1979

c 129 The City of London Act, 1979

Ontario
CHAPTER 129

An Act respecting the City of London

Assented to December 20th, 1979

WHEREAS The Corporation of the City of London 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 London;

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

2. (1) Notwithstanding clause b of subsection 1 of section 44 of The Municipal Act, where a vacancy occurs in the office of controller, the council, if it does not fill the vacancy by a new election as provided in section 45 of that Act, may appoint the defeated candidate who received the highest number of votes for the office of controller at the last regular election provided the number of votes received by such defeated candidate is more than one-half the number of votes received by the candidate elected to the office of controller by the fewest number of votes at the last regular election.

(2) No person shall be appointed to fill the vacancy under this section unless he has consented to accept the office if he is appointed and he is a person qualified to hold office as a member of council.

(3) Where, because of an equality of votes at the last regular election, it cannot be ascertained which defeated candidate for the office of controller received the highest or second highest number of votes, a vote of the members of council shall be taken and the
defeated candidate receiving the greatest number of votes of the members of council present and voting shall be deemed to be the defeated candidate who received the highest number of votes at the last regular election.

(4) Where a defeated candidate does not consent to accept the office if he is appointed or where he is not qualified to hold office as a member of council, the defeated candidate for the office of controller who received the next highest number of votes at the last regular election shall be appointed to fill the vacancy if the number of votes received by him is more than one-half the number of votes received by the candidate elected to the office of controller by the fewest number of votes at the last regular election.

3.—(1) The council is hereby authorized, without obtaining the approval of the Ontario Municipal Board, to apply the net proceeds of the sale of the Talbot Square Underground Parking Garage, to the extent of the amount of principal and interest then outstanding on the debentures issued and exchanged under section 12 of The City of London Act, 1977, to the credit of the reserve fund or other special account established and maintained by by-laws passed under paragraph 9 of subsection 1 of section 2 of The City of London Act, 1971 for the purpose of paying the cost of construction of boundary roads and outlet sewers.

(2) For the purpose of every Act, the Municipal Board shall be deemed to have issued an order under section 64 of The Ontario Municipal Board Act, 1970, not subject to section 42 or to petition or appeal under section 94 or 95 of the said Act, authorizing the construction referred to in subsection 1 and authorizing the corporation to apply the net proceeds of the sale in accordance therewith.

4.—(1) In this section,

(a) “Art Gallery” means London Regional Art Gallery;

(b) “Library Board” means The London Public Library Board.

(2) The Library Board may from time to time convey to the Art Gallery by way of gift, and without receiving consideration therefor, the interest of the Library Board in such works of art including, without limitation, paintings, prints, woodcuts and sculptures as the Library Board may by resolution determine, and as and from the date of each such conveyance to the Art Gallery the works of art so conveyed shall be used and administered in accordance with the purposes defined by any deed, will or other instrument creating any trust or obligation with respect thereto,
and the Library Board shall be absolutely freed and discharged from all obligations and trusts with respect to the works of art so conveyed.

(3) All trust funds of every nature and kind held by the Library Board for the sole benefit of the London art gallery and museum which immediately prior to the coming into force of this Act were vested in and were under the control of the Library Board including, without limitation, the funds received from the Alfred James Mitchell Estate, are hereby vested in the Art Gallery to be used and administered in accordance with the purposes defined by the deed, will or other instrument creating such trust, and the Library Board is hereby absolutely freed and discharged from all obligations and trusts with respect to all such trust funds.

(4) All gifts, trusts, bequests, devises and grants of real or personal property or the income or proceeds thereof, heretofore or hereafter expressed by any person, body politic or corporation by deed, will or other instrument in writing to be made, given or conveyed to the Library Board solely for the London art gallery and museum shall, in so far as the same have not vested in possession or been carried into effect at the date this Act comes into force, in the absence of any expressed intention to the contrary set out in such deed, will or other instrument in writing, be construed as though the same had been expressed to be made to the Art Gallery and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed, will or other instrument in writing, shall pay over or transfer all such moneys and property to the Art Gallery as and when the same becomes or may become payable or transferable, and the receipt of the Art Gallery shall be a sufficient discharge therefor.

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