1980

c 439 Regional Municipality of Ottawa-Carleton Act

Ontario

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CHAPTER 439

Regional Municipality of Ottawa-Carleton Act

INTERPRETATION

1. In this Act,

(a) "area municipality" means the municipality or corporation of the Township of Cumberland, the City of Gloucester, the Township of Goulbourn, the City of Kanata, the City of Nepean, the Township of Osgoode, the City of Ottawa, the Township of Rideau, the Village of Rockcliffe Park, the City of Vanier or the Township of West Carleton;

(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) "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;

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

(g) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general
or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

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

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

(j) "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 128;

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

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

(m) "Regional Corporation" means The Regional Municipality of Ottawa-Carleton;

(n) "Regional Council" means the council of the Regional Corporation;

(o) "regional road" means a road forming part of the regional road system established under Part IV;

(p) "roadway" means that part of the highway designed or intended for use by vehicular traffic;

(q) "United Counties" means the municipality or Corporation of the United Counties of Prescott and Russell;

(r) "waterworks" means buildings, structures, plant machinery, equipment and appurtenances, devices, conduits, intakes and outlets and underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. R.S.O. 1970, c. 407, s. 1; 1972, c. 3, s. 17 (2); 1973, c. 138, s. 1; 1979, c. 81, s. 1; 1980, c. 57, s. 1.
PART I

INCORPORATION AND COUNCIL

2.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of "The Regional Municipality of Ottawa-Carleton". R.S.O. 1970, c. 407, s. 2 (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. 407, s. 2 (2); R.S.O. 1980, c. 303, s. 347, 1972, c. 1, s. 104 (6).

(3) On and after the 1st day of July, 1970, the Regional Area shall continue to be deemed a county for all judicial purposes and shall for such purposes be known and designated as the Judicial District of Ottawa-Carleton. R.S.O. 1970, c. 407, s. 2 (3).

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

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

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

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1968, in and for the County of Carleton shall be deemed, so long as he continues to hold such office or appointment, to have held and to hold such office or appointment on and after the 1st day of January, 1969, in and for The Regional Municipality of Ottawa-Carleton. R.S.O. 1970, c. 407, s. 3.

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

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

(b) fifteen members of council from the City of Ottawa being the remainder of the council of the City;
(c) the member of council of the City of Vanier elected by general vote who at the general municipal election next preceding the day the Regional Council is organized in any year received the highest number of votes or, if no member was elected by general vote, then a member appointed by the council of the City of Vanier;

(d) two members of the council of the City of Gloucester elected by general vote who at the general municipal election next preceding the day the Regional Council is organized in any year received the highest number of votes, and in the event that either or both of such members decline to accept membership on the Regional Council, the members of the council of the city receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council; and

(e) three members of the council of the City of Nepean who have been elected by general vote as members of the Regional Council and of the council of such area municipality. 1980, c. 38, s. 1 (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 clerk shall preside until the chairman is elected. 1978, c. 33, s. 1 (1).

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. R.S.O. 1970, c. 407, s. 4 (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. 1 (2).

(5) If after any general municipal election, by reason of acclamation or an equality of votes or for any other
reason, it cannot be determined which alderman or councillor of an area municipality is entitled to be a member of the Regional Council, the matter shall be determined by resolution of the council of the area municipality. R.S.O. 1970, c. 407, s. 4 (6).

(6) The members of the Regional Council, other than the chairman, hold office only while they hold the offices that entitled them to such membership and until their successors take office. R.S.O. 1970, c. 407, s. 4 (9); 1973, c. 138, s. 2 (7).

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

1. The Police Village of City View.
2. The Police Village of Cumberland.
3. The Police Village of Kenmore.
4. The Police Village of Manotick.
5. The Police Village of Metcalfe.
11. The Police Village of Vars.

(2) For the purposes of every Act, the dissolutions provided for in subsection (1) 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 4th day of December, 1973, pursuant to applications made under section 25 of The Municipal Act, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such 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. 1973, c. 138, s. 3.

6. No area municipality which has or is entitled to have a deputy reeve shall, notwithstanding the provisions of any Act, have a deputy reeve on or after the 1st day of December, 1980. 1980, c. 38, s. 2.
7. The council of each area municipality shall continue to be composed of the same number of members as if this Act had not been passed. R.S.O. 1970, c. 407, s. 7.

8. 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 each ward shall bear and shall declare the date when the division or redivision shall take effect;

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

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

provided that,

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

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

9. Notwithstanding section 4, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under section 8. 1977, c. 34, s. 1.

10. 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 section 8 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. 3.

11.—(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. 2.

(3) A person entitled to be a member of the Regional Council in accordance with section 4 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 that he represents and under the seal of the area municipality certifying that he is entitled to be a member under such section. 1973, c. 138, s. 4, part.

(4) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2). R.S.O. 1970, c. 407, s. 8 (5).

(5) No business shall be proceeded with at the first meeting until after the declaration of office in Form 3 of the Municipal Act has been made by all members who present themselves for that purpose. 1973, c. 71, s. 1.

(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 13 (1). R.S.O. 1970, c. 407, s. 8 (7).

12. Subject to section 11, 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. 407, s. 9.
13.—(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.

(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. 407, s. 10.

14.—(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 4 (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. 407, s. 11 (1-3).

(4) When a vacancy occurs in the office of a member other than the chairman, the council of the area municipality of which he was a member shall within sixty days after the vacancy occurs appoint a successor in accordance with the qualifications provided for in section 4 to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 407, s. 11 (4); 1973, c. 138, s. 5; 1976, c. 43, s. 2.

(5) The seat of a member of the Regional Council becomes vacant if he absents himself continuously from the meetings of the Regional Council during a period of three months without being authorized so to do by a resolution of the Regional Council entered upon its minutes, and the Regional Council shall forthwith declare the seat to be vacant. R.S.O. 1970, c. 407, s. 11 (5).
15.—(1) The Regional Council may by by-law approved Executive Committee by a two-thirds vote of all members of the Regional Council provide for the appointment of an Executive Committee to be composed of a chairman and four, six, or eight other members of the Regional Council, not more than half of whom shall be members of the council of the City of Ottawa, and the chairman of the Regional Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

(2) The Executive Committee shall have all the powers Powers and duties of a board of control under subsection 71 (1) of the Municipal Act, and subsections (2) to (16), (18) and (19) of that section apply with necessary modifications. R.S.O. 1970, c. 407, s. 13 (1, 2).

16. The Regional Council may from time to time establish Committees of council such standing or other committees, and assign to them such duties as it considers expedient. R.S.O. 1970, c. 407, s. 14 (1).

17. The Regional Council may pass by-laws for governing the procedural by-laws 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. 407, s. 15.

18. The chairman is the head of the Regional Council and the Head of Council Chief Executive Officer of the Regional Corporation. R.S.O. 1970, c. 407, s. 16.

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

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 1.

20.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, Application of 240 to 244, 247, 248 and 249 of the Municipal Act apply with necessary modifications to the Regional Corporation. 1980, c. 38, s. 3.
Sections 55, 64, 65 and 107 of the Municipal Act apply with necessary modifications to the Regional Council and to every local board of the Regional Corporation. R.S.O. 1970, c. 407, s. 18 (2).

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

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

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

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

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

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

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk pro tempore who shall have all the powers and duties of the clerk. R.S.O. 1970, c. 407, s. 19 (1-3).

22.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at such rate as the Regional Council may, by by-law, establish. R.S.O. 1970, c. 407, s. 20 (1); 1972, c. 126, s. 1.

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

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. R.S.O. 1970, c. 407, s. 20 (2, 3).

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

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

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer pro tempore who shall have all the powers and duties of the treasurer. R.S.O. 1970, c. 407, s. 21.

24.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law of Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection (1), the Regional Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed or engraved on cheques.
(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. R.S.O. 1970, c. 407, 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 treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the Municipal Conflict of Interest Act. R.S.O. 1970, c. 407, s. 22 (4); 1973, c. 71, s. 2.

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. R.S.O. 1970, c. 407, s. 22 (5).

25. Subject to subsection 24 (3), the treasurer 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 24 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. R.S.O. 1970, c. 407, s. 23.

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

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. R.S.O. 1970, c. 407, s. 24.
27.—(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. 2.

(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. 407, 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. 407, s. 25 (3); 1976, c. 43, s. 3.

(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. 407, 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. 407, s. 25 (5).

28.—(1) Sections 84, 85, 90, 92, 94 and 96, subsections 98 (4), 99, 100, 109 and 117 and paragraphs 29, 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 an area
municipality or local board thereof or by the former County of Carleton, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 13th day of June, 1968 in respect of the employee if such employee was 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 in the Ontario Municipal Employees Retirement System.

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or a local board thereof, the employee, if he elects in writing, shall be deemed to remain an employee of the area municipality or a local board thereof for the purposes of a supplementary agreement under the Ontario Municipal Employees Retirement System Act or any approved pension plan of such area municipality or local board thereof to which the employee was entitled to make contributions and his employment by and service with the Regional Corporation or a local board thereof shall be considered by the respective area municipality or local board thereof to be employment by and service with such area municipality or local board thereof for the purposes of determining eligibility for any accrued benefits under the supplementary agreement, or the approved pension plan of the area municipality or local board thereof.

(4) On the election of the employee under subsection (3), the Regional Corporation or local board thereof shall deduct from the remuneration of the employee the amount required in accordance with the provisions of the supplementary agreement or the approved pension plan of the area municipality or local board thereof and shall pay in instalments to such area municipality or local board the amount so deducted together with the future service contributions payable under the supplementary agreement or the plan by the area municipality or local board.

