CHAPTER 201

The Highway Improvement Act

1. In this Act,

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

(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) “construction” includes reconstruction;

(d) “Department” means the Department of Highways;

(e) “Deputy Minister” means the Deputy Minister of Highways;

(f) “highway” means a common or public highway, or any part thereof, and includes a street, bridge and any other structure incidental thereto and any part thereof;

(g) “land” includes an estate, term, easement, right or interest in, to, over or affecting land;

(h) “maintenance” includes repair;

(i) “Minister” means the Minister of Highways;

(j) “owner” includes a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;

(k) “regulations” means the regulations made under this Act;

(l) “road” has the same meaning as highway;

(m) “road authority” means a body having jurisdiction and control of a highway;

(n) “roadway” means that part of a highway designed or intended for use by vehicular traffic. R.S.O. 1960, c. 171, s. 1.

PART I

THE KING’S HIGHWAY

2.—(1) All property acquired under this Part is vested in the Crown and is under the jurisdiction and control of the Department.
(2) Subject to subsection 2 of section 3, all property that is under the jurisdiction and control of the Department may be leased, sold or otherwise disposed of by the Minister. R.S.O. 1960, c. 171, s. 2.

(3) The Minister may authorize any department or agency of the Crown or any municipality, including a district, metropolitan or regional municipality, or a local board thereof or any corporation or person, by lease, licence or other arrangement,

(a) to use; or

(b) to construct, maintain and use buildings, structures or improvements in or on,

any space or area located over, across or under a highway under the jurisdiction of the Department where, in the opinion of the Minister, such construction, maintenance or use can be carried out without unduly interfering with the public use of the highway. 1970, c. 107, s. 1.

3.—(1) Where the Minister desires to acquire for the purposes of this Part jurisdiction and control over Crown lands not under the jurisdiction and control of the Department, he shall deposit with the Minister of Lands and Forests and register in the proper registry or land titles office a plan of the land to be known as and marked “Crown Land Plan” and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the land is under the jurisdiction and control of the Department for the purposes of this Part. R.S.O. 1960, c. 171, s. 3(1); 1962-63, c. 55, s. 1.

(2) Where the jurisdiction and control of Crown land or a part thereof is no longer required for the purposes of this Part, the Minister may, with the approval of the Minister of Lands and Forests, by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, deposited with the Minister of Lands and Forests and registered in the proper registry or land titles office, declare that the jurisdiction and control of the land or part thereof is no longer required and thereupon the land or part thereof is under the jurisdiction and control of the Department of Lands and Forests. R.S.O. 1960, c. 171, s. 3 (2); 1961-62, c. 51, s. 1.

4. The Minister or any person authorized by him may, without the consent of the owner,

(a) enter upon and use any land;

(b) alter in any manner any natural or artificial feature of any land;
(c) construct and use roads on, to or from any land; or
(d) place upon or remove from any land any substance or structure,
for any purpose of this Part. R.S.O. 1960, c. 171, s. 4.

5. The Lieutenant Governor in Council may designate a highway or proposed highway as the King's Highway. R.S.O. 1960, c. 171, s. 5.

6. (1) Where the Minister desires to acquire an existing highway, he shall register in the proper registry or land titles office a plan of the highway to be known as and marked "Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and thereupon the highway vests in the Crown, and the Minister forthwith shall give notice in writing of such vesting to any municipality concerned. R.S.O. 1960, c. 171, s. 6 (1); 1962-63, c. 55, s. 2.

(2) The Minister may, before registering an Assumption Plan, register in the proper registry or land titles office a preliminary plan of the highway to be known as and marked "Preliminary Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and such Preliminary Assumption Plan when registered has the same force and effect as an Assumption Plan registered under subsection 1, but an Assumption Plan of the highway shall thereafter be registered under subsection 1. R.S.O. 1960, c. 171, s. 6 (2).

7. In case of any omission, misstatement or erroneous description in a plan or description registered under this Part, the Minister may register in the proper registry or land titles office a plan or description replacing or amending such original plan or description and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and a plan registered under this section shall be marked to show the nature of the replacement or amendment and is of the same force and effect as and is in substitution for the original plan or description to the extent that such plan or description is replaced or amended thereby. R.S.O. 1960, c. 171, s. 8.

8. Where a plan and description purporting to be signed by any of the persons authorized so to do is registered under this Part, it shall be deemed to have been registered by the direction and authority of the Minister and as indicating that in the opinion of the Minister the highway described or the land described is
necessary for the purposes of this Part, and the plan and
description shall not be called in question except by the Minister
or by a person authorized by the Minister. R.S.O. 1960, c. 171,
s. 9.

9.—(1) The Minister may, in the name of Her Majesty,
acquire by purchase, lease or otherwise or may, without the
consent of the owner, expropriate any land for the purposes of this
Part or for making compensation in whole or in part to any person
for land acquired under this Part. R.S.O. 1960, s. 171, s. 7 (1),
amended.

(2) Where a proposed expropriation of land has been approved
under The Expropriations Act, the plan to be registered under
section 9 of that Act or an instrument to be registered under
subsection 2 of section 42 of that Act may be signed by the
Minister, the Deputy Minister, the Director of Services, the
Superintendent of Properties or the Superintendent of Surveys
and by an Ontario land surveyor. R.S.O. 1960, c. 171, s. 7 (2);
1962-63, c. 55, s. 3 (1), amended.

(3) Where the Minister is of opinion that he can obtain the
whole of a lot or parcel of land at a more reasonable price or to
greater advantage than by acquiring a part thereof only, he may
expropriate the whole of the lot or parcel and also any right of way
thereto. R.S.O. 1960, c. 171, s. 7 (4).

10. The provisions of this Part respecting claims for damages
or compensation and the amount thereof resulting from the
exercise of any power under section 4 apply only where the
exercise of such power does not result in expropriation or injurious
affection to which The Expropriations Act applies. New.

11.—(1) Where any of the powers conferred by section 4 have
been exercised, the Minister shall, within sixty days thereafter,
give notice to the owner,

(a) if the owner is known and his residence is known, by
serving upon or by mailing by registered letter ad-
dressed to him at his last known place of residence a
notice describing the land affected and the power
exercised and stating that every person having any
claim to compensation must file the claim in the office of
the Minister within six months after the date of the
notice; or

(b) if the owner is unknown or his place of residence is
unknown, by the publication of a similar notice once a
week for at least three weeks in a newspaper having
general circulation in the county or district in which the
land affected is situate. R.S.O. 1960, c. 171, s. 10 (1),
amended.
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(2) Where notice has been given under subsection 1, a claim for compensation shall be made within the time limited by the notice.

(3) Where no notice has been given under subsection 1, a claim for compensation may be made at any time by giving notice thereof to the Minister, and the provisions of this Part with respect to the fixing, payment and application of compensation apply thereto.  R.S.O. 1960, c. 171, s. 10 (2, 3).

12.—(1) The Minister shall make due compensation to the owner of land for any damage necessarily resulting from the exercise of any of the powers conferred by section 4.  R.S.O. 1960, c. 171, s. 11 (1), amended.

(2) Every such claim for compensation not agreed upon by the Minister and the claimant shall be determined by the Board and the provisions of the Ontario Municipal Board Act, except section 95, applies so far as is practicable to every such claim that is referred to the Board.

(3) The Minister or the claimant may, with leave of the Court of Appeal, appeal to that court from any determination or order of the Board as to compensation under this Part.

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

(5) The leave may be granted on such terms as to the appellant giving security for costs and otherwise as the court considers just.  R.S.O. 1960, c. 171, s. 11 (2-5).

13. Every person who is claiming compensation or damages under this Part shall, upon demand made therefor by the Minister or any person authorized by him, furnish to the Minister a true statement showing the particulars of his interest in the land concerned and of the claim made by him.  R.S.O. 1960, c. 171, s. 15.

14.—(1) Interest at the rate of 5 per cent per annum may be allowed on the compensation or damages from the time when the land was used, but no person who has been offered in writing a sum equal to or greater than the compensation or damages shall be allowed interest thereon for any period after the date of the offer.

(2) Where the Board is of the opinion that any delay in determining the compensation or damages is attributable in whole or in part to the person entitled to the compensation or damages or any part of it, the Board may refuse to allow interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears just.  R.S.O. 1960, c. 171, s. 17.
15. The Treasurer of Ontario may pay out of the Consolidated Revenue Fund to any person any sum to which he is entitled under this Part as compensation, damages or costs. R.S.O. 1960, c. 171, s. 18.

16. The Minister has, within the limits of any municipality in which the King's Highway is situate, all the powers that may be exercised by that municipality in respect of its highways. R.S.O. 1960, c. 171, s. 19.

17.—(1) The Minister has in respect of the King's Highway all the rights, powers, benefits and advantages conferred by by-law or agreement or otherwise upon the municipality that had jurisdiction and control of the highway before the highway was vested in the Crown, and the Crown may sue thereon in the same manner and to the same extent as the municipality might have done if the highway had not vested in the Crown.

(2) The Minister is entitled to a copy of any such by-law or agreement from the municipality and has the right to inquire into and ascertain full particulars concerning any such by-law or agreement. R.S.O. 1960, c. 171, s. 20.

18. Where the King's Highway intersects a highway that is not the King's Highway, the continuation of the King's Highway to its full width across the highway so intersected is the King's Highway. R.S.O. 1960, c. 171, s. 21.

19.—(1) Where it is deemed by the Minister that a highway, (a) that is under the jurisdiction and control of a city, town or village; or
(b) that is in a city, town or village and under the control of the county; or
(c) that was under the jurisdiction of the Department but has reverted or been transferred to a township and is an essential and direct connection between parts of the King's Highway; or
(d) that was a connecting link between parts of the King's Highway or an extension of the King's Highway on the date it came under the jurisdiction and control of a township,

should be constructed as a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Lieutenant Governor in Council may designate such highway as a connecting link or as an extension, as the case may be, to be constructed by the city, town, village, township or county, and
the council of the city, town, village, township or county may pass by-laws for issuing and may issue debentures under The Municipal Act for an amount sufficient to pay the municipality’s share of the cost of the construction of the highway, but, in the case of a city, town, village or township, it is not necessary for the council to obtain the assent of the electors to any such by-laws for the issue of debentures or to observe the formalities in relation thereto prescribed by The Municipal Act. 1962-63, c. 55, s. 4 (1); 1967, c. 34, s. 1 (1); 1970, c. 107, s. 2.

(2) In the case of a city, town, village or township, work required to be constructed under subsection 1 may be undertaken as a local improvement under The Local Improvement Act, and in that case the council may by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council considers proper. R.S.O. 1960, c. 171, s. 22 (2); 1962-63, c. 55, s. 4 (2).

(3) The Minister and the council of a town, not being a separated town, or of a village or township may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of a highway designated under subsection 1. R.S.O. 1960, c. 171, s. 22 (3); 1962-63, c. 55, s. 4 (3).

