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Ontario
CHAPTER 442

Regional Municipality of Waterloo Act

INTERPRETATION

1. In this Act,

(a) "area municipality" means the municipality or corporation of the City of Cambridge, the City of Kitchener, the City of Waterloo, the Township of North Dumfries, the Township of Wilmot, the Township of Wellesley and the Township of Woolwich, all as constituted by section 2;

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

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

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

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

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

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

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

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

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

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

(l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 126;

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

(n) "Regional Area",

(i) until the 1st day of January, 1973, means the area included within the County of Waterloo together with that portion of the Township of Beverly included in the area municipality of the Township of North Dumfries as defined in clause 2 (1) (c), and

(ii) on and after the 1st day of January, 1973, means the area from time to time included within the area municipalities;

(o) "Regional Corporation" means The Regional Municipality of Waterloo;

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

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

(r) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1972, c. 105, s. 1; 1973, c. 137, s. 1; O. Reg. 539/72.
2.—(1) On the 1st day of January, 1973,

(a) The Corporation of the City of Galt, The Corporation of the Town of Hespeler and The Corporation of the Town of Preston are amalgamated as a city municipality bearing the name of The Corporation of the City of Cambridge and the portions of the Township of North Dumfries and the Township of Waterloo described as follows are annexed to such city:

Firstly, part of the Township of North Dumfries, commencing at a point in the northerly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 where it is intersected by the southerly boundary of the City of Galt;

THENCE easterly along the northerly limit of the said Highway Number 8 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned Highway Number 8 to the eastern boundary of the Township of North Dumfries;

THENCE northerly along the eastern boundary of the said Township of North Dumfries to the northeast angle thereof, the said angle being an angle in the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the point of commencement;

Secondly, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the northerly limit of the King's Highway Number 97, being also known as Cedar Street;

THENCE northerly and westerly following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;
THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE easterly and northerly along the last mentioned boundary to the point of commencement;

THIRDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914, the said point being the easterly limit of Lot 17 in Concession XII of the Township of North Dumfries;

THENCE southerly along the easterly limit of Highway Number 8, as defined, to the boundary between the Township of North Dumfries and the City of Galt, the said boundary being the south limit of the Blenheim Road;

THENCE easterly and northerly following the boundaries of the City of Galt to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general southwesterly direction along the middle of the main channel of the Grand River to the northeasterly limit of the right of way of the Grand River Railway;
THENCE southeasterly following the northeasterly limit of the last-mentioned railway right of way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as described in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan, and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE easterly along the southerly limit of the said Highway Number 401, being along the northerly boundaries of the Town of Preston and the City of Galt to the easterly boundary of the Township of Waterloo;

THENCE northerly along the easterly boundary of the Township of Waterloo to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Hespeler;

(b) The Corporation of the City of Kitchener and The Corporation of the Village of Bridgeport are amalgamated as a city municipality bearing the name of The Corporation of the City of Kitchener, and the portion of the City of Waterloo and the portions of the Township of Waterloo, described as follows, are annexed to such city;

FIRSTLY, part of the City of Waterloo, commencing at a point in the boundary between the City of Waterloo and the Village of Bridgeport where the said point is intersected by the easterly limit of the King's Highway Number 85;

THENCE northerly along the easterly limit of the said Highway to the intersection of the westerly prolongation of the northerly boundary of the Village of Bridgeport;
THENCE easterly along the said prolongation to the northwesterly angle of the said Village of Bridgeport;

THENCE southerly, westerly and southerly along the boundaries between the City of Waterloo and the Village of Bridgeport to the point of commencement;

Secondly, part of the Township of Waterloo, commencing at an angle in the boundary of the City of Kitchener, the said angle being at the intersection of the northerly limit of the King’s Highway Number 401 and the middle of the main channel of the Grand River;

THENCE northwesterly and northeasterly along the middle of the main channel of the said Grand River, being along the boundary between the Township of Waterloo and the City of Kitchener, to the northeasterly limit of the right of way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last mentioned railway right of way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan, and the said limit produced to intersect the southerly limit of the King’s Highway Number 401;

THENCE southwesterly along the southeasterly limit of the said Highway Number 401, being along the boundary between the Township of Waterloo and the Town of Preston, to the south boundary of the said Township of Waterloo;

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;
THENCE northerly along the westerly boundaries of the Township of Waterloo to the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots to the westerly boundary of the City of Kitchener;

THENCE southeasterly along the boundaries between the Township of Waterloo and the City of Kitchener to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at a point in the boundary of the City of Kitchener, the said point being intersected by the middle of the main channel of the Grand River and the northeasterly limit of the right of way of the Grand River Railway;

THENCE in a general northerly direction along the middle of the main channel of the said Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the boundary of the City of Kitchener;

THENCE southerly along the easterly boundaries of the said City to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the north boundary of the Village of Bridgeport where it is intersected by the east limit of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 29;
THENCE westerly along the north limit of the said County Road to the east limit of the lands of S. and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly, northeasterly, northerly, northwesterly and westerly following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE southerly along the last mentioned lands to the northerly limit of a 25 foot right of way described in Registered Instrument Number 129175;

THENCE westerly and southwesterly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly along the east and southeast limit of the said Township Road to the north boundary of the Village of Bridgeport;

THENCE following the boundaries between the Township of Waterloo and the Village of Bridgeport to the point of commencement;

(c) The portions of the townships of Beverly and North Dumfries, described as follows, are annexed to The Corporation of the Village of Ayr to establish a township municipality bearing the name of The Corporation of the Township of North Dumfries:
Firstly, part of the Township of Beverly, commencing at a point in the west boundary of the Township of Beverly at the intersection of the prolongation of the line between the north and south halves of Lot G of the said Township;

Thence easterly to and along the line between the north and south halves of the said Lot G and along the line between the north and south halves of lots 1 to 11, both inclusive, in Concession VII of the said Township of Beverly to the line between lots 11 and 12 in the said Concession VII;

Thence northerly along the line between lots 11 and 12 in concessions VII, VIII, IX, X and its extension northerly, to the northerly boundary of the said Township of Beverly;

Thence westerly along the northerly boundary of the Township of Beverly to the northwest angle thereof;

Thence south along the west boundary of the said Township of Beverly to the point of commencement;

Secondly, part of the Township of North Dumfries, commencing at the northwest angle of the Township of North Dumfries;

Thence easterly along the north boundary of the Township of North Dumfries to the southwest angle of the Town of Preston;

Thence continuing easterly along the boundaries between the Township of North Dumfries and the Town of Preston to an angle in the City of Galt;

Thence southerly, westerly and southerly along the boundaries between the Township of North Dumfries and the City of Galt to the intersection of the easterly limit of Lot 17 in Concession XII of the Township of North Dumfries with the east limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

Thence southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;
THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of the said King’s Highway Number 8;

THENCE southerly along the said limit of the said Highway to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the northerly limit of the said King’s Highway Number 8;

THENCE easterly along the north limit of the said Proposed King’s Highway Number 8 as shown on Deposited Plan No. 914 to the northeasterly limit of the King’s Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned King’s Highway Number 8 to the easterly boundary of the Township of North Dumfries;

THENCE southerly along the easterly boundary of the Township of North Dumfries to the southeast angle thereof;

