1974

The Community Recreation Centres Act, 1974

Ontario
CHAPTER 80

The Community Recreation
Centres Act, 1974

Assented to December 2nd, 1974

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) "approved corporation" means a corporation
approved under section 8;

(b) "band", "council of the band" and "reserve" have
the same meaning as in the Indian Act (Canada);

(c) "board" means a board as defined in The Schools
Administration Act;

(d) "committee of management" means a committee
appointed under section 5;

(e) "community recreation centre" means land or all or
any part of a building or buildings or structure
established in accordance with this Act that is
maintained and operated for community recreation
activity;

(f) "corporation" means a corporation without share
capital having objects of a charitable, educational
or social nature,

   (i) to which Part III of The Corporations Act
   applies, or

   (ii) that is incorporated under a general or special
   Act of the Parliament of Canada;

(g) "Minister" means the Minister of Community and
Social Services;
(h) "municipality" means a city, town, village, township or improvement district;

(i) "regulations" means the regulations made under this Act.

(2) For the purposes of this Act, a community centre established under The Community Centres Act shall be deemed to be a community recreation centre established in accordance with this Act.

2. — (1) The council of a municipality may, by by-law, provide for the establishment, maintenance and operation of one or more community recreation centres in accordance with this Act and the regulations and may acquire by purchase, lease or otherwise real and personal property for that purpose and the council shall submit a copy of the by-law to the Minister.

(2) A by-law enacted pursuant to subsection 1 may provide for acquiring land and establishing a community recreation centre in territory without municipal organization that is contiguous to the establishing municipality or in a municipality that is contiguous to the establishing municipality.

(3) A municipality may issue debentures for the purpose of subsection 1 in the manner provided by The Municipal Act.

(4) The council of a municipality may pass by-laws granting aid to community recreation centres.

(5) The council of a municipality may prescribe fees and fix charges for the admittance to or the use of a community recreation centre and may from year to year or for any time not exceeding ten years let the right to sell refreshments within the community recreation centre on such terms and conditions as the council may prescribe.

3. — (1) A board with jurisdiction in territory without municipal organization may provide for the establishment, maintenance and operation of one or more community recreation centres in accordance with this Act and the regulations in such territory without municipal organization and may acquire by purchase, lease or otherwise real and personal property for that purpose.

(2) A board that establishes a community recreation centre under subsection 1 may prescribe fees and fix charges for the admittance to or the use of the community recreation centre.
recreation centre and may from year to year or for any time not exceeding ten years let the right to sell refreshments within the community recreation centre on such terms and conditions as the board may prescribe.

4. The council of a municipality may enter into an agreement with the council or councils of any other municipality or municipalities for the joint establishment or use of a community recreation centre upon such terms as may be agreed respecting the cost and maintenance of the community recreation centre and the council shall submit a copy of the agreement to the Minister.

5. (1) The council of a municipality or a board establishing a community recreation centre under this Act may appoint a committee for the management and control of the community recreation centre composed of not fewer than three persons who are qualified to be elected as members of the council or of the board, as the case may be, and where the committee is composed of five or more persons, at least two shall be members of the council or of the board, as the case may be.

(2) The council or board may appoint one committee of management in the manner provided in subsection 1 to manage and control any or all community recreation centres established by the municipality or board, as the case may be.

(3) The members of the committee of management shall be appointed annually by the council or board, as the case may be.

(4) Notwithstanding subsection 1, where financial aid or contribution in respect of the establishment or maintenance of a community recreation centre under this Act is granted or made by any person, society, board or other body or by any other municipality not within the territorial jurisdiction of the municipality or board, as the case may be, that establishes the community recreation centre, the council of that municipality or board may appoint as members of the committee of management persons who are not qualified to be elected as members of the council of the municipality or board, as the case may be, that establishes the community recreation centre, but any persons appointed to represent a municipality or board contributing to the cost of the community recreation centre under an agreement for the joint establishment or use thereof shall be qualified to be elected as a member of the council of the contributing municipality or as a member of the contributing board, as the case may be.
(5) A majority of the members of the committee of management shall be a quorum.

(6) The committee of management of a community recreation centre may make such rules as it considers necessary relating to the management and control thereof and may fix such charges for the use of the community recreation centre as it considers advisable.

(7) Subject to subsection 5 of section 2 and subsection 2 of section 3, the committee of management of a community recreation centre has the power to let from year to year, or for any time not exceeding ten years, the right to sell refreshments on such terms and conditions as the committee shall prescribe.

(8) Notwithstanding subsection 1, and subject to any agreement entered into under section 4 of this Act or under section 36a of The Schools Administration Act, all assets realized and liabilities incurred in connection with a community recreation centre shall vest in the municipality or board, as the case may be, that establishes the community recreation centre.

