CHAPTER 98

An Act respecting the Town of Grimsby

Assented to June 17th, 1980

WHEREAS The Corporation of the Town of Grimsby, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may enter into an agreement with the owner or occupant of a building or structure erected or used, or to be erected or used, for a purpose permitted by the Corporation’s by-laws providing for relief, to the extent set out in the agreement, from any requirement in any by-law of the Corporation for the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owner or occupant, to the extent specified in the agreement, from the necessity of providing or maintaining such facilities.

(2) Every agreement referred to in subsection 1 shall,

(a) be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof;

(b) require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and setting forth the basis upon which the sum of money is calculated; and

(c) where the agreement provides for payment by instalments, be executed by all prior mortgagees or other encumbrancers to postpone their encumbrance in favour of the said agreement.

(3) All moneys paid or to be paid in accordance with an agreement made pursuant to subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may
invest under The Trustee Act, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 72 of section 352 of The Municipal Act.

(4) The auditor of the Corporation, in his annual report, shall report on the activities and position of any special account established under this section.

(5) An agreement made pursuant to subsection 1 may be registered against the title of the land affected thereby in the proper land registry office, and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the lands described therein.

(6) In the event of default of payment under an agreement registered under subsection 5 for a period of one year from the date any payment is due, the amount in default may be collected in the same manner and with the same remedies as provided by The Municipal Affairs Act for the collection of real property taxes.

(7) Upon payment in full of the moneys to be paid under an agreement registered under subsection 1, or upon termination of such an agreement, the Town Administrator of the Corporation shall, at the request of the owner of the land or other person entitled under the agreement, provide a certificate in a form registrable in the proper land registry office, certifying that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

2. Where the council of the Corporation, with the approval of the Ontario Municipal Board, has passed a by-law under paragraph 72 of section 352 of The Municipal Act, which provides that the capital costs or any part thereof, the annual rental payable under any lease, or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area, and, subsequent to the effective date of the by-law imposing the levy, the council is of the opinion that,

(a) there has been an increase or decrease in special benefit derived therefrom by a parcel of land in the defined area against which a portion of the cost has been levied;

(b) a parcel of land in the defined area has begun to derive or has ceased to derive a special benefit therefrom; or

(c) a parcel of land outside the defined area has begun to derive a special benefit therefrom,
the council may, from time to time, by a by-law, passed with the approval of the Ontario Municipal Board,

(d) redefine the area in the municipality that, in the opinion of the council, contains the lands that derive a special benefit from the by-law; and

(e) reapportion the balance of the cost mentioned in sub-clause i of clause g of paragraph 72 of section 352 of The Municipal Act so that such cost shall be apportioned against each parcel of land that, in the opinion of the council, derives such special benefit.

3. This Act comes into force on the day it receives Royal Assent.
