. 1970, c. 406, s. 66.

67. Where a contribution has been made from any source whatsoever towards an expenditure to which section 89 of the Public Transportation and Highway Improvement Act applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. R.S.O. 1970, c. 406, s. 67 (5).

68. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement, and his decision is final. R.S.O. 1970, c. 406, s. 68.

69. 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 Lincoln or The Corporation of the County of Welland or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of Lincoln or the County of Welland or the area municipality or municipalities or suburban roads commission, as the case may be, might have done if the roads had not become part of the regional road system. R.S.O. 1970, c. 406, s. 69.

70.—(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 regional road or portion thereof, 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. R.S.O. 1970, c. 406, s. 70 (1).

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, 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. R.S.O. 1970, c. 406, s. 70 (2); 1972, c. 51, s. 7.

(3) The cost of any such sidewalk, storm sewer, 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, storm sewer, 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. R.S.O. 1970, c. 406, s. 70 (3, 4).

(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. R.S.O. 1970, c. 406, s. 70 (5); 1971, c. 61, s. 1.

71.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King’s Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road. R.S.O. 1970, c. 406, s. 71 (1).

(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 regional road. R.S.O. 1970, c. 406, s. 71 (2); 1972, c. 1, s. 1.

(3) No road shall be relocated, altered or diverted under subsection (2) without the approval of the area municipality in which the road is located, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.
(4) The Municipal Board, before giving its approval under
subsection (3) shall hold a public hearing and shall give or
cause to be given at least ten days notice of the hearing to the
clerk of the area municipality concerned and to such other
persons in such manner as the Municipal Board may direct
and the Municipal Board, as a condition to giving any such
approval, may by its order impose such restrictions, limitations
and conditions respecting the relocation, alteration or di-
version of such road as to the Municipal Board may appear
necessary or expedient.

(5) Where the Regional Corporation constructs a sidewalk,
storm sewer, 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,
storm sewer, improvement or service and the work may be
undertaken in whole or in part under the Local Improve-
ment Act. R.S.O. 1970, c. 406, s. 71 (3-5).

72. 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 intersected is a part of the regional road system.
R.S.O. 1970, c. 406, s. 72.

73. When land abutting on a regional road is dedicated
for highway purposes for, or apparently for, the widening of the
regional road, the land so dedicated is part of the regional
road and the jurisdiction and control and the soil and free-
hold thereof is vested in the Regional Corporation subject
to any rights in the soil reserved by the person who dedicated
the land. R.S.O. 1970, c. 406, s. 73.

74.—(1) The Regional Council may pass by-laws for
establishing and laying out new roads and for amending the
by-law passed under section 64 by assuming such new roads
as part of 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. R.S.O. 1970, c. 406, s. 74 (1).

(2) On and after the 1st day of January, 1970, the Regional
Corporation is authorized to enter into agreements with the
Minister under section 99 of the Public Transportation and
Highway Improvement Act with respect to roads within
the Regional Area and thereafter no area municipality shall
enter into such agreements, and all such agreements entered
into before such date by a local municipality within the
Regional Area shall thereafter be deemed to be agreements
entered into by the Regional Corporation. R.S.O. 1970,
c. 406, s. 74 (2); 1971, c. 61, s. 1.
75. With respect to the regional roads 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 under the Municipal Act, the Highway Traffic Act and any other Act with respect to highways. R.S.O. 1970, c. 406, s. 75.

76. 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 motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section "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 a passenger transportation service. 1973, c. 54, s. 5.

77.—(1) The Regional Council may, with respect to a regional road, 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; and

(b) any sign, notice or advertising device within 400 metres of any limit of a regional road. R.S.O. 1970, c. 406, s. 76 (1); 1978, c. 87, s. 51 (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. R.S.O. 1970, c. 406, s. 76 (2).

78.—(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 unless it has been approved by the Regional Council. R.S.O. 1970, c. 406, s. 77 (1); 1976, c. 43, s. 17 (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.

(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

Powers and liabilities of Regional Corporation

Bus lanes, designation by by-law

Erection of gasoline pump and advertising device near regional road

Permits

By-laws of area municipalities regulating traffic

Regional Council may approve by-law in whole or in part

Withdrawal of approval
or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 17 (2).

(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.

(5) The Regional Corporation may contribute toward the cost of erection of signal-light traffic control devices erected by an area municipality. R.S.O. 1970, c. 406, s. 77 (2, 3).

(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. R.S.O. 1970, c. 406, s. 77 (4); 1978, c. 87, s. 51 (2).

79.—(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 areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

(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 or by the trustees of a police village under any provision of section 59 of The Highway Traffic Act, being chapter 172 of the Revised Statutes of Ontario, 1960, that applied, on the 31st day of December, 1969, 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 section 109 of the Highway Traffic Act applies thereto. R.S.O. 1970, c. 406, s. 78.

80. The Regional Council may by by-law empower the council of any area municipality to exercise the powers of the
area municipality under section 310 of the Municipal Act in relation to the use of untravelled portions of regional roads within those portions of the area municipality in which land may be used for commercial or industrial purposes. R.S.O. 1970, c. 406, s. 79.

81. 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. R.S.O. 1970, c. 406, s. 80.

82.—(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) When 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 in the case of the regional municipality the officer appointed under section 17, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it considers just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge of highway.
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Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. R.S.O. 1970, c. 406, s. 81.

83. 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. R.S.O. 1970, c. 406, s. 82.

84. 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, 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. R.S.O. 1970, c. 406, s. 83.

Restrictions

85.—(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. R.S.O. 1970, c. 406, s. 84 (1); 1978, c. 87, s. 51 (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. R.S.O. 1970, c. 406, s. 84 (2).

86.—(1) Subject to the approval of the Municipal Board, the Regional Council may by by-law designate any regional road, or any portion thereof, as a regional 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) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

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

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court considers 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. R.S.O. 1970, c. 406, s. 85.

87.—(1) 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.

(2) 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 subsection (1).