(9) A committee of management shall submit annually for approval by the council of the municipality or board, as the case may be, that establishes the community recreation centre, an estimate of the committee’s net financial requirements for the year, and the council of the municipality or board, as the case may be, may amend the estimate prior to approval and where the estimate is approved, shall pay out of moneys appropriated for the committee such amounts as may be requisitioned by the committee from time to time but not exceeding in any year the amount of the approved estimate.

(10) Where a community recreation centre is jointly established pursuant to an agreement under section 4, the committee of management shall submit its estimate for approval by the council of each participating municipality together with a statement as to the proportion of the estimate to be charged to each municipality and the provisions of subsection 9 shall apply mutatis mutandis.

(11) A committee of management shall not make or incur liability for any expenditure that is not approved under subsection 9 or 10 as part of its annual estimate and the municipality or board that establishes the community recreation centre or that participates in the joint establishment or use of the community centre, as the case may be,
shall not be liable for any expenditure that is not approved under subsection 9 or 10.

6.—(1) The Minister may out of moneys appropriated therefor by the Legislature direct payment to a municipality of an amount computed in accordance with the regulations towards the cost, approved by the Minister, of the erection, alteration, extension, acquisition by purchase, lease or otherwise or the renovation of a community recreation centre but not exceeding the lesser of $75,000 or 25 per cent or such greater amount as the regulations prescribe of such cost for any community recreation centre.

(2) Notwithstanding subsection 1, where an agreement for the joint establishment or use of a community centre is entered into under section 4, or under section 36a of The Schools Administration Act, the amount of the grant under subsection 1 to each participating municipality shall not exceed the lesser of $75,000 or 25 per cent or such greater amount as the regulations prescribe of the value of the contribution by the municipality for the community recreation centre.

(3) Where a community recreation centre was established in a municipality by a board prior to the coming into force of this Act, the Minister may out of moneys appropriated therefor by the Legislature direct payment to the board of an amount computed in accordance with subsection 1 towards the cost, approved by the Minister, of the alteration, extension or renovation of the community recreation centre.

7. No grant shall be made under section 6 or 9 for the erection, alteration, extension, acquisition or renovation of a community recreation centre until the plans therefor have been submitted to the Minister.

8. Where the Minister is satisfied that any corporation is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a community recreation centre and that its affairs are carried on under competent management in good faith for charitable, educational or social purposes, he may approve such corporation as a corporation for the purposes of this Act.

9. The Minister may, out of moneys appropriated therefor by the Legislature and upon such terms and conditions as he may determine, direct payment to,

(a) the council of a band;
(b) an approved corporation where the community recreation centre is or will be in territory without municipal organization; or

c) a board with jurisdiction in territory without municipal organization where the community recreation centre is or will be in such territory.

for the erection, alteration, extension, acquisition by purchase, lease or otherwise, or the renovation of a community recreation centre.

10. No municipality, board, band or approved corporation that has been paid a grant under section 6 or 9, as the case may be, in respect of a community recreation centre shall change the site or use of the community recreation centre or sell, lease, mortgage or otherwise dispose of any part of or interest in the community recreation centre without the approval in writing of the Minister, and such approval may be subject to such terms and conditions as the Minister may consider advisable, including a condition requiring the repayment in whole or in part of any such grant.

11.—(1) An approval given under this Act may be suspended or revoked by the Minister, where,

(a) a director, officer or servant of the municipality, board or approved corporation, as the case may be, has contravened or knowingly permitted a person under his control and direction to contravene a provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or

(b) the approval would be refused if application were being made for it in the first instance.

(2) Subject to subsection 6 and except where an approval is suspended or revoked with consent of the municipality, board or approved corporation, as the case may be, before suspending or revoking an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Ministry of Community and Social Services, appointed by the Minister.

(3) Sections 4 to 16 and 21 to 24 of The Statutory Powers Procedure Act, 1971 apply with respect to a hearing under this section.
(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

(5) After considering a report made to him under this section, the Minister may thereupon suspend or revoke the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act, where the continuation of operations in accordance with the approval is, in the Minister’s opinion, an immediate threat to the health or safety of any person or to the public and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

12. The Lieutenant Governor in Council may make regulations,

(a) governing applications by municipalities, boards, approved corporations and bands for payments under this Act, and prescribing the terms and conditions upon which such payments may be made, and the time and manner of payment;

(b) prescribing classes of grants and the manner of computing the amounts of such grants or any class thereof payable under this Act;

(c) prescribing the greater amount of the maximum of a grant or class thereof for the purposes of section 6;

(d) prescribing the uses to which a community recreation centre may be put and the accommodation that may be provided therein;

(e) prescribing the powers and duties of municipalities, committees of management, bands and boards as they relate to the operation and management of a community recreation centre and providing for the appointment of officers of such committees;
(f) prescribing the records to be kept and the returns to be made to the Minister in respect of community recreation centres and the method, time and manner in which such records and returns shall be made;

(g) prescribing forms and providing for their use.

Repeals

13. The following are repealed:


Commencement

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. This Act may be cited as The Community Recreation Centres Act, 1974.