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1975

c 7 The Ontario Unconditional Grants Act, 1975

Ontario

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CHAPTER 7

An Act to provide for the Payment of Unconditional Grants

Assented to April 18th, 1975

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

1. — (1) In this Act,

(a) "acres in the area municipality" means the area in acres of the municipality, excluding property held in trust for a band or body of Indians and land covered by water, as certified by the Assessment Commissioner or Assessor;

(b) "area municipality" means an area municipality as defined in any Act establishing a metropolitan, regional or district municipality and in The County of Oxford Act, 1974;

(c) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada, or any province or any board, commission, corporation, or other agency thereof, or by any municipal or regional corporation or local board thereof,

(ii) the business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines,

according to the last revised assessment roll;
(d) "density" means the total number of residential properties in an area municipality divided by the acres in the area municipality correct to two places of decimals;

(e) "lower tier municipality" means a city, town, village, township or improvement district;

(f) "merged area" means a merged area as defined in an Act establishing a regional municipality;

(g) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(h) "net levy" means the net general dollar levy as prescribed;

(i) "prescribed" means prescribed by the regulations under this Act;

(j) "regional municipality" means a metropolitan, regional or district municipality as defined in the Act establishing such a municipality and includes the County of Oxford;

(k) "residential property" means land separately assessed under paragraph 2 of subsection 2 of section 17 of The Assessment Act upon which there is a building used or intended to be used as a residence;

(l) "upper tier municipality" means a county or regional municipality.

(2) For the purposes of this Act, population shall be determined in the manner prescribed.

2. -(1) The following are repealed:

1. The Regional Municipal Grants Act, being chapter 405 of the Revised Statutes of Ontario, 1970;

2. The Regional Municipal Grants Amendment Act, 1971, being chapter 73;

3. The Regional Municipal Grants Amendment Act, 1972, being chapter 64;

4. The Regional Municipal Grants Amendment Act, 1973 (No. 1), being chapter 62;
5. *The Regional Municipal Grants Amendment Act, 1973* (No. 2), being chapter 160;


(2) Any reference in any other Act to an Act repealed under subsection 1 shall be deemed to be a reference to this Act.

3. In each year there shall be paid to each regional municipality a payment or payments in accordance with the population of the area municipalities within the regional municipality as follows:

1. $9 per capita.

2. An amount per capita in accordance with Schedule 1 based on the density of each area municipality.

3. $12 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act, 1970*.

4. $8 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

4. In each year, the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality by the sum of:

(a) $9;
(b) the per capita amount in relation to the area municipality in accordance with Schedule 1 based on the density of the area municipality;

(c) $12 where a regional municipality is deemed to be a city for the purposes of The Police Act; or

(d) $8 in relation to each area municipality to which paragraph 4 of section 3 applies.

Interpretation

5. (1) For the purposes of this section, "municipality" means a city, town, village, township or improvement district but does not include an area municipality.

Payments to municipalities

(2) In each year, payments shall be made to each municipality in accordance with the population of that municipality and Schedule 2 of this Act.

Idem

(3) In each year, payments of $8 per capita shall be made to each municipality providing its own law enforcement by maintaining its own police force, or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with The Police Act.

Interpretation

6. (1) For the purposes of this section, "municipality" means a city, town, village, township, improvement district, county or regional municipality.

Minister may make grants or loans

(2) Where the Minister is satisfied that property taxes in a municipality may be unduly increased by reason of a substantial loss of revenue that had previously been available to a municipality as a result of,

(a) a change in legislation;

(b) an unforeseen commitment imposed on a municipality; or

(c) circumstances beyond the control of the municipal council and of an unusual or exceptional nature,

the Minister may, by order, make a grant or a loan to such municipality under such terms and conditions as the Minister considers necessary in the circumstances.

Payments to municipalities

(3) There shall be paid to each municipality set out in column 1 of Schedule 3,

(a) in the year 1975, the sum set opposite the name of the municipality in column 2; and
(b) in the year 1976, the sum, if any, set opposite the name of the municipality in column 3.