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

(4) Where the person to whom notice is given under subsection (2) fails to comply with the notice within thirty days after its receipt, the 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.

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

(6) Where a notice given under subsection (2) has been complied with, 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 86 (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 subsection (1), in which case the making of compensation is subject to any provisions of such by-law. R.S.O. 1970, c. 406, s. 86.

88.—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality,

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

(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 such road, but nothing in this clause 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. R.S.O. 1970, c. 406, s. 87 (1).

(2) If the Regional Corporation fails to make any payment as required by clause (1) (b), interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made. 1979, c. 81, s. 26.

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 87 (3).

89.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 17.

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection (1) and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 88.
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. 158, s. 2.

90. Sections 101, 103, 105, 108 and 111 of the Public Transportation and Highway Improvement Act apply with necessary modifications with respect to any regional road. R.S.O. 1970, c. 406, s. 90; 1971, c. 61, s. 1.

PART VI
MUNICIPAL HYDRO-ELECTRIC SERVICE

91. 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) “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 14th day of June, 1979 and established or deemed to be established under Part III of the Public Utilities Act;

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

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

(e) “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. 1979, c. 33, s. 1, revised.

92.—(1) The hydro-electric commission for each of the towns of Grimsby and Lincoln, the City of Niagara Falls, the Town of
Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Thorold, the City of Welland and the Township of West Lincoln established by The Niagara Municipal Hydro-Electric Service Act, 1979 is continued.

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

2. Lincoln Hydro-Electric Commission.
8. Thorold Hydro-Electric Commission.

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

(5) The council of each area municipality shall determine by by-law whether the number of additional members of the commission established in respect of the area municipality shall be two or four.

(6) For the term expiring with the 30th day of November, 1980, the council of each area municipality served by a commission shall appoint the additional members of the commission.
(7) At least one half of the additional members appointed under subsection (6) shall be appointed from among the members of the municipal commission or the municipal commissions, as the case may be, that supplied power immediately before the 14th day of June, 1979, in the area municipality in respect of which the commission is established by subsection (1).

(8) At least one of the additional members appointed by the council of each area municipality under subsection (6) shall be a person who resides outside the part of the area municipality supplied with power by a municipal commission immediately before the 14th day of June, 1979.

(9) For terms commencing after the 30th day of November, 1980, the additional members of each commission 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, 1980, the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

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

(11) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

(12) The council of an area municipality served by a commission 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.

(13) The salaries of the members of the commissions, for the term expiring with the 30th day of November, 1980, shall be fixed on or before the 1st day of October, 1979 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, 1979.

(14) A resignation from the council of an area municipality of a member of the council who is a member of a commission shall be deemed to be a resignation from both the council and the commission.

(15) Notwithstanding subsection (5), where an area municipality was served immediately before the 14th day of June, 1979
by more than one municipal commission, for the term expiring with the 30th day of November, 1980, the number of additional members of the commission established in respect of the area municipality shall be four and at least one of such additional members shall be appointed by the council of the area municipality from among the members of each of the municipal commissions.

(16) The trustees of the police village of Queenston as it existed on the 31st day of December, 1969 shall be deemed to have been established on that date as a hydro-electric commission for the control and management of works for the retail distribution and supply of power in the police village of Queenston under Part III of the *Public Utilities Act*. 1979, c. 33, s. 2.

93.—(1) The council of the Township of Wainfleet may, with the consent of Ontario Hydro, establish by by-law a hydro-electric commission for the Township of Wainfleet.

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

(a) shall be known as the Wainfleet Hydro-Electric Commission; and

(b) 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) The council of the Township of Wainfleet shall appoint the first additional members of the commission established under subsection (1).

(4) Upon the establishment of the commission under subsection (1),

(a) subsections 92 (4), (5), (10), (11), (12) and (14), subsections 94 (5), (6) and (10) and sections 95, 96 and 99 shall apply with necessary modifications;

(b) subsection 92 (9), subsections 94 (1), (2), (7) and (12) to (16) and section 97 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

(c) the commission, for the purposes of clauses (a) and (b), shall be deemed to be a commission continued under section 92.
(5) Until such time as the power conferred by subsection (1) has been exercised,

(a) the council of the Township of Wainfleet shall review the distribution and supply of power within the Township of Wainfleet 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). 1979, c. 33, s. 3.

94.—(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, 1980, be exercised on behalf of each area municipality mentioned in subsection 92 (1) by the commission established in respect of the area municipality and not by the council of any municipality or any other person.

(2) Subject to subsections (3) and (6) and to any subsisting contracts for the supply of power made under section 70 of The Power Corporation Act being chapter 354 of the Revised Statutes of Ontario, 1970, or for the supply of power at 25 hertz, on and after the 1st day of January, 1980, each commission has the sole right to distribute and supply power within the area municipality in respect of which it is established, and may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the Municipal Act.

(3) Subject to subsections (17) and (18), Ontario Hydro shall continue to distribute and supply power in those areas of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln that Ontario Hydro served immediately before the 14th day of June, 1979 and subsections (10) and (12) and section 97 do not apply in respect of the assets and employees of Ontario Hydro in those municipalities.

(4) The Canadian Niagara Power Company Limited has the sole right to distribute and supply power within the Town of Fort Erie on the same terms and conditions and for the same period of time as under the franchise granted by
by-law number 783 passed by the council of the Town of Fort Erie on the 18th day of March, 1935.

(5) 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.

(6) With the consent of a commission, Ontario Hydro may distribute and supply power directly to customers within the area municipality in respect of which the commission is established.

(7) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of municipal commissions are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the municipality.

(8) Notwithstanding subsection (7), on or before the 1st day of January, 1980, the Niagara Falls Hydro-Electric Commission shall purchase from the Canadian Niagara Power Company Limited the assets pertaining to the distribution and supply of power other than at 25 hertz in that portion of the City of Niagara Falls supplied with power by the Canadian Niagara Power Company Limited immediately before the 14th day of June, 1979, and the purchase price shall be determined by agreement between them.