(4) The Minister and the council of a city or of a separated town may enter into an agreement for the construction therein by the municipality or by the Department of a highway designated under subsection 1.

(5) The Minister and the council of a county may enter into an agreement, in the case of a highway in a town, not being a separated town, or a village, for the construction by the county or by the Department of a highway designated under subsection 1, and, in the case of a highway in a city or separated town, for the construction therein by the county or by the Department of a highway designated under subsection 1. R.S.O. 1960, c. 171, s. 22 (4, 5).

(6) An agreement under subsection 3, 4 or 5 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village, township or county, as the case may be, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village or township having a population of not more than 2,500, a sum equal to the cost of the construction of the highway and of the maintenance of the roadway;
(b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village or township having a population of more than 2,500, a sum equal to 90 per cent of the cost of the construction of the highway and of the maintenance of the roadway; and

(c) where the highway is in a city or separated town, a sum equal to 75 per cent of the cost of the construction of the highway. 1962-63, c. 55, s. 4 (4); 1967, c. 34, s. 1 (2).

(7) An agreement under subsection 3, 4 or 5 may provide for the construction and maintenance or for the construction, as the case may be, of roadways necessary to permit the proper interchange of traffic at intersections of the highway designated under subsection 1 with any other highway, and in that case the agreement may provide that a proportion of the cost of the construction and maintenance or construction, as the case may be, of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village, township or county, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village or township having a population of not more than 2,500, a sum equal to the cost of the construction and maintenance of the work;

(b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village or township having a population of more than 2,500, a sum equal to 90 per cent of the cost of the construction and maintenance of the work; and

(c) where the highway is in a city or separated town, a sum equal to 75 per cent of the cost of the construction of the work. 1962-63, c. 55, s. 4 (6); 1967, c. 34, s. 1 (3).

(8) For the purposes of an agreement entered into under subsection 3 or 4, the owners' share of the cost of local improvements shall not be included in the cost of the work without the consent of the Minister, nor may any other contribution received from any source be so included without the consent of the Minister. R.S.O. 1960, c. 171, s. 22 (9).

(9) A highway does not, by reason of its having been constructed or maintained under this section, become the property of the Crown, but every such highway remains under the jurisdiction and control of the city, town, village, township or county, as the case may be. R.S.O. 1960, c. 171, s. 22 (10); 1962-63, c. 55, s. 4 (7).
20. The Minister and any municipality, including a district, metropolitan or regional municipality, may enter into an agreement for the preparation of a report on the whole or any part of the transportation system required to meet the needs of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report. 1970, c. 107, s. 3.

21.—(1) The Minister and a municipality in which a part of the King's Highway is situate or an owner of land adjoining a part of the King's Highway may enter into an agreement for the construction of a roadway of a greater width or with different specifications than those for the remainder of the roadway, and the Department may construct the roadway accordingly.

(2) The additional cost entailed under such an agreement to be borne by a municipality may be raised by a special tax or by the issue of debentures under The Local Improvement Act or The Municipal Act, and debentures issued under either Act shall be payable within a period not exceeding twenty years from the date of the debentures, but it is not necessary to obtain the assent of the electors to any by-law for the issue of such debentures under The Municipal Act or to observe any of the provisions of The Local Improvement Act with respect to the undertaking of works as local improvements. R.S.O. 1960, c. 171, s. 24.

22.—(1) Where the Minister or a person authorized by him considers it advisable to change the grade or make other alterations upon a highway intersecting or affording access to the King's Highway or giving access to private property, the cost of the changes so made shall be deemed to be part of the cost of the construction of the King's Highway. R.S.O. 1960, c. 171, s. 25 (1).

(2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the approval of the Lieutenant Governor in Council, and a by-law passed for any of such purposes does not take effect until it has been approved by the Lieutenant Governor in Council. 1970, c. 107, s. 4.

23.—(1) The Minister or a person authorized by him may initiate and carry out proceedings under any Act for the purpose of procuring proper drainage for the King's Highway, and the Minister or such authorized person has authority to file notices and declarations as owner with the clerk of the local municipality or municipalities, or may receive notices where any other person is the initiating party, in accordance with the procedure prescribed in the Act, but no drainage works shall be constructed upon the King's Highway under any Act without the consent of the Minister or such authorized person.
(2) The Minister may from time to time designate one or more engineers of the Department to be the engineer or engineers authorized to carry out the provisions of any Act for the purpose of procuring proper drainage for the King's Highway or other property under the control of the Department, and every engineer so designated has for such purpose all the powers and shall perform all the duties on behalf of the Department required of an engineer appointed by a municipality. R.S.O. 1960, c. 171, s. 26.

24.—(1) The Minister may construct, maintain and operate such works as he considers necessary or expedient for the purposes of this Part, including rest, service and other areas for the use of persons using the highway, and he and any person, including a municipality or local board thereof, may enter into agreements with respect to the construction, maintenance or operation of any of such works.

(2) The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of any rest, service or other area or any class or classes thereof constructed, maintained or operated under subsection 1, but no such regulation shall affect the operation of any agreement entered into by the Crown as represented by the Minister with respect to a service area except to the extent that the other party to the agreement consents thereto.

(3) Every person who contravenes any provision of a regulation made under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $50.

(4) The Minister and any municipality may enter into agreements for the construction, maintenance or operation of any part of the King’s Highway located within the municipality to a higher standard than the Minister considers necessary or expedient for the purposes of this Part. 1967, c. 34, s. 2.

25.—(1) While a work authorized by this Part is in progress, the Minister or a person authorized by him may close to traffic the King’s Highway on which the work is being done for such time as the Minister or such person, as the case may be, considers necessary.

(2) While the King’s Highway is so closed to traffic, the Department shall provide and keep in repair an alternative route for traffic and for property owners who cannot obtain access to their property by reason of such closing, or the Minister and a municipality may enter into an agreement for that purpose or the Minister may make a grant to a municipality for that purpose, and any such expenditure or grant shall be apportioned as a part of the cost of the work in progress on the King’s Highway by reason of which the alternative route is necessary. R.S.O. 1960, c. 171, s. 28 (1, 2).
(3) While the King’s Highway is so closed to traffic, the Minister or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from it, a barricade upon which a red or a flashing amber light visible for a distance of 500 feet shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic. 1964, c. 37, s. 1.

(4) Every person using the King’s Highway closed to traffic in accordance with this section does so at his own risk and the Crown is not liable for any damage sustained by a person using the King’s Highway so closed to traffic.

(5) Every person who without lawful authority uses the King’s Highway so closed to traffic while it is protected in accordance with subsection 3, or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than $50 and is also liable to the Crown for any damage or injury occasioned by such wrongful use, removal or defacement. R.S.O. 1960, c. 171, s. 28 (4, 5).

26.—(1) The Lieutenant Governor in Council may direct that any part of the King’s Highway or any part of any other highway that is under the jurisdiction and control of the Department may be closed.

(2) The Lieutenant Governor in Council may direct that any part of the King’s Highway or any part of any other highway that is under the jurisdiction and control of the Department shall revert to the road authority previously responsible for its maintenance or be transferred to the municipality within which it is situate, and it vests in and is under the jurisdiction and control of the road authority to which it so reverts or the municipality to which it is so transferred on and after the day named by the Lieutenant Governor in Council.

(3) Where the Lieutenant Governor in Council directs the reversion or transfer of a highway under subsection 2, any designation of the highway as the King’s Highway or as a secondary highway is revoked on the day named by the Lieutenant Governor in Council under subsection 2. R.S.O. 1960, c. 171, s. 29.

27.—(1) The Department may plant trees upon the King’s Highway and the cost thereof shall be part of the cost of its maintenance.

(2) No person, including a municipality and a local board thereof, shall injure, destroy, cut or prune any tree within the
limits of the King's Highway without first obtaining the consent in writing of the Minister or a person authorized by him.

(3) Every person who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 per tree and not more than $100 per tree and is also liable for any damage occasioned by the injuring, destroying, cutting or pruning.

(4) The Department may pay an amount not exceeding 75 cents for each elm, maple or other tree of a species approved by the Department planted on land adjoining the King's Highway in accordance with the conditions of a permit issued therefor by the Minister.

(5) The amounts paid under subsection 4 are chargeable to the moneys appropriated therefor by the Legislature and are payable upon a certificate of an engineer of the Department giving the name of the person entitled, the number of trees of each species planted and the amount to which the person is entitled and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form and were planted in accordance with the conditions of the permit granted therefor by the Minister.

(6) The Minister may agree with the owner of property adjoining the King's Highway with respect to the moving, removal or construction of a wire or other type of fence along the King's Highway and may pay the owner therefor.

(7) Subject to the payment of such compensation as is agreed upon or as is determined in the manner provided by section 12, the Minister may direct the owner of any tree, shrub, bush, hedge, fence, signboard, gasoline pump, building or other object growing or standing on lands adjacent to the King's Highway to remove it where in his opinion the safety or convenience of the travelling public so requires or where in his opinion it might cause the drifting or accumulation of snow or be injurious to the highway. R.S.O. 1960, c. 171, s. 30.

(8) The Minister or any person authorized by him may enter upon any land adjacent to the King's Highway without the consent of the owner and may erect and maintain snow fences thereon subject to payment for such damage as is suffered by the owner of the land so entered upon, and the amount thereof, if not agreed upon, shall be determined in the manner provided by section 12.

(9) Any person who hinders or interferes with the erection of snow fences under subsection 8, or who, without lawful authority, takes down, removes or otherwise interferes with snow fences that have been erected under that subsection, is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50. 1965, c. 45, s. 1.
28.-(1) Notwithstanding anything in any general or special Act, no person, including a municipality and a local board thereof, 

(a) shall obstruct or deposit material on or take up or in any way interfere with the King's Highway; or 

(b) shall construct any private road, entranceway, gate or other structure or facility as a means of access to the King's Highway, other than a controlled-access highway, 

except in accordance with the conditions of a permit issued therefor by the Minister.

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $1,000. R.S.O. 1960, c. 171, s. 31.

29.—(1) The Minister may make regulations prohibiting or regulating the use of the King's Highway by any class of vehicles or animals and may impose penalties for contravention thereof, but no such regulation has any force or effect until approved by the Lieutenant Governor in Council after notice to any municipality affected thereby.

(2) Every person who, being the owner or having the care, custody or control of horses, cattle, swine, sheep or goats, suffers or permits them or any of them to run at large within the limits of the King's Highway is guilty of an offence and on summary conviction is liable to a fine of not more than $5 for every such animal found at large upon the highway, but this section does not create any civil liability on the part of the owner of the animal for damage caused to the property of others as a result of the animal running at large within the limits of the King's Highway. R.S.O. 1960, c. 171, s. 32.

30.—(1) The King's Highway shall be maintained and kept in repair by the Department and any municipality in which any part of the King's Highway is situate is relieved from any liability therefor, but this does not apply to any sidewalk or municipal undertaking or work constructed or in course of construction by a municipality or which a municipality may lawfully do or construct upon the highway, and the municipality is liable for want of repair of the sidewalk, municipal undertaking or work, whether the want of repair is the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the municipality.

