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c 101 The Municipal Amendment Act, 1979 (No. 3)

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CHAPTER 101

An Act to amend The Municipal Act

Assented to December 20th, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Municipal Act, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

255a.—(1) In this section,

(a) "school board" means a "board" as defined in paragraph 3 of subsection 1 of section 1 of The Education Act, 1974;

(b) "municipality" includes a regional and district municipality and the County of Oxford, but does not include an area municipality within the meaning of any Act establishing a metropolitan, regional or district municipality or of The County of Oxford Act, 1974.

(2) Where a school board exercises jurisdiction in all or part of a municipality, the school board may apply to the council of the municipality for the issue and sale of debentures on the credit of the municipal corporation for raising such sums as may be required by the school board for permanent improvements, as defined in paragraph 33 of subsection 1 of section 1 of The Education Act, 1974.

(3) An application under subsection 2 shall state the purpose of the proposed borrowing and the nature and the estimated costs of the proposed improvements.

(4) The council at its first meeting after receiving an application under subsection 2, or as soon as possible thereafter, shall consider and approve or disapprove the application.

(5) If the council approves the application under subsection 4, the school board shall apply to the Municipal Board for its approval under section 64 of The Ontario Municipal Board Act, 1974.
and, if the Municipal Board approves, the council shall pass a
by-law authorizing the borrowing of money by the issue and sale
of debentures on the credit of the municipal corporation for
the purposes stated in the application.

(6) The provisions of any Act that apply to the council of a
municipality in respect of its powers to raise money for municipal
purposes by the issue and sale of debentures, including any obliga-
tion or prohibition imposed in connection therewith, apply with
necessary modifications to the council of the municipality where it
is passing a by-law for the raising of money by the issue and sale of
debentures under this section.

(7) When the Municipal Board has authorized the borrowing of
money and the issue of debentures by the municipality for the
purposes of a school board, the council of the municipality or the
school board pending the issue and sale of the debentures may,
the council of the municipality on the request of the school
board shall, agree with a bank or person for temporary advances
from time to time for the purposes authorized, and the council of
the municipality may, or on the request of the school board shall,
pending the sale of such debentures or in lieu of selling them,
authorize the chairman and treasurer to raise money by way of
loan on the debentures and to hypothecate them for the loan, and
shall transfer the proceeds of such advance or loan to the school
board.

(8) Where the council of a municipality has raised money for a
school board under this section by temporary financing pending
the sale of debentures, it shall charge the cost of the borrowing to
the school board for the period before the sale for which the money
is borrowed or for a period of one year, whichever is less.

(9) The proceeds of every advance or loan under subsection 7
shall be applied to the purposes for which the debentures were
authorized, but the lender shall not be bound to see to the applica-
tion of the proceeds and, if the debentures are subsequently sold,
the proceeds of the sale shall be applied first in repayment of the
loan and the balance shall be transferred to the school board.

(10) Where the council of a municipality has passed a by-law
under this section for issuing debentures, the treasurer of the
municipality shall notify the treasurer of the school board in
writing before the 1st day of January in each year of the amount of
the principal and interest, including any amount required to be
raised for a sinking fund or retirement fund, due and payable in
that year in respect of the debentures so issued, and the dates on
which the payments of such amounts become due.

(11) The amount that the treasurer of the school board receives
notice of under subsection 10 shall be included in the estimates of
the school board for that year, and the treasurer of the school board shall pay that amount to the treasurer of the municipality on or before the due dates of payment as specified in the notice and such amount may be recovered as a debt due by the school board to the municipality.

(12) All debentures issued under the authority of this section are direct, joint, and several obligations of the municipality and the school board, and, notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, all such debentures shall rank concurrently and pari passu in respect of payment and interest thereon with all other debentures of the municipality, except as to the availability of any sinking funds applicable to any particular issue of debentures.

(13) A by-law under subsection 5 shall,

(a) in the case of a by-law of a regional or district municipality or of the County of Oxford, provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11;

(b) in the case of a by-law of a county, provide for raising in each year by inclusion with the amounts required for county purposes apportioned under section 507, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11; and

(c) in the case of a by-law of a local municipality, provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11.

(14) The expenses of the municipality in preparing, printing and publishing any by-laws or debentures under this section, and all other expenses incident thereto, may be charged to the school board.