(9) Such management and control of works for the distribution and supply of power within the area municipalities mentioned in subsection 92 (1) as are exercised by municipal commissions and Ontario Hydro immediately before the 14th day of June, 1979, remain entrusted to them to and including the 31st day of December, 1979, but any of the assets, powers and responsibilities of the commissions and Ontario Hydro pertaining to the distribution and supply of power in any of the area municipalities may by agreement be transferred before that date to a commission established in respect of the area municipality.

(10) Except as may be agreed by a commission and Ontario Hydro for the purposes of subsection (6) or otherwise, on or before the 1st day of January, 1980, each commission shall purchase, on behalf of the area municipality served by the commission, the assets and liabilities of Ontario Hydro pertaining to the distribution and supply of power at retail within the area municipality, including equipment leased by Ontario Hydro to retail customers within the area municipality for the use of such power and 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.

(11) On or before the 1st day of January, 1980, the Canadian Niagara Power Company Limited shall purchase the assets and liabilities of Ontario Hydro pertaining to the retail distribution of power within the Town of Fort Erie, including equipment leased by Ontario Hydro to retail customers within the Town of Fort Erie, and the purchase price shall be determined by agreement between them.

(12) If the purchase price under subsection (8), (10) or (11) is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

(13) Where a request is made under subsection (12) for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

(14) Where a request is made under subsection (12) or (13) that the purchase price be determined by a board of arbitration,

(a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;

(b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and

(c) if a party fails to appoint a member to a board of arbitration in accordance with clause (a) or if the members do not appoint a chairman in accordance with clause (b) or in the event of the absence or inability to act or of a vacancy in the office of a
member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

(15) Except as otherwise provided in this subsection, the Application of Arbitrations Act applies to subsections (12), (13) and (14).

(16) In subsections (12), (13) and (14), "parties" means,

(a) in respect of subsection (8), Canadian Niagara Power Company Limited and Niagara Falls Hydro-Electric Commission;

(b) in respect of subsection (10), Ontario Hydro and, in each case, the commission continued under section 92; and

(c) in respect of subsection (11), the Canadian Niagara Power Company Limited and Ontario Hydro.

(17) The council of each of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

(a) may direct the commission established 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 subsections (10) and (12) to (16) and section 97 shall apply with necessary modifications to the assets and employees of Ontario Hydro in the municipality; or

(b) may dissolve the commission established 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.
(18) Until such time as the power conferred by subsection (17) has been exercised,

(a) the council of each of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln 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 (17); and

(b) where the council of the town of Grimsby, Lincoln, Niagara-on-the-Lake or Pelham or the Township of West Lincoln determines as provided in clause (a) that it is financially feasible for the commission established 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 (17). 1979, c. 33, s. 4.

95.—(1) All real property transferred by section 94 to the control and management of a commission or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

(2) Where a commission 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 area 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. 1979, c. 33, s. 5.

96. Except as otherwise provided in this Part, sections 138 to 160 apply, with necessary modifications, to any borrowing for the purposes of a commission. 1979, c. 33, s. 6.

97.—(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 assumes liability for the payment of the wages or salary of the employee.

(2) On or before the 31st day of December, 1979, each municipal commission that supplied power in an area municipality mentioned in subsection 92 (1) immediately before the 14th day of June, 1979 and Ontario Hydro shall designate those of its full-time employees who were employed in the distribution and supply of power in an area municipality mentioned in subsection 92 (1) on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission 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 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 14th day of June, 1979, 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 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the 14th day of
June, 1979, supplied power in an area municipality mentioned in subsection 92 (1), the commission 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 and who,

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

(b) continues in the employment of the 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, 1979, 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, 1981, each commission 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 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.

(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. 1979, c. 33, s. 7.

98. For the purposes of section 174 of The Regional Municipality of Niagara Act, being chapter 406 of the Revised Statutes of Ontario, 1970, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area, and on that date the municipal commissions supplying only electrical power and energy in that area immediately before the 14th day of June, 1979 are dissolved and the 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. 1979, c. 33, s. 8.

99. The Lieutenant Governor in Council may make regulations,

(a) for the purpose of subsection 94 (10) 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 97 (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. 1979, c. 33, s. 9.

PART VII

PLANNING

100.—(1) The Regional Area is continued as a joint planning area under the Planning Act, known as the Niagara Planning Area. R.S.O. 1970, c. 406, s. 91 (1).

(2) The Regional Corporation is the designated municipality within the meaning of the Planning Act for the purposes of the Niagara 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. 20.

(3) All planning areas and subsidiary planning areas that are included in the Niagara Planning Area together with the boards thereof are dissolved on the 31st day of December, 1969.
(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1970, and each council thereof shall be the 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;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. R.S.O. 1970, c. 406, s. 91 (3-6).

101.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Niagara 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 Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and cooperation of the inhabitants of the Planning Area in determining the solution of problems or matters affecting the development of the Planning Area; and

(c) consult with any local board having jurisdiction within the Planning Area.

(2) The Regional Council, before the 31st day of December, 1973, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

(3) The Regional Council shall appoint such planning staff as may be considered necessary.

(4) The Regional Council may appoint such planning committees as it considers necessary. R.S.O. 1970, c. 406, s. 92 (1-4).
(5) 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, 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. 21.

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

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

(8) 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 Niagara Planning Area or any part thereof. R.S.O. 1970, c. 406, s. 92 (6-8).

(9) All committees of adjustment theretofore constituted by the council of a local municipality in the Niagara Planning Area are dissolved on the 31st day of December, 1969, 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. R.S.O. 1970, c. 406, s. 92 (10).

102.—(1) On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29 of the Planning Act, and all such powers shall be exercised by the land division committee established by the Regional Council.

(2) On or before the 1st day of February, 1974, the Regional Council shall, without notice from the Minister of Housing, constitute and appoint a land division committee composed of such persons not fewer than three in number as the Regional Council considers advisable, to grant consents referred to in section 29 of the Planning Act.

