1973

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An Act to incorporate the Town of Wasaga Beach

Assented to June 22nd, 1973
Session Prorogued March 5th, 1974

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) "Town" means the municipality or corporation of the Town of Wasaga Beach, 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. —(1) On the 1st day of January, 1974, The Corporation of the Village of Wasaga Beach is erected into a town municipality bearing the name "The Corporation of the Town of Wasaga Beach" and the portions of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale described in the Schedule hereto are annexed to such town.

   (2) The members of the council and of the Hydro Electric Commission of The Corporation of the Village of Wasaga Beach shall cease to hold office at the end of the year 1973.

3. —(1) The council of the Town shall be composed of a mayor, a reeve, a deputy reeve and four councillors to be elected by general vote.

   (2) Notwithstanding The Municipal Elections Act, 1972, the first council of the Town shall hold office until the 1st day of January, 1977, and each succeeding council shall hold office for a two-year term.
First election

(3) The Minister by order shall provide for the holding of elections in the year 1973 for members of the council of the Town and for members of the Hydro Electric Commission including polling day, which shall be the 1st 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.

Organization committee

In 1973

(4) The members of the council of the Town elected in the year 1973 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning.

First election expenses

(5) The cost of the elections referred to in subsection 3 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Hydro Electric Commission continued

4.—(1) The Hydro Electric Commission of the Village of Wasaga Beach shall continue after the year 1973 as the Hydro Electric Commission of the Town of Wasaga Beach and shall consist of three members of whom the mayor shall be one ex officio, with the other two members to be elected at the same time and place and in the same manner as the mayor.

Term of office

1972, c. 95

(2) Notwithstanding The Municipal Elections Act, 1972, the members elected to the Commission in the year 1973 shall hold office until the 1st day of January, 1977, and thereafter members of the Commission shall hold office for a two-year term.

Commission members to be elected by general vote

R.S.O. 1970, c. 350

(3) Notwithstanding The Public Utilities Act, the two members to be elected to the Commission shall be elected by general vote of the electors of the Town.

No utility commission to be established

5. The council of the Town shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

Dissolution of community hall board by Minister

R.S.O. 1970, c. 120, 73

6. The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Community Hall Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town 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.

Wasaga Beach Planning Area

7.—(1) Commencing on the 1st day of January, 1974, the Wasaga Beach Planning Area shall consist of the Town as constituted by section 2.
(2) The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Planning Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town to be the planning board.

8. In sections 9 and 11, interpretation

(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, R.S.O. 1970, c. 32

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.

9.—(1) The council of the Town shall levy as provided in this section, the sums adopted for general purposes in accordance with section 307 of The Municipal Act, R.S.O. 1970, c. 294, 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 Town 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 Town of the revised and equalized assessment of each merged area.
(4) The amount to be raised by the Town 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 Town bears to the total assessment of the Town 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 Town 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 Town bears to the total assessment of the Town 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 Town 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 Town in the following manner:

1. The amount, as ascertained in accordance with subsection 4, to be raised by the Town 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 Town 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 Town 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 Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

(7) The council of the Town 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 Town 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) For the purpose of determining the apportionment of county rates in 1974, the County of Simcoe shall use the assessment as revised and equalized under subsection 2.

10.—(1) Notwithstanding section 9, the council of the Town may, in the year 1974 by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the Town, before the adoption of the estimates, 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.

(2) The amount of levy under subsection 1 shall be deducted from the amount of the levy made under section 9.

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

11.—(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 Town shall be deemed to be municipalities, and the council of the Town shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by the Town 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 Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

(3) The amount required to be levied and collected by the Town 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 Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

(4) The amount required to be levied and collected by the Town for secondary school purposes on commercial assessment.
Rates for secondary school purposes on residential assessment

Regulations under R.S.O. 1970, c. 425 to apply

Transitional adjustments

12. 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 Town 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.

13. 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 Town for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the Town.

14.—(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 each of the merged areas at the 31st day of December, 1973, 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, 1974.
15. All the assets and liabilities of the Village of Wasaga Beach become assets and liabilities of the Town on the 1st day of January, 1974, without compensation.

16.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale.

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned and to the Ontario Municipal Board and unless the council of any such municipality notifies the Board in writing within thirty days of the mailing of such determination to the municipality that it objects to the determination, such determination shall, for the purposes of clause a of subsection 11 of section 14 of The Municipal Act, be deemed to be agreed upon by such municipalities.

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such determination.

(7) The Minister may by order prescribe the period over which any adjustments and settlements are to be made.

17. For the purposes of every Act, the 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 sections 14 and 25 of The Municipal Act and subject to the provisions of this Act, the Ontario Municipal Board, upon application of the Town or of its own motion, may exercise its powers consequent upon such 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 and "municipalities" in clause a of subsection 11 of section 14 of The Municipal Act includes, for the purposes of such clause, the Town.