THENCE westerly along the south boundary of the Township of North Dumfries to the southwest angle thereof;

THENCE northerly along the west boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Village of Ayr;

(d) The portion of the City of Waterloo and the portions of the Township of Waterloo described as follows are established as a city municipality bearing the name of The Corporation of the City of Waterloo:

FIRSTLY, part of the City of Waterloo, commencing at the southeast angle of the City of Waterloo at the intersection of the northerly boundary of the Village of Bridgeport;

THENCE westerly along the northerly boundary of the Village of Bridgeport and its prolongation westerly to the easterly limit of the King’s Highway Number 85;
THENCE southerly following the easterly limit of the said Highway to the westerly boundary of the Village of Bridgeport;

THENCE following the boundaries of the said Village, the said boundaries being the boundaries between the City of Waterloo and the Village of Bridgeport to the southern boundary of the said City;

THENCE westerly following the boundaries between the cities of Waterloo and Kitchener to the west boundary of the City of Waterloo;

THENCE northerly, easterly and southerly following the various boundaries of the City of Waterloo to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at a point on the westerly boundary of the Township of Waterloo at the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots 39 and 40 to the west boundary of the City of Kitchener;

THENCE northerly and easterly along the boundaries between the Township of Waterloo and the City of Kitchener to the west boundary of the City of Waterloo;

THENCE northerly following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE westerly along the northern boundary of the said Township of Waterloo to the northwest angle thereof;

THENCE southerly along the westerly boundary of the said Township of Waterloo to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at the intersection of the northern boundary of the Township of Waterloo and the middle of the main channel of the Grand River;
THENCE in an easterly direction following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE northerly along the last mentioned lands to the northerly limit of the 25 foot right of way described in Registered Instrument Number 129175;

THENCE easterly and northeasterly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly following the easterly limit of the said Road to the northern boundary of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the easterly boundary of the City of Waterloo;

THENCE following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE easterly along the northern boundary of the said Township of Waterloo to the point of commencement;

(e) The Corporation of the Village of Wellesley and The Corporation of the Township of Wellesley are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wellesley;

(f) The Corporation of the Town of New Hamburg and The Corporation of the Township of Wilmot are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wilmot;

(g) The Corporation of the Town of Elmira and The Corporation of the Township of Woolwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Woolwich and the portion of the Township of Waterloo, described as follows, is annexed to such township;

Commencing at a point in the easterly boundary of the Township of Waterloo where it is intersected by
the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley’s Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general northwesterly direction along the middle of the main channel of the Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the south-easterly angle of the Village of Bridgeport;

THENCE northwesterly and westerly following the boundaries between the Village of Bridgeport and the Township of Waterloo to the southeast angle of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 17;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S. and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to the northeast angle thereof;
THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly following the middle of the main channel of the Grand River to the northerly boundary of the Township of Waterloo;

THENCE easterly along the north boundary of the said Township of Waterloo to the northeast angle thereof;

THENCE southerly along the easterly boundaries of the Township of Waterloo to the point of commencement. 1972, c. 105, s. 2 (1); O. Reg. 539/72.

(2) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Kitchener, Regional Municipality of Waterloo (formerly the County of Waterloo) and Province of Ontario and being composed of:

FIRSTLY, 1' Reserve 'A', Part of 1' Reserve 'B', and Part of Silvercrest Drive, Registered Plan 877 in the said City of Kitchener designated as Parts 1, 2 and 3 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (58) as Plan 58R-1986;

SECONDLY, that Part of Lot 33, German Company Tract in the said City of Kitchener, designated as Part 4 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (58) as Plan 58R-1986. 1977, c. 34, s. 16, part.
(3) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

Parts 2, 3, 4, 5, 6 and 7 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

(4) That portion of the City of Waterloo described as follows is annexed to the City of Kitchener:

Parts 1, 11 and 12 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

(5) Subsection (8) applies with necessary modifications to the annexations provided for in subsections (2), (3) and (4).

(6) Notwithstanding the Surveys Act, the north and south halves of Lot G of the Township of Beverly as described in and for the purposes of clause (1) (c) shall be determined by arithmetic mean and not by equal area parts.

(7) The following police villages are dissolved on the 1st day of January, 1973:

1. The Police Village of Baden.
2. The Police Village of Conestoga.
5. The Police Village of St. Jacobs.

(8) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the Ontario Municipal Board Act or to petition or appeal under section 94 or 95 of such Act, made on the 30th day of June, 1972, pursuant to applications made under sections 14 and 25 of The Municipal Act, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the Ontario Municipal Board Act do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the...
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*Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1972, c. 105, s. 2 (2, 3).

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

1. The City of Cambridge—Except as may be provided under subsection (2), fourteen members elected by wards.

2. The City of Kitchener—Except as may be provided under subsection (2), ten members elected by wards.

3. The City of Waterloo—Except as may be provided under subsection (2), eight members elected by a general vote of the electors of the area municipality.

4. The Township of North Dumfries—Except as may be provided under subsection (2), six members elected by wards.

5. The Township of Wilmot—Except as may be provided under subsection (2), nine members elected by wards and one member elected by a general vote of the electors of the municipality.

6. The Township of Wellesley—Except as may be provided under subsection (2), eight members elected by wards.

7. The Township of Woolwich—Except as may be provided under subsection (2), ten members elected by wards. 1972, c. 105, s. 3 (1).

(2) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

(a) divide or redivide the area municipality into wards, and shall designate the name or number 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
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(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. 38.

(3) Notwithstanding section 6, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 17.

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 45.

(5) No area municipality shall have a Board of Control. 1972, c. 105, s. 3 (7).

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

4.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of “The Regional Municipality of Waterloo”.

(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.
(3) The Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Waterloo.

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

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1972, in and for the County of Waterloo shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1973, in and for the Judicial District of Waterloo. 1972, c. 105, s. 6.

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

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

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1972, c. 105, s. 7.

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

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

(b) four members of the council of the area municipality of the City of Cambridge elected by the members of the said council;

(c) eight members of the council of the area municipality of the City of Kitchener elected by the members of the said council;

(d) two members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council, 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 such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council;

(e) two members of the council of the area municipality of the Township of Woolwich elected by the members of the said council;

(f) the member elected by general vote of the electors of the area municipality of the Township of Wilmot. 1972, c. 105, s. 8 (1); 1973, c. 137, s. 2 (1); 1974, c. 44, s. 1; O. Reg. 241/78.

(2) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the Regional Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Regional Council. 1979, c. 81, s. 46.

(3) The council of the City of Cambridge, the City of Kitchener and the Township of Woolwich respectively, shall at its first meeting after a regular election elect its members to the Regional Council. 1978, c. 33, s. 44, revised.

7.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council 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. 45 (1).

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. 1972, c. 105, s. 9 (3).

(3) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 45 (2).
8.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 46.

(3) A person entitled to be a member of the Regional Council in accordance with section 6, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member of the Regional Council. 1972, c. 105, s. 10 (4).

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

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

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 10 (1). 1972, c. 105, s. 10 (6-8).

9. Subject to section 8, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1972, c. 105, s. 11.

10.—(1) Thirteen members of the Regional Council representing at least four 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. 1972, c. 105, s. 12.
11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 7 (1), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. 1972, c. 105, s. 13 (1-3).