(3) The land division committee referred to in subsection (2) stands in the place and stead of any committee of adjustment established by an area municipality for the purpose of completing the disposition of any application for a consent that may have been pending before any such com-
mittee and that is not finally disposed of on or before the 31st day of January, 1974.

(4) The land division committee in considering an application to grant consents shall seek the opinion of the council of the area municipality in which the land for the application is situate. 1973, c. 158, s. 3.

103. Except as provided in this Part, the provisions of the Planning Act apply. R.S.O. 1970, c. 406, s. 93.

PART VIII

HEALTH AND WELFARE SERVICES

104.—(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, 1969, of an indigent person or his dependant who was in hospital on the 31st day of December, 1969, and in respect of whom any local municipality within the Regional Area, the County of Lincoln, or the County of Welland was liable because the indigent person was a resident of such local municipality, the County of Lincoln or the County of Welland.

(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, 1970. R.S.O. 1970, c. 406, s. 94.

105. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor. R.S.O. 1970, c. 406, s. 95.

106.—(1) On and after the 1st day of January, 1970, 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.
Dissolution of Niagara District Health Unit

(2) The Niagara District Health Unit is dissolved on the 1st day of January, 1970, and all the assets and liabilities thereof become assets and liabilities of the board of health of the health unit of the Regional Area.

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. R.S.O. 1970, c. 406, s. 96.

Constitution of health board

107.—(1) On and after the 1st day of January, 1970, the board of health of the health unit established under section 106 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. R.S.O. 1970, c. 406, s. 97 (1).

Expenses of board

(2) Notwithstanding the provisions of any other Act, the expenses incurred by the health unit 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. R.S.O. 1970, c. 406, s. 97 (3).

108.—(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:


3. Homemakers and Nurses Services Act. 1975, c. 46, s. 8.
109. The Regional Corporation shall be deemed to be a city for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. R.S.O. 1970, c. 406, s. 99 (1).

110.—(1) The home for the aged established, erected and maintained jointly by the City of St. Catharines and the County of Lincoln, known as Linhaven Home for the Aged, and all real and personal property used for the purposes of such home, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection (3), no compensation or damages shall be paid to the City in respect thereof.

(2) The home for the aged, known as Sunset Haven Home for Senior Citizens, and the rest home, known as Northland Manor, established, erected and maintained jointly by the City of Niagara Falls, the City of Welland, the City of Port Colborne and the County of Welland, and all real and personal property used for the purposes of such homes, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection (3), no compensation or damages shall be paid to such cities in respect thereof.

(3) The Regional Corporation shall pay to 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 homes referred to in subsections (1) and (2). R.S.O. 1970, c. 406, s. 100 (1-3).

(4) If the Regional Corporation fails to make any payment as required by subsection (3), interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made. 1979, c. 81, s. 27.

(5) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of a home referred to in subsections (1) and (2), the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 100 (5).

111. No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. R.S.O. 1970, c. 406, s. 101.

112. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Region-
al 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. R.S.O. 1970, c. 406, s. 103.

Information

113. 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 Part. R.S.O. 1970, c. 406, s. 104.

Adjustments

114. 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. R.S.O. 1970, c. 406, s. 105.

Grants, etc., to approved corporations under

115.—(1) 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.

(2) All rights and obligations of the municipalities that are parties to any agreement entered into under *The County of Welland Act, 1968* are hereby assumed by the Regional Corporation and no area municipality shall hereafter have any rights or obligations under any such agreement. R.S.O. 1970, c. 406, s. 106.

PART IX

POLICE


117.—(1) The board of commissioners of police known as the Niagara 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 the county court of the Judicial District of Niagara North or the Judicial District of
Niagara South designated by the Lieutenant Governor in Council; and

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

(2) Three members of the Niagara Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. R.S.O. 1970, c. 406, s. 109 (1, 2).

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the Police Act, to members of the Niagara Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 23.

118.—(1) On and after the 1st day of January, 1971,

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according 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 Niagara Police Board and the members of the Niagara 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. 1971, c. 77, s. 2, part; 1978, c. 33, s. 24.

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Niagara 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. 1971, c. 77, s. 2, part.

119.—(1) The area municipality may pay the amounts chargeable to it in each year for the expenses of the Niagara Police Board in respect of maintaining, operating and administering the Niagara Regional Police Force under section 128, out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.
(2) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection (1) to lands and buildings used exclusively for farming purposes. 1971, c. 77, s. 3, part.

120.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of July, 1969, and continues to be a member until immediately before the 1st day of January, 1970, shall, on the 1st day of January, 1970, become a member of the police force of the area municipality that includes the local municipality, and the provisions of subsections 24 (5) and (11) apply to such members. R.S.O. 1970, c. 406, s. 112 (1); 1973, c. 158, s. 4.

(2) Every person who is a member of a police force of an area municipality on the 31st day of December, 1970, becomes a member of the Niagara Regional Police Force on the 1st day of January, 1971, and is subject to the government of the Niagara Police Board to the same extent as if appointed by the Niagara Police Board. R.S.O. 1970, c. 406, s. 112 (2).

(3) Every person who becomes a member of the Niagara Regional Police Force under subsection (2) shall,

(a) be deemed 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 Niagara Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;

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

(c) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality:
(d) receive such sick leave credits in the sick leave credit plan which shall be established by the Niagara Police Board as he had standing to his credit in the plan of the area municipality; and

(e) not be assigned without his consent to serve on a permanent basis at a location in the Regional Area more than 8.05 kilometres distant from the area municipality in which he was formerly employed, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of July, 1969. R.S.O. 1970, c. 406, s. 112 (3); 1973, c. 54, s. 6 (2); 1978, c. 87, s. 51 (4).

(4) Every civilian employee and assistant of the Niagara Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.

(5) Section 100 of the Municipal Act applies with necessary modifications to the Niagara Police Board. 1973, c. 54, s. 6 (3).

