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c 122 The City of Sault Ste. Marie Act, 1980

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CHAPTER 122

An Act respecting the City of Sault Ste. Marie

Assented to November 14th, 1980

WHEREAS The Corporation of the City of Sault Ste. Marie 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. In this Act,

(a) "Corporation" means The Corporation of the City of Sault Ste. Marie;

(b) "council" means the council of the Corporation.

2. Subsection 2 of section 2 of The City of Sault Ste. Marie Act, 1968, being chapter 174, is repealed and the following substituted therefor:

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

(a) 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 shall set forth the basis upon which the sum is computed; and

(b) where the agreement provides for payment by instalments, be executed by all prior mortgagees and other prior encumbrancers postponing their encumbrance in favour of the agreement.

(2a) Before the council passes a by-law authorizing an agreement referred to in subsection 1, notice of the proposed by-law shall be sent by prepaid mail to all owners and tenants within 120 metres of the subject property as shown in the last revised assessment roll of the Corporation and unless by resolution the council,
by a vote of two-thirds of all the members present, otherwise
decides, notice of the proposed by-law shall be published at least
once a week for two successive weeks in a newspaper that, in the
opinion of the clerk of the Corporation, has circulation within the
municipality as to provide reasonable notice to those affected
thereby.

(2b) Unless an objection to the passing of the by-law referred to
in subsection 2a, signed by one or more persons, is received by the
clerk of the Corporation within twenty-one days next following
the latest day of the mailing or publishing of any notice required by
subsection 2a, the by-law shall come into effect when it is passed
by council, but, if such an objection is received by the clerk within
such time, the by-law shall not come into force without the
approval of the Ontario Municipal Board.

(2c) A certificate of the clerk of the Corporation that the notice
required by subsection 2a has been sent to the persons referred to
in that subsection and, if required, published in accordance with
that subsection and that no notice of objection has been filed with
him within the time prescribed by subsection 2b shall be prima
facie evidence of the facts stated therein.

§.—(1) The council may pass by-laws,

(a) for numbering the buildings and lots or units along
private roadways and for affixing numbers to the build-
ing, and for charging the owner or occupant of the
building, lot or unit with the expense incident to the
numbering of the building, lot or unit, provided that
such expense may be collected in the same manner as
taxes, and if paid by the occupant, subject to any agree-
ment between the occupant and the owner, may be
deducted from the rent payable to the owner;

(b) for naming and renaming private roadways and for
affixing the names at the corners thereof, and for charg-
ing the owner or, in the case of a condominium, the
condominium corporation, with the expense incident to
the naming and renaming of the private roadway and
such expense may be collected in the same manner as
taxes;

(c) for keeping, and the Corporation shall keep, a record of
the names and locations of the private roadways and of
the numbers of the buildings and lots or units, for public
inspection;

(d) for requiring that the owner of a private roadway or a
condominium corporation enter into one or more agree-
ments with the Corporation on such terms and conditions as council considers expedient, including the provisions and maintenance by the owner or the condominium corporation at his or its sole risk and expense and to the satisfaction of the Corporation, respecting any of the matters referred to in clauses a and b; and

(e) for terminating the agreement referred to in clause d on such terms and conditions as the Corporation considers expedient.

(2) Any person appointed by the Corporation to enforce a by-law passed under subsection 1 may enter and inspect the property and affix the numbers and erect the signs, but shall not enter a room or place actually used as a dwelling.

(3) Any agreement referred to in clause d of subsection 1 may be registered against the land to which it applies, and the Corporation is entitled to enforce the provisions thereof against the owner or the condominium corporation and, subject to the provisions of The Registry Act and The Land Titles Act, any and all subsequent owners of the land.

(4) Upon the termination of the agreement referred to in clause d of subsection 1, a certificate signed by the clerk of the Corporation stating that the agreement has been terminated may be registered against the title of the lands affected.

(5) For the purpose of clause b of subsection 1, where a condominium corporation is charged with an expense incident to the naming or renaming of a private roadway and such expense is collected in the same manner as taxes, the expense shall be apportioned and levied on each unit and common interest on the basis of the assessment of the individual units and the common interest appurtenant to the individual units.

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