(2) In case of default by the Department to keep the King's Highway in repair, the Crown is liable for all damage sustained by any person by reason of the default, and the amount recoverable by a person by reason of the default may be agreed upon with the Minister before or after the commencement of an action for the recovery of damages.
(3) No action shall be brought against the Crown for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier adjacent to or in, along or upon the King's Highway or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the King's Highway that is not on the roadway.

(4) No action shall be brought for the recovery of the damages mentioned in subsection 2 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered letter to the Minister within ten days after the happening of the injury, but the failure to give or the insufficiency of the notice is not a bar to the action if the judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the Crown is not thereby prejudiced in its defence.

(5) No action shall be brought against the Crown for the recovery of damages occasioned by the default mentioned in subsection 2, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time the damage was sustained.

(6) All damages and costs recovered under this section and any amount payable as the result of an agreement in settlement of a claim for damages and costs that has been approved of in writing by counsel is payable in the same manner as in the case of a judgment recovered against the Crown in any other action.  

(7) In an action against the Crown under this section, the defendant shall be described as "Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario", and it is not necessary to proceed by petition of right or to procure the fiat of the Lieutenant Governor or the consent of the Minister of Justice and Attorney General before commencing the action, but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of Her Majesty against another subject.

(8) Notwithstanding any general or special Act, in an action against the Crown under this section, the defendant may set up by way of counterclaim any right or claim, whether the right or claim sounds in damages or not, and may claim contribution or indemnity from or any other relief over against any person not a party to the action, and every such counterclaim and claim may be instituted and carried on and judgment may be given as if such counterclaim or claim was made by a subject of Her Majesty against another subject.
(9) An action against the Crown under this section shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which the default occurred.

(10) The liability imposed by this section does not extend to a case in which a municipality having jurisdiction and control over the highway would not have been liable for the damage sustained. R.S.O. 1960, c. 171, s. 33 (8-10).

31.—(1) In this section, “centre point of an intersection” is the point where the centre line of the through part of the King’s Highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the King’s Highway.

(2) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefrom from the Minister,

(a) place, erect or alter any building, fence, gasoline pump or other structure or any road within 150 feet of any limit of the King’s Highway or within 600 feet of the centre point of an intersection;

(b) place any tree, shrub or hedge within 150 feet of any limit of the King’s Highway or within 600 feet of the centre point of an intersection;

(c) display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of the King’s Highway; or

(d) use any land, any part of which lies within one-half mile of any limit of the King’s Highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers.

(3) No person shall authorize or permit any act prohibited by subsection 2.

(4) The Minister may order that subsection 2 or such clauses thereof as he specifies do not apply within the limits of any city, town or village or such parts thereof as he specifies.

(5) The Minister may give notice to the owner of any land requiring him,

(a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure or any road, tree, shrub or hedge placed, erected or altered; or
(b) to remove therefrom or alter thereon any sign, notice or advertising device displayed, in contravention of subsection 2.

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter and in the case of service by registered letter shall be deemed to have been received on the second day following its mailing.

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, sign, notice or advertising device as required by the notice.

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $100 for a first offence and not less than $50 and not more than $500 for any subsequent offence.

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation to the owner of the land if the building, fence, gasoline pump or other structure or a road, tree, shrub, hedge, sign, notice or advertising device was placed, erected or altered, as the case may be,

(a) before the 24th day of March, 1950, and in compliance with The Highway Improvement Act, being chapter 56 of the Revised Statutes of Ontario, 1937, and the regulations thereunder; or

(b) before the day on which the King's Highway was so designated and in compliance with The Highway Improvement Act that was in force on that day; or

(c) in compliance with a permit therefor, in which case the making of compensation is subject to the provisions of the permit.

(10) Every claim for such compensation shall be determined in accordance with subsections 2 to 5 of section 12.

(11) The Minister may issue permits under this section in such form and upon such terms and conditions as he considers proper, and may in his discretion cancel any such permit at any time.

(12) The Minister may prescribe the fee to be paid for any permit or class of permit under this section. R.S.O. 1960, c. 171, s. 34.
32.—(1) In this section, “intersection” means the part of the King’s Highway contained within the prolongation or connection of the boundary lines of a private road that crosses the King’s Highway.

(2) The Lieutenant Governor in Council may make regulations designating provisions of The Highway Traffic Act or the regulations thereunder that shall not apply in intersections in territory without municipal organization. R.S.O. 1960, c. 171, s. 35.

PART II
CONTROLLED-ACCESS HIGHWAYS

33. The Lieutenant Governor in Council may designate any part of the King’s Highway as a controlled-access highway. R.S.O. 1960, c. 171, s. 36.

34.—(1) In this section, “road” includes an unopened road allowance.

(2) Subject to the approval of the Board, the Minister may close any road, other than a highway that is under the jurisdiction and control of the Department, that intersects or runs into a controlled-access highway.

(3) The Board may direct that notice of an 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, including municipalities and local boards thereof, as the Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be filed with the Board and the Minister within such time as the Board directs.

(4) Upon the hearing of the application, the Board may make an order refusing its approval or granting its approval upon such terms and conditions as it considers proper.

(5) The Minister or a person, including a municipality or local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that court from any order made under subsection 4, and subsections 4 and 5 of section 12 apply mutatis mutandis thereto. R.S.O. 1960, c. 171, s. 37 (1-5).

(6) Any road heretofore or hereafter closed under this section by the Minister in accordance with the approval of the Board by the placing or erecting of a fence, barricade or other work on the limit of a controlled-access highway shall be deemed to have been thereby legally closed. 1968, c. 49, s. 2.
35.—(1) In this section, “centre point of an intersection” is the point where the centre line of the through part or parts of a controlled-access highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the controlled-access highway.

(2) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister, place, erect or alter any building, fence, gasoline pump or other structure or any road within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;

place any tree, shrub or hedge within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;

sell, offer or expose for sale any vegetables, fruit or other produce or any goods or merchandise upon or within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;

place, erect or alter any power line, pole line or other transmission line within one-quarter mile of any limit of a controlled-access highway;

display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of a controlled-access highway;

use any land, any part of which lies within one-half mile of any limit of a controlled-access highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers; or

construct or use any private road, entranceway, gate or other structure or facility as a means of access to a controlled-access highway.

(3) No person shall authorize or permit any act prohibited by subsection 2.

(4) The Minister may order that subsection 2 or such clauses thereof as he specifies do not apply within the limits of any city, town or village or such parts thereof as he specifies.

(5) The Minister may give notice to the owner of any land requiring him,
(a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line placed, erected or altered; or
(b) to remove therefrom or alter thereon any sign, notice or advertising device displayed; or
(c) to close up any private road, entranceway, gate or other structure or facility constructed or maintained as a means of access to a controlled-access highway,
in contravention of subsection 2.

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter, and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof.

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, or to close up the private road, entranceway, gate or other structure or facility as required by the notice.

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary 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 any subsequent offence.

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation to the owner of the land if the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, private road, entranceway, gate or other structure or facility was placed, erected, altered, constructed or used, as the case may be,

(a) before the 24th day of March, 1950, and in compliance with The Highway Improvement Act, being chapter 56 of the Revised Statutes of Ontario, 1937, and the regulations thereunder; or
(b) before the day on which the controlled-access highway was so designated and in compliance with The Highway Improvement Act that was in force on that day; or
(c) in compliance with a permit therefor, in which case the making of compensation is subject to the provisions of the permit.
(10) Every claim for such compensation shall be determined in accordance with subsections 2 to 5 of section 12.

(11) The Minister may issue permits under this section in such form and upon such terms and conditions as he considers proper and may in his discretion cancel any such permit at any time.

(12) The Minister may prescribe the fee to be paid for any permit or class of permit under this section. R.S.O. 1960, c. 171, s. 38.

36. The Minister and any municipality may enter into agreements for the establishment, construction and apportionment of the cost of roads within the municipality for the purpose of providing means of access to a controlled-access highway at a point where access is permitted. R.S.O. 1960, c. 171, s. 40.

PART III
SECONDARY HIGHWAYS

37. The Lieutenant Governor in Council may designate any highway as a secondary highway and thereupon Part I and all the other provisions of this Act and the regulations that apply to the King's Highway apply *mutatis mutandis* to such secondary highway. R.S.O. 1960, c. 171, s. 41.

PART IV
TERTIARY ROADS

38.—(1) The Lieutenant Governor in Council may designate an existing road that is in whole or in part in territory without municipal organization as a tertiary road, and thereupon the provisions of this Act and the regulations that apply to the King's Highway, except sections 30 and 31, apply *mutatis mutandis* to such tertiary road. R.S.O. 1960, c. 171, s. 42 (1); 1964, c. 37, s. 2.

(2) Subject to subsections 4 and 5, a tertiary road shall be maintained by the Department, but such maintenance does not include the clearing or removal of snow therefrom or the application of chemicals or abrasives to the icy surfaces thereof. R.S.O. 1960, c. 171, p. 42 (2); 1965, c. 45, s. 2.

(3) No action shall be brought against the Crown for damages caused by the default of the Department in maintaining a tertiary road, and the Crown is not liable for any damage sustained by any person using a tertiary road.

(4) The Minister may enter into an agreement with any person for the removal of snow from a tertiary road or the application of chemicals or abrasives to the ice surfaces thereof, and the
agreement shall provide that not more than 50 per cent of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 171, s. 42 (3, 4).

(5) Where the Minister considers it desirable that persons who own land in territory without municipal organization in which a tertiary road is situate should establish a local roads area and maintain it under The Local Roads Boards Act or elect road commissioners and maintain it under The Statute Labour Act or become incorporated under The Municipal Act or otherwise contribute to its maintenance, it shall not be maintained by the Department unless the interested persons enter into an agreement with the Minister for such maintenance, and the agreement shall provide that not more than 50 per cent of the cost of the work shall be paid out of moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 171, s. 42 (5); 1968, c. 49, s. 3.

PART V

RESOURCE ROADS

39.—(1) The Lieutenant Governor in Council may designate a tertiary road as a resource road.

(2) Sections 53, 64, 65, 66, 67 and 70 of The Highway Traffic Act do not apply to a resource road or to vehicles operated upon a resource road, as the case may be. R.S.O. 1960, c. 171, s. 43.

PART VI

INDUSTRIAL ROADS

40.—(1) The Minister may designate as an industrial road a private road that he considers necessary for the development or operation of the lumbering, pulp or mining industry but which in his opinion should also be used by the public for road purposes other than those of the industry.

(2) The Minister and the owner of an industrial road may enter into an agreement for the maintenance of the industrial road by the owner, and as long as the owner permits the public to use the industrial road the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost of maintenance as he considers requisite.

