1979

c 70 The Halton Municipal Hydro-Electric Service Act, 1979

Ontario

© Queen's Printer for Ontario, 1979
Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes

Bibliographic Citation
The Halton Municipal Hydro-Electric Service Act, 1979, SO 1979, c 70
Repository Citation
Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1979/iss1/72

This Statutes is brought to you for free and open access by the Statutes at Osgoode Digital Commons. It has been accepted for inclusion in Ontario: Annual Statutes by an authorized administrator of Osgoode Digital Commons.
An Act to provide for Municipal Hydro-Electric Service in The Regional Municipality of Halton

Assented to June 22nd, 1979

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) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(b) "area municipality" means the municipality or corporation of the City of Burlington, the Town of Halton Hills, the Town of Milton and the Town of Oakville;

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

(d) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of The Regional Municipality of Halton Act, 1973 immediately before the coming into force of this Act and established or deemed to be established under Part III of The Public Utilities Act;

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

(f) "regulations" means the regulations made under this Act;
(g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

2.—(1) On the day this Act comes into force, a hydro-electric commission for each of the towns of Halton Hills, Milton and Oakville and the City of Burlington is hereby established.

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of The Public Utilities Act and a municipal commission within the meaning of The Power Corporation Act.

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:


(4) Each commission established by subsection 1 shall consist of the mayor of the area municipality in respect of which the commission is established and four additional members who are qualified electors under The Municipal Elections Act, 1977 in the area municipality.

(5) For the term expiring with the 30th day of November, 1980, the Burlington Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the City of Burlington and the members, other than ex officio members, of the Public Utilities Commission of the City of Burlington as it existed immediately before the coming into force of this Act who are qualified electors under The Municipal Elections Act, 1977 in the City of Burlington, and, if less than four of the members are qualified electors, the council of the City of Burlington shall appoint an additional member or additional members so that there will be four additional members of the Burlington Hydro-Electric Commission.

(6) For the term expiring with the 30th day of November, 1980, the Halton Hills Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Halton Hills...
and the following additional members who shall be appointed by the council of the Town of Halton Hills:

1. Two members of the Hydro-Electric Commission of the Town of Georgetown as it existed immediately before the coming into force of this Act.

2. One member of the Hydro-Electric Commission of the Town of Acton as it existed immediately before the coming into force of this Act.

3. One person who resides outside the part of the Town of Halton Hills supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(7) For the term expiring with the 30th day of November, 1980, the Milton Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Milton and the following additional members who shall be appointed by the council of the Town of Milton:

1. One member of the Hydro-Electric Commission of Campbellville as it existed immediately before the coming into force of this Act.

2. Two members of the Hydro-Electric Commission of the Town of Milton as it existed immediately before the coming into force of this Act.

3. One person who resides outside the part of the Town of Milton supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(8) For the term expiring with the 30th day of November, 1980, the Oakville Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Oakville and the members, other than ex officio members, of the Public Utilities Commission of the Town of Oakville as it existed immediately before the coming into force of this Act who are qualified electors under The Municipal Elections Act, 1977 in the Town of Oakville, and, if less than four of the members are qualified electors, the council of the Town of Oakville shall appoint an additional member or additional members so that there will be four additional members of the Oakville Hydro-Electric Commission.

(9) For terms commencing after the 30th day of November, 1980, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the
area municipality served by the commission, unless before the 1st day of July, 1980 the council of the area municipality provides by by-law that the additional members shall be elected by wards or appointed by the council.

(10) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission.

(11) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed.

(12) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

(13) The salaries of the members of the commissions established by subsection 1 for the term expiring with the 30th day of November, 1980 shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of The Regional Municipality of Halton Act, 1973 on the 1st day of January, 1979.

(14) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

3.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by The Public Utilities Act on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

(2) On and after the 1st day of January, 1980, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

(3) The right of a commission established by section 2 to distribute and supply power is subject to any subsisting contracts for the supply of power made under section 70 of The Power Corporation Act.
(4) A commission established by section 2 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission.

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clauses of subsection 2 of section 293 of The Municipal Act.

(6) Except where inconsistent with the provisions of this Act, the provisions of The Power Corporation Act applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2.

(7) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established.

4.—(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the area municipality.

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established by section 2 in respect of the area municipality.

5.—(1) Where assets that pertain to the retail distribution and supply of power in an area municipality are transferred to a municipal commission established by section 2 from a municipal commission the majority of whose customers are located in another area municipality, the commission to which the assets are transferred shall pay compensation for the assets to the commission established by section 2 in respect of the other area municipality.

(2) The amount of the compensation under subsection 1 shall be determined by agreement.

6.—(1) On or before the 1st day of January, 1980, each commission established by section 2 shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario Hydro...
Hydro that pertain to the distribution and supply of power at retail in the area municipality.

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of:

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

7.—(1) In this section,

(a) “parties” means,

(i) with respect to section 5, the commissions established by section 2 that are referred to in section 5, and

(ii) with respect to section 6, Ontario Hydro and, in each case, the commission established by section 2;

(b) “purchase price” means,

(i) with respect to section 5, the compensation referred to in section 5, and

(ii) with respect to section 6, the purchase price referred to in section 6.

(2) If the purchase price under section 5 or 6 is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

(3) Where a request is made under subsection 2 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

(4) Where a request is made under subsection 2 or 3 that the purchase price be determined by a board of arbitration,
(a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;

(b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and

(c) if a party fails to appoint a member to a board of arbitration in accordance with clause (a) or if the members do not appoint a chairman in accordance with clause (b), or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

(5) Except as otherwise provided in this section, The Arbitrations Act applies to subsections 2, 3 and 4.

8.—(1) All real property transferred by section 4 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.

2. In the event that the municipality served by the commission does not wish to use the real property in accordance
362 Chap. 70 HALTON MUNICIPAL HYDRO-ELECTRIC 1979

with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with The Public Utilities Act.

9. Except as otherwise provided in this Act, sections 92 to 113 of The Regional Municipality of Halton Act, 1973 apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

10.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and The Ontario Municipal Employees Retirement System Act applies to such person as a member of the System.

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the
coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

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

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

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

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

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.
(9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

(11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2.

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

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

11. For the purposes of section 135 of The Regional Municipality of Halton Act, 1973, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area within the meaning of The Regional Municipality of Halton Act, 1973, and on that date the municipal commissions supplying only electrical power and energy in that area immediately before the coming into force of this Act are dissolved and the by-laws establishing them passed under sections 38 and 40 of The Public Utilities Act shall be deemed to be repealed and the assent of the municipal electors is not required.

12. With respect to the Town of Halton Hills and the Halton Hills Hydro-Electric Commission established by section 2, each date mentioned in sections 3, 4, 6, 7, 10 and 11 shall be deemed to be a date three months after the mentioned date.

13. The Lieutenant Governor in Council may make regulations,
(a) for the purpose of subsection 3 of section 6 in respect of,

(i) the method of determining the original cost of the assets or of any asset or of any part of any asset,

(ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,

(iii) the method of determining the amount of any component of the accumulated net retail equity,

(iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

(v) the method of calculating accumulated depreciation of any component of accumulated depreciation,

(vi) the allocation of accumulated depreciation or any component of accumulated depreciation,

(vii) the method of payment of the price of the assets;

(b) for the purposes of subsection 7 of section 10, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

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