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor. 1972, c. 105, s. 13 (4); 1976, c. 43, s. 39.

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

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1972, c. 105, s. 13 (5, 6).

12. The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1972, c. 105, s. 15 (1).

13. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1972, c. 105, s. 16.
14.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

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

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

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

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

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 20.

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

16.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the Municipal Act apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 11.

(2) Sections 55, 64, 65 and 107 of the Municipal Act apply with necessary modifications to the Regional Council and to every local board of the Regional Council. 1972, c. 105, s. 19(2).

17.—(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 the 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. 1972, c. 105, s. 20 (1-3).

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

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

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1972, c. 105, s. 21.
19.—(1) The Regional Council shall appoint a treasurer to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

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

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer pro tempore who shall have all the powers and duties of the treasurer. 1972, c. 105, s. 22.

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

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

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

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. 1972, c. 105, s. 23 (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. 1972, c. 105, s. 23 (4); 1973, c. 137, s. 3.

(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. 1972, c. 105, s. 23 (5).

21. Subject to subsection 20 (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 20 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1972, c. 105, s. 24.

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

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1972, c. 105, s. 25.

23.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 18.

(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. 1972, c. 105, s. 26 (2).

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area·municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. 1972, c. 105, s. 26 (3); 1976, c. 43, s. 40.

(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. 1972, c. 105, s. 26 (4).

24.—(1) Sections 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 109 and 117 and paragraphs 10, 45, 46, 47, 48 and 49 of section 208 of the Municipal Act apply with necessary modifications to the Regional Corporation.

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 30th day of June, 1972, in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his
entitlement under any approved pension plan. 1972, c. 105, s. 27 (1-3).

(4) Where the Regional Corporation or a local board thereof, before the 1st day of July, 1976, employs, or thereafter is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(5) Where the Regional Corporation or a local board thereof, before the 1st day of July, 1976, employs or thereafter is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee’s holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. 1976, c. 43, s. 41.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed by the County of Waterloo or by the Waterloo County Area Planning Board or by any roads commission or the health unit for the County of Waterloo or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1972. 1972, c. 105, s. 27 (1-6).

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

(8) The employees of the local municipalities, and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local mun-
(9) Where the Regional Corporation or an area municipality employs a person heretofore employed by the Waterloo Public Utilities Commission, such person shall be deemed to remain an employee of the Waterloo Public Utilities Commission for the purpose of entitlement under the Ontario Municipal Employees Retirement System supplementary plan as established for the Waterloo Public Utilities Commission. 1972, c. 164, s. 1.

(10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection (8) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

(11) Any person who accepts employment under subsection (8) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. 1972, c. 105, s. 27 (10, 11).

(12) Where, under the provisions of this section, any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. 1973, c. 137, s. 4.

(13) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1972, c. 105, s. 27 (12).

PART III

REGIONAL WATERWORKS SYSTEM

25.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation, and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply
of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. 1972, c. 105, s. 29 (1).

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

(3) 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 (2) 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. 1974, c. 117, s. 21.

(4) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. 1972, c. 105, s. 29 (2).

26.—(1) The Regional Council shall, before the 31st day of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.

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

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

(4) Notwithstanding subsection (1), a by-law for assuming any specific work or trunk distribution main may, with the
approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein.

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

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

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the Local Improvement Act is payable as the owners’ share of a local improvement work. 1972, c. 105, s. 30 (1-5).

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5)(b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 48.

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

(8) In this section, “works” means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. 1972, c. 105, s. 30 (7, 8).

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

(2) Notwithstanding subsection (1) and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. 1972, c. 105, s. 31.

28.—(1) No area municipality, after the 31st day of December, 1972, shall establish, maintain or operate any works for the production, treatment and storage of water.

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. 1972, c. 105, s. 32.

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

(2) Nothing in subsection (1) prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 25th day of October, 1972, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. 1972, c. 105, s. 33.

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

(2) Where, immediately before the 1st day of January, 1973, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of The fluoridation of water supply in area
Fluoridation Act, being chapter 178 of the Revised Statutes of Ontario, 1970, the Regional Corporation may continue to fluoridate the water supply to such area. 1972, c. 105, s. 34.

31. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. 1972, c. 105, s. 35.

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

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

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

(4) Clause 53 (1) (k) of the Ontario Municipal Board Act does not apply with respect to water supplied by the Regional Corporation to an area municipality. 1972, c. 105, s. 36.

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

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. 1972, c. 105, s. 37.

34. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Ministry. 1972, c. 105, s. 38.
35.—(1) Notwithstanding anything in the *Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

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

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

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

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

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

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

(4) The moneys forming part of a reserve fund established under subsection (1) shall be applied or expended only for the purposes of the regional waterworks system.

36.—(1) Subject to section 43, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of
the property disposed of, and the balance shall form part of
the revenues in respect of the regional waterworks system.
1972, c. 105, s. 40.

Temporary shut-offs

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

No breach of contract

(2) Where the supply of water by the Regional Corporation
to an area municipality is interrupted or reduced, the area
municipality or its local board may, notwithstanding anything
in any contract, allocate and distribute its available water
among its customers and may interrupt or decrease the delivery
of water under any contract, and nothing done under this sub-
section shall be deemed to be a breach of contract or entitle
any person to rescind any contract or release any guarantor
from the performance of his obligation. 1972, c. 105, s. 41.

Standards for local systems

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

Approval of local extensions and connections

(2) No area municipality or local board thereof shall
construct or extend any local water distribution works or
connect the works or any part thereof to any work or main
of the Regional Corporation without the approval of the
Regional Council. 1972, c. 105, s. 42.

Appeal

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

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

(b) to construct any extension of the regional distribu-
tion system;

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

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

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. 1972, c. 105, s. 43.

40.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. 1972, c. 105, s. 44 (1).

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. 1979, c. 81, s. 49.

41. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. 1972, c. 105, s. 45.

42. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. 1972, c. 105, s. 46.
43. Where a distribution main has been assumed by the Regional Corporation under section 26, and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. 1972, c. 105, s. 47.

44. The works and mains assumed by the Regional Corporation under section 26, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 33 (2), to any local, regional or metropolitan municipality outside the Regional Area. 1972, c. 105, s. 48.

PART IV

REGIONAL SEWAGE WORKS

45.—(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, sub-surface or seepage waters or other drainage from land, but does not include sewage;

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

(d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
(e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;

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

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

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

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. 1972, c. 105, s. 50.

46.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area. 1972, c. 105, s. 51 (1).

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission. 1972, c. 105, s. 51 (2).

47. 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. 1972, c. 105, s. 52.

48.—(1) The Regional Council shall, before the 31st day of December, 1972, pass by-laws which shall be effective
on the 1st day of January, 1973, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1973.

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

(4) Notwithstanding subsection (1), a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein.

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

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

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the Local Improvement Act is payable as the owners' share of a local improvement work. 1972, c. 105, s. 53 (1-5).

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 51.
(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 105, s. 53 (7).

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

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

(3) Notwithstanding subsections (1) and (2) and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. 1972, c. 105, s. 54.

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

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1972, without the approval of the Regional Council. 1972, c. 105, s. 55.

51.—(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 munici-
palities 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. 1972, c. 105, s. 56.