(3) Notwithstanding any other Act, an industrial road remains a private road under the jurisdiction and control of the owner, but subject to the use of the public as described in subsections 1 and 2. R.S.O. 1960, c. 171, s. 44.
PART VII
COUNTY ROADS

41.—(1) A county may by by-law adopt a plan of county road construction and maintenance and establish a county road system by designating the roads in any municipality in the county that are to form the system and may include in the system such boundary-line roads between the county and any other county or between the county and a city or separated town as are agreed upon by the municipalities interested.

(2) The by-law shall provide for the levying of a general annual rate upon all the municipalities in the county not separated therefrom for municipal purposes unless the Minister is of opinion that on account of the remoteness of a municipality from the roads in the county road system it is inequitable that the rate should be levied in such municipality, in which case the by-law shall exempt such municipality accordingly, but the representatives or representatives in the county council of a municipality so exempt shall not vote upon a by-law passed under this Part, and for the purposes of section 45 the equalized assessment of a municipality so exempt shall not be included in ascertaining the total equalized assessment of the county.

(3) All moneys raised under the by-law shall be applied in the construction and maintenance of roads in the county road system and to any expenditure properly chargeable to the county road system under this Part. R.S.O. 1960, c. 171, s. 45 (1-3).

(4) Where a county acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system, and subsection 7 does not apply thereto. 1962-63, c. 55, s. 6.

(5) A county may, by by-law, amend a by-law passed under this section in any manner, including the addition of roads to, or the removal of roads from, the county road system.

(6) A county may by by-law consolidate the by-law establishing its county road system and all by-laws amending such by-law, and may from time to time by by-law consolidate any such consolidating by-law and all by-laws amending such consolidating by-law.

(7) 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 is not necessary for the county to pass any further by-law amending the original by-law or repealing any part
(8) Every road that forms part of a county road system vests in the county and is under the jurisdiction and control of the county on and after the day on which the by-law designating the road is approved by the Lieutenant Governor in Council.

(9) Every road that is removed from a county road system vests in the local municipality in which it is situate and is under the jurisdiction and control of that municipality on and after the day on which the by-law removing the road is approved by the Lieutenant Governor in Council.

(10) Where the Minister is of opinion that a road that forms part of a county road system is not of sufficient importance to be constructed and maintained as part of the system, the Lieutenant Governor in Council may revoke the approval of the designation of the road as part of the system, and the road thereupon vests in the local municipality in which it is situate. R.S.O. 1960, c. 171, s. 45 (4-9).

42.—(1) Where a county road system is established under this Part, the county council shall appoint by by-law three or five persons who are residents of the county, but who need not be members of the council, who shall constitute a committee to direct the work to be done on the county road system.

(2) Where the committee consists of three members, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of three years, and where the committee consists of five members, one member shall be appointed and hold office for a term of five years, one member shall be appointed and hold office for a term of four years, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of five years.

(3) A member of the committee is eligible for reappointment upon the expiry of his term of office.

(4) A member of the committee may be removed by a vote of two-thirds of the members of the county council present and voting thereon at a regular meeting of the council.

(5) Where a member of the committee is so removed or dies or resigns his office, the county council may appoint some other
person to fill the vacancy for the remainder of the term for which the person so removed, dying or resigning was appointed.

(6) The warden of the county for the time being is *ex officio* a member of the committee and may sit and vote thereon.

(7) Where a county road system is established under this Part in a county in which a suburban roads commission has been appointed, the county may by by-law provide that the members from time to time of the suburban roads commission constitute the committee to direct the work to be done on the county road system and in such case this section does not apply. R.S.O. 1960, c. 171, s. 46.

43.—(1) Where a county road system is established under this Part, the county shall by by-law appoint a county road superintendent who shall be a professional engineer registered as a civil engineer under *The Professional Engineers Act*.

(2) The county road superintendent shall, under the direction of the county road committee, administer and manage the county road system.

(3) Where a vacancy occurs in the office of county road superintendent, the county shall appoint another qualified person to the office.

(4) A copy of every by-law appointing a county road superintendent or dealing with his salary and allowance shall be transmitted to the Minister within thirty days of the passing thereof and has no force or effect until approved in writing by the Minister, and when so approved shall not be repealed or amended without the approval in writing of the Minister.

(5) Notwithstanding *The Municipal Act*, no member of the county council and no member of the council of a local municipality in the county shall be appointed or act as county road superintendent or be employed by the county road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention. R.S.O. 1960, c. 171, s. 47.

44. The disbursement of all moneys pertaining to the county road system shall be made by the county treasurer only on the certificate of the county road superintendent approved by the county road committee as certified under the hand of the chairman thereof. R.S.O. 1960, c. 171, s. 48.

45.—(1) Subject to subsection 2, a county may, without the assent of the electors, pass by-laws to raise by debentures payable in not more than twenty years in the manner provided by *The
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*Municipal Act* such sums as may be necessary to meet the actual expenditure for the construction of roads under this Part.

(2) Where a county has paid over moneys raised on sinking fund account to the treasurer of Ontario under section 315 of The Municipal Act, being chapter 249 of the Revised Statutes of Ontario, 1960, the amount to be raised for the construction of roads under subsection 1 may be a sum not exceeding the total amount so in the hands of the Treasurer of Ontario with 5 per cent of the equalized assessment of the county added thereto.

(3) A county may agree with a chartered bank or loan or trust corporation or with any person for temporary advances to meet the cost of construction of roads under this Part, but the total of such temporary advances shall not exceed in any one year the amount to be provided by the county together with the proportion of aid to be received from the Province, and the amount receivable from cities and towns as contributions on account of suburban roads under Part VIII, and the county may pass by-laws to raise by debentures in the same manner as provided in subsection 1 such sums as may be necessary to repay such temporary advances. R.S.O. 1960, c. 171, s. 49.

46.—(1) Every county that has established a county road system shall submit to the Minister for his approval a by-law covering the estimated expenditure on roads for the calendar year not later than the 31st day of March of the year in which the expenditure is to be made, and such by-law shall include expenditures to be made by any suburban roads commission in the county. R.S.O. 1960, c. 171, s. 50 (1).

(2) A county may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on roads supplementing the by-law submitted under subsection 1. R.S.O. 1960, c. 171, s. 50 (2); 1962-63, c. 55, s. 7.

(3) No subsidy shall be granted to a county for work undertaken by the county that has not been provided for by a by-law approved by the Minister. R.S.O. 1960, c. 171, s. 50 (3).

47.—(1) Where a plan of road construction and maintenance under this Part is being carried out, the county shall annually, and may with the consent of the Minister at any time during the progress of the work, submit to the Minister,

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the county road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
(c) a declaration of the county treasurer that the statement of receipts and expenditures is correct; and

(d) a petition for the payment of the grant authorized by resolution of the council, or in the case of an interim statement, by resolution of the county road committee.

(2) Upon receipt of the statement, declarations and petition, the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1960, c. 171, s. 51 (1, 2).

(3) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1962-63, c. 55, s. 8 (1).

(4) Notwithstanding subsection 1 but subject to section 46, the Minister may, in his discretion, direct payment to the county treasurer under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years. 1962-63, c. 55, s. 8 (2).

48. The roads forming part of a county road system shall be maintained and kept in repair by the county, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement under this Act, and his decision is final. R.S.O. 1960, c. 171, s. 52.

49. Every road constructed or maintained as part of a county road system shall be constructed and maintained in accordance with the requirements of the Minister. R.S.O. 1960, c. 171, s. 53.

50. Expenditure for which a county may be entitled to aid to county roads under this Act may include the maintenance by the county of a ferry service that forms a connecting link of a county road system or forms a link between the county road systems of adjacent counties, and may also include the cost of purchasing,
establishing and equipping such ferry service, but when so aided, the equipment, service and tolls therefor are subject to the approval of the Minister. R.S.O. 1960, c. 171, s. 54.

51.—(1) Where under The Municipal Act a county has jurisdiction over a bridge that is more than twenty feet in span and the bridge is not in the county road system, the expenditure involved in constructing and maintaining the bridge under the supervision of the county road superintendent in accordance with plans approved by an officer of the Department designated by the Minister shall be deemed to form part of the expenditure in carrying out the plan of county road construction and maintenance, and debentures issued by a county after the 8th day of April, 1926, for the construction of any such bridge are legal, valid and binding upon the county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with The Municipal Act.

(2) The Minister may direct the payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent of the cost of constructing and maintaining any such bridge more than twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister.

(3) A county may by by-law provide that jurisdiction over every bridge of twenty feet or less in span that is not included in the county road system shall be transferred to the local municipality or municipalities in which it is situate, and thereupon all the rights, liabilities and obligations of the county with respect to such bridge are transferred to and vested in and imposed upon such local municipality or municipalities.

(4) A county, with the approval of the Lieutenant Governor in Council, may by by-law provide for the closing of any bridge over which the county has jurisdiction under The Municipal Act or the substitution therefor of any other structure and for that purpose may exercise as to such bridge or other structure and the approaches thereto all the powers of a county as to roads and bridges in a county road system. R.S.O. 1960, c. 171, s. 55.

52. Where a county road intersects a road that is not a county road, the continuation of the county road to its full width across the road so intersected is a part of the county road system, except in the case of an intersection by a county road of the King's Highway, in which case section 18 applies. R.S.O. 1960, c. 171, s. 56.

53. A county is not liable for the construction or maintenance of sidewalks on any road in its county road system. R.S.O. 1960, c. 171, s. 57.
54. Where a county road leading or adjacent to a city or separated town is or is to be improved or requires or will require the expenditure of a greater amount for maintenance to meet in any such case the requirements of increased, heavy or other extraordinary traffic to or from the city or separated town beyond the requirements which, but for the existence of the city or separated town, would be deemed those of a standard road for the locality, the city or separated town by by-law passed with the assent of at least two-thirds of the members of the council thereof may agree with the county to contribute such additional cost, or a proper proportion of the cost, or that the amount of the contribution of the city or separated town shall be determined by arbitration under The Municipal Act, and may, without the assent of the electors, provide by by-law for the issue of debentures payable in not more than twenty years from the date of the issue thereof to raise the amount agreed upon or awarded, or may agree with the county for the payment of such amounts in annual instalments to be raised by an annual special rate upon the rateable property in the city or separated town. R.S.O. 1960, c. 171, s. 58.

55.—(1) A local municipality that is not separated from the county and the county or the suburban roads commission may enter into an agreement in writing providing for the construction, widening or maintenance of the whole or any part of any county or suburban road in the local municipality, or for the construction or maintenance of special works along or across such road.

(2) The agreement shall specify the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work, but no work shall be done until the agreement has been approved in writing by the Minister.

(3) Where the agreement provides that the land required for the widening of the road is to be acquired by the local municipality, the local municipality, notwithstanding section 398 of The Municipal Act, may pass by-laws for widening the road and acquiring by purchase or otherwise or expropriating such land, and the provisions of The Municipal Act as to the acquiring, occupying and taking of land for municipal purposes apply to the acquiring, occupying or taking of land under any such by-law.