(15) The assent of the electors of a municipality is not required to a by-law passed by the council of the municipality under subsection 5.
Amounts raised to be deposited with a bank, trust company or credit union

R.S.O. 1970, c. 254
1976, c. 62

2. Subsection 3, as amended by the Statutes of Ontario, 1974, chapter 136, section 5, subsection 4, subsection 5, as amended by the Statutes of Ontario, 1974, chapter 136, section 5 and 1976, chapter 51, section 6, and subsections 6 to 9 of section 291 of the said Act, are repealed and the following substituted therefor:

(3) Every money by-law passed under this section shall provide that the municipality shall deposit the annual amount to be raised under clause b of subsection 2,

(a) with a chartered bank or a trust company that is registered under The Loan and Trust Corporations Act; or

(b) subject to The Credit Unions and Caisses Populaires Act, 1976, with a credit union as defined in that Act,

and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures.

(4) The bank, trust company or credit union shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment.

(5) The bank, trust company or credit union may invest,

(a) in securities in which a trustee may invest under the provisions of The Trustee Act;

(b) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(c) in such other securities as are authorized by the Lieutenant Governor in Council;

(d) in the debentures to the payment of which the sinking fund is applicable; and

(e) not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality, provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

(6) The bank, trust company or credit union shall, not later than the 31st day of January in each year, submit to the Ministry and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such
statement shall contain a list of the investments held in the sinking fund.

(7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied by the bank, trust company or credit union to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank, trust company or credit union in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

(8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank, trust company or credit union an amount sufficient to make up the deficiency in the sinking fund.

(9) At the maturity of the debentures for which the sinking fund was established, the bank, trust company or credit union shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

3.—(1) Subsection 2 of section 308 of the said Act is amended by striking out "bank" in the second line.

(2) Subsection 3 of the said section 308 is amended by striking out "bank" in the second line, the third line and the fifth line.

4. Subsection 2 of section 309 of the said Act is amended by striking out "bank" in the first line.

5. Clauses e and f of paragraph 74 of section 352 of the said Act are repealed and the following substituted therefor:

(e) The council may appoint such number of persons who are qualified to be elected as members of the council as it deems appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

(f) Where two or more municipalities have provided in an agreement under clause d for a board of management to act on their behalf, they may provide for the number of members that may be appointed to the board by each of the municipalities, but each member of the board shall be a person who is qualified to be elected as a member of the council of one of the municipalities.
6. Paragraph 1 of subsection 1 of section 354 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 10, is repealed and the following substituted therefor:

1. For prohibiting or regulating the keeping of animals or any class thereof within the municipality or defined areas thereof and for restricting, within the municipality or defined areas thereof,

i. the number of animals or any class thereof that may be kept by any person, and

ii. the number of animals or any class thereof that may be kept in or about any dwelling unit as defined in the by-law, or in or about any class of dwelling unit as defined in the by-law.

(a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

7.—(1) Paragraph 1 of section 377 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 87, section 40, is further amended by adding thereto the following clauses:

(a) No by-law passed under this paragraph by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.

(b) A by-law passed under this paragraph for the licensing of owners and drivers of cabs,

(i) may provide that the by-law, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality, except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the Department of Transport Act (Canada),

(ii) may exempt from all or any of its provisions, upon such conditions as may be set out in the by-law, owners and drivers of cabs engaged in the conveyance of,
(A) children taking the cab both to and from nursery school, school or other full-time education institution, or

(B) physically, emotionally or mentally handicapped persons, as defined in the by-law, from any point within the municipality to any point outside the municipality, where the conveyance is made pursuant to a written contract for the use of a cab with respect to which there is a valid and subsisting licence issued under a by-law passed under this paragraph by another municipality, and

(iii) may exempt from all or any of its provisions owners and drivers of cabs with respect to which there is a valid and subsisting licence issued under this paragraph by another municipality named in the by-law.

(2) Paragraphs 1a and 1b of section 377 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 17 and 1978, chapter 101, section 6, respectively, are repealed.

8. The said Act is further amended by adding thereeto the following section:

386a.—(1) In this section,

(a) "group home" means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being;

(b) "registrar" means the person designated as the registrar of group homes by the council of a local municipality.