7.—(1) In this section,

(a) "net county levy" means the amount required for county purposes including the sums required for any board, commission or other body, apportioned to each lower tier municipality by the county;

(b) "net lower tier levy" means the amount required for lower tier purposes under section 307 of The Municipal Act including the sums required for any board, commission or other body excluding school purposes and sums included in the net regional levy or net county levy;

(c) "net regional levy" means the amount required for general regional purposes including the sums required for any board, commission or other body but excluding school purposes apportioned to each area municipality and reduced by the amount credited to each area municipality under section 4;

(d) "rateable property" includes business and other assessment made under The Assessment Act;

(e) "residential and farm assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause c of subsection 1 of section 1;

(f) "special lower tier levy" means an amount which is not included in the net lower tier levy, and excludes amounts required for school purposes and sums included in the net regional levy, net county levy and special regional levy;

(g) "special regional levy" means an amount apportioned by a regional municipality to one or more area municipalities that is not included in the net regional levy and excludes amounts required for school purposes.

(2) Each lower tier municipality shall levy, in accordance with subsection 3, separate rates as applicable on commercial assessment and on residential and farm assessment in each year in respect of the,
(a) net regional levy;
(b) net county levy;
(c) net lower tier levy;
(d) special regional levy; and
(e) special lower tier levy.

The rates to be levied in each year for each separate levy specified in subsection 2,

(a) on residential and farm assessment shall be 85 per cent of the rates to be levied on commercial assessment; and

(b) on commercial assessment shall be determined by multiplying the amount required for each such levy by 1,000 and dividing the product by 85 per cent of the sum of the residential and farm assessment plus the commercial assessment.

Where in 1975 in any lower tier municipality, the mill rates that would have been levied on residential and farm property for all purposes, other than school purposes, would increase more than 5 per cent over the mill rates which would have been levied on such property had the method of calculating such mill rates not changed, the Minister may, by order, make a grant to such municipality under such terms and conditions as the Minister considers necessary in the circumstances.

Notwithstanding subsection 2, the net regional levy and the net lower tier levy charged against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Ministry of Revenue.

The rates to be levied in each merged area shall be determined in accordance with subsection 3.

8. The Lieutenant Governor in Council may, to minimize changes in the incidence of local taxation and to promote the development of services on a regional basis, by order, upon such terms and conditions as he considers appropriate, provide for payments to be made,
(a) to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton, The Regional Municipality of York, The District Municipality of Muskoka and to any area municipality therein for a period not exceeding five years from the 23rd day of July, 1971;

(b) to any other regional municipality or lower tier municipality affected by any amalgamation, annexation or change in the responsibility for the provision of services, for a period not exceeding five years after the effective date of such amalgamation, annexation or change in responsibility; and

(c) notwithstanding clause (a), to the Township of Goulbourn, the Township of Rideau, and the Township of West Carleton for a period not exceeding five years from the 1st day of January, 1974.

9. In each year there shall be paid a resource equalization grant to each lower tier municipality whose equalized assessment per capita in the preceding year is below $10,300, or such other amount as may be prescribed, in an amount based, in the manner prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to $10,300 as applied to the net levy of the lower tier municipality.

10.—(1) For the purposes of any general or special Act, the equalized assessment of a lower tier municipality shall for apportionment purposes, other than for school purposes or county purposes or for apportionment between merged areas, be increased by an amount that would have produced the amount of the resource equalization grant entitlement in the preceding year by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes, other than school purposes, on commercial assessment in the preceding year, by the total equalized commercial assessment for the preceding year, times 1,000.

(2) In determining the taxes levied on commercial assessment under subsection 1, there shall be excluded the taxes added to the collector's roll under section 43 of The Assessment Act and the assessment on which such taxes are levied.

(3) In each year, the clerk of every lower tier municipality that received a resource equalization grant in the preceding year shall provide, on or before the 1st day of April, to the upper tier municipality, a statement of the
amount of the resource equalization grant in respect of the preceding year and the amount to be added to the equalized assessment of the municipality under subsection 1, provided that in 1975, lower tier municipalities in the County of Oxford shall use the estimated 1975 resource equalization grant.