(5) Where the Regional Corporation or local board thereof employs a person theretofore employed by an area municipality or local board thereof or by the former County of Carleton or a local board thereof or a suburban roads commission, the employee shall be deemed to remain an employee of the area municipality or local board thereof or of the former County of Carleton for the purposes of any sick leave credit plan of the area municipality, local board thereof or the former County of Carleton 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 area municipality or local board thereof or the former County of Carleton.

(6) Where the Regional Corporation or local board thereof employs a person theretofore employed by an area municipality or local board thereof or by the former County of Carleton 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 area municipality or local board thereof or the former County of Carleton.

(7) The Regional Council shall offer to employ every person who, on the 1st day of May, 1968, is employed by the County of Carleton or by any suburban roads commission or health unit in the County of Carleton or in any undertaking of any area municipality or local board that is assumed by the Regional Corporation under this Act. R.S.O. 1970, c. 407, s. 26 (1-7).

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of the Ontario Municipal Employees Retirement System Act and a person who was employed by an area municipality or a local board thereof or by a county or by a suburban roads commission or health unit before the 1st day of May, 1968, and who is employed by the Regional Corporation or a local board thereof without intervening employment shall not be deemed to be a person who enters the employ of an employer within the meaning of clause 9 (1) (a) of the Ontario Municipal Employees Retirement System Act. R.S.O. 1970, c. 407, s. 26.

(9) Notwithstanding subsections 100 (1) and (6) of the Municipal Act, the Regional Council may grant an annual retirement allowance payable weekly, monthly or otherwise, to an employee during his life who has had continuous service for at least ten years with the Regional Corporation, or with the Regional Corporation and any other municipality or local board as defined in the Municipal Affairs Act, or any two or more of them, and who, while in the service of the Regional
Corporation, has become incapable through illness or otherwise of efficiently discharging his duties, provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of the Regional Corporation or any local board shall exceed the amount of any retirement allowance to which any such employee would be entitled if the employee were a member of the City of Ottawa Superannuation Fund.

(10) Where the Regional Council grants an annual retirement allowance to an employee under subsection (9), the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

(11) The Regional Council may enact by-laws for providing by contract with an insurer, licensed under the Insurance Act, disability insurance for employees or any class thereof, and for paying all or part of the cost thereof.

(12) In subsections (9) and (10), “employee” has the same meaning as in paragraph 46 of section 208 of the Municipal Act, but does not include an employee who is a member of the City of Ottawa Superannuation Fund. 1973, c. 71, s. 3.

(13) The employees of the local municipalities and the local boards thereof within the Regional Area that were amalgamated to form an area municipality under The Ottawa-Carleton Amalgamations and Elections Act, 1973, who were employed by such a local municipality or local board on the 1st day of July, 1973, and continue to be so employed until the 31st day of December, 1973, shall be offered employment by the council of the area municipality with which they are amalgamated.

(14) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection (13) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

(15) Any person who accepts employment under subsection (13) 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.
(16) 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.

(17) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1973, c. 138, s. 7.

29. Where an employee of the Regional Corporation was, on or before the 31st day of December, 1968, participating in an approved pension plan of any area municipality or local board thereof, and such employee is subsequently employed by the Regional Corporation or a local board thereof,

(a) the Regional Corporation and such area municipality may, with the approval of the Ministry, enter into one or more agreements to provide for,

(i) the transfer to the Regional Corporation of the contributions of such employee, the contributions of the area municipality and the interest accrued on all such contributions, and

(ii) the sharing of any past deficits or surpluses on a basis that is just and equitable;

(b) the Regional Corporation may, with such proceeds, and any deficit or surplus payments required, establish a pension plan on the same basis, terms and conditions as the approved pension plan of the area municipality, and such plan, when so established shall be deemed to be an approved pension plan for all purposes. 1972, c. 126, s. 2, part.

30. Notwithstanding the provisions of section 28, where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or local board thereof without intervening employment, and such person is a contributor under the terms of a supplementary agreement under the Ontario Municipal Employees Retirement System Act, of such area municipality or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to
the employee under the Ontario Municipal Employees Retirement System, and such person has elected in writing to remain an employee of the area municipality or local board thereof for purposes of the supplementary agreement,

(a) such contributory service of the employee with the area municipality or local board thereof shall be included in calculating the service of the employee with the Regional Corporation or local board thereof for the purposes of a supplementary agreement under The Ontario Municipal Employees Retirement System Act, 1961-62 of the Regional Corporation or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to the employee under the Ontario Municipal Employees Retirement System; and

(b) all moneys, plus interest, held on behalf of the employee in accordance with a supplementary agreement of an area municipality or local board thereof shall be paid to the Ontario Municipal Employees Retirement Board as a contribution under the supplementary agreement of the Regional Corporation or local board thereof. 1972, c. 126, s. 2, part.

PART II

REGIONAL WATERWORKS

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

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

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

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

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

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

(7) Subject to subsection (11), on and after the 1st day of January, 1975, no area municipality shall have or exercise...
any powers under any Act for such supply and distribution of water, or the financing thereof.

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by an area municipality is vested in the Regional Corporation effective the 1st day of January, 1969, and no compensation or damages shall be payable to any area municipality in respect thereof.

(9) The Regional Corporation shall pay to the corporation of any area municipality all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the Local Improvement Act is payable as the owners' share of a local improvement work. 1974, c. 117, s. 2, part.

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection (9), the area municipality may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines. 1979, c. 81, s. 5 (1).

(11) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality in respect of the matters provided for in this Part. 1974, c. 117, s. 2, part.

(12) The Regional Corporation may enter into agreements upon such terms and conditions, including terms as to the payment of fees, as are agreed upon, with a condominium corporation incorporated under the Condominium Act, for maintaining and repairing water pipes installed on the condominium property for connecting buildings and other structures on the property with the water works of the Regional Corporation and for maintaining and repairing fire hydrants installed on the property. 1979, c. 81, s. 5 (2).

PART III

REGIONAL SEWAGE WORKS

32.—(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 interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for such purposes and uses;

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

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. R.S.O. 1970, c. 407, s. 28.

33. 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 an area municipality or local board thereof. R.S.O. 1970, c. 407, s. 29.
34.—(1) 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. 407, s. 30.

(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 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. 1974, c. 117, s. 3.

35.—(1) The Regional Council shall, before the 1st day of December, 1968, pass by-laws which shall be effective on the 1st day of January, 1969, assuming as regional sewage works all treatment works vested in each area municipality or any local board thereof, and on the day any such by-law becomes effective the works designated therein vest in the 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, 1969. R.S.O. 1970, c. 407, s. 31 (1, 2).

(3) The Regional Council may at any time pass by-laws assuming as a regional work any work vested in or operated by, for or on behalf of any area municipality or local board thereof, and such by-law shall specify the date on which the work becomes vested in the Regional Corporation.

(4) The Regional Council may with regard to any work enter into such agreements as it deems necessary. 1973, c. 71, s. 4 (1).

(5) A by-law under subsection (1), (2) or (3) shall designate and describe the works assumed. R.S.O. 1970, c. 407, s. 31 (3); 1973; c. 71, s. 4 (2).

(6) Notwithstanding subsection (1), a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 1st day of December, 1968, and in that case the by-law becomes effective on the date provided therein.
(7) 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. 407, s. 31 (4, 5).

(8) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause (7) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 6.

(9) 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. 407, s. 31 (7).

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

(2) Where an area municipality or a local board thereof has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the 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 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. 407, s. 32.

**37.**—(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 1st day of December, 1968 without the approval of the Regional Council. R.S.O. 1970, c. 407, s. 33.

**38.**—(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. 407, s. 34.

(2) The Regional Council has all the authority and powers in respect of any sewers which mediately 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. 7.

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

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may, with the approval of the Municipal Board, repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom. 1971, c. 74, s. 2.

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

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 218 of the Municipal Act for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality 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 for the whole or a portion or percentage of the capital cost of the work. R.S.O. 1970, c. 407, s. 35 (2, 3).

40.—(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 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. 407, s. 36.

41.—(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. 407, s. 37.

42. 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. 407, s. 38.

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

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

(3) 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. 407, s. 39.

44. 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 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. 407, s. 40.

45. 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 board or boards might have done if such works had not been assumed. R.S.O. 1970, c. 407, s. 41.

46. 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. 407, s. 42.

47. Any works assumed by the Regional Corporation under the authority of section 35, 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 40 (2), from any local municipality outside the Regional Area. R.S.O. 1970, c. 407, s. 43.

PART IV

REGIONAL ROAD SYSTEM

48. 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. 407, s. 44; 1972, c. 1, s. 100 (2).

49.—(1) Subject to the approval of the Lieutenant Governor in Council, the Regional Council shall by by-law establish a regional road system in the Regional Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Regional Area and an adjoining county as may be agreed upon between the Regional Council and the council of such county, and the by-law shall designate the roads to be assumed as regional roads and intended to form the regional road system. R.S.O. 1970, c. 407, s. 45 (1).

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

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

(4) Where a road or a part thereof is added to the regional road system, jurisdiction and control and the soil and freehold of such road or part is thereupon vested in the Regional Corporation.

(5) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped up pursuant to section 59, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the local municipality in which it is situate, and the local 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 the roads assumed by the local municipality. R.S.O. 1970, c. 407, s. 45 (4-7).

