c 119 The District Municipality of Muskoka Amendment Act, 1974 (No. 1)
CHAPTER 119

An Act to amend
The District Municipality of Muskoka Act

Assented to December 20th, 1974

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

1. Section 8 of The District Municipality of Muskoka Act, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections:

(5) When the chairman is absent or refuses to act, or his office is vacant, the District Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

(6) The District Council may by by-law appoint a member of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

2. Part III of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, sections 1 and 2, is repealed and the following substituted therefor:

PART III

DISTRICT WATERWORKS SYSTEM

26.—(1) On and after the 1st day of January, 1975, the District Corporation shall have the sole responsibility for the supply and distribution of water in the District Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal cor-
poration or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply mutatis mutandis to the District Corporation, except the power to establish a public utilities commission.

(2) The District Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the District Corporation proceeds under The Local Improvement Act, or any other Act involving the use of a collector’s roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector’s roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.

(4) Where the District Corporation does not proceed under The Local Improvement Act or under section 362 of The Municipal Act, the District Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the District Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the
Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the District Area or for any area municipality is vested in the District Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection 8, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under The Local Improvement Act is payable as the owners’ share of a local improvement work.

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting such supply and distribution of water, the District Corporation shall, on and after the 1st day of January, 1973, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(12) The District Corporation may enter into agreements with any person or municipality, with respect to the matters provided for in this Part.
(13) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the District Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of The Public Utilities Act apply, and the moneys collected shall be forwarded to the treasurer of the District Corporation.

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the District Council otherwise determines.

PART III-A

DISTRICT SEWAGE WORKS

27. (1) On and after the 1st day of January, 1975, the District Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the District Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply mutatis mutandis to the District Corporation, except the power to establish a public utilities commission.

(2) The District Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;
(b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

c) by any method or methods authorized by law or by any combination thereof.

(3) If the District Corporation proceeds under The Local Improvement Act, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.

(4) Where the District Corporation does not proceed by imposing a surcharge on the water rate, or under The Local Improvement Act, or under section 362 of The Municipal Act, the District Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the District Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage.
Vesting of property in District Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the District Area by any area municipality are vested in the District Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

District Corporation liability

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection 8, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that, under The Local Improvement Act, is payable as the owners' share of the local improvement work.

Default

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the District Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the district road system.
(13) The District Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the District Area, and where the District Corporation does so the provisions of this Part apply, mutatis mutandis, to the establishment, construction, maintenance, operation and financing thereof.

(14) The District Corporation may enter into agreements with any person or municipality with respect to the matters provided for in this Part.

(15) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part in an area municipality continue until such time as the District Council otherwise determines.

3. (1) Subsections 1 and 2 of section 68 of the said Act are repealed and the following substituted therefor:

(1) On and after the 1st day of January, 1975, the District Area shall be a planning area for the purposes of The Planning Act, and shall be known as the Muskoka Planning Area.

(2) The District Council shall be the planning board of the Muskoka Planning Area.

(2) Subsection 4 of the said section 68 is repealed and the following substituted therefor:

(4) No area municipality shall exercise any of the powers under The Planning Act except those contained in sections 35, 35a, 35b and 38.

(3) Subsection 5 of the said section 68 is amended by striking out “subsections 3 and 4” in the first line and inserting in lieu thereof “subsection 3”.

(4) Subsection 6 of the said section 68 is amended by striking out “and” at the end of clause a and by striking out clause b.

4. (1) Subsection 2 of section 69 of the said Act is amended by striking out “and the council of each area municipality shall within two years thereafter adopt and for-
ward to the Minister for approval an official plan for the area municipality" in the third, fourth, fifth and sixth lines.

(2) The said section 69 is further amended by adding thereto the following subsection:

(2a) During the course of preparation of the official plan for the District Area, the District Council shall, in respect of that part of the official plan that affects each area municipality, consult with the council of that area municipality, and the completed draft plan shall be referred for comment to the council of each area municipality prior to adoption by the District Council.