(2) The council of every local municipality may pass by-laws, providing for the registration and the annual renewal of registration, with the registrar, of group homes or such class or classes thereof as may be set out in the by-law;

(b) prohibiting any person from owning or operating a group home that is not registered in accordance with a by-law passed under this section;
(c) fixing fees for the registration and renewal of registration of group homes; and

(d) authorizing the registrar to register and renew registrations required by a by-law passed under clause a.

3) Where an application is made to the registrar of a municipality in the form prescribed by a by-law of the municipality under subsection 2 for the registration or renewal of registration of a group home, the registrar shall register or renew the registration, as the case may be, of the group home.

4) Where the registrar has reasonable and probable grounds to believe that any person is operating a group home that is not registered in accordance with a by-law passed under this section, the registrar or a person acting on his instructions may, under the authority of a search warrant issued under section 16 of The Summary Convictions Act, enter and inspect the property for the purpose of determining whether or not the property is being used as a group home.

5) No council may pass by-laws under this section unless there is in effect in the municipality a by-law passed under section 35 of The Planning Act that permits the establishment and use of group homes in the municipality.

9.—(1) The said Act is further amended by adding thereto the following sections:

389f.—(1) Notwithstanding sections 389a and 389e, where two or more municipalities appoint members to the same local board, as defined in The Municipal Affairs Act, a majority of the municipalities represented by at least one-half of the total number of members on the local board may, by a resolution passed by the council of each municipality on or before the 15th day of February in each year, establish the remuneration to be paid to all members of the local board appointed by municipal councils in respect of their service as a member of that local board.

(2) A resolution passed under subsection 1 may establish different amounts for or different manners of remunerating different members of the same local board.

(3) Notwithstanding sections 389b and 389c, subsection 1 applies with necessary modifications to the establishment of the expenses payable to members of the local board where the expenses are incurred as a result of the persons acting in their capacity as members of the local board, and subsections 2 and 3 of section 389 apply with necessary modifications to a resolution passed under this subsection.
(4) For the purposes of this section, "local board" does not include a public utilities commission or a hydro-electric commission.

(5) This section applies with necessary modifications to a member of council who serves pursuant to this or any other general or special Act as an ex officio member of such local board.

(6) Where no resolution is passed on or before the 15th day of February as provided in subsection 1, a person described in subsection 1 shall be paid such remuneration as was established for the person or his predecessor for the preceding year and he shall be paid his expenses in accordance with the method of reimbursement established for the person or his predecessor for the preceding year, whether the remuneration and expenses were established by the local board or the municipality appointing the person.

(7) For the purposes of subsection 6, amounts paid under subsection 2 of section 389c shall not be included as remuneration or expenses established for the preceding year.

(8) Notwithstanding any other provisions of this Act, but subject to subsection 2 of section 389c, the remuneration and expenses of a person described in subsection 1 shall be established in accordance with this section and shall be paid by the local board out of the funds of the local board and not by the council of the municipality that appointed the person to the board.

(9) In this section, "municipality" includes a regional, metropolitan and district municipality and the County of Oxford.

389g. Notwithstanding sections 389a to 389f, a conservation authority is responsible for establishing and paying the remuneration and expenses of the members of the conservation authority appointed by its participating municipalities, unless the conservation authority passes a resolution transferring the responsibility for establishing remuneration and expenses to the participating municipalities, in which case the remuneration and expenses shall be established and paid in accordance with section 389f.

(2) Subsection 2 of section 13 of The Municipal Amendment Act, 1978, being chapter 101, is repealed.

The said Act is further amended by adding thereto the following section:

390b. The council of every municipality may pass by-laws for providing for any or all of the members of council any benefits that may be provided for the employees of a municipality under paragraphs 66 and 67 of section 352 and for any other benefits of a like nature that the council considers appropriate.
11. Clause c of subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is repealed and the following substituted therefor:

(c) in respect of a building that during the year or during the preceding year after the return of the assessment roll,

(i) was razed by fire, demolition or otherwise, or

(ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage.

12.—(1) This Act, except sections 1 and 9, comes into force on the day it receives Royal Assent.

(2) Sections 1 and 9 come into force on the 1st day of January, 1980.

13. The short title of this Act is *The Municipal Amendment Act, 1979 (No. 3)*.