(6) Subject to the approval of the Lieutenant Governor in Council, the Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 38, s. 4.

(7) Unless assumed as a regional road by the by-law mentioned in subsection (1), all roads within the Regional Area or on the boundary between the Regional Area and an adjoining county that, on the 31st day of December, 1968,

(a) form part of the county road system of the County of Carleton; or

(b) lie within the Township of Cumberland and form part of the county road system of the United Counties,

established under The Highway Improvement Act shall, on the 1st day of January, 1969, revert or be transferred to and vest in and be under the jurisdiction and control of the corporations of the area.
municipalities in which they are situate. R.S.O. 1970, c. 407, s. 45 (9); 1971, c. 61, s. 1.

50. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. R.S.O. 1970, c. 407, s. 46 (1).

51. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the Public Transportation and Highway Improvement Act, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. R.S.O. 1970, c. 407, s. 48.

52. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Council, 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. 407, s. 49.

53. 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 Carleton or The Corporation of the United Counties 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 Carleton or the United Counties or the area municipality or municipalities, as the case may be, might have done if the roads had not been assumed as regional roads. R.S.O. 1970, c. 407, s. 50.

54.—(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, warning, guiding or regulating the flow of traffic upon, entering or leaving a regional road.

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

(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), may 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 diversion of such road as to the Municipal Board may appear necessary or expedient.

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

(6) 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 Improvement Act. 1972, c. 126, s. 5.

55.—(1) The Regional Corporation is not by reason of assuming a road 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 R.S.O. 1980, c. 302.
respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1970, c. 407, s. 51 (1).

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the approval of the Regional Council expressed by resolution.

(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 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, storm sewer, improvement or service on the road. 1972, c. 126, s. 6.

(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. 407, s. 51 (5); 1971, c. 61, s. 1.

56. 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. 407, s. 52.

57. 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 freehold 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. 407, s. 53.

58. Subject to the approval of the Lieutenant Governor in Council, the Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 49 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. 407, s. 54.

59. 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. 407, s. 55; 1972, c. 126, s. 7.

60.—(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. 1972, c. 126, s. 8, part; 1978, c. 87, s. 52 (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. 1972, c. 126, s. 8, part.

61.—(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. 1972, c. 126, s. 8, part; 1976, c. 43, s. 5 (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 or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 5 (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 towards the cost of the erection of signal-light traffic control devices erected by an area municipality. 1972, c. 126, s. 8, part.

(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. 1972, c. 126, s. 8, part; 1979, c. 81, s. 8.

62.—(1) The Regional Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any regional road or any portion of a regional road than is prescribed in subsection 109 (1) of the Highway Traffic Act, but such rate of speed shall not be less than 40 kilometres per hour or more than 100 kilometres per hour. 1972, c. 126, s. 8, part; 1978, c. 87, s. 52 (2).

(2) The regional roads or portions thereof affected by a by-law passed under subsection (1) shall be marked to comply with the regulations made under the Highway Traffic Act. 1976, c. 70, s. 1.

63. 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 a public transit motor vehicle 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 Ottawa-Carleton Regional Transit Commission as part of its passenger transportation service. 1973, c. 71, s. 5.

64. The Regional Council may by by-law empower the council of any area municipality to lease or license the use of untravelling surface portions of regional roads within those portions of the area municipality zoned for com-
mmercial or industrial purposes to the owners or occupants of property abutting on such roads to be used solely for the parking of vehicles. R.S.O. 1970, c. 407, s. 56.

65. The Regional Corporation 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. 407, s. 57.

66.—(1) The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway under the jurisdiction and control of the Regional Corporation for the construction, maintenance and use of buildings, structures or parts thereof, over, across or under the highway upon such terms and conditions as may be agreed and for leasing or licensing the use of the air space over the highway or the lands under the highway to such persons and for such consideration and upon such terms and conditions as may be agreed.

(2) An agreement made under subsection (1) that affects a highway or a highway right of way that is a connecting link, within the meaning of section 21 of the Public Transportation and Highway Improvement Act, shall have no effect until approved by the Minister. 1980, c. 38, s. 5.

67.—(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 county where such bridge or highway is included in the regional road system and in the county road system of the county.

(2) When there is a difference between the Regional Council and the council of a county in respect of any such bridge or highway as to the corporation upon which the obligation rests for the 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 county are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every
such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the county.

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

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. R.S.O. 1970, c. 407, s. 58.

68. 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. 407, s. 59.

69. 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 county, and the councils of the area municipality and the local municipality in the adjoining county on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. R.S.O. 1970, c. 407, s. 60.

70.—(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. 407, s. 61 (1); 1978, c. 87, s. 52 (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 the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other respects the by-law passed by the council of the area...
municipality remains in full force and effect. R.S.O. 1970, c. 407, s. 61 (2).

**71.**—(1) The Regional Corporation may by by-law designate any regional road, or any portion thereof, as a regional controlled-access road. R.S.O. 1970, c. 407, s. 62 (1); 1972, c. 126, s. 9.

(2) Subject to the approval of the Municipal Board, the Regional Corporation 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. 407, s. 62 (2-10).

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

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a 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 Corporation may by resolution direct any officer, employee or agent of the municipality to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, gate or other structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than $10 and not more than $100 for a first offence and to a fine of not less than $50 and not more than $500 for a second or subsequent offence. R.S.O. 1970, c. 407, s. 63.

(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 71 (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. 1972, c. 126, s. 10.

73.—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality, other than a road mentioned in subsection 49 (7),

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

(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. 407, s. 64 (1).

(2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause (1) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 9.

(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. 407, s. 64 (3).

74.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Regional Council by registered mail. R.S.O. 1970, c. 407, s. 65 (1).

(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. 407, s. 65 (2); 1972, c. 126, s. 12.

(3) Where the Regional Council notifies the council of the area municipality that the Regional Council does not object to such stopping up, the Regional Council shall have no further right to object under subsection (2) and the council of the area municipality may proceed to pass a by-law for the stopping up of the highway or part thereof concerned. 1976, c. 43, s. 6.

(4) Subsection 298 (6) of the Municipal Act does not apply to such stopping up. R.S.O. 1970, c. 407, s. 65 (3).

(5) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without
the prior written approval of the Regional Corporation. 1973, c. 71, s. 6.

75.—(1) 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. 407, s. 67; 1971, c. 61, s. 1.

(2) Section 99 of the Public Transportation and Highway Improvement Act applies with necessary modifications to the Regional Corporation. 1972, c. 126, s. 13.

PART V

REGIONAL TRANSPORTATION

76. In this Part, Interpretation

(a) "Commission" means the Ottawa-Carleton Regional Transit Commission continued under this Part;

(b) "Former Commission" means the Ottawa Transportation Commission;

(c) "passenger transport" means the transportation of passengers for reward by bus or by any other means of transportation except taxi;

(d) "Urban Transit Area" means the area defined by by-law of the Regional Council under section 79. 1972, c. 126, s. 14, part.

77.—(1) The Ottawa-Carleton Regional Transit Commission is continued with the powers, rights, authorities and privileges vested in it by this Act. 1972, c. 126, s. 14, part.

(2) The Commission is a body corporate and shall consist of nine members of the Regional Council appointed by by-law of the Regional Council. 1979, c. 81, s. 10 (1).

(3) Five members of the Commission constitute a quorum. Quorum 1979, c. 81, s. 10 (2).
(4) The Ottawa Transportation Commission is dissolved as of the 1st day of August, 1972.

(5) The Commission has the exclusive right within all parts of the Regional Area from time to time included in the Urban Transit Area to maintain and operate a passenger transport service but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act*, being chapter 392 of the Revised Statutes of Ontario, 1970, on or before the 1st day of January, 1972, and in exercising such right the Commission has the power and duty to establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways, or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area and all lands and rights-of-way owned, acquired or leased by the Commission. 1972, c. 126, s. 14, *part*.

(6) The Commission shall fix such fares as it considers proper for the use of its passenger transport system and may provide for different levels of fares when a fare is paid to an employee of the Commission on designated vehicles of the Commission. 1980, c. 38, s. 6.

(7) Notwithstanding the provisions of the *Municipal Act*, the Commission may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with passenger transport systems and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein or thereon.

(8) When a person is employed by the Former Commission on the 1st day of August, 1972 and the employment rights of such person are defined by a collective or other agreement then the Commission is bound by such agreement and stands in the place of the Former Commission in such agreement.

(9) Subject to subsection (8), the Commission shall offer to employ any person employed by the Former Commission on the 1st day of August, 1972 upon terms not less favourable as to
remuneration and all other benefits than those enjoyed by such employee on the effective date of this Part.

(10) Notwithstanding the provisions of any other Act, the Commission may provide pension or retirement plans, and the provision of sick pay benefits, medical, hospital, surgical, drug, dental and other insurance plans whether carried on or participated in by the Former Commission or not, and all existing plans are continued and in relation to all such matters the Commission shall stand in the place of the Former Commission.

(11) The Commission may purchase, lease or otherwise acquire and use any real or personal property for its purposes and lease, sell or otherwise dispose of such real or personal property when no longer required by the Commission for its purposes, but real property shall not be purchased or sold without the prior approval of the Regional Corporation.

(12) The Commission may, and on request shall, release to the Regional Corporation all its interest in assets which cease to be required for the operation of the passenger transport system. 1972, c. 126, s. 14, part.