121. Before the 1st day of February, 1970, the members of the police forces of all area municipalities shall appoint a joint bargaining committee to represent all police forces in the area municipalities to bargain with the Niagara Police Board in the manner and for the purposes provided in The Police Act, and the Niagara Police Board shall be the sole negotiating body to bargain with such committee. R.S.O. 1970, c. 406, s. 113.

122.—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the Niagara Police Board any such land or building that the Niagara Police Board may require that is vested on the 1st day of July, 1970, in any area municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that area municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No area municipality, before the 1st day of January, 1971, shall without the consent of the Niagara Police Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection (1).

(3) 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, 1971, and in that case
the by-law shall become effective on the date provided therein.

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

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

(5) Where the Regional Corporation assumes any property under subsection (1) or (3),

(a) no compensation or damage shall be payable to the area 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;

(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, 1970, 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. R.S.O. 1970, c. 406, s. 114 (1-5).

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), 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. 28.

(7) Where a building vested in an area municipality or local board is used partly by the police force of the area municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Niagara Police Board shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Niagara Police Board as was being provided by the area municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the Niagara Police Board, each area municipality, for the use of the Niagara 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, 1971, 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, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) No area municipality, without the consent of the Niagara Police Board, shall dispose of any personal property referred to in subsection (8) owned by the area municipality on the 1st day of July, 1970 or thereafter.

(10) All signal and communication systems owned by any area municipality and used for the purposes of the police force of the area municipality on the 1st day of July, 1970, or thereafter are vested in the Regional Corporation for the use of the Niagara Police Board on the 1st day of January, 1971, and no compensation shall be payable to the area 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.
(11) In the event of any doubt as to whether,

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

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

the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 114 (7-11).

123. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Niagara Police Board. R.S.O. 1970, c. 406, s. 115.

124.—(1) Notwithstanding subsection 180 (4), the provisions of paragraphs 1 and 6 of section 227 and section 228 of the Municipal Act do not apply to any area municipality.

(2) The Niagara Police Board may pass by-laws applicable to one or more area municipalities:

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within an area municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof, and for revoking any such licence.

2. For requiring any or all persons mentioned in paragraph 1 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any licence issued under paragraph 1.

3. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public
liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer.

4. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

(a) In this paragraph,

(i) "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods,

(ii) "salvage yard" includes an automobile wrecking yard or premises,

(iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.

(b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account or as the agent or servant of another person, to take out a licence.

(c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.

(d) The fee to be paid for the licence shall not exceed $20 for one year.

(e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second-hand
goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence.

(3) All licence fees payable under any by-law enacted under subsection (2) are payable to the Regional Corporation. 1971, c. 77, s. 4.

PART X

FINANCES


(2) In sections 128, 129 and 131, “Ministry” means the Ministry of Revenue. 1972, c. 51, s. 9; 1972, c. 1, s. 1.

126.—(1) Section 169 of the Municipal Act applies with necessary modifications to the Regional Corporation. R.S.O. 1970, c. 406, s. 117.

(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. 29.

YEARLY ESTIMATES AND LEVIES

127.—(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. R.S.O. 1970, c. 406, s. 118 (1); 1972, c. 1, s. 1.

(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 but shall not make any allowance for payments to be received during the current year under section 2 of the Ontario Unconditional Grants Act. R.S.O. 1970, c. 406, s. 118 (2); 1972, c. 1, s. 1.

(3) Section 33 of the Assessment Act and section 465 of the Municipal Act apply with necessary modifications to the Regional Corporation. 1972, c. 51, s. 10, part.
128.—(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 (10), 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. R.S.O. 1970, c. 406, s. 119 (1-3).

(4) The Ministry 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 shall be deemed to be the last revised assessment rolls of the area municipalities. 1980, c. 33, s. 4, part.

(5) Subsection (4) shall cease to apply on a date to be determined by order of the Minister. R.S.O. 1970, c. 406, s. 119 (5).

(6) Upon completion by the Ministry of the revision, equalization and weighting of assessment, the Ministry shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry, the area municipality may appeal from the decision of the Ministry 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.

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal

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Levy on area municipalities

Apportionment

Idem

Equalized assessment

When subs. (4) ceases to apply

Copy to Regional Corporation and area municipality

Appeal

Idem
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may be made to the Municipal Board with respect to such revision, equalization and weighting.

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry 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 financial officer 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 financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality. 1980, c. 33, s. 4, part.

(10) 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. R.S.O. 1970, c. 406, s. 119 (10).

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes 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 to any area municipality. R.S.O. 1970, c. 406, s. 119 (11); 1973, c. 57, s. 19.

(12) The clerk of an area municipality shall transmit to the Ministry, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry
shall revise, equalize and weight the valuations, and shall thereupon notify the Regional Corporation of the revised, equalized and weighted valuations. 1980, c. 33, s. 4, part.

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

(14) 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.

(15) 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 financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). R.S.O. 1970, c. 406, s. 119 (13-15).

(16) 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. 30.

129.—(1) The Ministry shall revise, equalize and weight, by the application of the latest equalization factors of the Ministry, each part of the last revised assessment rolls 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 the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry shall notify the area municipality of the revised, equalized and weighted assessment. 1980, c. 33, s. 5.

(3) The provisions of subsections (1) and (2) of this section shall cease to apply on the date determined by the Minister under subsection 128 (5). R.S.O. 1970, c. 406, s. 120 (3).
130.—(1) Notwithstanding section 128, 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 128 (15) and (16) apply to such a levy.

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 128.

(3) Notwithstanding section 129, until the date determined by the Minister under subsection 128 (5), the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property 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) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied under section 130 of The Assessment Act, being chapter 23 of the Revised Statutes of Ontario, 1960, the council, notwithstanding section 129, until the date determined by the Minister under subsection 128 (5), may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the 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 business assessment of public school supporters.

(5) The amount of any levy under subsection (3) or (4) shall be deducted from the amount of the levy made under section 7 of the Ontario Unconditional Grants Act.