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate 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 respects the by-law of the area municipality remains in full effect and force. 1979, c. 81, s. 52.

52.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received,

(a) a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or watercourse assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs;

(b) a sewage service rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for maintenance and operation of such work or watercourse; or

(c) a uniform rate related to volume of sewage or land drainage received or treated sufficient to pay the whole, or such portion as the by-law may specify, of the Regional capital costs, including debenture charges, and expenditures for maintenance and operation of such work or watercourse.

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

(3) The area municipality may,

(a) pay the amounts chargeable to it under this section out of its general funds;

(b) subject to the approval of the Municipal Board, 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;

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

(d) 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.

(4) All rates imposed against an area municipality under this section are 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. 1979, c. 81, s. 53.

53.—(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, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan 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. 1972, c. 105, s. 58.

54. — (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. 1972, c. 105, s. 59.

55. 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; or
(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. 1972, c. 105, s. 60.

56. The Regional Council may contribute towards the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. 1972, c. 105, s. 62.
57. 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. 1972, c. 105, s. 63.

58. 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. 1972, c. 105, s. 64.

59. Any works assumed by the Regional Corporation under section 48, 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 53 (2), from any local, regional or metropolitan municipality outside the Regional Area. 1972, c. 105, s. 65.

PART V

REGIONAL ROAD SYSTEM

60. 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. 1972, c. 105, s. 67.

61.—(1) On and after the 1st day of January, 1973, all roads under the jurisdiction and control of the County of Waterloo on the 31st day of December, 1972, shall constitute the regional road system together with those roads under the jurisdiction and control of the County of Wentworth that are included within the area municipality of the Township of North Dumfries.

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

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

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

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

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 71, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

(7) Notwithstanding subsection (10), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.
(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1972, c. 105, s. 68 (1-8).

(9) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 12.

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

(11) The Regulations Act does not apply to an order in council made under this section. 1972, c. 105, s. 68 (10, 11).

62. 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. 1972, c. 105, s. 69.

63. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1972, c. 105, s. 70.

64. 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. 1972, c. 105, s. 71.

65. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1972, c. 105, s. 72.

66. 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 Waterloo or the County of
Wentworth or the corporation of the area municipality or the
corporations of two or more area municipalities or the cor-
poration of any suburban roads commission which had juris-
diction over the roads before they became part of the regional
road system, and the Regional Corporation may sue upon
such rights or under such contracts or by-laws in the same
manner and to the same extent as the County of Waterloo or
the County of Wentworth or the area municipality or munic-
palities or the suburban roads commissions, as the case may
be, might have done if the roads had not become part of the
regional road system. 1972, c. 105, s. 73.

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

(2) An area municipality may construct a sidewalk, storm
sewer or other improvement or service on a regional road, and
the Regional Corporation may contribute to the cost of such
sidewalk, storm sewer, improvement or service, but no such
work shall be undertaken by an area municipality without
first obtaining the approval of the Regional Council expressed
by resolution.

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

(4) An area municipality when constructing such a sidewalk,
storm sewer, improvement or service on a regional road shall
conform to any requirements or conditions imposed by the
Regional Council and is responsible for any injury or damage
arising from the construction or presence of the sidewalk,
improvement or service on the road.
(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. 1972, c. 105, s. 74.

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

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

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

(4) Where the Regional Corporation constructs a sidewalk, 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. 105, s. 75.

69. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1972, c. 105, s. 76.

70. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 61 by adding such new roads to the regional road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. 1972, c. 105, s. 77.

71. With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities...
imposed upon the council or corporation of a city by the Municipal Act, the Highway Traffic Act and any other Act with respect to highways. 1972, c. 105, s. 78.

Erection of gasoline pump and advertising device near regional road

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

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

(b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1972, c. 105, s. 79 (1); 1978, c. 87, s. 55 (1).

Permits

(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. 105, s. 79 (2).

By-laws of area municipalities regulating traffic

73.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council. 1972, c. 105, s. 80 (1); 1976, c. 43, s. 42 (1).

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

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

Withdrawal of approval

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 42 (2).

Signal-light devices

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

Contribution towards costs of signal-lights

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1972, c. 105, s. 80 (2, 3).
6. Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1972, c. 105, s. 80 (4); 1978, c. 87, s. 55 (2).

74. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1972, c. 105, s. 81.

75.—(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 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 of Transportation and Communications. 1978, c. 33, s. 50.

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

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

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

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1972, c. 105, s. 82.

77. 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. 1972, c. 105, s. 83.

78. Section 276 of the Municipal Act does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1972, c. 105, s. 84.

79. — (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. 1972, c. 105, s. 85 (1); 1978, c. 87, s. 55 (3).

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the Planning Act or a predecessor of such
section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1972, c. 105, s. 85 (2).

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

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

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

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

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

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

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

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

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection (4).
(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

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

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

(10) Section 95 of the Ontario Municipal Board Act does not apply to an appeal under this section. 1972, c. 105, s. 86.

81. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. 1972, c. 105, s. 87.

82.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 81.

(2) Every notice given under subsection (1) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(4) Every person who fails to comply with a notice given under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than $10 and not more than $100 for a first offence and to a fine of not less than $50 and not more than $500 for a second or subsequent offence.
(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 80 (1) was constructed or used, as the case may be,

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

(b) in compliance with a by-law passed under section 81, in which case the making of compensation is subject to any provisions of such by-law. 1972, c. 105, s. 88.

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

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the Local Improvement Act is payable as the owners’ share of a local improvement work. 1972, c. 105, s. 89 (1, 2).

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection (2), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 55.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 105, s. 89 (4).

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

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality
by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 105, s. 90.

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. 1973, c. 137, s. 5.

85. Sections 101, 103, 105, 108 and 111 of the Public Transportation and Highway Improvement Act apply with necessary modifications with respect to any road in the regional road system. 1972, c. 105, s. 92.

PART VI
ELECTRICAL SERVICE AREAS

86. In this Part,

(a) "accumulated net retail equity" means the portion of the 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 rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(b) "electrical service area" means an electrical service area referred to in subsections 87 (1) to (3);

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

(d) "regulations" means the regulations made under this Part. 1977, c. 28, s. 1, revised.

87.—(1) The area within the area municipalities of the City of Waterloo, the Township of Wellesley and the Township of Woolwich is continued as an electrical service area.

(2) The area within the area municipalities of the City of Kitchener and the Township of Wilmot is continued as an electrical service area.
(3) The area within the area municipalities of the City of Cambridge and the Township of North Dumfries is continued as an electrical service area. 1977, c. 28, s. 2 (1), revised.

(4) The hydro-electric commission established by The Waterloo Electrical Service Areas Act, 1977 for each of the electrical service areas is continued and each commission shall be deemed to be a commission established under Part III of the Public Utilities Act by the councils of the area municipalities comprising the electrical service area served by the commission acting in concert and a municipal commission within the meaning of the Power Corporation Act, and section 44 of the Public Utilities Act does not apply to the commissions.

(5) The commission for the electrical service area referred to in subsection (1) shall be known as the ESA-1 Hydro-Electric Commission and shall consist of the mayor of the City of Waterloo, the mayor of the Township of Woolwich, the mayor of the Township of Wellesley, three additional members who are qualified electors under the Municipal Elections Act in the City of Waterloo, and one additional member who is a qualified elector under the Municipal Elections Act in the Township of Woolwich.

