c 117 The City of Timmins-Porcupine Act, 1972

Ontario
CHAPTER 117

An Act to incorporate the City of Timmins-Porcupine

Assented to June 30th, 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. In this Act,

(a) "City" means the municipality or corporation of the City of Timmins-Porcupine, as constituted by section 2.

(b) "merged area" means any area so designated by the Minister for the purposes of this Act;

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

(d) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2. On the 1st day of January, 1973, The Corporation of the Township of Timmins, The Corporation of the Township of Mountjoy, The Corporation of the Township of Tisdale and The Corporation of the Township of Whitney are amalgamated as a city municipality bearing the name of The Corporation of the City of Timmins-Porcupine and the geographic townships of Adams, Blackstock, Bristol, Carman, Carscallen, Cody, Denton, Deloro, Eldorado, Evelyn, German, Godfrey, Gowan, Hoyle, Jamieson, Jessop, Kidd, Langmuir, Loveland, Macdiarmid, Macklem, Matheson, Murphy, Ogden, Price, Robb, Shaw, Thomas, Thorneloe, Turnbull, and Wark, and the portion of the Town of Iroquois Falls, described as follows, are annexed to such city:

Commencing at a point in the southwest angle of the Town of Iroquois Falls, the said point being the southwest angle of the geographic township of Dundonald;
THENCE easterly along the south boundary of the said Township of Dundonald to the westerly bank of the Frederick House Lake;

THENCE continuing easterly along the south boundary of the Township of Dundonald to a point half way across the waters of Frederick House Lake;

THENCE northwesterly and northerly along the middle of Frederick House Lake to the middle of the head waters of the Frederick House River;

THENCE northerly along the middle of the main channel of the Frederick House River to the north boundary of the Township of Dundonald;

THENCE westerly along the north boundary of the geographic township of Dundonald to the northwest angle of the said Township, the said angle being on the westerly boundary of the Town of Iroquois Falls;

THENCE southerly along the westerly boundary of the Town of Iroquois Falls to the point of commencement.

Council composition 3.—(1) The council of the City shall consist of a mayor and fourteen aldermen.

Term of office (2) The first council of the City shall hold office until the 1st day of January, 1975, and each succeeding council shall hold office for a two-year term.

First election (3) The Minister shall by order provide for the holding of the elections in the year 1972 for members of the council of the City, including polling day, which shall be the 2nd day of October, nominations, appointment of returning officers, preparation of polling lists, and any such other matters as are considered necessary in respect of the first election.

Wards (4) For the purpose of the election to be held in the year 1972 and in the year 1974, the Minister may by order divide the City into wards and make provision for the election of members of council in relation to such wards, in the manner prescribed in the order.

Referendum re name of City (5) If directed by order of the Minister, a vote of the electors of the City shall be taken at the same time as the election for the first council to determine, from among the names designated by the Minister, which name the City shall bear and, following the vote, the Minister shall by order,
(a) confirm the name of the City as set out in section 2; or

(b) declare the names that the City, and the public library board established under section 10 shall bear,

and where a declaration is made under clause b, all references to the bodies mentioned in clause b shall be deemed to refer to the names of such bodies as designated in the declaration.

6. In the event that a General Election is called for the election of members to the Parliament of Canada on the 2nd day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 3 and make all other necessary amendments for the incorporation of the City of Timmins-Porcupine and the matters consequent upon the holding of the election including the date for the election of school boards in the City.

4. The mayor shall be elected by a general vote of the electors of the City.

5. For the year 1972, it shall not be necessary for The Corporation of the Town of Timmins, The Corporation of the Township of Tisdale, The Corporation of the Township of Mountjoy, and The Corporation of the Township of Whitney to provide for an election under The Municipal Elections Act, 1972.

6. (1) The council of the City may, by by-law, appoint a general administrative head, who,

(a) shall have such general control and management of the administration of the government and affairs of the City and perform such duties as the council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the council; and

(d) shall receive such salary as the council by by-law determines.

(2) Subsection 2 of section 238 of The Municipal Act applies to a general administrative head appointed under subsection 1.

7. The City shall not have a board of control.
8. — (1) The Timmins Community Centres Board of Management, The Mountjoy Community Centre and Recreation Board and The Tisdale Community Centres Board are hereby dissolved on the 31st day of December, 1972, and the council of the City, on and after that date, shall act in the place and stead of such boards, and all the assets and liabilities of such boards shall become, on that date, assets and liabilities of the City without compensation.

(2) The council of the City 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.

(3) No board having powers or functions similar to those of the boards mentioned in subsections 1 and 2 or a board under paragraph 74 of section 352 of The Municipal Act shall be established by the City.