(6) Subsection 159 (5) of the Municipal Act applies to levies made under this section.

(7) Section 159 of the Municipal Act does not apply until the date determined by the Minister under subsection 128 (5). R.S.O. 1970, c. 406, s. 121 (2-8).
131.—(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 of such merged areas. R.S.O. 1970, c. 406, s. 122 (1).

(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 in accordance with subsection 129 (1). R.S.O. 1970, c. 406, s. 122 (2); 1972, c. 1, s. 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 in accordance with subsection 129 (1). R.S.O. 1970, c. 406 s. 122 (3); 1972, c. 1, s. 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 in accordance with subsection 129 (1). R.S.O. 1970, c. 406, s. 122 (4); 1972, c. 1, s. 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 in accordance with subsection 129 (1). R.S.O. 1970, c. 406, s. 122 (5); 1972, c. 1, s. 1.
(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the Education Act the apportionments referred to in subsections (2), (3), (4) and (5) shall be made in accordance with such regulation.

Application of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 128 (5). R.S.O. 1970, c. 406, s. 122 (6, 7).

Transitional adjustments

132. 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. R.S.O. 1970, c. 406, s. 123.

Interpretation

133.—(1) In this section,

(a) “defined area” means an area within a municipality in which a special area charge is levied;

(b) “service” means,

(i) street lighting,

(ii) distribution of water,

(iii) the collection, removal and disposal of ashes or garbage or other refuse,

(iv) the collection and disposal of sewage and land drainage,

(v) fire protection, or

(vi) such other service or services that the Minister may, by order, determine;

(c) “special area charge” means any charge in respect of the cost of operation, repair and maintenance of a service mentioned in clause (b) and includes any charge in respect of depreciation, deferred maintenance or a reserve fund for any such purpose.

Consolidation of defined areas and service area charges

(2) Notwithstanding the provisions of this Act or any other general or special Act, where two or more defined
areas in respect of a particular service are located in an area municipality, the council of the area municipality may, by by-law, consolidate two or more such defined areas and levy a special area charge in respect of the costs of the service. 1971, c. 77, s. 5.

RESERVES

134. Where, under subsection 297 (2) of The Municipal Act, being chapter 249 of the Revised Statutes of Ontario, 1960, the County of Lincoln or the County of Welland has established reserves, those reserves shall become the reserves of the Regional Corporation. R.S.O. 1970, c. 406, s. 125.

RESERVE FUNDS

135.—(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. R.S.O. 1970, c. 406, s. 128.

136.—(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. 8 (1).

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the Trustee Act, and the earnings derived from the investment of such moneys form part of the reserve fund. R.S.O. 1970, c. 406, s. 129 (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. 8 (2).
(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). R.S.O. 1970, c. 406, s. 129 (4).

TEMPORARY LOANS

137.—(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 financial officer 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. R.S.O. 1970, c. 406, s. 130 (1); 1972, c. 51, s. 11.

(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 financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. R.S.O. 1970, c. 406, s. 130 (2-5).

(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 financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 8.

(7) The Regional Council may by by-law provide or authorize the chairman and financial officer 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 financial officer.

(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 therefor 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 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 applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. R.S.O. 1970, c. 406, s. 130 (6-10).

(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 application of the revenues of the Regional Corporation is made with the consent of the lender in whose
favour a charge exists. R.S.O. 1970, c. 406, s. 130 (11); 1972, c. 1, s. 104 (6).

DEBT

138.—(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, 1969, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1969,

(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, being chapter 274 of the Revised Statutes of Ontario, 1960; 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 140, 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. R.S.O. 1970, c. 406, s. 131.

139.—(1) 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 138 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

(2) 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.

(3) Nothing in subsection (2) requires the assent of any electors where such assent has been dispensed with under section 63 of the Ontario Municipal Board Act. R.S.O. 1970, c. 406, s. 132.

140.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. 1977, c. 34, s. 9 (1).

(2) When the Municipal Board has authorized the borrowing 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 municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 9 (2).

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 154, shall be transferred to the area municipality.

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. R.S.O. 1970, c. 406, s. 134 (3-5).

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 9 (3).

141.—(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. 20.

142.——(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). R.S.O. 1970, c. 406, s. 135 (1-6).

(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. 1972, c. 51, s. 13 (1).

(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. R.S.O. 1970, c. 406, s. 135 (7, 8).

(11) All the debentures shall be issued within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. R.S.O. 1970, c. 406, s. 135 (9); 1976, c. 43, s. 21 (1).

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every deben-
ture 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, men-
tioned 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 the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by 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 such debenture that has a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied,
the validity of such special assessments or levies, or the powers of the 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. R.S.O. 1970, c. 406, s. 135 (10-17).

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

(a) in lawful money of Canada and payable in Canada; or
(b) in lawful money of the United States of America and payable in the United States of America; or
(c) in lawful money of Great Britain and payable in Great Britain; or
(d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain. R.S.O. 1970, c. 406, s. 135 (18); 1972, c. 51, s. 13 (2).

(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. R.S.O. 1970, c. 406, s. 135 (19); 1972, c. 51, s. 13 (3).

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. R.S.O. 1970, c. 406, s. 135 (20); 1972, c. 51, s. 13 (4).

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,
(a) the financial officer 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. R.S.O. 1970, c. 406, s. 135 (21).

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer 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. 1972, c. 51, s. 13 (5).

(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. 9.

(26) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the Municipal Act apply with respect to such security.

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. R.S.O. 1970, c. 406, s. 135 (24-29).

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

(a) in securities in which a trustee may invest under the Trustee Act; R.S.O. 1980, c. 512

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) 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;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. R.S.O. 1970, c. 406, s. 135 (30); 1976, c. 43, s. 21 (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 proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause (a).

(37) The financial officer 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 financial officer 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. R.S.O. 1970, c. 406, s. 135 (31-39).

(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. R.S.O. 1970, c. 406, s. 135 (40); 1972, c. 51, s. 13 (6).