(6) The commission for the electrical service area referred to in subsection (2) shall be known as the ESA-2 Hydro-Electric Commission and shall consist of the mayor of the City of Kitchener, the mayor of the Township of Wilmot, four additional members who are qualified electors under the Municipal Elections Act in the City of Kitchener, and one additional member who is a qualified elector under the Municipal Elections Act in the Township of Wilmot.

(7) The commission for the electrical service area referred to in subsection (3) shall be known as the ESA-3 Hydro-Electric Commission and shall consist of the mayor of the City of Cambridge, the mayor of the Township of North Dumfries, and three additional members who are qualified electors under the Municipal Elections Act in the City of Cambridge.

(8) The name of a commission may be changed by resolution of the commission to a name commencing with the words “Hydro-Electric Commission of”. 1977, c. 28, s. 2 (2-6).

(9) The additional members in respect of each area municipality shall be elected by a general vote of the electors of the area municipality, unless before the 1st day of January, 1978 the council of the area municipality provides by by-law that the additional member or members in respect of that area municipality shall be appointed by the council.
(10) Members of the councils of the area municipalities comprising an electrical service area may be appointed as members of the commission, but the members of the councils shall not form a majority of the commission.

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

(12) The council of an area municipality 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) Where a vacancy in a commission occurs from any cause, the council of the area municipality in respect of which the person whose seat became vacant was elected or appointed shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected or appointed.

(14) Subject to the approval of Ontario Hydro, the salaries or other remuneration of the commissioners shall from time to time be fixed by the council of the area municipality in respect of which they are elected or appointed.

(15) A resignation from a council by a member of the council who is a member of a commission shall be deemed to be a resignation from both the commission and the council. 1977, c. 28, s. 2 (8-14).

88.—(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 be exercised on behalf of the area municipalities comprising an electrical service area by the commission established in respect of that electrical service area and not by the council of any area municipality or the Regional Council or any other person or body.

(2) Subject to subsection (4) and to any subsisting contracts for the supply of power to customers within the meaning of subsection 37 (1) of the Ontario Energy Board Act, each commission has the sole right to supply power within its electrical service area, and, on behalf of the area municipalities within its electrical service area, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within its electrical service area without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the Municipal Act.
(3) Except where inconsistent with the provisions of this Part, the provisions of the Power Corporation Act applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions.

(4) With the consent of a commission, Ontario Hydro may supply power directly to customers within the electrical service area in respect of which the commission is established. 1977, c. 28, s. 3 (1-4).

(5) On the 1st day of January, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions and public utilities commissions distributing and selling power in an electrical service area to the extent that they pertain to the distribution and supply of power in the electrical service area are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the electrical service area. 1977, c. 28, s. 3 (6).

(6) Subject to subsection (4) and the regulations, each commission shall acquire, on behalf of the area municipalities comprising the electrical service area served by the commission, the retail distribution facilities within its electrical service area used by Ontario Hydro on the 31st day of December, 1977 in the retail distribution of power including equipment leased by Ontario Hydro to retail customers within the electrical service area for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

(7) If the price of the facilities referred to in subsection (6) has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to the Arbitrations Act in accordance with subsection (6) and the regulations and the decision of the arbitrator shall not be subject to appeal. 1977, c. 28, s. 3 (8, 9).

89.—(1) All real property transferred pursuant to section 88 to the control and management of a commission or otherwise acquired by or for the commission, shall be taken and held by the commission in trust for the area municipalities comprising the electrical service area 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 municipalities comprising the electrical service area served by the commission, the real property may be disposed of as follows:
1. In the event that the area municipality in which the real property is located wishes in good faith to retain 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 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 area municipality in which the real property is located does not wish to retain 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 area municipalities comprising the electrical service area, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with the Public Utilities Act, 1977, c. 28, s. 4.

90.—(1) Except as otherwise provided in this Part, sections 118, 126, 127, 129 and 131 to 150 apply, with necessary modifications, to any borrowing for the purposes of a commission.

(2) With the approval of Ontario Hydro, a commission may request the area municipalities comprising the electrical service area in respect of which the commission is established to approve the borrowing of money and the councils of the area municipalities shall approve or disapprove the borrowing within thirty days of the making of the request.

(3) Notwithstanding the failure or refusal of the council of an area municipality in an electrical service area in respect of which a commission is established to approve a proposed borrowing, where one or more area municipalities whose equalized assessment is in the aggregate more than 50 per cent of the equalized assessment of the electrical service area approve the proposed borrowing, the area municipalities comprising the electrical service area that approve the proposed borrowing shall apply to the Ontario Municipal Board for approval of the proposed borrowing on behalf of all the area municipalities comprising the electrical service area.
(4) Notwithstanding the failure or refusal of an area municipality to approve a borrowing under this section and subject to section 35 of the Public Utilities Act, each area municipality within an electrical service area is liable for such proportion of the payments required to be made on account of any borrowing under this section as the equalized assessment of the municipality bears to the equalized assessment of the electrical service area. 1977, c. 28, s. 5.

91.—(1) Each commission shall file annually with the council of each area municipality in the electrical service area served by the commission a statement of the affairs of the commission and its capital borrowing forecast.

(2) The accounts of each commission shall be audited by such of the auditors of the area municipalities comprising the electrical service area served by the commission as may be jointly appointed by identical by-laws of the councils of the area municipalities. 1977, c. 28, s. 6.

92.—(1) In this section, “transfer date”, when used in respect of an employee of a public utilities commission, hydro-electric 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, 1977, each hydro-electric commission and public utilities commission in the electrical service areas and Ontario Hydro shall designate those of their employees who were employed in the distribution and supply of power in the electrical service areas on the 1st day of January, 1977, and who continued such employment until the 31st day of December, 1977 or until their transfer dates, as the case may be, and the commissions shall offer employment to the employees so designated.

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on his 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 12th day of July, 1977, 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 and the regulations under that Act apply to such person as a member of the System.
(5) Where a person who accepts employment under this section with a commission is entitled to the benefit of a supplementary agreement between a hydro-electric commission or public utilities commission operating within an electrical service area and the Ontario Municipal Employees Retirement Board immediately before his transfer date, 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 hydro-electric commission or public utilities commission.

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

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

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

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

is entitled to at least the pension benefit to which he would have been entitled 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, 1977, 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) 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 as a term of his employment, 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 as a term of his employment 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) The commissions shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the electrical service areas by public utilities commissions, and municipal hydro-electric commissions.

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

(13) Where, under this section, an employee, in the opinion of the Minister, 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. 1977, c. 28, s. 7.

93. For the purposes of section 178 of The Regional Munici-

pality of Waterloo Act, 1972, the 2nd day of January, 1978 is the date determined and designated by the Minister, and on that date the municipal hydro-electric commissions and public utilities commissions referred to therein are dissolved and the by-laws establishing them passed pursuant to section 37 of the Public Utilities Act shall be deemed to be repealed and the assent of the municipal electors is not required. 1977, c. 28, s. 8.

94. The Lieutenant Governor in Council may make regula-

tions,
(a) for the purposes of subsection 88 (8) in respect of,

(i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,

(ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,

(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 or 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 facilities;

(b) for the purposes of subsection 92 (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. 1977, c. 28, s. 9.