9. — (1) The council of the City shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

(2) Notwithstanding section 64 of The Public Utilities Act, the council of the City shall not entrust the control and management of a bus transportation system to a commission.

10. — (1) A public library board for the City to be known as "The Timmins-Porcupine Public Library Board" is hereby established on the 1st day of January, 1973, and shall be deemed to have been established under Part 1 of The Public Libraries Act, and the first appointments thereto shall be made at the first meetings of the appointing bodies after the 1st day of January, 1973.

(2) The public library boards of the Town of Timmins, the Township of Whitney and the Township of Tisdale are hereby dissolved on the 1st day of January, 1973, and all their assets and liabilities become, on that date, assets and liabilities of The Timmins-Porcupine Public Library Board, without compensation.

11. — (1) The Porcupine Planning Area and all subsidiary planning areas that are included in the Porcupine Planning Area, together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

(2) The City is constituted a single, independent planning area on the 1st day of January, 1973 and the council thereof
shall have all the powers and duties of a planning board, but sections 3, 4, 6, 8 and 9 of The Planning Act do not apply to the council.

(3) Notwithstanding subsection 1, the official plans in effect in the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall continue in effect until altered or repealed by the council of the City under The Planning Act.

(4) The council of the City may appoint such planning committees and staff as it considers necessary.

(5) All committees of adjustment heretofore constituted by the councils of the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney are hereby dissolved on the 31st day of December, 1972 and the council of the City shall forthwith after the 1st day of January, 1973 pass a by-law constituting and appointing a committee of adjustment under section 41 of The Planning Act.

12. After the 30th day of June in the year 1972, the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall not, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than $5,000.

13. In sections 14 and 16,

(a) "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, metropolitan, regional or district corporation or local board thereof, and

(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 and the assessment of telephone and telegraph companies, and the assessment of
lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*,

according to the last revised assessment roll;

(b) "residential 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 a.

R.S.O. 1970, c. 284

14.—(1) The council of the City shall levy as provided in this section, the sums adopted for general purposes in accordance with section 307 of *The Municipal Act* together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board.

(2) The Ministry of Revenue shall revise and equalize each part of the last revised assessment roll of the City that relates to a merged area and each such part of the last revised assessment roll as revised and equalized is final and binding.

(3) Upon completion by the Ministry of Revenue of the revision and equalization of assessment under subsection 2, the Minister of Revenue shall notify the City of the revised and equalized assessment of each merged area.

(4) The amount to be raised by the City in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

(5) The amount to be raised by the City in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2 reduced by a sum equal to the estimated revenue from payments to be received in that year by the City under section 7 of *The Municipal Unconditional Grants Act*.

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of the City in the following manner:

1. The amount, as ascertained in accordance with subsection 4 to be raised by the City in each year by
levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

2. The amount, as ascertained in accordance with subsection 5, to be raised by the City in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

(7) The council of the City shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

(8) The council of the City shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

(9) The provisions of this section shall cease to apply on a Application date to be determined by order of the Minister.

15.—(1) Notwithstanding section 14, until the date determined by the Minister under subsection 9 of section 14, the council of the City may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the estimates, on the whole of the assessment for real property 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.

(2) Where the council of the City has not provided for taking the assessment of business during the same year in which the rates of taxation therein are to be levied, the council, notwithstanding section 14, until the date determined by the Minister under subsection 9 of section 14, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the esti-
mates, on the whole of the 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 business assessment of public school supporters.

Levy under section 14 to be reduced

(3) The amount of any levy under subsection 1 or 2 shall be deducted from the amount of the levy made under section 14.

Application of R.S.O. 1970, c. 284, s. 303, not to apply

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

Rates under R.S.O. 1970, c. 424 not to apply

(5) Section 303 of The Municipal Act does not apply until the date determined by the Minister under subsection 9 of section 14.

16.—(1) For the purposes of setting rates and the levying of sums of money for rates and taxes under The Separate Schools Act, the merged areas of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each such merged area.

Rates for public school purposes on commercial assessment

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 78 of The Schools Administration Act shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

Rates for public school purposes on residential assessment

(3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 78 of The Schools Administration Act shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

Rates for secondary school purposes on commercial assessment

(4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 78 of The Schools Administration Act shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the
total commercial assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

(5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 78 of The Schools Administration Act shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of The Secondary Schools and Boards of Education Act, the apportionments referred to in the said subsections 2, 3, 4 and 5, shall be made in accordance with such regulation.

(7) The provisions of this section apply until the date determined by the Minister under subsection 9 of section 14.