(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). R.S.O. 1970, c. 406, s. 135 (41).

(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.

(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.

(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. 21 (3).

143. 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. 22.

144.—(1) Subsection 152 (1) of the Municipal Act applies
with necessary modifications to the Regional Council. 1976,
c. 70, s. 10.
(2) For the purposes of this section, the hypothecation of debentures under section 140 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 of principal and interest payable by it to the Regional Corporation. R.S.O. 1970, c. 406, s. 136 (2-4).

145.—(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 to a proportionate part of the amounts to be raised annually.

(2) The repealing by-law shall recite the facts on which it is founded, shall 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. R.S.O. 1970, c. 406, s. 137.

146.—(1) Subject to section 145, 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 money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. R.S.O. 1970, c. 406, s. 138.
147. 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. R.S.O. 1970, c. 406, s. 139.

148.—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 17 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the land registry offices for the Registry Divisions of Niagara North and of Niagara South.

(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 139 (2), or a by-law where it appears on the face of it that any of the provisions of subsection 142 (5) have not been substantially complied with.

(7) Failure to register a by-law as prescribed by this section does not invalidate it. R.S.O. 1970, c. 406, s. 140.

149.—(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 financial officer.

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer 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 debentures 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 financial officer 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 financial officer when so engraved, lithographed, printed or other-
wise mechanically reproduced shall be deemed the signature of
the chairman or other person so authorized to sign or
of the financial officer, 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 signatures of the
persons provided in this section if such persons had author-
ity 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. R.S.O. 1970,
c. 406, s. 141.

150. 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.
R.S.O. 1970, c. 406, s. 142.

151.—(1) Where a debenture contains or has endorsed
upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corpor-
ation (or by such other person authorized by by-
law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the


of ........................................

the financial officer (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 financial officer.

(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 financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. R.S.O. 1970, c. 406, s. 143.

(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.

(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. 23.

152. 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. R.S.O. 1970, c. 406, s. 144.

153.—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer 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 financial officer 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 respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

4) The financial officer 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. R.S.O. 1970, c. 406, s. 145.

154.—(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.
Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. R.S.O. 1970, c. 406, s. 146.

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

155. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 154 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. R.S.O. 1970, c. 406, s. 147.

Tenders for debentures

156. 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. R.S.O. 1970, c. 406, s. 148.

Accounts, how to be kept

157.—(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
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(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. R.S.O. 1970, c. 406, s. 149.

158. If, in any year after paying the interest and appropriating the necessary sum in payment of the installments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. R.S.O. 1970, c. 406, s. 150.

159.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(2) If the 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. R.S.O. 1970, c. 406, s. 151.

160. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment of 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;

(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 moneys required to complete such purchase. R.S.O. 1970, c. 406, s. 152.

PART XI

GENERAL

161.—(1) Sections 5, 105, 106, 113, 116 and 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, paragraph 60 and subparagraph ii of paragraph 125 of section 210, section 253 and 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. 31 (1).

2. Sections 10 and 11 and, subject to subsection 2 (5), 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.

3. The Regional Corporation shall be deemed to be a local municipality for the purpose of paragraph 134 of section 210 of the Municipal Act.

4. Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 39 (2), subsection 54 (1), subsection 55 (2) and subsection 70 (2) as are designated in the by-law, and any such by-law may prescribe terms and condi-
tions under which any such approval or consent may be granted.
R.S.O. 1970, c. 406, s. 154 (3-5).

(5) 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. 10 (2).

(6) 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. 31 (2).

(7) On the 1st day of January, 1970,

(a) the by-laws of the former Township of Clinton, that would have extended under section 18 of the *Municipal Act* to that portion of the Township of Louth annexed to the Town of Lincoln under clause 2 (1) (a) had it been annexed to the Township of Clinton, extend and apply to such portion of the Township of Louth;

(b) the by-laws of the former Township of Bertie, that would have extended under section 18 of the *Municipal Act* to that portion of the Township of Willoughby annexed to the Town of Fort Erie under clause 2 (1) (b) had it been annexed to the Township of Bertie, extend and apply to such portion of the Township of Willoughby;

(c) the by-laws of the former City of Niagara Falls, that would have extended under section 18 of the *Municipal Act* to those portions of the townships of Crowland, Humberstone and Willoughby annexed to the City of Niagara Falls under clause 2 (1) (d) had they been annexed under section 14 of the *Municipal Act* to the former City of Niagara Falls, extend and apply to such portions of such townships;

(d) the by-laws of the former Village of Fonthill that would have extended under section 18 of the *Municipal Act* to that portion of the Township of Thorold annexed to the Town of Pelham under clause 2 (1) (f) had it been annexed to the Village of Fonthill, extend and apply to such portion of the Township of Thorold;

(e) that portion of the Township of Thorold annexed to the Town of Thorold under clause 2 (1) (i) shall be
deemed to be amalgamated with the Town for the purpose of subsection 17 (2) of the Municipal Act. R.S.O. 1970, c. 406, s. 154 (8).

162.—(1) The Regional Council may pass by-laws,

(a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and

(b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the Municipal Act have no effect.

(2) When a by-law passed under clause (1) (a) 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 advisors 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 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. R.S.O. 1970, c. 406, s. 155.

(3) Where an emergency situation exists in an area municipality which cannot be adequately dealt with under the existing division of statutory responsibilities, the Regional Council may, at the request of the head of council of such area municipality, co-ordinate and control or operate all services, both of the Regional Corporation and of the area municipality, required to deal with such emergency.

(4) Where any service is provided by the Regional Corporation under subsection (2), the Regional Council may charge the area municipality the cost of providing such service. R.S.O. 1973, c. 54, s. 7, part.

163. 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. R.S.O. 1970, c. 406, s. 156; 1973, c. 158, s. 7; 1976, c. 43, s. 25.

164. Where in an action or by the settlement of a claim arising out of an injury to an employee, including a member of the Niagara Regional Police Force, or to any person deemed an employee for the purposes of the 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. R.S.O. 1970, c. 406, s. 158; 1971, c. 77, s. 9.