78.—(1) Subject to subsection 77 (5), the Regional Corporation has the exclusive right within the Regional Area to maintain and operate a passenger transport service, but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under The Public Vehicles Act, being chapter 392 of the Revised Statutes of Ontario, 1970, on or before the 1st day of January, 1972, and in exercising such right the Regional Corporation may establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area.

(2) Without limiting the generality of subsection (1), the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport.
(3) Except with the approval of the Regional Council, no area municipality shall have or exercise any of the powers heretofore or hereafter conferred on municipal corporations with respect to passenger transport by any general or special Act. 1972, c. 126, s. 14, part.

(4) By-laws may be passed by the Regional Council to,

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

(b) acquire, by purchase or otherwise, any real or personal property required for passenger transport purposes;

(c) permit the Commission to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise;

(d) subject to compliance with the laws of the Province of Quebec, permit the Commission to transport and convey passengers in the Province of Quebec, whether by chartered trips or otherwise and to enter into agreements with municipal corporations and passengers transport operators in the Province of Quebec concerning connecting or reciprocal passenger transport services and shared or sole use of facilities, personnel and equipment;

(e) permit the Commission to provide passenger transport services in any part of the Regional Area outside the Urban Transit Area;

(f) permit the Commission to enter into agreements with adjoining and area municipalities with respect to the operation by the Commission of a passenger transport system in such municipality;

(g) provide for the establishment, construction, management and operation of parking lots for the parking of vehicles in connection with passenger transport systems and to charge fees for and regulate the parking of vehicles therein;

(h) enter into agreements with any person, or area or other municipality for the provision of passenger
transport service in any part of the Regional Area not then included in the Urban Transit Area;

(i) make regulations governing, regulating and controlling the conduct of persons on any vehicle or in or upon any land or structure used for or in connection with passenger transport, including requiring the production of proof of fare payment upon the request of any employee of the Commission;

(j) provide for the preparation, delivery and publication by the Commission of such annual reports, financial statements, budgets, capital forecasts, estimates and other reports and statements and the utilization of surplus moneys upon such terms and conditions as the by-law may prescribe;

(k) authorize the Commission to make arrangements for temporary borrowings to such total amount and subject to such terms and conditions as the by-law may prescribe. 1972, c. 126, s. 14, part; 1980, c. 38, s. 7.

(5) Where, in this Part, the Regional Council undertakes any matter or work, establishes any regulation or grants any approval, such action shall be authorized by by-law, and may be subject to such terms and conditions as the Regional Council considers proper. 1972, c. 126, s. 14, part.

(6) Where, pursuant to clause (4) (h), an area municipality has entered into an agreement to provide for passenger transport service outside the Urban Transit Area, the area municipality may pay the costs so incurred, including accumulated deficits, out of its general funds, or, subject to the approval of the Municipal Board as to boundaries, may pass one or more by-laws to impose a special rate or rates in one or more parts of the area municipality which, in the opinion of the council of the area municipality, derive benefit from the provision of passenger transport services. 1975, c. 46, s. 1.

79.—(1) The Regional Council shall by a by-law or by-laws define one or more parts of the Regional Area as an Urban Transit Area, which area, in the opinion of the Regional Council, derives benefit from the provision of passenger transport. 1972, c. 126, s. 14, part.

(2) The Regional Council shall annually, by by-law, levy against such of the area municipalities as are wholly or partly within the Urban Transit Area such sums as are, in the opinion of the Regional Council, required to meet any
anticipated deficits that may arise out of the total operations of the Commission in such year, and in calculating such levy,

(a) the Regional Council shall take into account the amount of any subsidies received or to be received by the Regional Corporation for such purpose; and

(b) the Regional Council may, to such extent as it deems proper in the circumstances, include any expenditures made by the Regional Corporation that are related to the provision, planning, or improvements of public transportation services in the Urban Transit Area,

and any such levy shall make due provision for any surplus or deficit arising out of the total operations of the Commission in the preceding year after taking into account the levy made under this subsection and all applicable subsidies.

(3) A by-law enacted under subsection (2) or (12) shall apportion the levy against each of such area municipalities in a manner that, in the opinion of the Regional Council, is just and equitable, and without limiting the generality of the foregoing, the Regional Council, in making such apportionment may have regard to the degree of passenger transport services provided, the financial implications of providing such service, equalized assessment, and any other factors and considerations that are, in the opinion of the Regional Council, relevant.

(4) The Ministry of Revenue shall provide to the Regional Corporation such equalized assessment information as it may require for the purposes of any by-law enacted under this section and the provisions of Part IX apply with necessary modifications in the event any equalized assessment is varied by an appeal under that Part or under the Assessment Act.

(5) The Regional Corporation may advance moneys to the Commission from time to time upon such terms and conditions as the Regional Council may prescribe and any moneys so advanced shall be deemed not to reduce the operation deficit referred to in subsection (2) unless the Regional Council otherwise directs.

(6) The sums levied under subsection (2), less any advances made under subsection (5), shall be paid by the Regional Corporation to the Commission within thirty days of the making of the levy.
(7) Within ten days of the passing of a by-law under subsection (1), (2) or (12), the clerk of the Regional Council shall give notice thereof to the clerk of any area municipality affected thereby, by prepaid registered post.

(8) Any area municipality affected by a by-law passed under subsection (1), (2) or (12) may appeal to the Municipal Board against such by-law by sending by prepaid registered post to the Municipal Board and to the clerk of the Regional Council a notice in writing setting forth its reasons therefor within thirty days of the passing of such by-law.

(9) The Municipal Board shall make such inquiries into the matter as it considers necessary and may by order confirm such by-laws or make such amendments if any, to the by-law as it deems proper in the circumstances, and the order of the Municipal Board is final.

(10) If no appeal is made against the by-law as provided in subsection (8), such by-law is valid, final and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the Regional Council.

(11) Any area municipality may pay the amounts chargeable to it under any such by-law out of its general funds, or, subject to the approval of the Municipal Board, may pass one or more by-laws to impose a special rate or rates in one or more defined areas to raise the whole or any part of the amount charged to such area municipality.

(12) Notwithstanding subsection (2), the Regional Council shall, by by-law, levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet the deficit arising out of the total operations of the Commission for the year 1974, and provide for the payment of this levy by instalments on such terms and conditions and at such times during the years 1975, 1976 and 1977 as it deems proper. 1975, c. 46, s. 2.

80. — (1) All the real and personal property owned by or vested in The Corporation of the City of Ottawa for the use of the Former Commission and all real and personal property owned by or vested in the Former Commission are vested in the Commission.

(2) The Commission shall assume all liabilities of the Former Commission except those referred to in subsection (5), which shall be assumed by the Regional Corporation.
No compensation

(3) No compensation or damages shall be payable to the Former Commission or The Corporation of the City of Ottawa in respect of any undertaking, assets and property vested in the Commission under this Part.

Disputes

(4) In the event of any doubt as to whether any particular asset is vested in the Commission or any particular liability is assumed by the Commission or the Regional Corporation the Municipal Board upon application shall determine the matter and its decision is final.

Debenture payments to area municipalities

(5) On and after the 1st day of August, 1972, the Regional Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of that area municipality in respect of any property vested in the Regional Corporation under this section, or issued by that area municipality for or on behalf of the Former Commission. 1972, c. 126, s. 14, part.

Default

(6) If the Regional Corporation fails to make any payment as required by subsection (5), 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. 11.

Settling of disputes

(7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under this section, or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision is final.

Debenture repayments by Commission

(8) The Regional Council may pass by-laws to require the Commission to pay to the Regional Corporation amounts required to be raised annually by the Regional Corporation to meet interest, principal and sinking fund instalments on debentures or other debts assumed under this Part or subsequently incurred by the Regional Corporation for public transport purposes, upon such terms as to time, manner of payment and interest, as the by-law may prescribe.

(9) For the purposes of the Public Vehicles Act, all passenger transport provided by the Commission within the Regional Area shall be deemed to be within the corporate limits of one urban municipality.

Regional Area deemed one urban municipality under R.S.O. 1980, c. 425

Transfer of title R.S.O. 1980, cc. 445, 230, 43, 375, 52

(10) For the purposes of the Registry Act, the Land Titles Act, the Bills of Sale Act, the Personal Property Security Act, the Bulk Sales Act and any other Act affecting title to property, it is suffi-
cient to cite this Act to show the transmission of title to the Corporation or the Commission as the case may be and the vesting therein of any real or personal property or any interest therein, but, if an order has been made by the Municipal Board under this Part the order shall be cited as well, and the transfer of assets effected by this Part shall be conclusively deemed to have been made in conformity with each and all such Acts.

(11) The Municipal Franchises Act shall not apply to any passenger transport services provided under this Part.

(12) Part XIX of the Municipal Act applies to any by-laws passed under this Part.

(13) For the purposes of this Part, the Regional Corporation may enter into agreements with any person. 1972, c. 126, s. 14, part.

81. Any employee of the Commission may request any person travelling on the passenger transit system to leave the transit vehicle and may use reasonable force to effect the departure of such person from the vehicle if the employee has reason to believe that such person does not hold a valid bus pass and has not paid the proper fare. 1980, c. 38, s. 8.

PART VI

HYDRO-ELECTRIC SERVICES

82. In this Part,

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

(b) "area municipality" means the municipality or corporation of the Township of Cumberland, the Township of Goulbourn or the City of Kanata;

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

(d) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distri-
R.S.O. 1980, c. 423

bution and supply of power in the whole or any part of an area municipality immediately before the 19th day of June, 1980 and established or deemed to be established under Part III of the Public Utilities Act;

(e) "power" means electrical power and includes electrical energy;

(f) "regulations" means the regulations made under this Part;

(g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts. 1980, c. 40, s. 1.

