1972

c 78 The Regional Municipality of York Amendment Act, 1972 (No. 1)

Ontario
CHAPTER 78

An Act to amend
The Regional Municipality of York Act

Assented to June 23rd, 1972
Session Prorogued December 15th, 1972

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

1.—(1) Clause h of subsection 1 of section 2 of The Regional
Municipality of York Act, being chapter 408 of the Revised
Statutes of Ontario, 1970, is amended by striking out "township" in the third line and inserting in lieu thereof "town".

(2) Clause i of subsection 1 of the said section 2 is amended by striking out "township" in the third and fourth lines and inserting in lieu thereof "town".

2. Subsection 3 of section 3 of the said Act is repealed and the following substituted therefor:

(3) For the purposes of the elections of the councils of the area municipalities for the years 1973 and 1974, the Minister may, by order,

(a) divide or redivide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards; and

(b) provide for such other matters as he considers necessary to hold the elections,

and where the Minister has divided or redivided an area municipality into wards, such division or re-division shall remain in effect until altered by the Municipal Board and the Municipal Board may divide or redivide any area municipality into wards in accordance with the provisions of section 13 of The Municipal Act.
3. The said Act is amended by adding thereto the following section:

27a. (1) The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith.

(2) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a waterworks system, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of a waterworks system and at any time in respect of the assumption of a waterworks system by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

(3) When an area municipality receives a special benefit by the extension or improvement of a waterworks system and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such waterworks system among all the area municipalities which receive a special benefit therefrom.

(4) Where any debt is incurred for the cost of a waterworks system, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

(5) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of The Municipal Act for imposing water rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the waterworks system had
been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the waterworks system there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the waterworks system a water rate sufficient to pay for the whole or a portion or percentage of the capital cost of the waterworks system.

4. Subsection 6 of section 28 of the said Act is repealed and the following substituted therefor:

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

5. Subsection 2 of section 42 of the said Act is amended by striking out "not exceeding one-half of 1 per cent for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "of 12 per cent per annum, or such lower rate as the Regional Council determines".

6. Subsection 6 of section 50 of the said Act is repealed and the following substituted therefor:

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

7. Subsection 1 of section 54 of the said Act is amended by inserting after "Corporation" in the ninth line "the whole or".

8. Subsection 2 of section 70 of the said Act is amended by adding at the end thereof "expressed by resolution".

9. Subsection 3 of section 85 of the said Act is repealed and the following substituted therefor:

(3) If the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the
Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

10. Section 95 of the said Act is amended by adding thereto the following subsection:

(1a) The board of health of the health unit established under section 94 shall be known as The York Regional Board of Health.

11. Subsection 6 of section 109 of the said Act is repealed and the following substituted therefor:

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause 5 of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

12. The said Act is amended by adding thereto the following section:

112a. In sections 114, 115 and 117, "Ministry" means the Ministry of Revenue.

13. Section 113 of the said Act is amended by adding thereto the following subsection:

(3) Section 43 of The Assessment Act and section 606 of The Municipal Act apply mutatis mutandis to the Regional Corporation.

14. Section 122 of the said Act is amended by adding thereto the following subsection:

(9) The Minister may, on or before the 30th day of June, 1972, appoint an arbitrator to determine any outstanding dispute respecting the disposition of any assets and liabilities between the Township of East Gwillimbury and the Town of Newmarket, and the arbitrator so appointed shall recommend to the Minister the determination to be made and the decision of the Minister is final.

15. Subsection 1 of section 125 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".
16. Subsection 2 of section 129 of the said Act is repealed and the following substituted therefor:

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

17.—(1) Section 130 of the said Act is amended by adding the following subsections:

(ba) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of
principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(6b) Any special levy against an area municipality imposed by the by-law under the authority of subsection 6a may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6a, and any levy imposed by a by-law under clause b of subsection 6a shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause a of subsection 6a was levied.

s. 130(18), amended

(2) Subsection 18 of the said section 130 is amended by adding “or” at the end of clause c and by adding thereto the following clause:

(d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

s. 130(19), amended

(3) Subsection 19 of the said section 130 is amended by inserting after “Britain” in the third line “or in any currency other than that of Canada”.

s. 130(20), amended

(4) Subsection 20 of the said section 130 is amended by striking out “3½” in the third line and inserting in lieu thereof “5”.

s. 130(22, 23), re-enacted

(5) Subsections 22 and 23 of the said section 130 are repealed and the following substituted therefor:

Sinking fund committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.
(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(6) Subclause ii of clause b of subsection 40 of the said sections 130 is amended by striking out "subject to the approval of the Municipal Board" in the first line.

18. Subsection 1 of section 135 of the said Act is amended by striking out "appropriate land titles or registry office" in the fourth and fifth lines and inserting in lieu thereof "Registry Office for the Registry Division of York North".

19.—(1) Section 149 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 75, section 7, is further amended by adding thereto the following subsection:

(10) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 3 and 12 of section 383 of The Municipal Act, and no area municipality shall exercise the powers conferred in those paragraphs.

(2) The said section 149 is further amended by adding thereto the following subsection:

(11) The Regional Council may pass by-laws for licensing regulating and governing persons who carry on the business of providing septic tank cleaning and pumping services.

(3) No by-law passed under subsection 11 of section 149 as enacted by subsection 2 of this section, shall have any force or effect on and after the day on which Part VII of The Environmental Protection Act, 1971 is made applicable to the Regional Area under section 103 of the said Act.

20. Section 173 of the said Act is repealed and the following substituted therefor:

173.—(1) The Regional Council may pass by-laws for acquiring land for parks, etc., improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by The Public Parks Act.
(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to The Liquor Licence Act, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

(3) Paragraphs 70 and 71 of section 352 of The Municipal Act apply mutatis mutandis to the Regional Corporation.

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of The Parks Assistance Act.

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to The Highway Traffic Act, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of The Highway Traffic Act; and

(d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Regional Corporation and used for park purposes.

(6) An exemption from taxes under subsection 5 shall be deemed to have the same effect as an exemption from taxes under section 3 of The Assessment Act.

(7) The Regional Council may agree to pay annually to the area municipality in which any land used for the
purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

(8) The Regional Council shall be deemed to be a recreation committee under The Ministry of Community and Social Services Act and the regulations thereunder and a board of a community centre under The Community Centres Act.

21.—(1) This Act, except sections 1, 7 and 18 and subsection 1 of section 19, comes into force on the day it receives Royal Assent.

(2) Sections 1, 7 and 18 shall be deemed to have come into force on the 1st day of January, 1972.

(3) Subsection 1 of section 19 comes into force on the 1st day of January, 1973.

22. This Act may be cited as The Regional Municipality of York Amendment Act, 1972.