PART VII
PLANNING

95.—(1) On and after the 1st day of January, 1973, the Regional Area is defined as, and shall continue to be, a joint planning area under the Planning Act to be known as the Waterloo Planning Area. 1972, c. 105, s. 94 (1).

(2) The Regional Corporation is the designated municipality within the meaning of the Planning Act for the purposes of the Waterloo 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. 51.

(3) All planning areas and subsidiary planning areas that are included in the Waterloo Planning Area together with the boards thereof are dissolved on the 31st day of December, 1972.
(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1973, and the council thereof shall have all the powers of a planning board under the Planning Act and no area municipality shall establish a planning board.

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.

(6) When the Minister of Housing has approved an official plan adopted by the Regional Council,

(a) every official plan and every by-law passed under section 39 of the Planning Act or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1972, c. 105, s. 94 (3-6).

96.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Waterloo 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 Waterloo 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 Waterloo Planning Area;

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

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

(2) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary. 1972, c. 105, s. 95 (1-3).

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a
planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the Planning Act and

where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 52.

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

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

(7) The Regional Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Waterloo Planning Area or any part thereof. 1972, c. 105, s. 95 (5-7).

(8) All committees of adjustment heretofore constituted by the council of a local municipality in the Waterloo Planning Area are dissolved on the 31st day of December, 1972, and the council of each area municipality shall by-law constitute and appoint a committee of adjustment under section 48 of the Planning Act, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

(9) The Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of the Planning Act. 1972, c. 105, s. 95 (9, 10).

97. Except as provided in this Part, the provisions of the Planning Act apply. 1972, c. 105, s. 96.

PART VIII

HEALTH AND WELFARE SERVICES

98.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the Public Hospitals Act and the Private Hospitals Act respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent
person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Waterloo.

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. 1972, c. 105, s. 98 (1-3).

99.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. 1972, c. 105, s. 99 (1).

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 56.

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 118. 1972, c. 105, s. 99 (3).

100.—(1) On the 1st day of July, 1975, the Regional Area health unit, and the Waterloo Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Waterloo Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board.

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the Public Health Act and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical
of health or the health inspector of the Regional Corporation, as the case may be.

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the Public Health Act.

(4) Section 19 of the Public Health Act does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

(5) Sections 17 and 39 of the Public Health Act do not apply to an area municipality.

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the Public Health Act.

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the Public Health Act.

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the Public Health Act, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the Public Health Act employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the Public Health Act and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

(10) For the purposes of subsection 127 (1) of the Public Health Act a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the Public Health Act, and no area municipality may exercise such powers.

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the
Public Health Act may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may, by by-law, direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the Public Health Act, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

(13) The Regional Corporation shall offer to employ every person who on the 30th day of June, 1975, is employed by the Waterloo Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1976, of not less than he was receiving on the 30th day of June, 1975.

(14) Subsections 24 (2), (3) and (5) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 30th day of June, 1975, by a local board of a local municipality within the Regional Area.

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 30th day of June, 1975, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Waterloo Regional Board of Health.

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause. 1975, c. 46, s. 11.

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


(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:


3. Homemakers and Nurses Services Act. 1972, c. 105, s. 102.

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

(2) The Waterloo County Home for the Aged known as Sunnyside and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1973, without compensation. 1972, c. 105, s. 103.

103.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1972, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1972, c. 105, s. 104.

104. No area municipality shall be deemed to be a municipality for the purposes of the Child Welfare Act. 1972, c. 105, s. 105.

105. Where an order is made under subsection 20 (2) of the Juvenile Delinquents Act (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1972, c. 105, s. 107.
106. 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. 105, s. 108.

107. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1972, c. 105, s. 109.

108. The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons* Act, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1972, c. 105, s. 110.

PART IX

POLICE

109. In this Part, "Waterloo Police Board" means the Waterloo Regional Board of Commissioners of Police. 1972, c. 105, s. 112.

110.—(1) The board of commissioners of police known as the Waterloo Regional Board of Commissioners of Police is continued and shall consist of,

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

(b) a judge of a court having jurisdiction in the Judicial District of Waterloo designated by the Lieutenant Governor in Council; and

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

(2) Three members of the Waterloo Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. 1972, c. 105, s. 113 (1, 2).

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to
the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 53.

111.—(1) On and after the 1st day of January, 1973,

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

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

(c) the Waterloo Police Board and the members of the Waterloo Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1972, c. 105, s. 114 (1); 1978, c. 33, s. 54.

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall where prosecuted by The Waterloo Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1972, c. 105, s. 114 (2).

112.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Waterloo Regional Police Force, and the provisions of subsections 24 (5) and (12) apply to such members. 1972, c. 105, s. 115 (1); 1973, c. 137, s. 6 (1).

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1972, and becomes a member of the Waterloo Regional Police Force on the 1st day of January, 1973, is subject to the government of the Waterloo Police Board to the same extent as if appointed by the Waterloo Police Board and the Waterloo Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations enacted for the government of the Waterloo Regional Police. 1972, c. 105, s. 115 (2).

(3) Every person who becomes a member of the Waterloo Regional Police Force under subsection (1) shall,
(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Waterloo Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the City of Kitchener Police Force;

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

(c) have credited to him in the Waterloo Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1973;

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

(e) not be transferred without his consent to serve on a permanent basis in a detachment farther than in an area municipality adjoining the area municipality in which his present detachment headquarters are located. 1972, c. 105, s. 115 (3); 1973, c. 137, s. 6 (2).

(4) Every civilian employee and assistant of the Waterloo Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years. 1973, c. 137, s. 6 (3), part.

(5) On or before the 1st day of November, 1972, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all municipal police forces to bargain with the Waterloo Police Board in the manner and for the purposes provided in the Police Act and the Waterloo Police Board shall be the sole negotiating body to bargain with such committee.

(6) Section 100 of the Municipal Act applies with necessary modifications to the Waterloo Police Board. 1973, c. 137, s. 6 (3), part.
113. — (1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Waterloo Police Board any such land or building that the Waterloo Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. 1972, c. 105, s. 116 (1).

(2) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein.

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

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

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

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

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

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

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the
1st day of July, 1972, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1972, c. 105, s. 116 (3-5).

(5) If the Regional Corporation fails to make any payment on or before the due date required by clause (4)(b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 57.

(6) Where a building vested in a local municipality is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Waterloo Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Waterloo Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

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

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

(8) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Waterloo Police Board on the 1st day of January, 1973, and
no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

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

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

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

the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 105, s. 116 (7-10).

114. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Waterloo Police Board. 1972, c. 105, s. 117.

PART X
FINANCES

115. In this Part, "rateable property" includes business and other assessment made under the Assessment Act. 1972, c. 105, s. 119 (1).

116.—(1) Section 169 of the Municipal Act applies with necessary modifications to the Regional Corporation. 1972, c. 105, s. 120.

(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. 58.

YEARLY ESTIMATES AND LEVIES

117.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such
estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. 1972, c. 105, s. 121 (1, 2).

(3) Section 33 of the Assessment Act and section 465 of the Municipal Act apply with necessary modifications to the Regional Corporation. 1972, c. 105, s. 121 (6).

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

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

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

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.

