1980

c 112 The Town of Midland Act, 1980

Ontario
CHAPTER 112

An Act respecting the Town of Midland

Assented to December 12th, 1980

WHEREAS The Corporation of the Town of Midland, 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) Subject to The Statutory Powers Procedure Act, 1971 but notwithstanding any other general or special Act, where a person has been required to pay the entire cost of any work, as defined in The Local Improvement Act, pursuant to the provisions of the by-laws of the Corporation or the by-laws of The Public Utilities Commission of the Town of Midland and the work is in a highway upon which lots abut directly that are not owned by the person who has paid the entire costs thereof, the Corporation and The Public Utilities Commission of the Town of Midland shall not be required to permit the owner of such a lot to connect to or use such works until the cost has been paid by such owner according to the extent of the owner's frontage thereon, determined by an equal charge per metre of all frontages so benefitted.

(2) Where, upon the application of an owner of a lot to which subsection 1 applies, the council of the Corporation or The Public Utilities Commission of the Town of Midland is satisfied that the charge as determined under subsection 1 is excessive, having regard to the proposed development of the lot, it may reduce the charge to that owner.

3. For the purposes of this section, "cost" means actual cost but does not include "interest".

2. Where the work mentioned in section 1 is the opening of a street, curbs, and gutters or sidewalks, the Corporation shall not be required to issue a building permit for lots described in that section until the owner’s share of the costs has been paid.
3.—(1) Where the Corporation or The Public Utilities Commission of the Town of Midland intends to require the owner of a lot to pay the cost of a work according to the extent of the owner’s frontage pursuant to subsection 1 of section 1, the Corporation or The Public Utilities Commission of the Town of Midland, as the case may be, may, before passing the by-law that requires the person in the first instance to pay the entire cost of the work, register in the proper land registry office a copy of this Act and a copy of the proposed by-law containing a description of all the lands affected sufficient for registration.

(2) Sections 1 and 2 do not apply to any lot or the owner thereof unless a copy of this Act and a copy of the proposed by-law containing a legal description of the lot sufficient for registration has been registered prior to the passing of the by-law.

4. The Corporation and The Public Utilities Commission of the Town of Midland, when they receive payment of the frontage charges mentioned in section 1, shall repay the same to the person who in the first instance paid for the entire cost of the work.

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

6. The short title of this Act is The Town of Midland Act, 1980.