83.—(1) The hydro-electric commission for each of the Township of Goulbourn and the City of Kanata established by The Ottawa-Carleton Municipal Hydro-Electric Service Act, 1980, 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:


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

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

(6) For the term expiring with the 30th day of November, 1982, the Goulbourn Hydro-Electric Commission shall consist of the mayor of the Township of Goulbourn and the following additional members who shall be appointed by the council of the Township of Goulbourn:
1. Two members of the Hydro-Electric Commission of the Village of Richmond as it existed immediately before the 19th day of June, 1980.

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

(7) For the term expiring with the 30th day of November, 1982, the Kanata Hydro-Electric Commission shall consist of the mayor of the City of Kanata and four additional members who shall be appointed by the council of the City of Kanata.

(8) Where this section provides that one or more members of a municipal commission are to be additional members for a term specified by this section and the number of such members who are qualified electors under the Municipal Elections Act is less than the required number of additional members, the council of the area municipality in respect of which the commission was established shall appoint an additional member or additional members so that there will be the required number of additional members of the corporation.

(9) For terms commencing after the 30th day of November, 1982, 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, 1982 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) Subject to subsections (6) and (7), 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) 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.

(14) The salaries of the members of the commissions established by subsection (1) for the term expiring with the 30th day of
November, 1982 shall be fixed on or before the 1st day of October, 1980 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area on the 1st day of January, 1980. 1980, c. 40, s. 2.

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

(2) Subject to sections 86 and 87, on and after the 1st day of January, 1981, each commission has the sole right to distribute and supply power within the area municipality in respect of which it is established.

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

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

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

(6) Except where inconsistent with the provisions of this Act, 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.

(7) With the consent of a commission, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. 1980, c. 40, s. 3.

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

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

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

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

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

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

(6) Upon the establishment of a commission under subsection (1), subsections 83 (5), (10), (11), (12) and (13), section 84, subsection 87 (2) and sections 89 to 93 shall apply with necessary modifications and, for the purpose, the dates mentioned therein shall be deemed to be the dates that shall be specified in the by-law mentioned in subsection (1); and

(b) the commission, for the purposes of clause (a), shall be deemed to be a commission continued under section 83.

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

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

(b) where the council determines as provided in clause (a) that it is financially feasible, the council shall exercise the power conferred by subsection (1).
86.—(1) The council of the Township of Goulbourn, 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 sections 89 and 93 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.

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

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

(b) where the council of the Township of Goulbourn determines as provided in clause (a) that it is financially feasible for the commission established in respect of the area municipality to distribute and supply power in the entire area municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection (1). 1980, c. 40, s. 5.

87.—(1) Ontario Hydro shall continue to distribute and supply power in those areas of the townships of Cumberland and Goulbourn that Ontario Hydro served immediately before the 19th day of June, 1980.
(2) The duty of Ontario Hydro under subsection (1) to distribute and supply power in an area municipality is terminated, on the date specified in the by-law, by a by-law passed with the consent of Ontario Hydro by the council of the area municipality under subsection 85 (1) or clause 86 (1) (a).

(3) Sections 89 and 93 do not apply in respect of the assets and employees of Ontario Hydro in an area municipality mentioned in subsection (1) until the passing of the by-law referred to in subsection (2). 1980, c. 40, s. 6.

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

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

(3) Notwithstanding subsection (1), the Kanata Hydro-Electric Commission shall purchase from The Hydro-Electric Commission of the City of Nepean and The Hydro-Electric Commission of the City of Nepean shall sell to the Kanata Hydro-Electric Commission the assets pertaining to the retail distribution and supply of power in that portion of the City of Kanata supplied with power by The Hydro-Electric Commission of the City of Nepean immediately before the 19th day of June, 1980, and the purchase price shall be equal to the original cost of the assets less the sum of,

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

(b) the accumulated depreciation associated with the assets. 1980, c. 40, s. 7.

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

(2) The purchases mentioned in subsection (1) shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.
(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

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

(b) the accumulated depreciation associated with the assets. 1980, c. 40, s. 8.

90.—(1) In this section, “parties” means,

(a) in the case of subsection 88 (3), the Kanata Hydro-Electric Commission and The Hydro-Electric Commission of the City of Nepean; and

(b) in the case of section 89, Ontario Hydro and, in each case, the commission continued under section 83.

(2) If the purchase price under subsection 88 (3) or section 89 is not determined before the 1st day of January, 1982, either of the parties at any time thereafter may request that the purchase price be determined by a single arbitrator agreed on by the parties.

(3) The Arbirtrations Act applies where a request is made under subsection (2). 1980, c. 40, s. 9.

91.—(1) All real property transferred by section 88 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 municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with the Public Utilities Act. 1980, c. 40, R.S.O. 1980, s. 10.

92. Except as otherwise provided in this Part, sections 129 to 151 apply, with necessary modifications, to any borrowing for the purposes of a commission continued under section 83. 1980, c. 40, s. 11.

93.—(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, 1980, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the 19th day of June, 1980 shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1980, and who continued such employment until the 31st day of December, 1980 or until their transfer dates, as the case may be, and each commission 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 19th day of June, 1980, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the Ontario Municipal Employees Retirement System Act applies to such person as a member of the System.

(5) When a person who accepts employment under this section with a commission is entitled immediately before this transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal com-
mission that, immediately before the 19th day of June, 1980, supplied power in an area municipality mentioned in subsection 83 (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 a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

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

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

(9) On or before the 31st day of December, 1982, each commission 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. 1980, c. 40, s. 12.

94. For the purposes of section 160, the 1st day of January, 1981 shall be deemed to be the date designated by the Minister and on that date the Hydro-Electric Commission of the Village of Richmond is dissolved, any by-laws establishing it shall be deemed to be repealed and the assent of the municipal electors is not required. 1980, c. 40, s. 13.

95. The Lieutenant Governor in Council may make regulations,

(a) for the purpose of subsection 88 (3) or subsection 89 (3) in respect of,

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

(ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,

(iii) the method of determining the amount of any component of the accumulated net retail equity,
(iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

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

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

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

(b) for the purposes of subsection 93 (7) in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1980, c. 40, s. 14.

PART VII

PLANNING

96.—(1) On and after the 1st day of January, 1969, the Regional Area is defined as, and shall continue to be, a joint planning area under the Planning Act to be known as the Ottawa-Carleton Planning Area.

(2) The Regional Corporation is the designated municipality within the meaning of the Planning Act for the purposes of the Ottawa-Carleton Planning Area.

(3) On the 1st day of January, 1969, the planning area theretofore constituted under the Planning Act and consisting of the cities of Ottawa and Vanier, the Village of Rockcliffe Park and the townships of Fitzroy, Gloucester, March, Nepean and Torbolton, and the planning board thereof, are dissolved.

(4) Subject to subsection (3), all planning areas and subsidiary planning areas established before the 15th day of June, 1968, that are included in the Ottawa-Carleton Planning Area are subsidiary planning areas within the Ottawa-Carleton Planning Area.

(5) The City of Ottawa is constituted a subsidiary planning area effective the 1st day of January, 1969.

(6) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.
(7) 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. 407, s. 68.

97.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Ottawa-Carleton 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, 1972, shall prepare an official plan for the Regional Area.

(3) The Regional Council shall appoint a Planning Director and such other staff as may be considered necessary.

(4) The Regional Council may appoint such planning committees as it considers necessary. R.S.O. 1970, c. 407, s. 69 (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, subsection 2 (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the Planning Act and,
where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 8.

(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 Ottawa-Carleton Planning Area or any part thereof. R.S.O. 1970, c. 407, s. 69 (6-8).

98.—(1) The Township of Goulbourn, the Township of Rideau and the Township of West Carleton are each constituted a subsidiary planning area effective the 1st day of January, 1974, and the respective councils thereof shall have all the powers of a planning board under the Planning Act and no such municipality shall establish a planning board.

(2) The councils of the Township of Goulbourn, the Township of Rideau and the Township of West Carleton shall forthwith after the 1st day of January, 1974, each by by-law constitute and appoint a committee of adjustment in their respective municipalities under section 48 of the Planning Act, but no such committee shall have any authority to grant consents referred to in section 29 of such Act unless an official plan has been approved for such entire municipality. 1973, c. 138, s. 8.

99. The Regional Corporation is the designated municipality within the meaning of the Planning Act for the purposes of the Ottawa-Carleton 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. 9.

100. Except as provided in this Part, the provisions of the Planning Act continue to apply. R.S.O. 1970, c. 407, s. 70.

PART VIII

HEALTH AND WELFARE SERVICES

101. The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the Public Hospitals Act and sections 28 and 29 of the Private Hospitals Act respecting
hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. R.S.O. 1970, c. 407, s. 71.

102. The Regional Corporation shall repay to each area municipality any expenses incurred after the 31st day of December, 1968, by the area municipality for the interment of dead bodies required to be interred by the area municipality under the *Anatomy Act*. R.S.O. 1970, c. 407, s. 72.

103. The Regional Corporation is liable for all costs and expenses incurred after the 31st day of December, 1968, under section 16 of the *Mental Hospitals Act* in respect of the Regional Area and subsections (3) and (4) thereof apply with necessary modifications to the Regional Corporation, and no area municipality is liable for such costs and expenses. R.S.O. 1970, c. 407, s. 73.