(3) Subject to subsection (10), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

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

(5) Subsection (4) shall cease to apply on a date to be determined by order of the Minister.
Copy to Regional Corporation and area municipality

Appeal

Amendment of by-law where necessary following appeal

Idem

(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.

(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. 105, s. 122 (1-10).
(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 160 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act*. 1972, c. 105, s. 122 (11); 1973, c. 57, s. 19.

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

(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. 105, s. 122 (12-15).

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 59.

119.—(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.

(4) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 118 (5). 1972, c. 105, s. 123.

120.—(1) Notwithstanding section 118, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 118 (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 118.

(3) Notwithstanding section 119, until the date determined by the Minister under subsection 118 (5), the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(4) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 119, until the date determined by the Minister under subsection 118 (5), may, by by-law passed before
the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(5) The amount of any levy under subsection (3) or (4) shall be deducted from the amount of the levy made under section 119.

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

(7) Section 159 of the Municipal Act does not apply until the date determined by the Minister under subsection 118 (5). 1972, c. 105, s. 124 (2-8).

121.—(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 119 (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 119 (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 munici-
pality, both as equalized by the Ministry of Revenue in accordance with subsection 119 (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 119 (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 such regulation.

(7) The provisions of this section apply until the date determined by the Minister under subsection 118 (5). 1972, c. 105, s. 125.

122. 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. 1972, c. 105, s. 126.

RESERVES AND RESERVE FUND

123.—(1) Where, under subsection 164 (2) of the Municipal Act, the County of Waterloo has established reserves, those reserves shall become the reserves of the Regional Corporation.

(2) The building reserve fund of the County of Waterloo shall become the building reserve fund of the Regional Corporation. 1972, c. 105, s. 128.

124.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.
(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1972, c. 105, s. 131.

125.—(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. 21 (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. 1972, c. 105, s. 132 (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. 21 (2).

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). 1972, c. 105, s. 132 (4).

TEMPORARY LOANS

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

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

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

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. 1972, c. 105, s. 133 (1-5).

(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. 19.

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

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

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

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

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

DEBT

127.—(1) Subject to the limitations and restrictions in this Debt 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, 1972, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1972,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the Ontario Municipal Board Act; and
(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 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. 1972, c. 105, s. 134.

128.—(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. 43.

129. 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 127 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. 1972, c. 105, s. 135.

130.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area
municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

(2) Nothing in subsection (1) requires the assent of any electors where such assent has been dispensed with under section 63 of the Ontario Municipal Board Act. 1972, c. 105, s. 136.

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. 20 (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 144, 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. 1972, c. 105, s. 137 (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. 20 (2).

132.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4).
(7) Notwithstanding subsection (5), the Regional Council may by by-law,

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

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

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

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts
Debentures, when to be dated and issued

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would 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. 1972, c. 105, s. 138 (11); 1976, c. 43, s. 44 (1).

Date of debentures

(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.

Idem

(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.

Extension of time for issue

(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.

Application after time expired

(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.

Effective date

(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 debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are
imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

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

(a) in lawful money of Canada and payable in Canada; or

(b) in lawful money of the United States of America and payable in the United States of America; or

(c) in lawful money of Great Britain and payable in Great Britain; or

(d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1972, c. 105, s. 138 (12-24).

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 22.

(26) 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.

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

(28) Two members of the sinking fund committee are a quorum, and all investments and dispositions of investments must be approved by a majority of all the members of the committee.

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

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

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts...
and may at any time or times vary any investments. 1972, c. 105, s. 138 (26-31).

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

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

(b) in debentures of the 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. 1972, c. 105, s. 138 (32); 1976, c. 43, s. 44 (2).

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

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under
subsection (22) with respect to the principal raised up

to and including such year for all sinking fund
debentures represented by any sinking fund account;

and

(b) dividing the product obtained under clause (a) by the

amount of all capitalized interest for that year under

subsection (22) with respect to all principal raised up

to and including such year for all outstanding sinking fund

debentures,

shall be credited to the sinking fund account mentioned in clause

(a).

(37) The treasurer of the Regional Corporation shall prepare

and lay before the Regional Council in each year, before the

annual regional levies are made, a statement showing the sums

that the Regional Council will be required, by by-law, to raise

for sinking funds in that year.

(38) If the treasurer of the Regional Corporation contravenes

subsection (23) or (37), he is guilty of an offence and on conviction

is liable to a fine of not more than $250.

(39) If the Regional Council neglects in any year to levy the

amount required to be raised for a sinking fund, each member

of the Regional Council is disqualified from holding any muni-

cipal office for two years, unless he shows that he made rea-

sonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law, if it

appears at any time that the amount at the credit of any

sinking fund account will be more than sufficient, with the

estimated earnings to be credited thereto under subsection (36)
together with the levy required to be made by the by-law

or by-laws that authorized the issue of the debentures

represented by such sinking fund account, to pay the principal

of the debt represented by such sinking fund account when

it matures, the Municipal Board, on the application of the

sinking fund committee, the Regional Council or the council

of an area municipality, may authorize the Regional Council

or the council of an area municipality to reduce the amount

of money to be raised with respect to such debt in accordance

with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund

shall be applied towards paying any part of the current or

other expenditure of the Regional Corporation or otherwise

than is provided in this section.
When there is a surplus in a sinking fund account, the sinking fund committee shall,

(a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

(i) to retire unmatured debentures of the Regional Corporation or of an area municipality,

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

(iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

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

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.

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

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

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

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund.

(47) Notwithstanding the provision 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. 44 (3).

133. Notwithstanding any other provision of this Act,

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

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

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

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

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

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

(g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 45.

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

134.—(1) Subsection 152 (1) of the Municipal Act applies with necessary modifications to the Regional Council. 1976, c. 70, s. 23.

(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. 1972, c. 105, s. 139 (2-4).

135.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1972, c. 105, s. 140.

136.—(1) Subject to section 135, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1972, c. 105, s. 141.

137. 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. 1972, c. 105, s. 142.
138.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

(2) Subject to section 61 of the Ontario Municipal Board Act, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the Drainage Act, or the Local Improvement Act, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such land 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. 1972, c. 105, s. 143 (1-5).

(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 (1), or a by-law where it appears on the face of it that any of the provisions of subsection 132 (5) have not been substantially complied with. 1972, c. 105, s. 143 (6); 1973, c. 137, s. 8.
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(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1972, c. 105, s. 143 (7).

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

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the 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. 1972, c. 105, s. 144.
140. 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.

1972, c. 105, s. 145.

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

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

of

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

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book.
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. 1972, c. 105, s. 146.

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

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 46.

142. 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. 1972, c. 105, s. 147.

143.—(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 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. 1972, c. 105, s. 148.
144.—(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. 1972, c. 105, s. 149.
145. 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 144 (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. 1972, c. 105, s. 150.

146. 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. 1972, c. 105, s. 151.

147.—(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. 1972, c. 105, s. 152.

Application of surplus money

148. 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. 1972, c. 105, s. 152.

Liability of members

149. — (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.

Action by ratepayer

(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.

Disqualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1972, c. 105, s. 154.

Refinancing of debentures

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

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

(b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
(c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1972, c. 105, s. 155.

PART XI

GENERAL

151.—(1) Sections 5, 105, 106, 110, 113, 116, 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the Municipal Act apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 60 (1).