17. -(1) In this section,

(a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

(b) "urban service" means,

(i) the collection and disposal of sewage and land drainage, or

(ii) the collection and removal of ashes or garbage or other refuse, or

(iii) street lighting, or

(iv) the provision and distribution of an adequate supply of water.

(2) The council of the City may, with approval of the Ontario Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the City.
(3) The aggregate amount of the sums necessary in each area to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under The Local Improvement Act and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by The Municipal Act upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the City lying outside the designated area.

18. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the City shall levy, in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

19. For the purpose of subsection 2 of section 307 of The Municipal Act, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of the City for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the City.

20.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of The Municipal Act.

(2) The audited surplus or operating deficit of a local municipality or of a local roads board or statute labour board at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

(3) Where a local board has been supported by two or more municipalities, the audited surplus or operating deficit at the 31st day of December, 1972, shall be apportioned among the supporting municipalities in the same manner as the contributions made by each municipality to the board in the year 1972.

21. All the assets and liabilities of the Town of Timmins and the townships of Tisdale, Mountjoy and Whitney become assets and liabilities of the City on the 1st day of January, 1973, without compensation.
Every statute labour board that has jurisdiction in the City is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City.

Where an established local roads area is entirely within the City such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City.

Where part of an established local roads area is within the City such part is removed from the local roads area on the 1st day of January, 1973.

All taxes and penalties assessed by a local roads board or statute labour board against any land in the City which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the City, and the collector of the City shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the City, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the City.

Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of The Local Roads Boards Act in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the City.

Where a local roads area established under The Local Roads Boards Act is annexed to the City, the local roads area shall be deemed to be a rural municipality for the purposes of The Municipal Subsidies Adjustment Act.

The City may enter into an agreement with the Land Tax Collector appointed under The Provincial Land Tax Act respecting the collection by the City of arrears of land tax in respect of property within the City.

The members of the council of the City elected in the year 1972 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning.
(2) The expenses of the local municipalities for the elections of the council of the City in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(3) The expenditures of the City during the year 1972, as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

25.-(1) The council of the City shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972, by the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, or any local board thereof dissolved under this Act.

(2) The Timmins-Porcupine Public Library Board shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972, by The Public Library Board of the Town of Timmins or of the Township of Tisdale or of the Township of Whitney.

(3) Any person who accepts employment under subsection 1 or 2 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1972, irrespective of any retroactive salary increases, and such salary shall be guaranteed up to, and including the 31st day of December, 1973.

(4) Any sick leave credits standing on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 1 or 2 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

(5) Any person who accepts employment under subsection 1 or 2 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board mentioned in subsection 1 or 2 by which he was formerly employed.

26. For the purposes of every Act, the amalgamations and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of The Ontario Municipal Board Act or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force, pursuant to applications made under section 14 of The Municipal Act and subject to the provisions of this Act, the Ontario Municipal Board, upon
the application of the City or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations and sections 94 and 95 of The Ontario Municipal Board Act do not apply to decisions or orders made in the exercise of such powers.

27. The by-laws of the Town of Timmins and the by-laws of the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall remain in force in the areas of the former municipalities until repealed or amended by the council of the City.

28. The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, and all of the geographic townships mentioned in section 2, apply to the City.

29. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

30. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

31. For the purposes of The Public Transportation and Highway Improvement Act, the City is deemed to be a town municipality.

32. Section 38 of The Secondary Schools and Boards of Education Act applies to the election of the members of The Timmins Board of Education and section 90 of The Separate Schools Act applies to the election of the members of The Timmins District Roman Catholic Separate School Board, except that, notwithstanding The Municipal Elections Act, 1972, in the year 1972,

(a) the polling day for the members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board shall be the 2nd day of October, and the hours of polling shall be the same as for the municipal elections in the City;
(b) the Minister shall, by order, provide for the nomination of candidates for The Timmins Board of Education and for The Timmins District Roman Catholic Separate School Board and may by order, provide for any other matters necessary to hold the elections for such boards;

(c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and

(d) the Minister shall by order divide the City into areas and provide for the election of one or more members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board in each such area or combination of such areas.

33. (1) Notwithstanding the other provisions of this Act, but subject to subsection 2, for the purposes of section 82 of The Highway Traffic Act the areas in the City that, on the 31st day of December, 1972, form part of a town or township municipality or territory without municipal organization shall be considered to continue to form part of a town or township municipality or territory without municipal organization.

(2) Notwithstanding subsection 1, the council of the City may exercise any of its powers under section 82 of The Highway Traffic Act in respect of highways under its jurisdiction and control.

34. This Act comes into force on the day it receives Royal Assent.

35. This Act may be cited as The City of Timmins-Porcupine Act, 1972.