(4) The local municipality shall convey the land so acquired to the county, and thereupon the land becomes a part of the road and is included in the county road system and, where the road has been designated and approved as a suburban road under Part VIII, the land becomes part of the suburban road.

(5) The agreement shall provide the proportion or proportions in which the cost of the work or parts thereof is or are to be borne by the respective parties, but need not require that the cost of all
parts be shared or that the cost sharing of various parts of the work be in the same proportion, provided that the local municipality shall be responsible for the entire cost of,

(a) installing sanitary sewers except to the extent that they replace existing facilities;

(b) maintaining sanitary sewers;

(c) extra capacity in storm sewers required for drainage from land other than land within the right-of-way of the road or the road as widened and which was not accommodated on the road prior to the agreement; and

(d) maintaining sidewalks.

(6) Where the local municipality and the county or the suburban roads commission are unable to agree upon a term or condition of an agreement authorized by this section or where either the local municipality and the county or the suburban roads commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into, and such agreement may be enforced in the same manner as an agreement executed by the local municipality and by the county or the suburban roads commission.

(7) The local municipality may pass by-laws to raise by debentures such sum as may be necessary to meet its share of the cost under an agreement entered into under this section, and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by The Municipal Act, or such share may be assessed under The Local Improvement Act according to the report of an engineer.

(8) Where the Minister has approved an agreement under this section, there may be included in the statement of expenditures on roads under the jurisdiction of the local municipality, submitted to the Minister under this Act for the purpose of determining the grant payable to the local municipality out of moneys appropriated therefor by the Legislature, those costs incurred by the local municipality under the agreement that, if incurred by the local municipality in respect of roads under its jurisdiction and control, could be included in such statement.

(9) Where the agreement provides that the pavement or a part thereof is to be maintained and kept in repair by the local municipality and the local municipality makes default in so doing and the county or the suburban roads commission becomes liable under section 427 of The Municipal Act for damage suffered by or occasioned to any person in consequence of such default, the county or the suburban roads commission is entitled to the remedy over against the local municipality provided for by section 434 of The Municipal Act. 1967, c. 34, s. 3.
56.—(1) Where a road in an urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads in the county road system, the county shall enter into an agreement in writing with the urban municipality for the maintenance of such road, and, if it is in the public interest that such road be constructed, for the construction thereof.

(2) Where the county and the urban municipality are unable to agree whether it is in the public interest that such road be constructed, the Minister shall decide the issue and his decision is final.

(3) Where a county and an urban municipality are unable to agree upon a term or condition or the form of an agreement required to be entered into under subsection 1 or where either refuses to enter into such an agreement, the Minister may prescribe the terms, conditions or form thereof, or all of them, or may require such an agreement to be entered into, and such agreement may be enforced in the same manner as an agreement executed by the county and the urban municipality.

(4) The agreement has not force or effect until approved in writing by the Minister.

(5) The agreement shall specify the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work.

(6) In the case of the construction of a pavement twenty-two feet or less in width, the agreement shall provide that the county is to pay the total cost of such construction.

(7) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such construction that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement twenty-two feet in width bears to the total area of such pavement or such approximation to that proportion as is agreed upon.

(8) Where there is an existing pavement twenty-two feet or less in width and the urban municipality desires to widen it, the agreement shall provide that the county is to pay that part of the total cost of constructing the additional width of pavement that bears the same proportion to such total cost as the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet bears to the total area of such additional width of pavement or such approximation to that proportion as is agreed upon.
(9) The total cost mentioned in subsections 6, 7 and 8 includes the cost of any necessary grading, shouldering, under-drainage or base construction, but does not include the cost of the construction of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the urban municipality.

(10) In the case of the maintenance of a pavement or roadway twenty-two feet or less in width, the agreement shall provide that the county is to pay the total cost of such maintenance.

(11) In the case of the maintenance of a pavement or roadway more than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such maintenance that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement or roadway twenty-two feet in width bears to the total area of such pavement or roadway or such approximation to that proportion as is agreed upon. R.S.O. 1960, c. 171, s. 60 (1-11).

(12) The total cost mentioned in subsections 10 and 11 includes the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but does not include the cost of the maintenance of curbs, gutters, catch basins, sanitary sewers or drains or any other special work, all of which cost shall be borne by the urban municipality. R.S.O. 1960, c. 171, s. 60 (12); 1962-63, c. 55, s. 10 (1).

(13) Where a part of the pavement or roadway is occupied by the track allowance of a street railway, then for the purposes of an agreement under this section such track allowance shall be deemed not to form part of the pavement or roadway, and, in determining the cost of construction or maintenance that is to be borne by the respective parties, the cost of constructing or maintaining such track allowance, including the pavement thereof, shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area of the pavement or roadway.

(14) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway that is borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may, for the purpose of determining the grant payable to the county out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the county under this Part. R.S.O. 1960, c. 171, s. 60 (13, 14).

(15) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway, including the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement
that is borne by the urban municipality under the agreement, may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part X, but the cost of constructing or maintaining any sanitary sewer or drain shall not be included in such statement. R.S.O. 1960, c. 171, s. 60 (15); 1962-63, c. 55, s. 10 (2).

(16) In the case of the construction or maintenance of a culvert or bridge on, over or across which the roadway passes and which is under the jurisdiction and control of the urban municipality, the agreement shall provide that the cost of such construction or maintenance, exclusive of any part thereof that is incurred to provide for sidewalks or for the track allowance of a street railway, is to be borne 50 per cent by the county and 50 per cent by the urban municipality.

(17) The part of the cost of the construction or maintenance of such culvert or bridge that is to be borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under Part X, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent thereof.

(18) The part of the cost of the construction or maintenance of such culvert or bridge that is to be borne by the urban municipality may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part X.

(19) A road that is constructed or maintained under this section remains under the jurisdiction and control of the urban municipality and it may pass by-laws to raise by debentures such sums as may be necessary to meet its share of the cost of construction and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by The Municipal Act, or such share may be assessed under The Local Improvement Act according to the report of an engineer. R.S.O. 1960, c. 171, s. 60 (16-19).

57.—(1) In addition to the amount that the county may expend in any year on county roads in an urban municipality not separated from the county either directly or pursuant to an agreement under section 55 and on county road extensions or connecting links in such urban municipality pursuant to an agreement under section 56, the county shall in the same year make a contribution towards the construction and maintenance of other roads in such urban municipality.
(2) Such contribution may be in the form of work carried out by the county at the request of the urban municipality that is properly chargeable to road improvement under Part X, or in the form of a cash payment towards work carried out by the urban municipality under Part X, or a combination of such forms.

(3) Such contribution shall not be less in total value than 25 per cent or more in total value than 50 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 41, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part X and actually performed on such other roads in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed.

(4) Where in any year such contribution or a part thereof is to take the form of a cash payment, the urban municipality shall, not later than the 15th day of November in that year, submit to the county road superintendent a certified statement showing in detail the location, nature and extent of the work done on such other roads by the urban municipality and the actual expenditures made thereon, and the county shall pay the amount of the contribution remaining due to the urban municipality under this section on or before the 31st day of December in the same year.

(5) The contribution made by the county under this section shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Part, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent thereof.

(6) An agreement for the construction of a county road extension or connecting link under section 56 may provide that the county is to be relieved of its obligation to pay any contribution under this section so long as the amount expended by the county under the agreement is greater than the amount that would have been paid by it from year to year under this section, and in that case this section does not apply. R.S.O. 1960, c. 171, s. 61.

58.—(1) Sections 436 and 438 of The Municipal Act do not apply to a bridge or road crossing or forming a boundary line between counties or between a county and a city or separated town, where the county in the latter case, or one or more of such counties in the former case, have adopted a plan of county road construction and maintenance under this Part, and the plan includes such bridge or road.
Disputes as to county boundary lines and bridges

(2) Where there is a difference between two or more municipalities in respect of any such bridge or road as to the municipality upon which the obligation rests, as to the construction and maintenance of the bridge or road or as to the proportions in which the municipalities should respectively contribute thereto, or where two or more municipalities are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or road, every such difference shall be determined by the Board upon an application by any municipality interested in such bridge or road.

Hearing

(3) The 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 interested, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or road, and the Board may make such order as it considers just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the construction and maintenance of such bridge or road.

Duration of order

(4) An order of the Board under this section is binding upon all the municipalities interested for such period as the Board determines. R.S.O. 1960, c. 171, s. 62.

Powers of county over roads assumed

59. A county has, in respect of the roads included in the county road system, all the rights, powers, benefits and advantages conferred either by by-law or agreement or otherwise upon the local municipality or local municipalities that had jurisdiction over the roads before they were included in the county road system, and the county may sue thereon in the same manner and to the same extent as the local municipality or municipalities might have done if the roads had not been included in the county road system. R.S.O. 1960, c. 171, s. 63.

60.-(1) A county in which a county road system has been established has, with respect to land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on a local municipality by section 35 of The Planning Act.

(2) In the event of conflict between a by-law passed under subsection 1 or a predecessor thereof by a county and a by-law passed under section 35 of The Planning Act or a predecessor thereof by the local municipality in which the land is situate, the by-law of the county prevails to the extent of such conflict, but in all other respects the by-law passed by the local municipality remains in full force and effect. R.S.O. 1960, c. 171, s. 64.

Gas pumps and signs on county roads

61.-(1) A county may, with respect to the roads under its jurisdiction and control, by by-law prohibit or regulate,

(a) the placing, erecting or altering of any gasoline pump within 150 feet of any limit of a road; and
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(b) the displaying of any sign, notice or advertising device within one-quarter mile of any limit of a road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing, erecting, altering or displaying 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, and may prescribe penalties for contravention of the by-law.

(3) A county shall submit a by-law passed under this section to the Minister for his approval in writing and the by-law shall be in force and effect only on and after the day on which the approval is given. R.S.O. 1960, c. 171, s. 65.

62. The Minister may arrange with the Government of Canada for the construction or maintenance, under the supervision of the county road superintendent and in accordance with the requirements of the Minister, of any road in a township or part of a township constituting an Indian reserve or of any road under the control of the Government of Canada that lies within the limits of a municipality not separated from the county for municipal purposes where the road forms an extension of or connecting link in a county road system, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to the percentage of the net expenditure made by the county under such arrangement as is provided for in section 47. R.S.O. 1960, c. 171, s. 67.

PART VIII

SUBURBAN ROADS

63.—(1) The Lieutenant Governor in Council, upon application of a county in which a county road system is established under Part VII, may direct that a commission be appointed in respect of each city or separated town in the county and, subject to the approval of the Minister, each commission may designate roads in the county road system as suburban roads and the city or separated town shall contribute towards the construction and maintenance of such roads in accordance with this Part.

(2) The construction and maintenance of suburban roads and the expenditure thereon shall be directed by the suburban roads commission.