(2) Sections 10 and 11, and subject to subsection 2 (8), subsection 14 (2) of the Municipal Act do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

(3) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 98 and 129 of section 210 and section 253 of the Municipal Act.

(4) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 38 (2), subsection 53 (1), subsection 54 (2) and subsection 67 (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. 1972, c. 105, s. 158 (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. 21 (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. 60 (2).
By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, but may be amended or repealed by the council of an area municipality as it affects such area municipality. 1972, c. 105, s. 158 (8); 1973, c. 137, s. 9 (2).

Idem

(8) 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, 1972, 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 (7) apply with necessary modifications to any such by-law. 1974, c. 5, s. 2.

Vesting of transportation system assets in Regional Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection (3), no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation. 1972, c. 105, s. 158 (9).

Emergency measures, civil defence

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

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

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

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

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

(a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the
emergency measures planning committee or any subcommittee thereof;

(b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

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

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

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

(f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1972, c. 105, s. 159 (1, 2).

158.—(1) Notwithstanding section 176, the provisions of paragraphs 1 and 6 of section 227 and section 228 of the Municipal Act do not apply to any area municipality. 1972, c. 164, s. 4, part.

(2) The Regional Council may pass by-laws applicable to one or more area municipalities:

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

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

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

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

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

(a) In this paragraph,

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

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

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

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

(c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.
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(d) The fee to be paid for the licence shall not exceed $20 for one year.

(e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence. 1972, c. 164, s. 4, part; 1978, c. 87, s. 55 (4).

154. 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. 1972, c. 105, s. 160; 1973, c. 137, s. 10; 1976, c. 43, s. 48.

155. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Waterloo Regional Police Force, or to any person considered 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. 1972, c. 105, s. 162.

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

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the Judicature Act.

R.S.O. 1980, c. 411

R.S.O. 1980, c. 223
(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1972, c. 105, s. 163.

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

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1972, c. 105, s. 164.

158. 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. 1972, c. 105, s. 165.

159. 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. 1972, c. 105, s. 166.

160.—(1) For the purpose of membership on the Board of Governors of the University of Waterloo, the chairman shall be deemed to be the warden of the County of Waterloo, and the
provisions of section 75 of the Municipal Act apply with necessary modifications thereto. 1973, c. 137, s. 11.

(2) The Regional Corporation shall be deemed to be the County of Waterloo and the chairman shall be deemed to be the Warden of the County for the purposes of The Kitchener-Waterloo Hospital Act, 1960. 1960, c. 149.

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

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

(3) In subsection (2), “Regional Corporation” and “area municipality” include a local board thereof. 1972, c. 105, s. 167.

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

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff’s fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in
determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Waterloo" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

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

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1972, c. 105, s. 168.

163.—(1) The Corporation of the County of Waterloo is dissolved on the 1st day of January, 1973.
(2) All the assets and liabilities of the County of Waterloo become, on the 1st day of January, 1973, 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 Waterloo shall be transferred to the clerk, and on the same date that portion of the Township of Beverly described in clause 2 (1) (c) is withdrawn from the County of Wentworth for all municipal and school purposes.

(3) The Waterloo County Library Board is dissolved on the 1st day of January, 1973 and all the assets and liabilities thereof vest on such date in the Regional Corporation. 1972, c. 105, s. 169 (1-3).

(4) The Regional Council shall for the purposes of the Public Libraries Act be deemed to be a board of a county library. 1972, c. 105, s. 169 (4); 1973, c. 137, s. 12.

(5) The operation of the regional library service shall be limited to the township area municipalities and operating costs thereof shall be apportioned amongst such area municipalities in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 118, bears to the total equalized, weighted assessment for such township area municipalities. 1972, c. 105, s. 169 (5); 1972, c. 164, s. 5.


(2) All the assets and liabilities of the roads commissions referred to in subsection (1) become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the clerk. 1972, c. 105, s. 170.

165.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14 (11) (a), (b) and (d) of the Municipal Act in relation to the dissolution of the County of Waterloo and roads commissions dissolved 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. 1972, c. 105, s. 171.

### Conditional powers

**166.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1972, c. 105, s. 172.

### Conflict with other Acts

**167.** 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. 1972, c. 105, s. 173.

### Municipal buildings

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

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

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

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1972, c. 105, s. 174.

### Interpretation

**169.**—(1) In this Part, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the Regional Council. 1972, c. 164, s. 6.

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. 1972, c. 105, s. 175 (2).

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may prescribe rates or charges for
the use of such property, which rates or charges may relate to the volume, weight or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation. 1972, c. 105, s. 175 (3); 1974, c. 117, s. 25.

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1972, c. 105, s. 175 (4).

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection (4), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 61.

(6) For the purposes of subsection (3), paragraph 84 of section 210 of the Municipal Act applies with necessary modifications. 1972, c. 105, s. 175 (6).

170. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1972, c. 105, s. 176.

171.—(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, 1972, formed part of a town, village or township municipality shall be considered to continue to form part of a town, 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, 1972, 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. 1972, c. 105, s. 177.

172. The Minister may by order, on the request of any area municipality, dissolve any board of a community recreation centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under the Ministry of Culture and Recreation Act and the regulations thereunder and a board of a community recreation centre under the Community Recreation Centres Act. 1972, c. 105, s. 179.

173. Section 59 of the Education Act applies to the election of the members of The Waterloo County Board of Education and section 113 of the Education Act applies to the election of the members of The Waterloo County Roman Catholic Separate School Board. 1972, c. 105, s. 180, revised.

174.—(1) Notwithstanding the provisions of any other Act, the Regional Municipality of Waterloo is a school division and the Waterloo County Board of Education is continued, subject to subsection 54 (6) of the Education Act, as the divisional board of education for The Regional Municipality of Waterloo.

(2) Subject to subsection (3), on the 1st day of January, 1973 all real and personal property in the Regional Area that, on the 31st day of December, 1972, was vested in The Wentworth County Board of Education is vested in the divisional board for the Regional Corporation and all debts, contracts, agreements and liabilities for which the Wentworth County Board of Education was liable in respect of such real and personal property become obligations of the divisional board for the Regional Corporation.

(3) The divisional board for the Regional Corporation and The Wentworth County Board of Education shall adjust in an equitable manner as may be agreed upon the assets and the liabilities as at the 31st day of December, 1972 in respect of such real and personal property referred to in subsection (2), except lands and premises used as schools on such 31st day of December, including the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

(4) The employment contract of every teacher who, immediately before the 1st day of January, 1973 was employed
by the Wentworth County Board of Education to teach in a school that on and after the 1st day of January, 1973 is included in the Regional Area shall be deemed to have been made with the divisional board for the Regional Corporation. 1972, c. 105, s. 181.

175. Notwithstanding the provisions of the *Public Libraries* Act, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1972, c. 105, s. 183.

176. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. 1972, c. 105, s. 184.
FORM 1

(Section 8 (4) )

OATH OF ALLEGIANCE

I, ....................... , having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo, 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.

1972, c. 105, Form 1.

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FORM 2

(Section 8 (4) )

DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....................... , having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo 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 and by virtue of the Canada Evidence Act.

Declared before me, etc.

1972, c. 105, Form 2; 1973, c. 137, s. 14.