104.—(1) The Regional Corporation is liable for the hospitalization or burial, after the 31st day of December, 1968, of an indigent person or his dependant who was in hospital on the 31st day of December, 1968, and in respect of whom any area municipality, the County of Carleton, or the United Counties was liable because the indigent person was a resident of an area municipality, the County of Carleton, or the Township of Cumberland.

(2) Nothing in subsection (1) relieves any area municipality or the United Counties from any liability in respect of hospitalization or burials before the 1st day of January, 1969. R.S.O. 1970, c. 407, s. 74.

105. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipment or 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. 407, s. 75.

106.—(1) On and after the 1st day of January, 1969, the Regional Area shall be deemed to be a health unit incorporated under the *Public Health Act* and, subject to this Part, the provisions of such Act shall apply.

(2) All local boards of health in the area municipalities and the County of Carleton are dissolved on the 1st day of January, 1969, and all assets and liabilities of such boards become assets and liabilities of the board of health of the health unit.
(3) On the 1st day of January, 1969, the Township of Cumberland is separated from the health unit of the United Counties.

(4) Notwithstanding the provisions of any other Act, the boundaries of the health unit established by subsection (1) shall not be altered except by order of the Minister of Health. R.S.O. 1970, c. 407, s. 76.

107. The board of health of the health unit established under section 106 shall be composed of,

(a) not more than six 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. 407, s. 77 (1).

108. 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. 407, s. 77 (3).

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 that Act. R.S.O. 1970, c. 407, s. 79.

110.—(1) The home for the aged established, erected and maintained by The Corporation of the City of Ottawa, known as Island Lodge and Geriatric Centre, 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, 1969, and, subject to subsection (2), no compensation or damages shall be payable to the City in respect thereof.

(2) The Regional Corporation shall pay to The Corporation of the City of Ottawa before the due date all amounts of principal and interest becoming due upon any outstanding...
debt of the City in respect of such home for the aged. R.S.O. 1970, c. 407, s. 80 (1, 2).

(3) If the Regional Corporation fails to make any payment or portion thereof as required by subsection (2), The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the City may by by-law determine. 1979, c. 81, s. 12.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of such home for the aged, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 407, s. 80 (4).

111.—(1) The Regional Corporation shall pay to the United Counties the cost of maintenance in the United Counties’ home for the aged, incurred after the 31st day of December, 1968, of every resident of that home who was admitted thereto due to residence in an area municipality.

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. R.S.O. 1970, c. 407, s. 81.

112.—(1) No area municipality shall be deemed to be a municipality for the purposes of the Child Welfare Act.

(2) The Regional Corporation shall pay to the United Counties the cost of child care incurred by the United Counties on or after the 1st day of January, 1969, in respect of children taken into care in the Township of Cumberland by The Children’s Aid Society of the United Counties on or before the 31st day of December, 1968, and the amount so payable shall be determined in the same manner as if such amount was determined in accordance with section 88 of The Child Welfare Act, 1965. R.S.O. 1965, c. 14 1970, c. 407, s. 82.

113. 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 Regional Corporation, and the sums of money required to be paid under
such order shall be paid by the Regional Corporation and not by the area municipality. R.S.O. 1970, c. 407, s. 83.

114. The Regional Corporation shall be deemed to be a county for the purposes of the General Welfare Assistance Act, and no area municipality shall be deemed to be a municipality for the purposes of such Act, except section 2 thereof. 1975, c. 46, s. 3.

115.—(1) The Regional Corporation shall be deemed to be a county for the purposes of the Homemakers and Nurses Services Act and the Day Nurseries Act, and no area municipality shall be deemed to be a municipality for the purposes of such Acts. 1975, c. 46, s. 4.

(2) Notwithstanding subsection (1), the Regional Council shall not provide services under the Acts mentioned in subsection (1) except in those area municipalities requesting such services, and such municipalities shall pay the cost thereof in the manner determined by the Regional Council. R.S.O. 1970, c. 407, s. 86 (2).

116. 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. 1972, c. 126, s. 16.

117. In the event that there is any doubt as to whether the Regional Corporation is liable under section 104, subsection 111 (1), subsection 112 (2) or section 113 in respect of the liabilities imposed therein, 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. 407, s. 88.

PART IX
FINANCES

118. In this Part, (a) "local municipality" means the Township of Fitzroy, the Township of Huntley, the Township of Marlborough, the Township of North Gower, the Village of Richmond, the Village of Stittsville or the Township of
Torbolton, as those municipalities existed on the 31st day of December, 1973, and includes those local municipalities, portions of which are described in the Schedule to The Ottawa-Carleton Amalgamations and Elections Act, 1973;

(b) "merged area" means a local municipality that under The Ottawa-Carleton Amalgamations and Elections Act, 1973, was amalgamated with another local municipality or part of a local municipality that was annexed to a local municipality to constitute an area municipality;

(c) "rateable property" includes business and other assessment made under the Assessment Act. 1973, c. 138, s. 9.

119.—(1) Section 169 of the Municipal Act applies with necessary modifications to the Regional Corporation. R.S.O. 1970, c. 407, s. 90.

(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. 13.

YEARLY ESTIMATES AND LEVIES

120.—(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. 407, s. 91 (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 the Ontario Unconditional Grants Act. R.S.O. 1970, c. 407, s. 91 (2); 1972, c. 1, s. 1.

121.—(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. 1972, c. 126, s. 17, part.

(2) The Regional Council shall ascertain and by by-law direct what portion, expressed in dollars and as a percentage, of the sum mentioned in subsection (1) shall be levied against and in each area municipality. 1980, c. 38, s. 10.

(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. 1972, c. 126, s. 17, part.

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. 1973, c. 138, s. 10, part.

(5) Subsection (4) shall cease to apply on a date to be determined by order of the Minister. 1972, c. 126, s. 17, part.

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

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.
(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality. 1973, c. 138, s. 10, 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. 1972, c. 126, s. 17, part.

(11) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality, and shall
include the amount by which the assessment of a municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the Municipal Act, section 4 of the Provincial Parks Municipal Tax Assistance Act, and subsection 8 (1) of the Ontario Unconditional Grants Act.

(12) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the Ministry of Revenue a statement of the payments referred to in subsection (11) and the Ministry of Revenue shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. 1973, c. 138, s. 10, part.

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider 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 treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1972, c. 126, s. 17, part.

(16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment becomes due until made, or such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area. 1979, c. 81, s. 14.

(17) Any by-law passed under this section may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment of an annual levy or a part thereof made in advance by any area municipality. 1972, c. 126, s. 17, part.
122.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

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

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

123.—(1) Notwithstanding subsection 121 (3), where the Regional Council is of the opinion that a percentage share as determined by the application of subsection 121 (3) is not just and equitable, it may in the by-law passed under subsection 121 (2) make an apportionment for Regional purposes that is just and equitable and such by-law shall have appended thereto as a schedule a statement of the apportionment, expressed in dollars and as a percentage, that would have been made among the area municipalities but for the application of this section.

(2) Where the Regional Council makes an apportionment under subsection (1), the clerk of the Regional Corporation shall within ten days forward a copy of the by-law to each area municipality.

(3) An area municipality that is not satisfied with the by-law passed under subsection (1) may appeal to the Municipal Board within thirty days of the passing of the by-law by giving notice in writing, by registered mail, to the Municipal Board, the clerk of the Regional Municipality, and every other area municipality.

(4) Upon receipt of the notice of appeal under subsection (3), the Municipal Board shall arrange a time and place for hearing the
appeal and shall send a notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing and shall hear and dispose of the appeal.

(5) Where, as a result of a decision of the Municipal Board under subsection (4), there is an adjustment required to be made, the Regional Council shall forthwith amend the by-law passed under subsection 121 (2) so as to make the apportionment among the area municipalities according to the percentage shares as revised by the Municipal Board, and,

(a) where the share levied against an area municipality is thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the share levied against an area municipality is thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality. 1980, c. 38, s. 11.

124.—(1) Notwithstanding section 121, the Regional Council may, in any year before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality for general municipal purposes, and subsections 121 (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 121. R.S.O. 1970, c. 407, s. 93.

(3) Notwithstanding section 122, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.
(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 121.

(5) Subsection 159 (5) of the Municipal Act applies to levies made under this section. 1973, c. 138, s. 12.

125.—(1) For the purposes of levying taxes under Part IV of the Education Act, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the Education Act shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 122 (1).

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the Education Act shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 122 (1).

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the Education Act shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 122 (1).

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the Education Act shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school
purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 122 (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 the said subsections (2), (3), (4) and (5) shall be made in accordance with the regulation. 1973, c. 138, s. 13, part.

126. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1973, c. 138, s. 13, part.

RESERVE FUNDS

127.—(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. 3 (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. 407, s. 94 (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. 3 (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. 407, s. 94 (4).

TEMPORARY LOANS

128.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize
the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. R.S.O. 1970, c. 407, s. 95 (1); 1972, c. 126, s. 18.

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

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

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

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. R.S.O. 1970, c. 407, s. 95 (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 treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 3.

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon,
be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

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

Penalties for excess borrowings

(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.

Penalty for misapplication of revenues by Regional Council

(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.

Penalty for misapplication of revenues by officials

(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.

Saving as to penalties

R.S.O. 1970, c. 407, s. 95 (6-10).

R.S.O. 1980, c. 303

(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 Part III 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. 407, s. 95 (11); 1972, c. 1, s. 104 (6).