(3) In the case of a city having a population of less than 50,000 or of a separated town, the suburban roads commission shall be composed of three persons, one to be appointed by the city or separated town, one by the county, and the third to be agreed.
upon by the two members so appointed, and in default of such agreement to be appointed by the Lieutenant Governor in Council.

(4) In the case of a city having a population of 50,000 or more, the suburban roads commission shall be composed of five persons, two to be appointed by the city, two by the county and the fifth to be agreed upon by the four members so appointed, and in default of such agreement to be appointed by the Lieutenant Governor in Council.

(5) The city or the separated town and the county shall make their appointments of members of the suburban roads commission within thirty days from the date of the order in council directing the commission to be appointed.

(6) The members of a suburban roads commission shall hold office for a term of five years from the date of the order in council directing the commission to be appointed and no longer, and at the expiration of the period and thereafter at the expiration of every period of five years, the members of a commission shall be appointed as provided in this section, and any member of a commission is eligible for reappointment.

(7) Where a city, separated town or county fails to make an appointment as required by this section, the appointment may be made by the Lieutenant Governor in Council.

(8) A member of a suburban roads commission may be removed and another person appointed in his place by a vote of two-thirds of the members of the council that appointed him who are present and vote thereon at a regular meeting of the council, if notice of the intention of the council to determine the question of the removal has been given at the next preceding meeting of the council.

(9) Where a member of a suburban roads commission dies or resigns or is removed, the authority by which the member was appointed shall appoint another person to fill the vacancy for the remainder of the term for which the person so dying, resigning or removed was appointed.

(10) Any member of a suburban roads commission who is, directly or indirectly, interested in a contract with the commission or in which the commission has an interest ipso facto ceases to be a member of the commission and the vacancy so created shall be filled under subsection 9.

(11) Every suburban roads commission is a corporation and the name by which it is to be known shall be fixed by the Lieutenant Governor in Council.
(12) Notwithstanding any general or special Act, no person who is a member of the Assembly or of a municipal council or who is an employee of a municipality is eligible to be a member of a suburban roads commission. R.S.O. 1960, c. 171, s. 68.

64. A plan and description of the suburban roads designated by a suburban roads commission shall be transmitted by the commission to the Minister within six months from the date of the order in council directing the appointment of the commission, and, after the approval thereof by the Minister, no alterations or amendments thereof shall be made by the commission until approved in like manner. R.S.O. 1960, c. 171, s. 69.

65.—(1) Suburban roads continue to be county roads under the jurisdiction and control of the county and the construction and maintenance thereof shall continue to be under the supervision of the county road superintendent but subject to the direction of the suburban roads commission, and the sums expended for construction and maintenance may be included in the statements of expenditures provided for in section 47 upon which the grants payable by the Province will be determined and paid.

(2) The work on suburban roads may be carried on under the supervision of an engineer with the same professional qualifications as a county road superintendent and employed for that purpose by the commission in place of the county road superintendent, and the provisions of this Act apply to such engineer in the same manner as to a county road superintendent, and the declaration of such engineer with respect to work and expenditure on suburban roads shall be accepted in lieu of the declaration of the county road superintendent as required by section 47.

(3) Where the county road superintendent has supervision over work on suburban roads, the commission may by resolution, subject to the approval of the Minister, authorize the payment to him of such annual sum in addition to his salary as county road superintendent as is considered proper. R.S.O. 1960, c. 171, s. 70.

66.—(1) The expenditures on suburban roads shall be borne by the county, the city or separated town and the Province in the proportion of 25 per cent by the county, 25 per cent by the city or separated town and 50 per cent by the Province, but, where expenditure is made on a bridge or culvert, the Minister may direct the Province to bear a greater proportion, not exceeding 80 per cent thereof, in which case the balance of the expenditure shall be divided equally between the county and the city or separated town.
(2) An appropriation for the purposes mentioned in this section may be made annually by resolution of the county council and may be made before the designation by the suburban roads commission of the roads upon which the appropriation is to be expended. R.S.O. 1960, c. 171, s. 71 (1-2).

(3) The amount to be provided by the city or separated town in any year shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or separated town according to the assessment roll on which the rate of taxation for the preceding year was levied as adjusted by the Minister, unless in any year by agreement with the county council the council of the city or separated town by by-law appropriates for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property as adjusted by the Minister, but such by-law shall not be passed until the county council has appropriated an equal amount for the like purposes to be expended in the same year. 1967, c. 34, s. 4 (1).

67. The clerk of the county shall, not later than the 1st day of March in each year, notify the city or separated town of the amount appropriated by the county for the construction and maintenance of the suburban roads, and the treasurer of the city or separated town shall, not later than the 1st day of November following, transmit the equivalent amount to the treasurer of the county by whom it shall be paid to the order of the suburban roads commission. R.S.O. 1960, c. 171, s. 72.

68.—(1) The council of each city or separated town shall provide annually or from time to time an amount equal to that appropriated by the county council for the construction and maintenance of suburban roads, and such amount is a debt due to the county by the city or separated town.

(2) For the purposes of this section, the city or separated town may raise from time to time such sums as may be required for construction by the issue of debentures, as in section 45 provided, but all sums required for the purposes of maintenance shall be provided from the current revenue of the municipality.

(3) Where it appears that the rate of one-half mill on the dollar mentioned in subsection 3 of section 66 is not sufficient to carry out permanent or extensive work, the city or separated town, with the approval of the Minister, may raise such further sums by the issue of debentures as are considered necessary, and may apply a portion of the proceeds of the annual rate of one-half mill on the dollar on paying off such debentures.

(4) It is not necessary to obtain the assent of the electors to a by-law for the issue of debentures under this section or to observe the other formalities in relation thereto prescribed by The Municipal Act. R.S.O. 1960, c. 171, s. 73.
69. No error or omission or insufficiency in the procedure provided for by this Act relieves a county or city or separated town from liability to contribute towards the construction and maintenance of suburban roads, and the treasurer of a city or separated town that is liable to contribute towards the construction and maintenance of suburban roads shall, not later than the 1st day of November in each year, forward to the county treasurer an amount equal to the amount appropriated by the county council for the construction and maintenance of suburban roads in that year, but the amount of such contribution shall be limited as provided by section 66. R.S.O. 1960, c. 171, s. 74.

PART IX
TOWNSHIP ROADS

70.—(1) Every township in which statute labour has been abolished by by-law shall, by by-law, appoint a township road superintendent who, subject to the direction of the council, shall inspect all roads under the jurisdiction and control of the township and shall lay out and supervise all work on such roads, and the Minister may direct that out of the moneys appropriated therefor by the Legislature 50 per cent, or such greater proportion as he considers requisite, of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province.

(2) A copy of the by-law making such appointment shall be transmitted to the Minister within thirty days of the passing thereof and is subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister.

(3) The township road superintendent shall conform to such requirements as the Minister may prescribe.

(4) The council of a township in which statute labour has been abolished by by-law shall submit annually to the Minister a statement showing the amount of salary and expenses of the township road superintendent paid by the township, together with a declaration of the township treasurer that the statement is correct and also a declaration of the superintendent that he has bona fide performed the duties of superintendent, and on receipt of the statement and declarations the Minister may direct the Treasurer of Ontario to pay to the township the amount to which the township is entitled under this section.

(5) Notwithstanding The Municipal Act, no member of the council of the township shall be appointed or act as township road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed...
or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

(6) Where a township receives aid from the Province in excess of 60 per cent of the cost of work done upon township roads, the Minister may appoint a road superintendent for the purpose of supervising work to be undertaken, and in that case it is not necessary for the township to appoint a road superintendent and the superintendent appointed by the Minister has and may exercise as to the work all the powers of a township road superintendent appointed under subsection 1. R.S.O. 1960, c. 171, s. 75.

71.—(1) A township in which statute labour has been abolished by by-law may submit to the Minister for approval such plans, specifications or by-laws as he requires for any or all of the following purposes:

1. Grading.
2. Drainage for road purposes.
3. Gravelling, metalling with broken stone, or the construction of any kind of road surface.
4. Dust prevention by oiling, tarring or other means.
5. The systematic maintenance by dragging, graveling or other means.
6. The construction of bridges, culverts and approaches thereto.
7. The opening of a new road or the relocating, widening or straightening of an existing road.
8. The purchase of gravel pits, stone quarries, materials, equipment and machinery.
9. Such purposes of road improvement as the Minister approves.

(2) The township shall submit a by-law covering the estimated expenditure on all road construction and maintenance for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which the expenditure is to be made, and no subsidy shall be granted to the township in respect of expenditure that has not been provided for by a by-law approved by the Minister. R.S.O. 1960, c. 171, s. 76 (1, 2).

(3) A township may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submit-
ted under subsection 2. R.S.O. 1960, c. 171, s. 76 (3); 1962-63, c. 55, s. 12 (1).

(4) Where the construction or maintenance of a road in a township that is a connecting link or extension of the King’s Highway is carried out under an agreement made with the Minister under section 19, the expenditure made by the township on such road shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part. 1962-63, c. 55, s. 12 (2).

(5) The Minister may direct that a subsidy under this Part shall be paid to a township in respect only of the expenditure on such road construction or maintenance as he designates and in every such case the by-law mentioned in subsection 2 shall cover only the estimated expenditure on work so designated. R.S.O. 1960, c. 171, s. 76 (4).

72. Where the whole or part of an original township lot has been subdivided into lots and is being developed for building purposes, no subsidy shall be paid to the township under this Part for any expenditure made on the opening or constructing of any road in the subdivision unless the road is a main thoroughfare for traffic or is designated and laid out as such and is so designated by the Minister. R.S.O. 1960, c. 171, s. 77.

73.—(1) When approved by the Minister, the work or expenditure for a purpose mentioned in section 71 shall be carried out in accordance with the requirements of the Minister and, upon the completion of any such work or expenditure, the township may submit to the Minister an application under section 74 for the subsidy authorized by this Part.

(2) Where the township is an island, expenditure for which the township may be entitled to aid under this Part may include the whole, or such proportion as the Minister directs, of the cost of establishing and maintaining a ferry service between the island and the mainland by the township, its lessee or licensee. R.S.O. 1960, c. 171, s. 78 (1, 2).

(3) The Minister may arrange with the Government of Canada for the appointment of a road superintendent to supervise the construction and maintenance, in accordance with the requirements of the Minister, of the roads in any township or part of a township constituting an Indian reserve, and, where such an arrangement has been made, the Government of Canada or, with the approval of the Government of Canada, the Band Council of the reserve may apply under section 74 for the subsidy authorized by this Part, and this Part, except section 70, applies mutatis mutandis thereto. 1967, c. 34, s. 5.
Annual statement to Minister

74.—(1) A township shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister,

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the township road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;

(c) a declaration of the township treasurer that the statement of receipts and expenditures is correct and that it contains no item of expenditure whether for labour or materials that was not paid to the persons performing the work or supplying the materials in cash or by cheque of the township; and

(d) a petition for the payment of the subsidy authorized by resolution of the council. R.S.O. 1960, c. 171, s. 79 (1).