11.—(1) The lower tier municipality shall, in each year, ascribe a portion of the resource equalization grant entitlement in that year to the upper tier municipality.

(2) For the purposes of subsection 1, the portion shall be the ratio of taxes levied on commercial assessment in the preceding year for the upper tier municipality to the total taxes levied on commercial assessment in the preceding year for all purposes, other than school purposes, provided that for the County of Oxford in 1975, the ratio shall be determined using the estimated current year taxes.

(3) In determining the taxes levied on commercial assessment under subsection 2, there shall be excluded taxes levied on such assessment added to the collector’s roll under section 43 of The Assessment Act.

12. The amount ascribed to the upper tier municipality under section 11 shall be deducted from the requisition of the upper tier municipality for the year and the net amount shall be the amount included in the levy of the lower tier municipality for purposes of section 302 of The Municipal Act and section 7 in each year.

13.—(1) Notwithstanding section 10, a preliminary apportionment may be made in any year and an adjustment to the preliminary apportionment shall be made when the statement under subsection 3 of section 10 is received.

(2) In the case of the County of Oxford, a preliminary apportionment may be made in 1975 notwithstanding section 10 and an adjustment to that apportionment shall be made when the amount of the 1975 resource equalization grant entitlement for all area municipalities in the County is determined.

14.—(1) In the case of the County of Oxford, in 1975, and for the purposes of section 10, the equalized assessment of a lower tier municipality shall for apportionment purposes, other than for school purposes or apportionment between merged areas, be increased by an amount that would have produced the amount of the resource equalization grant entitlement in 1975 by the taxation of real property
at the mill rate determined by dividing the total estimated taxes levied by the lower tier municipality in 1975 for all purposes other than school purposes on commercial assessment for 1975 by the total equalized commercial assessment for 1975, times 1,000.

(2) In determining the taxes levied on commercial assessment under subsection 1, there shall be excluded the taxes added to the collector's roll under section 43 of The Assessment Act and the assessment on which such taxes are based.

15. In each year there shall be paid a general support grant to each upper tier municipality and to each lower tier municipality in an amount equal to 6 per cent, or such other percentage as may be prescribed, of the net levy of the municipality.

16. In each year there shall be paid a special support grant of 15 per cent, or such other percentage as may be prescribed, of the net levy of each upper tier municipality and each lower tier municipality, to each such municipality that is situate in the northern part of Ontario.

17. In each year there shall be paid to the Township of Chisholm, the Improvement District of Cameron and any lower tier municipality situated in the Territorial District of Parry Sound, a special support grant of 7.5 per cent, or such other percentage as may be prescribed, of the net levy of such municipality.

18. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature.

19.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing anything that in this Act may be prescribed by regulation;
(b) prescribing the conditions under which grants shall be made;
(c) prescribing the method of calculating grants made under this Act and the conditions attached thereto;
(d) prescribing the manner in which grants are to be made under this Act;
(e) prescribing the manner in which population is to be determined for the purposes of this Act;
(f) prescribing the forms and records to be used for the purposes of this Act or the regulations;

(g) prescribing the area that is to comprise the northern part of Ontario.

Regulations may be retroactive

(2) Regulations under subsection 1 may be made retroactive to a date not earlier than the 1st day of January, 1975.

Commencement

20. This Act shall be deemed to have come into force on the 1st day of January, 1975.

Short title

21. This Act may be cited as The Ontario Unconditional Grants Act, 1975.

SCHEDULE 1

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<th>Density</th>
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<tr>
<td>Over 0.15 to 0.30</td>
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<td>5,001 - 10,000</td>
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<tr>
<td>10,001 - 15,000</td>
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<tr>
<td>15,001 - 20,000</td>
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<td>20,001 - 25,000</td>
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<td>25,001 - 50,000</td>
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**SCHEDULE 3**

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<th>Column 3</th>
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