DEBT

129.—(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, 1968, power to issue debentures, except that the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park may, with the approval of the Municipal Board, issue debentures for school purposes during the year 1969.

(4) When an area municipality, prior to the 31st day of December, 1968,

(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 131, 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. 407, s. 96.

130.—(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 129 (1) of this Act and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the 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. 407, s. 97.

131.—(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 treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the 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 treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 4 (1).
(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 145, 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. 407, s. 99 (3-5).

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 4 (2).

132.—(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. 8.

133.—(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. 407, s. 100 (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. 126, s. 19 (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. 407, s. 100 (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. 407, s. 100 (9); 1976, c. 43, s. 9 (1).

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

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

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

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

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the
Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of 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. 407, s. 100 (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. 407, s. 100 (18); 1972, c. 126, s. 19 (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 that 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. 407, s. 100 (19); 1972, c. 126, s. 19 (3).

(22) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d), the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. 1980, c. 38, s. 12.

(23) 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. 407, s. 100 (20); 1972, c. 126, s. 19 (4).
(24) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments. R.S.O. 1970, c. 407, s. 100(21).

(25) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1972, c. 126, s. 19 (5).

(26) 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. 4.

(27) The treasurer 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.

(28) 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. R.S.O. 1980, c. 302

(29) 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.
(30) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(31) 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.

(32) 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. 407, s. 100 (24-29).

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

(a) in securities in which a trustee may invest under the Trustee Act;

(b) in debentures of the 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. 407, s. 100 (30); 1976, c. 43, s. 9 (2).

(34) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

(35) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (34) only upon the direction in writing of the sinking fund committee.
(36) 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.

(37) 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 (23) 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 (23) 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).

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

(39) If the treasurer of the Regional Corporation contravenes subsection (24) or (38), he is guilty of an offence and on conviction is liable to a fine of not more than $250.

(40) 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.

(41) 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 (37) 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 accord-
ance with the order of the Municipal Board.

(42) 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 other-
wise than is provided in this section. R.S.O. 1970, c. 407,
s. 100 (31-39).

(43) 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 munici-
pality in the proportion that the amount of the contribu-
tion 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. 407, s. 100 (40); 1972, c. 126,
s. 19 (6).

(44) Notwithstanding that any sinking fund debentures
have been issued for the purposes of one or more area munici-
paties, 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 (43). R.S.O. 1970, c. 407, s. 100 (41).

(45) 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.

(46) 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.

(47) 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 (24) to (44) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund.

(48) 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. 9 (3).

134. 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;
interest ceases to accrue on date set for redemption

(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;

debentures to be redeemed may be purchased

(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;

notice to redeem to be sent by mail

(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;

debentures when to be dated and issued

(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;

where only portion of debentures payable on fixed date

(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

annual amounts payable to be approximately equal

(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. 1972, c. 126, s. 20.

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

135.—(1) Subsection 152 (1) of the Municipal Act applies with necessary modifications to the Regional Council. 1976, c. 70, s. 5.
(2) For the purposes of this section, the hypothecation of debentures under section 131 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 Council. R.S.O. 1970, c. 407, s. 101 (2-4).

136.—(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 be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. R.S.O. 1970, c. 407, s. 102.

137.—(1) Subject to section 136, 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. 407, s. 103.
138. 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. 407, s. 104.

139.—(1) Within four weeks after the passing of a money by-law, the clerk of the Regional Corporation may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5).

(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 130 (2), or a by-law where it appears on the face of it that any of the provisions of subsection 133 (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. 407, s. 105.

140.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the 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 treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the
persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the 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. 407, s. 106.

141. 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. 407, s. 107.

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

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

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.
(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. R.S.O. 1970, c. 407, s. 108.

(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. 1972, c. 126, s. 21.

143. 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. 407, s. 109.

144.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

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

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange.
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. 407, s. 110.

145.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. R.S.O. 1970, c. 407, s. 111.
146. 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 145 (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. 407, s. 112.

147. 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. 407, s. 113.

148.—(1) The Regional Council shall,

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

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. R.S.O. 1970, c. 407, s. 114.
149. If in any year after paying the interest and appropriating the necessary sum in payment of the instalments there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. R.S.O. 1970, c. 407, s. 115.

150. — (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. 407, s. 116.

151. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

(a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;

(b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;

(c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. R.S.O. 1970, c. 407, s. 117.
PART X
DIVISIONAL BOARDS OF EDUCATION

152. In this Part,

(a) "Ottawa Board" means The Ottawa Board of Education;

(b) "Carleton Board" means The Carleton Board of Education. R.S.O. 1970, c. 407, s. 118.

153.—(1) The City of Ottawa, the City of Vanier and the Village of Rockcliffe Park are continued as a school division of a defined city under Part III of the Education Act.

(2) There shall be a divisional board of education for such school division under the name "The Ottawa Board of Education" composed of seventeen members. R.S.O. 1970, c. 407, s. 119 (1, 2).

(3) Twelve members of the Ottawa Board shall be elected by the public school electors of the school division as follows,

(a) six members by a general vote of the public school electors in the City of Vanier, the Village of Rockcliffe Park and such wards of the City of Ottawa as the Ottawa Board determines; and

(b) six members by a general vote of the public school electors in the wards of the City of Ottawa not included in clause (a),

and the Ottawa Board shall, by resolution, determine from time to time the wards of the City of Ottawa that shall be included with the City of Vanier and the Village of Rockcliffe Park for the purposes of clause (a) and such a resolution shall remain in force until repealed by the Ottawa Board. 1974, c. 67, s. 1.

(4) Four members of the Ottawa Board shall be elected by a general vote of the separate school supporters in the City of Ottawa and the Village of Rockcliffe Park.

(5) One member of the Ottawa Board shall be elected by a general vote of the separate school supporters in the City of Vanier. R.S.O. 1970, c. 407, s. 119 (4, 5).

(6) The election of members of the Ottawa Board shall be held in each municipality in the school division at the same time and
place as the election of members of the council of the municipality, and the meeting for the nomination of candidates for the Ottawa Board except candidates for the office of the member of the Ottawa Board to be elected by the separate school supporters of the City of Vanier, shall be held by the returning officer of the City of Ottawa at the same time and place as the nominations for members of the council of the City of Ottawa, and the clerk of the City of Vanier and of the Village of Rockcliffe Park, forthwith after the election, shall report the vote recorded in his municipality, except the vote in respect of the member to be elected by the separate school supporters of the City of Vanier, to the clerk of the City of Ottawa who shall prepare the final summary and announce the vote. R.S.O. 1970, c. 407, s. 119 (6); 1973, c. 138, s. 15 (1).

154.—(1) The cities of Gloucester, Kanata and Nepean and the townships of Cumberland, Goulbourn, Osgoode, Rideau and West Carleton are continued as a school division under Part III of the Education Act.

(2) The Carleton Board is continued as the divisional board of education for such school division.

(3) Elections for the Carleton Board shall be held in accordance with the Municipal Elections Act.

(4) Notwithstanding the Education Act, the Carleton Board shall be composed of twenty members elected in the following manner,

(a) sixteen members elected by a general vote of the public school electors as follows,

(i) three members in the City of Gloucester,

(ii) seven members in the City of Nepean,

(iii) one member in the City of Kanata and in each of the townships of Cumberland, Goulbourn, Osgoode, Rideau and West Carleton; and

(b) four members elected by a general vote of the separate school electors in the school division. 1973, c. 138, s. 16.

155. All the provisions of Part III of the Education Act that are not inconsistent with this Part apply to the school divisions and divisional boards of education continued under this Part. R.S.O. 1970, c. 407, s. 123.
PART XI
SPECIAL PROVISIONS

156. This Part applies only to the area municipalities established by *The Ottawa-Carleton Amalgamations and Elections Act, 1973*. 1973, c. 138, s. 18, *part.*

157. For the purposes of this Part, "local municipality" means a local municipality that was amalgamated with or a portion of which was annexed to another local municipality to constitute an area municipality under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*. 1973, c. 138, s. 18, *part.*

158. — (1) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. 1973, c. 138, s. 18, *part.*

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

159. Where any agreement has been entered into by a local municipality, the appropriate area municipality shall, on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality. 1973, c. 138, s. 18, *part.*

160. — (1) The board of the Hydro-Electric Commission of the Village of Richmond as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, continue and such commission shall be deemed to be a local board of the Township of Goulbourn.

(2) The Hydro-Electric Commission of the Township of Gloucester shall continue to provide electrical service to that portion of the Township of Gloucester annexed to the Township of Rideau. 1973, c. 138, s. 18, *part.*
161. Membership on the board referred to in section 160 does not act as a disqualification to be elected as a member of the council of the Township of Goulbourn. 1973, c. 138, s. 18, part.

162.—(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, 1973, formed part of a village or township municipality shall be considered to continue to form part of a village or township municipality.

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

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the Highway Traffic Act that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1973, c. 138, s. 18, part.

PART XI

GENERAL

163.—(1) Sections 5, 105, 106, 116, 121, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, sections 250 and 253, 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. 15 (1).

(2) Sections 10, 11 and 14 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 purposes of paragraph 134 of section 210 of the Municipal Act.
(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Expropriations Act*. R.S.O. 1970, c. 407, s. 124 (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. 6 (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. 15 (2).

(7) 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 40 (1), subsection 41 (2) and subsection 55 (2) as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. R.S.O. 1970, c. 407, s. 124 (6).