Contributions to be deducted

(2) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1964, c. 37, s. 4 (1).

Amount of subsidy

(3) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final.

Where rate of subsidy may be varied

(4) Notwithstanding subsection 3, the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite,

(a) in the case of a bridge or culvert, up to 100 per cent; and

(b) in the case of any other road improvement, up to 80 per cent,

of the amount of the expenditure that is properly chargeable to road improvement. R.S.O. 1960, c. 171, s. 79 (2, 3).

Exclusions

(5) Expenditure in respect of which aid may be granted under this section does not include any amount levied in the township for county road purposes. 1964, c. 37, s. 4 (2).

Advance payments

(6) Notwithstanding subsection 1 but subject to subsection 2 of section 71, the Minister may, in his discretion, direct payment to the township treasurer under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,
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(a) of the amount so paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years. 1962-63, c. 55, s. 13.

75.—(1) A city or town in a provisional judicial district, by by-law passed with the assent of at least two-thirds of the members of its council, may agree with a township to share the cost of construction or maintenance of any township road that leads or is adjacent to the city or town or which, by reason of the existence of the city or town, is subject to extraordinary traffic.

(2) Where the cost of construction or maintenance of a township road is shared by a city or town under an agreement made under this section, the Minister may direct that there shall be paid to the township out of the moneys appropriated therefor by the Legislature such proportion of the expenditure made on such road as is fixed under this Part for expenditure on township roads in that township and the balance of the expenditure shall be shared equally by the township and the city or town. R.S.O. 1960, c. 171, s. 80.

76. The council of a township in which statute labour has been abolished by by-law and,

(a) in which subdivisions have been laid out; or

(b) in which parts are used or occupied as summer resorts or are adjacent to a city,

may by by-law separate the subdivisions or parts for the purposes of taxation from the remainder of the township by defining the limits of the subdivisions or parts and in imposing the township rate for road purposes may impose and levy a higher rate upon the subdivisions or parts than upon the remainder of the township, but no such by-law has effect until it has been approved in writing by the Minister and the amount raised by increasing the rate shall not be included in determining the expenditure of the township on which any subsidy may be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 171, s. 81.

PART X

CITY, TOWN AND VILLAGE ROADS

77.—(1) Every city, town and village, except a city or separated town in a county other than an area municipality under the The Municipality of Metropolitan Toronto Act that does not contribute towards the construction and maintenance of suburban roads, may submit a by-law covering the estimated expendi-
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ture on the construction and maintenance of its roads for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which the expenditure is to be made, and no subsidy shall be granted to a city, town or village in respect of expenditure that has not been provided for by a by-law approved by the Minister.  R.S.O. 1960, c. 171, s. 82 (1).

   (2) A city, town or village may at any time within the calendar year in which the expenditure is to be made submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 1.  R.S.O. 1960, c. 171, s. 82 (2); 1962-63, c. 55, s. 14.

78.—(1) Where the Minister has approved a by-law to provide for expenditure under this Part, the city, town or village shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister,

   (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
   
   (b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
   
   (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and
   
   (d) a petition for the payment of the subsidy authorized by resolution of the council.  R.S.O. 1960, c. 171, s. 83 (1).

   (2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the treasurer of the municipality out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final.  R.S.O. 1960, c. 171, s. 83 (2); 1968-69, c. 44, s. 1.

   (3) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister, having regard to the economic condition of the town or village and the adequacy of its plan of road improvement, may direct payment to the treasurer of the town or village out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite,

   (a) in the case of a bridge or culvert, up to 80 per cent; and
(b) In the case of any other road improvement, up to 50 per cent, of the amount of the expenditure that is properly chargeable to road improvement.

(4) Where the construction or maintenance of a road in a city, town or village that is a connecting link or extension of the King's Highway is carried out under an agreement made with the Minister under section 19, the expenditure made by the city, town or village on such road shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part. R.S.O. 1960, c. 171, s. 83 (3, 4).

(5) Notwithstanding subsection 1 but subject to section 77, the Minister may, in his discretion, direct payment to the treasurer of the municipality under this section, on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount so paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years. 1962-63, c. 55, s. 15.

79. Expenditures that are properly chargeable to road improvement include those made for any or all of the following purposes:

1. Opening a new road and acquiring the necessary land therefor.
2. Clearing a road of obstructions.
3. Widening, altering or diverting a road.
4. Subject to The Public Service Works on Highways Act, taking up, removing or changing the location of appliances or works placed on or under a road by an operating corporation.
5. Constructing and maintaining bridges, culverts or other structures, other than sanitary sewers, incidental to the construction of a road.
7. Constructing and maintaining an approved base for the road surface including the installing and maintaining of under-drainage therefor.
8. Constructing and maintaining any type of road surface.
9. Constructing and maintaining curbs, gutters and catch basins.

10. Clearing snow and applying chemicals or abrasives to icy surfaces.

11. Such purposes of road improvement as the Minister approves. R.S.O. 1960, c. 171, s. 84; 1962-63, c. 55, s. 16.

80. Where the whole or a part of an original township lot has been subdivided into lots and is being developed for building purposes, the expenditures made on the opening or constructing of any road therein are not properly chargeable to road improvement under this Part unless the road is a main thoroughfare for traffic or is designed and laid out as such and is so designated by the Minister. R.S.O. 1960, c. 171, s. 85.

81. Where a contribution has been made from any source whatsoever towards an expenditure to which section 78 applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1964, c. 37, s. 5.

82. Notwithstanding section 81, any contribution made by a county under section 57 towards the construction and maintenance of roads, other than county roads or county road extensions or connecting links, in an urban municipality not separated from the county may be included in the statement submitted to the Minister under section 78 for the purpose of determining the grant payable to such urban municipality under this Part, and where such contribution is in the form of work carried out by the county, the value of such work as certified by the county road superintendent may be so included. R.S.O. 1960, c. 171, s. 87.

83. In the case of a city or separated town, the Minister may require that of the expenditure to be made under this Part so much as is necessary shall be made on the construction and maintenance of the roads that he designates as extensions or connecting links of the King’s Highway. R.S.O. 1960, c. 171, s. 88.

84. Where under paragraph 3 of subsection 1 of section 452 of The Municipal Act a city, town or village grants aid to a township towards the construction or maintenance of a township road, the aid so granted is properly chargeable to road improvement and may be included in the statement of expenditures submitted to the Minister by the city, town or village under this Part. R.S.O. 1960, c. 171, s. 89.
PART XI

DEVELOPMENT ROADS

85.—(1) The Minister may designate as a development road a road or proposed road under the jurisdiction and control of a town or village in a territorial district or of a county or of a township which because of the requirements of traffic he considers should be constructed, improved or maintained to a higher standard than is reasonable having regard to the economic situation of the municipality. R.S.O. 1960, c. 171, s. 90 (1); 1965, c. 45, s. 3.

(2) The Minister and the municipality may enter into an agreement for the construction or maintenance of a development road designated under subsection 1, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost thereof as he considers requisite.

(3) A development road designated under subsection 1 remains under the jurisdiction and control of the municipality. R.S.O. 1960, c. 171, s. 90 (2, 3).

PART XII

ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION

86.—(1) The Minister may arrange with the local roads board elected under The Local Roads Boards Act or with the road commissioners elected under The Statute Labour Act or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of an amount equal to such proportion of the cost of the work as he considers requisite. R.S.O. 1960, c. 171, s. 91 (2); 1968, c. 49, s. 4 (2).

(2) Where the Minister considers it desirable that the inhabitants of any territory without municipal organization should become incorporated under The Municipal Act, the amount that may be paid out under this section in respect of a road in that territory shall not exceed 50 per cent of the value of the labour employed on the work. R.S.O. 1960, c. 171, s. 91 (3).
PART XIII

SUBWAY CONSTRUCTION

87.—(1) In this section,

(a) "Metropolitan Corporation" means the Municipality of Metropolitan Toronto;

(b) "subway" means those parts of the rapid transit system of the Toronto Transit Commission known as,

(i) the Bloor-Danforth Subway,
(ii) the extension of the Yonge Street Subway from Eglinton Avenue to Sheppard Avenue,
(iii) the extension of the Yonge Street Subway from Sheppard Avenue to Finch Avenue, and
(iv) the Spadina Expressway rapid transit facilities;

(c) "subway right-of-way construction" means,

(i) clearing the land for the subway of obstructions,
(ii) taking up, removing or changing the location of public utilities,
(iii) constructing tunnels, bridges, culverts or other structures incidental to the subway right-of-way construction, except sanitary sewers,
(iv) constructing a base for the subway, including the installing of under-drainage therefor, other than sanitary sewers, and
(v) such other work relating to the construction of the subway as the Minister may approve. 1962-63, c. 55, s. 17, part; 1967, c. 34, s. 6; 1968-69, c. 44, s. 2 (1).

(2) On or before the 31st day of March in any year, and, with the consent of the Minister, at any time during a year, the Metropolitan Corporation may submit to the Minister for his approval a by-law setting out the estimated expenditure for the calendar year on subway right-of-way construction carried out on or after the 1st day of April, 1964.

(3) No grant shall be made for an expenditure unless the expenditure has been set out in a by-law approved by the Minister under subsection 2.

(4) Where the Minister has approved a by-law under subsection 2, the Metropolitan Corporation shall annually, and, with the consent of the Minister, may at any time during the progress of the subway right-of-way construction, submit to the Minister,

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
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(b) a declaration of the treasurer of the Metropolitan Corporation that the statement is correct;

c) a declaration of the officer of the Metropolitan Corporation or other officer responsible for the subway right-of-way construction that the statement contains only receipts and expenditures for such construction; and

d) a petition, authorized by resolution of the council of the Metropolitan Corporation, for the payment of the grant. 1962-63, c. 55, s. 17, part.

(5) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the Metropolitan Corporation out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the expenditure, and in all cases of doubt or dispute the decision of the Minister is final. 1962-63, c. 55, s. 17, part; 1968-69, c. 44, s. 2 (2).

PART XIV

GENERAL

88. Subject to the approval of the Minister and the Board, a municipality may by by-law designate any road under the jurisdiction of the council of the municipality as a controlled-access road. 1967, c. 34, s. 7.

89.—(1) In this section, “road” includes an unopened road allowance.

(2) Subject to the approval of the Board, a municipality may by by-law close a municipal road that intersects or runs into a controlled-access road designated under section 88.

(3) The Board may direct that notice of an 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 Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be filed with the Board and the municipality within such time as the Board directs.

(4) Upon the hearing of the application, the Board may make an order refusing its approval or granting its approval upon such terms and conditions as it considers proper.

(5) The municipality or any person, including a municipality or a local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that
court from any order made under subsection 4, and subsections 4 and 5 of section 12 apply mutatis mutandis thereto. R.S.O. 1960, c. 171, s. 93 (1-5).

90.—(1) A municipality may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a controlled-access road designated under section 88 and may impose penalties for contravention of any such by-law.

