1937

c 71 Municipal Drainage Aid Act

Ontario
CHAPTER 71.

The Municipal Drainage Aid Act.

1.—(1) The council of a township which has passed a by-law for undertaking a work under the provisions of The Municipal Drainage Act, may, after the expiration of the time limited for serving notice of intention to make application to quash the by-law, apply to the Treasurer of Ontario for the purchase by the Province of the debentures authorized thereby.

(2) The application shall be in the prescribed form and shall be sealed with the seal of the municipality, and signed by the head thereof, and shall be accompanied by two affidavits, in the prescribed form, one to be made by him and the other by the clerk of the municipality. R.S.O. 1927, c. 64, s. 1.

2. The Treasurer of Ontario shall investigate and report to the Lieutenant-Governor in Council as to the propriety of all proposed investments, in the order in which the applications therefor are received. R.S.O. 1927, c. 64, s. 2.

3. The Treasurer of Ontario shall not certify to the propriety of an investment where the aggregate amount of the rates necessary for the payment of the annual expenses of the municipality for the last completed financial year and of the interest and principal of the debts contracted by it exceeds three cents in the dollar on the whole value of the rateable property within its jurisdiction, or where the amount of the debentures to be issued exceeds $60,000, and the amount invested in the purchase of debentures of any municipality shall not at any time exceed $40,000. R.S.O. 1927, c. 64, s. 3.

4.—(1) The Lieutenant-Governor in Council may authorize the investment of any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any time $500,000, in the purchase of debentures, in respect of which the Treasurer of Ontario certifies to the propriety of the investment. R.S.O. 1927, c. 64, s. 4 (1).

(2) No investment shall be made by the Treasurer under this Act where the price paid for the debentures would be
such as to show a less return to the Province than the equivalent of an investment at four per centum per annum. R.S.O. 1927, c. 64, s. 4 (2); 1937, c. 49, s. 2.

5. The Lieutenant-Governor in Council may authorize the advance of the whole par value of the debentures, or the retention of such percentage thereof as he may see fit until the Minister of Public Works and Highways has reported that the works have been inspected and are completed, and the expenses in connection with the investigation and inspection shall be deducted from the amount, if any, retained. R.S.O. 1927, c. 64, s. 5.

6. After such investment, the debentures shall not be questioned in any court and shall be valid and binding according to the terms thereof. R.S.O. 1927, c. 64, s. 6.

7.—(1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality to the Treasurer of Ontario within one month after the same became payable, together with interest at the rate of seven per centum per annum during the time of any default in payment.

(2) In case of a continuance of such default the council in the next ensuing year or as the case may require shall assess and levy on the whole rateable property within its jurisdiction in the same manner in which taxes are levied for the general purposes of the municipality a sum, over and above the other valid debts of the corporation falling due within the year, sufficient to enable the treasurer of the municipality to pay the amount in arrear together with interest thereon at the rate of seven per centum per annum from the time the same became payable until payment, whether or not the same has been previously paid by or recovered from the persons or land chargeable therewith.

(3) The amount so in arrear and the interest shall be the first charge upon all the funds of the municipality other than sinking funds, for whatever purpose or under whatever by-laws they may have been raised.

(4) No treasurer or other officer shall after such default pay out of the funds of the municipality any sum, except for the ordinary current disbursements and salaries of clerks and other employees of the municipality or debts due to the province of Ontario, until the amount so in arrear and the interest has been paid to the Treasurer of Ontario.
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(5) If such treasurer or other officer pays any sum contrary to the provisions of subsection 4, in addition to any criminal liability which he may thereby incur, he shall be personally liable for every sum paid as for money had and received by him for the Crown.

(6) Any member of the council who wilfully or negligently permits any of the foregoing provisions to be violated shall also be personally and individually liable for the full amount so in arrear, and the interest, to be recovered as for money had and received by him for the Crown.

(7) No assessment, levy or payment made under this section shall exonerate the persons or lands chargeable under the by-law from liability to the municipality. R.S.O. 1927, c. 64, s. 7.

8. The Lieutenant-Governor in Council may make regulations and prescribe forms for the carrying out of the provisions of this Act. R.S.O. 1927, c. 64, s. 8.

9.—(1) The Treasurer of Ontario may from the 1st day of April, 1937, reduce to four per centum per annum the rate of interest payable upon all debentures of any municipality purchased by the Province prior to the 25th day of March, 1937, under the provisions of this Act which, on the 25th day of March, 1937, have not matured and are unpaid, until such debentures finally mature and are paid, at or before the time of such maturity, and payment of interest on or before the respective due dates thereof at the said rate may be accepted by the Treasurer of Ontario in full discharge and satisfaction of the interest payable upon such debentures notwithstanding the tenor thereof or of any interest coupons attached thereto.

(2) Nothing in subsection 1 shall affect the rate of interest payable upon the said debentures or interest thereon during the time of any default in payment as provided for in section 7. 1937, c. 49, s. 3.

(3) No municipality shall be entitled to the reduction in the rate of interest provided for in subsection 1 until it satisfies the Treasurer of Ontario that a reduction to four per centum per annum in the rate of interest included in the annual rates levied for the special assessments payable after the 1st day of April, 1937, by persons liable therefor for discharge of debentures issued by the municipality and purchased by the Province has been made.
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(4) Notwithstanding the provisions of this Act or the by-law of a municipality under which the debentures purchased by the Province were issued or of the debentures themselves or of any special assessments imposed by such by-law for payment and discharge of such debentures and interest thereon, the council of such municipality is authorized from the 1st day of April, 1937, to reduce to four per centum per annum the rate of interest payable upon such debentures and to levy rates for the special assessments at and including only such reduced rate of interest for the remaining years during which rates for such special assessments have still to be levied and to accept payment of such rates in full discharge and satisfaction of the liability of the persons and lands subject thereto, and for such purpose the council may cause the special assessments and any rolls or registers thereof to be amended accordingly. 1937, c. 49, s. 4.

(5) The Treasurer of Ontario may make regulations for the purposes of subsections 1 to 4 to ensure that the intent thereof may be effectuated. 1937, c. 49, s. 5.