164.—(1) The Regional Council may pass by-laws for acquiring land for, and establishing, laying out and improving and maintaining, public parks, forests, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*.

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act* and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

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

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

(5) Where, under an agreement with any conservation authority or the Ministry of Natural Resources, lands vested in the conservation authority, or other lands, are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;
(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to the Highway Traffic Act, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the Highway Traffic Act; and

(d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Regional Corporation and used for park purposes.

(6) An exemption from taxes under subsection (5) shall be deemed to have the same effect as an exemption from taxes under section 3 of the Assessment Act.

(7) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. 1975, c. 46, s. 5; 1977, c. 34, s. 5.

165.—(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-law passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the Municipal Act has 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 the emergency measures organization or any committee thereof;
(b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their functions under the emergency measures organization;

(c) for appointing members of the emergency measures organization or of any committee 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 designating evacuation routes and empowering members of the police forces having jurisdiction in the Regional Area to require persons to use such routes;

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

(g) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. R.S.O. 1970, c. 407, s. 125.

166. 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. 1973, c. 138, s. 20; 1976, c. 43, s. 11.

167. Where in an action or by the settlement of a claim arising out of an injury to an employee 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. 407, s. 128.

168.—(1) Where the Regional Council passes a resolution requesting a judge of the county court of the Regional Area or a judge of the county court of a county adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any
person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has 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. 407, s. 129 (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. R.S.O. 1970, c. 407, s. 129 (2, 3).

169.—(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. 407, s. 130 (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. 407, s. 130 (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. 407; s. 130 (3).
170. 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. 407, s. 131.

171. 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. 407, s. 132.

172.—(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. 407, s. 133.

173.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of 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 are struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate, and shall by the precept, after reciting the writ and that the 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 Ottawa-Carleton” (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into
effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. R.S.O. 1970, c. 407, s. 134.

174.—(1) The Corporation of the County of Carleton is dissolved on the 1st day of January, 1969, and on the same date the Township of Cumberland is withdrawn from the County of Russell and the United Counties for all purposes.

(2) Subject to an order of the Municipal Board, all the assets and liabilities of the County of Carleton become, on the 1st day of January, 1969, 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 Carleton shall be transferred to the clerk of the Regional Corporation. R.S.O. 1970, c. 407, s. 135.


(2) Subject to an order of the Municipal Board, all the assets and liabilities of the roads commissions dissolved under subsection (1) become, on the 1st day of January, 1969, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of either of such roads commissions shall be transferred to the clerk of the Regional Corporation. R.S.O. 1970, c. 407, s. 136.

176.—(1) Except as provided in this Act, the Municipal Board upon the application of any area municipality, the Regional Corporation or the United Counties may exercise any of the powers under clauses 14 (11) (a), (b) and (d) of the Municipal Act in relation to the dissolution of the County of Carleton and the removal of the Township of Cumberland from the County of Russell and the United Counties and the dissolution of local boards of health 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. 407, s. 137.
177. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize the Regional Corporation to do all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the intent and purposes of this Act. R.S.O. 1970, c. 407, s. 138.

178.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection (1) in place of the corresponding form prescribed by this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act. 1979, c. 81, s. 16.

179. 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. 407, s. 139.

180. The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

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

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities. R.S.O. 1970, c. 407, s. 140.

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

(2) On and after the 1st day of January, 1976, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no such facilities shall be provided in the Regional Area by any area municipality, any local board thereof, or any other person whomsoever, without the consent of the Regional Council.

(3) For the purposes of subsection (2), the Regional Corporation may,
(a) acquire and use land;

(b) erect, maintain and operate facilities for the purposes of receiving, dumping, treating and disposing of waste;

(c) contract with Her Majesty in right of Canada, Her Majesty in right of a province, any agency of either of them, a local or regional municipality in Ontario or Quebec, or a local board thereof, or any other person for such purposes;

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

(e) provide standards and regulations for vehicles, or any class or classes thereof, used for the haulage of waste to a regional waste disposal facility.

(4) The Regional Council may pass one or more by-laws to assume as regional waste disposal works any or all such solid waste disposal sites, works, facilities and equipment vested in any area municipality, and upon the passing of any such by-law, the sites, works, facilities and equipment specified therein shall vest in the Regional Corporation.

(5) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date, all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the real or personal property assumed by the Regional Corporation under subsection (4).

(6) Subject to subsection (5), the Regional Corporation shall pay to the area municipality the costs incurred by it in the acquisition of and the improvements made to any such disposal site and works assumed by a by-law passed under subsection (4) and the current value of all equipment assumed therewith. 1975, c. 46, s. 6, part.

(7) If the Regional Corporation fails to make any payment required by subsection (5) or (6) on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 17.

(8) No land shall be acquired under subsection (3) and no by-law shall be passed under subsection (4) without,
(a) the approval of the area municipality in which the land is situate, which approval may be granted upon such terms and conditions as may be agreed upon; or

(b) failing such approval or agreement, the approval of the Municipal Board.

(9) The Municipal Board, before giving its approval under clause 8 (b) shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition of giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the acquisition or use of such land as to the Board may appear necessary or expedient.

(10) For the purposes of this section, the Regional Council shall, by by-law, prescribe rates or charges for the use of its disposal facilities.

(11) When, in the opinion of the Regional Council, land has been used for solid waste disposal and is no longer required by the Regional Corporation for such purpose, the Regional Corporation shall not dispose of such land without first offering such land to the area municipality within which it is located for nominal consideration upon such terms and conditions as the Regional Council may prescribe.

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

(13) If a by-law passed under subsection (12) is not approved by the Regional Council within a reasonable time, the Municipal Board may approve such by-law.

(14) The Municipal Board, before giving its approval under subsection (13), shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition of giving any such approval, may by its order require such amendments and impose such restric-
(15) A by-law passed under paragraph 129 of section 210 of the Municipal Act does not apply to the Regional Corporation.

182.—(1) In this section,

(a) "benefit area" means a regional convention centre benefit area established under subsection (7); and

(b) "regional convention centre" means the lands, structures and facilities, including auditoriums, eating establishments and parking garages, designated by the Regional Council under subsection (2).

(2) The Regional Council may designate and establish a regional convention centre and for such purpose the Regional Corporation may,

(a) acquire, lease and use land;

(b) erect, maintain and operate structures and facilities; and

(c) borrow money by the issue of debentures.

(3) The Regional Council may by by-law establish a board of management for the regional convention centre and appoint to the board such number of persons, each of whom is qualified to hold office as a member of the council of an area municipality, as the Regional Council considers appropriate.

(4) Members of the board of management shall hold office at the pleasure of the Regional Council and, unless sooner removed, shall hold office until the expiration of the term of office of the members of the Regional Council that appointed them and until their successors are appointed and are eligible for reappointment.

(5) Where a member of the board of management is removed from office before the expiration of his term, the Regional Council may appoint another eligible person for the unexpired portion of his term.

(6) Subject to the provisions of this section, the board of management shall exercise such powers and be subject to such limitations, limitations and conditions as to the Board may appear necessary or expedient.
(7) The Regional Council may by by-law,

(a) define one or more parts of the Regional Area as a regional convention centre benefit area that in the opinion of the Council derive special benefit from the operation of the regional convention centre;

(b) from time to time alter any benefit area when, in the opinion of the Regional Council, a part or parts of the Regional Area not included in the benefit area derive a special benefit from the operation of the regional convention centre or when, in the opinion of the Regional Council, a part or parts of the benefit area no longer derive a special benefit; and

(c) in each year establish a rate or rates to be levied against the rateable properties in a benefit area sufficient to repay all or a part of any capital debt payable in the year and to meet all or a part of any operating deficit arising from the operation of the regional convention centre in the immediately preceding year.

(8) A by-law passed under clause (7) (c) shall have appended thereto a schedule establishing the amount to be levied against each parcel of land in the benefit area.

(9) The amount chargeable to lands in a benefit area shall be equitably apportioned among all the parcels in accordance with the benefits accruing to a parcel from the establishment of the regional convention centre or in the proportion that the assessment of each parcel bears to the total assessment of the parcels in the benefit area.

(10) A by-law passed under clause (7) (a), (b) or (c) shall have no force or effect until approved by the Municipal Board.

(11) Where the Regional Council passes a by-law under clause (7) (c), the Regional Council may direct the treasurer of the area municipality in which are situate the lands benefitted to add the amounts to the collector's roll and to collect the amounts in the same manner as municipal taxes, and any moneys collected pursuant to this subsection shall be paid over to the treasurer of the Regional Corporation.

(12) The Regional Corporation and an area municipality may enter into one or more agreements for the management of the regional convention centre upon such terms and conditions as may
be agreed upon, including provisions whereby any deficit arising from the operation of the regional convention centre or the repayment of debt in respect thereof shall be the responsibility of the area municipality and, where such an agreement is in effect, subsections (3), (4), (5), (6), (7), (8), (9), (10) and (11) apply with necessary modifications to the council of the area municipality. 1980, c. 38, s. 13.

FORM 1

(Section 11 (4))

OATH OF ALLEGIANCE

I, ........................................... , having been elected (or appointed) as chairman of the council of The Regional Municipality of Ottawa-Carleton, 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 11 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ........................................... , having been elected (or appointed) as chairman of the council of The Regional Municipality of Ottawa-Carleton, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.

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

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

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

Declared before me, etc.

R.S.O. 1970, c. 407, Form 2; 1973, c. 71, s. 7.