(2) The municipality may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 88 in contravention of a by-law passed under subsection 1.

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

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

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary 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 any subsequent offence.

(6) Where a notice given under subsection 2 has been complied with, the municipality shall make due compensation to the owner of the land if the private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 88 was constructed or used, as the case may be,

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

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

(7) Every claim for such compensation shall be determined in accordance with subsections 2 to 5 of section 12 which subsections apply mutatis mutandis. R.S.O. 1960, c. 171, s. 94.
91. (1) In this section,

(a) "expressway" means a divided arterial highway that is accessible only from intersecting arterial streets at intersections at grade that have been approved by the Minister, and, where required by the volume of traffic, at grade separated interchanges that have been approved by the Minister;

(b) "freeway" means a divided arterial highway that is accessible only from intersecting arterial streets at grade separated interchanges that have been approved by the Minister. 1964, c. 37, s. 6, part.

(2) The Minister and any municipality may enter into agreement for the acquisition of land required for and for the construction, maintenance and operation of an expressway or freeway that has been or is proposed to be designated as a controlled-access road or as a controlled-access highway under this Act, and any land acquired by a municipality under such an agreement shall be deemed to be land required for the purposes of the municipality. 1965, c. 45, s. 4.

92. The road superintendent appointed by a road authority under this Act may, without any direction from the Minister or road authority by which he is appointed, initiate and carry out proceedings under The Drainage Act for the purpose of procuring proper drainage for any road within the jurisdiction and control of the road authority, and he has authority to file or receive notices as owner in accordance with the procedure prescribed by such Act. R.S.O. 1960, c. 171, s. 95, amended.

93. (1) Notwithstanding The Municipal Act, a road superintendent may, without the passing of a by-law or resolution, apply to the owner of any gravel pit or gravel land for gravel for road purposes.

(2) The road superintendent shall state in the application the price per cubic yard or per acre of such amount of gravel as he requires. R.S.O. 1960, c. 171, s. 96 (1, 2).

94. (1) While a work authorized by this Act is in progress on a road, other than the King’s Highway, the road superintendent or a person authorized by him may close to traffic the road for such time as the road superintendent or such person, as the case may be, considers necessary.

(2) While a road is so closed to traffic, the municipality having jurisdiction and control of the road shall provide and keep in repair an alternative route for traffic and for property owners who cannot obtain access to their property by reason of such closing, and for the period during which the road is closed to traffic the
Barricades

(3) While a road is so closed to traffic, the road superintendent or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from it, a barricade upon which a red or a flashing amber light visible for a distance of 500 feet shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic. 1964, c. 37, s. 7.

No municipal liability

(4) Every person using a road closed to traffic in accordance with this section does so at his own risk and the municipality having jurisdiction and control of the road is not liable for any damage sustained by a person using a road so closed to traffic.

Offence

(5) Every person who without lawful authority uses a road so closed to traffic while it is protected in accordance with subsection 3, or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than $50 and is also liable to the municipality having jurisdiction and control for any damage or injury occasioned by such wrongful use, removal or defacement.

Application of section to special cases

(6) This section applies to any road for which provision has been made under any Act for the construction, maintenance and control thereof by a commission appointed by the Lieutenant Governor in Council. R.S.O. 1960, c. 171, s. 97 (4-6).

95. Where an engineer of the Department reports to the Minister that a municipal road is out of repair, the Minister may, after at least two months notice in writing to the municipality, direct the Department to undertake the work of putting the road in repair, and the cost of the work is chargeable to and is a debt due from the municipality to the Crown, and the Minister may direct that the cost shall be deducted from any sums of money payable to the municipality under this Act. R.S.O. 1960, c. 171, s. 98.

96. Notwithstanding any other Act, no earth, debris or excavated material shall be deposited within the limits of a road without permission in writing so to do from the road authority responsible for the maintenance of the road. R.S.O. 1960, c. 171, s. 99.

97.—(1) A local municipality may construct a sidewalk or other improvement or service on a highway or road with the written consent of the authority having jurisdiction and control of the highway or road.
(2) The cost of such a sidewalk, improvement or service may be met out of the general funds of the local municipality or out of funds of the authority having jurisdiction and control of the highway or road, or the work may be undertaken as a local improvement under The Local Improvement Act.

(3) A local municipality when constructing such a sidewalk, improvement or service shall conform to any requirements or conditions imposed by the authority having jurisdiction and control of the highway or road, and is responsible for any injury or damage occasioned by the construction or presence of the sidewalk, improvement or service.

(4) A township may apply to the Minister for authority to construct a sidewalk or footpath on the King’s Highway or a county road and the Minister may grant the authority, and upon completion of the work may approve thereof at his discretion, and, upon the approval being given, the township may apply to the Minister in the form prescribed by him for the payment to it out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the cost of the work, and the Minister may authorize the payment. R.S.O. 1960, c. 171, s. 100.

98. A municipality or suburban roads commission may plant trees on its roads, and the cost of the work shall be deemed to be part of the cost of maintaining the road. R.S.O. 1960, c. 171, s. 101.

99.—(1) A road superintendent, with the approval of the road authority, may enter into an agreement with the owner of any land adjacent to a road under the jurisdiction and control of the road authority for the removal of any tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjoining the road and that may cause the drifting or accumulation of snow or may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road, and the agreement may provide for the amount of compensation to be paid to the owner for damages caused to him by reason of the removal.

(2) Where the road superintendent is of the opinion that a tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjacent to the road will cause the drifting or accumulation of snow or will injuriously affect the road or will obstruct the vision of pedestrians or drivers of vehicles on the road, and he is unable to agree with the owner of the land for the removal of the same or as to the amount of compensation to be paid therefor, he may, with the approval of the road authority, apply to the judge of the county court of the county in which the land affected is situated for an
order authorizing him to enter upon the land affected and remove any object with respect to which the application is made, and the judge, upon such notice to the owner of the land as he considers proper, may make such order and may fix the amount of compensation to be paid to the owner and give such directions as to costs as in his opinion are equitable.

(3) The Judges' Orders Enforcement Act applies to every application and order made under subsection 2.

(4) A county or township may by by-law determine and fix the distance from the centre line of a road under its jurisdiction and control within which the owner of any lands adjacent to the road shall not plant or cause to be planted any tree, shrub, bush or hedge, or erect or cause to be erected any fence, sign board, gasoline pump, building or other structure that may cause the drifting or accumulation of snow or that may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road. R.S.O. 1960, c. 171, s. 102.

100.—(1) A municipality, other than a city or separated town, with the approval of the Minister, may make an agreement with the road authority having jurisdiction and control of the King's Highway, a county road or a suburban road for the widening of the highway or road in the municipality, and may make a further agreement with the road authority and any municipality or commission interested in the highway or road and with any municipality, commission or company owning or operating a street railway or electric railway on the highway or road fixing the proportions in which the cost of the widening and of the removal or replacing or altering of the tracks of the street railway or electric railway consequent upon the widening shall be borne by the municipality, the road authority, any municipality or commission interested in the highway or road and by the municipality, commission or company owning or operating the street railway or electric railway.

(2) Where the parties to the proposed agreement are unable to agree as to the proportion in which each of them shall so contribute, the proportion shall be determined by the Board and the decision of the Board is final and conclusive and is not subject to any appeal.

(3) Subject to the terms of the agreement entered into with the road authority for the widening of the highway or road, the municipality may pass by-laws for acquiring by purchase or otherwise or for expropriating any land described in the agreement or necessary to carry out the provisions thereof, and The Municipal Act as to the acquiring, occupying or taking of land for municipal purposes applies to the acquiring, occupying or taking of land under the by-law.
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(4) A county not having jurisdiction and control of the highway or road but through which the highway or road passes may agree to contribute to the cost of the widening of the highway or road, but nothing in this section renders it compulsory for the county to so contribute. R.S.O. 1960, c. 171, s. 103.

101. A commission appointed under an Act of the Legislature for the purpose of exercising or carrying out in any particular locality powers elsewhere exercisable by a municipality with respect to the construction of roads has the like rights and powers and shall perform the like duties and is entitled to the same aid as a township under this Act. R.S.O. 1960, c. 171, s. 104.

102. Where a subsidy is applied for under this Act, vouchers covering all expenditures in respect of which the subsidy is applied shall be furnished to the Minister in a form satisfactory to him and the Minister may require the production of any book, statement, or other document respecting the subsidy. R.S.O. 1960, c. 171, s. 105.

103. Any by-law that is submitted to the Minister for approval under this Act may be approved in whole, in part or subject to conditions and, where the by-law is approved in part or subject to conditions, the by-law has force and effect only as so approved. R.S.O. 1960, c. 171, s. 106.

104.—(1) If resistance or opposition is made to the Minister or any person authorized by him entering upon land under this Act or exercising any other power in respect of land under this Act, except where such power is or would result in expropriation or injurious affection to which The Expropriations Act applies, the Minister may apply to a judge of the Supreme Court or to the judge of the county or district court of the county or district in which the land is situate for a warrant in Form 1 directing the sheriff of the county or district to put down such resistance or opposition or to take such steps as may be necessary to enable the Minister to exercise such power. R.S.O. 1960, c. 171, s. 107 (1), amended.

(2) The judge shall, in writing appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes. R.S.O. 1960, c. 171, s. 107 (2).

(3) On proof of such resistance or opposition and of the intention of the Minister to exercise a power in respect thereof, the judge may issue the warrant. R.S.O. 1960, c. 171, s. 107 (3), amended.

(4) The sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof. R.S.O. 1960, c. 171, s. 107 (4).
105. The cost of material, labour, special engineering or other services, land and property or options thereon, plant, machinery and equipment and the repair and maintenance of plant, machinery or equipment and all expenditure in or about any work undertaken by the Minister under this Act or incidental thereto, or contracts therefor, shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 171, s. 108.

106.—(1) The Highway Reserve Account in the Consolidated Revenue Fund is continued under the name of the Highway Construction Account and such amounts as are appropriated by the Legislature for that account shall be credited to that account.


107. Notwithstanding anything in any other Act, all fines and other penalties recovered for offences under this Act committed on or with respect to a highway under the jurisdiction and control of the Department shall be paid to the Department. R.S.O. 1960, c. 171, s. 110.

**Form 1**

**WARRANT**

*(Sec. 104)*

**Province of Ontario**

**County (or District) of**

**IN THE MATTER OF**

*The Highway Improvement Act*

**AND IN THE MATTER OF**

To

**SHERIFF, ETC.:**

WHEREAS resistance or opposition has been made to the Minister of Highways or a person authorized by him entering upon the land described as follows:

AND WHEREAS the proof required by section 104 of *The Highway Improvement Act* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forthwith to put down such resistance or opposition and take such steps as may be necessary to enable the Minister of Highways to, and to make a return to me of your execution hereof.

GIVEN under my hand this day of 19

*[Judge]*

R.S.O. 1960, c. 171, Form 1, amended.