165.—(1) Where the Regional Council passes a resolution requesting a judge of either of the county courts within the Regional Area or a judge of the county court of a county adjoined in 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 the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the inquiry as if it were an inquiry under that Act, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken. R.S.O. 1970, c. 406, s. 159 (1); 1971, c. 49, s. 18.

(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. R.S.O. 1970, c. 406, s. 159 (2-4).

166.—(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 the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 406, s. 160 (1); 1971, c. 49, s. 18.

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. R.S.O. 1970, c. 406, s. 160 (2); 1972, c. 1, s. 1.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the
Regional Corporation and the Province as the Lieutenant Governor in Council may direct. R.S.O. 1970, c. 406, s. 160 (3).

167. 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, lanes and other public communications shall be restored to their original condition without unnecessary delay. R.S.O. 1970, c. 406, s. 161.

168. 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. R.S.O. 1970, c. 406, s. 162.

169.—(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 deemed 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. R.S.O. 1970, c. 406, s. 163.

170.—(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 financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to
the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the 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 of the general annual rates.

5. If at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Niagara" (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.
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(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. R.S.O. 1970, c. 406, s. 164.

171.—(1) The Corporation of the County of Lincoln and the Corporation of the County of Welland are dissolved on the 1st day of January, 1970.

(2) All the assets and liabilities of the counties of Lincoln and Welland become, on the 1st day of January, 1970, 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 Lincoln or the County of Welland shall be transferred to the officer appointed under section 17. R.S.O. 1970, c. 406, s. 165.

172.—(1) The Welland County Library Co-operative is dissolved on the 1st day of January, 1970.

(2) All the assets and liabilities of The Welland County Library Co-operative become, on the 1st day of January, 1970, assets and liabilities of The Welland County Board of Education. R.S.O. 1970, c. 406, s. 166.

173.—(1) All suburban roads commissions in the Regional Area are dissolved on the 1st day of January, 1970.

(2) All the assets and liabilities of the roads commissions dissolved under subsection (1) become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the officer appointed under section 17. R.S.O. 1970, c. 406, s. 167.

174.—(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 counties of Lincoln and Welland and the dissolution of the Niagara District Health Unit and suburban roads commissions under this Act.
(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. R.S.O. 1970, c. 406, s. 168.

175. 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 deemed necessary or advisable to carry out effectively the intent and purposes of this Act. R.S.O. 1970, c. 406, s. 169.

176. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. R.S.O. 1970, c. 406, s. 170.

177.—(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. R.S.O. 1970, c. 406, s. 171.

178.—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind.

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. R.S.O. 1970, c. 406, s. 172 (1, 2).

(3) For the purposes of an agreement under subsection (2), the Regional Corporation may acquire and use land
within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may 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. R.S.O. 1970, c. 406, s. 172 (3); 1974, c. 117, s. 12.

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

(5) For the purposes of subsection (3), paragraph 84 of section 210 of the Municipal Act applies with necessary modifications. R.S.O. 1970, c. 406, s. 172 (4, 5).

179. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment 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. R.S.O. 1970, c. 406, s. 173.

180.—(1) The following boards and committees of the City of St. Catharines are dissolved on the 1st day of January, 1970:

1. St. Catharines Community Centres Board;
2. Merriton Ward Community Centre Board;
3. St. Catharines Recreation Committee;
4. The Board of Park Management of St. Catharines,

and on such date all the assets and liabilities of such boards and committees become the assets and liabilities of The Corporation of the City of St. Catharines without compensation. R.S.O. 1970, c. 406, s. 175 (1).

(2) The council of the City of St. Catharines 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. R.S.O. 1970, c. 406, s. 175 (2); 1972, c. 1, s. 61 (2).
(3) The Corporation of the City of St. Catharines shall be deemed to be an approved corporation under the *Elderly Persons Centres Act*.

(4) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of St. Catharines.

(5) Subsections 24 (9) and (10) apply with necessary modifications to any employee who accepts employment under subsection (4). R.S.O. 1970, c. 406, s. 175 (3-5).

181.—(1) The following boards and committee of the City of Port Colborne are dissolved on the 1st day of January, 1970:

1. Port Colborne—Humberstone Community Centre Board;

2. Port Colborne Parks Community Centre Board;

3. Port Colborne Recreation Committee,

and on such date all the assets and liabilities of such boards and committee become the assets and liabilities of The Corporation of the City of Port Colborne without compensation. R.S.O. 1970, c. 406, s. 176 (1).

(2) The council of the City of Port Colborne 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*. R.S.O. 1970, c. 406, s. 176 (2); 1972, c. 1, s. 61 (2).

(3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of Port Colborne.

(4) Subsections 24 (9) and (10) apply with necessary modifications to any employee who accepts employment under subsection (3). R.S.O. 1970, c. 406, s. 176 (3, 4).
182.—(1) On the 1st day of July, 1975, the Parks and Recreation Board of the City of Welland is dissolved and the assets and liabilities thereof are vested in and shall be assumed by The Corporation of the City of Welland.

(2) The council of the City of Welland shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act*, and a committee of management under the *Community Recreation Centres Act*, and the regulations thereunder. 1975, c. 46, s. 9.

183. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. R.S.O. 1970, c. 406, s. 177.

184. The Regional Corporation shall be deemed to be a local municipality for the purposes of paragraph 10 of section 208 of the *Municipal Act*. R.S.O. 1970, c. 406, s. 178.
FORM 1

(Section 8 (4))

OATH OF ALLEGIANCE

I,..........................................., having been elected (or appointed) as chairman of the council of The Regional Municipality of Niagara, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.


FORM 2

(Section 8 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,..........................................., having been elected (or appointed) as chairman of the council of The Regional Municipality of Niagara, 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 twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me, etc.

R.S.O. 1970, c. 406, Form 2; 1973, c. 54, s. 8.