5. Section 89 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, section 6, is further amended by adding thereto the following subsections:

(3) Every area municipality shall be deemed to be an area municipality for all purposes of The Regional Municipal Grants Act and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

(4) The District Corporation shall be deemed to be a regional municipality for the purposes of The Regional Municipal Grants Act, except that for the purposes of this Act, "net regional levy" in The Regional Municipal Grants Act, means the amount required for district purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 92 of this Act reduced by the amount credited to each area municipality under section 3 of The Regional Municipal Grants Act.

6. (1) Subsection 4 of section 92 of the said Act is amended by striking out "equalize" in the first line and inserting in lieu thereof "weight" and by striking out "equalized" in the fourth line and inserting in lieu thereof "weighted".

(2) Subsection 5 of the said section 92 is repealed.

(3) Subsection 6 of the said section 92 is amended by striking out "equalization" in the second line and inserting in lieu thereof "weighting" and by striking out "equalized" in the fourth line and inserting in lieu thereof "weighted".

(4) Subsection 7 of the said section 92 is amended by striking out "equalized" in the second line and in the fifth line and inserting in lieu thereof in each instance "weighted".
(5) Subsection 8 of the said section 92 is amended by striking out "equalization" in the first line and in the fourth line and inserting in lieu thereof in each instance "weighting".

(6) Subsection 9 of the said section 92 is amended by striking out "equalized" in the second line and inserting in lieu thereof "weighted".

(7) Subsections 11 and 12 of the said section 92 are repealed and the following substituted therefor:

(11) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes, which include a payment in respect of district levies, are paid by the Crown in right of Canada or any province or any board, commission, corporation or any other agency thereof or Ontario Hydro to any area municipality, and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of The Municipal Act, section 4 of The Provincial Parks Municipal Tax Assistance Act, 1974, and subsection 3 of section 3 of The Property Tax Stabilization Act, 1973.

(12) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 11 and the said Ministry shall revise and weight the valuations of these payments and shall notify the District Corporation and the appropriate area municipality of such valuations.

7. Sections 93, 94 and 95 of the said Act are repealed and the following substituted therefor:

93.—(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the Notice revision and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment.

(3) Notwithstanding section 7 of The Regional Municipal Grants Act, the net district levy and the sums adopted in accordance with section 307 of The Municipal Act for all
purposes, excluding school purposes, levied 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 weighted assessment of each merged area bears to the total weighted assessment of the area municipality, both according to the last revised assessment role as weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of The Assessment Act shall not apply to any apportionment by an area municipality under this subsection.

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of The Regional Municipal Grants Act.

94.—(1) Notwithstanding section 92, the District Council may in any year before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 14 and 15 of section 92 apply to such levy.

(2) The amount of any levy made under subsection 1 shall be deducted from the levy made under section 92.

(3) Notwithstanding section 93, the council of an area municipality may in any year before adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(4) The amount of any levy under subsection 3 shall be deducted from the amount of the levy made under section 93.

(5) Subsection 4 of section 303 of The Municipal Act applies to levies made under this section.

(1) Subsection 2 of section 96 of the said Act is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines.

(2) Subsection 3 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines.
(3) Subsection 4 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines.

(4) Subsection 5 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines.

(5) Subsection 7 of the said section 96 is repealed.

9. Clause b of section 105 of the said Act is repealed.

10. Subsection 1 of section 130 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 146, section 5, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, subsection 3 of section 308 and subsections 3, 10, 11, 12, 24 and 46 of section 352 of The Municipal Act apply mutatis mutandis to the District Corporation, and for the purposes of section 394 of The Municipal Act, the District Corporation shall be deemed to be a local municipality.

11. Section 132 of the said Act is amended by striking out "not exceeding $50,000 in any one year" in the first and second lines.

12. Section 133 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 92" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

13. Subsection 3 of section 149 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the District Council considers appropriate in the circumstances".

14.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.
(2) Section 2 comes into force on the 1st day of January, 1975.

This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1974*. 