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

19. This Act may be cited as The Town of Wasaga Beach Act, 1973.
SCHEDULE

Part of the Township of Flos, commencing at a point on the west boundary of the Township of Flos where it is intersected by the westerly prolongation of the centre line of the road allowance between concessions V and VI of the said Township of Flos;

THENCE easterly to and along the centre line of the said road allowance between concessions V and VI to the intersection of the southerly prolongation of the line between lots 23 and 24 in Concession VI of the Township of Flos;

THENCE northwesterly to and along the line between lots 23 and 24 in concessions VI and VII and the northerly prolongation thereof to the centre line of the road allowance between concessions VII and VIII in the Township of Flos;

THENCE easterly along the centre line of the said road allowance to the southerly prolongation of the line between lots 21 and 22 in Concession VIII;

THENCE northwesterly to and along the line between lots 21 and 22 in concessions VIII and IX to the line between the north and south halves of Lot 21 in Concession IX of the said Township of Flos;

THENCE easterly along the line between the north and south halves of Lot 21 in Concession IX and the easterly prolongation thereof to the centre line of the road allowance between lots 20 and 21 in Concession IX of the Township of Flos;

THENCE northwesterly along the said centre line of the road allowance between lots 20 and 21 to the intersection of the centre line of the road allowance between concessions IX and X;

THENCE easterly along the said centre line of the road allowance to the southerly prolongation of the line between lots 19 and 20 in Concession X of the Township of Flos;

THENCE northwesterly to and along the line between lots 19 and 20 in concessions X and XI and the northerly prolongation thereof to the northerly boundary of the Township of Flos;

THENCE westerly along the north boundary of the Township of Flos to the high water mark of Nottawasaga Bay;

THENCE continuing westerly along the prolongation of the north boundary of the Township of Flos in accordance with subsection 1 of section 11 of The Territorial Division Act, being chapter 458 of the Revised Statutes of Ontario, 1970, to the northerly prolongation of the westerly boundary of the said Township of Flos;

THENCE southerly along the northerly prolongation of the west boundary of the Township of Flos to a point on the high water mark of Nottawasaga Bay, the said point being on the northwest boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Flos and the Village of Wasaga Beach to the said west boundary of the Township of Flos;
THENCE southerly along the west boundary of the said Township of
Flo to the point of commencement.

Part of the Township of Nottawasaga, commencing at a point in the
east boundary of the Township of Nottawasaga where it is intersected by
the easterly prolongation of the limit between lots 31 and 32 in Concession I
of the said Township of Nottawasaga;

THENCE westerly to and along the limit between lots 31 and 32 in
concessions I and II and the westerly prolongation thereof to the centre
line of the road allowance between concessions II and III of the Township
of Nottawasaga;

THENCE northerly along the said centre line of the road allowance between
concessions II and III to the easterly prolongation of the southerly limit
of Lot 33 in Concession III;

THENCE westerly to and along the south limit of the said Lot 33 to the
southwest angle thereof;

THENCE northerly along the westerly limit of lots 33, 34 and 35 in
Concession III to the high water mark of Nottawasaga Bay;

THENCE northerly along the prolongation of the said west limit of
Lot 35, an approximate distance of 10.7 miles, to the middle of Nottawasaga
Bay in accordance with the said subsection 1 of section 11 of The Territorial
Division Act;

THENCE southeasterly along the middle of the Nottawasaga Bay to
the intersection of the northerly prolongation of the east boundary of the
Township of Nottawasaga in accordance with the said Territorial Division
Act;

THENCE southerly along the prolongation of the east boundary of the
Township of Nottawasaga, an approximate distance of 9 miles to the high
water mark of Nottawasaga Bay;

THENCE southerly along the east boundary of the Township of
Nottawasaga to the point of commencement.

Part of the Township of Sunnidale, commencing at a point in the
westerly boundary of the Township of Sunnidale where it is intersected by
the westerly prolongation of the north limit of lands of Donald McNabb
as described in Registered Instrument Number 114859;

THENCE easterly to and along the northerly limit of the lands of Donald
McNabb to the line between lots 1 and 2 in Concession XIV of the Township
of Sunnidale;

THENCE southerly along the said line between lots 1 and 2 to the
northwest angle of the lands of Ralph Morgan as described in Registered
Instrument Number 13739 (Sunnidale);

THENCE easterly along the north limit of the last mentioned lands
1497.57 feet to the northeast angle thereof;

THENCE southerly along the east limit of the last mentioned Instrument
Number 13739 a distance of 1118.03 feet to a point measured northerly
1180 feet more or less from the south limit of Lot 2 in Concession XIV of
the Township of Sunnidale;
THENCE easterly along the north limit of the lands of Mabel Morgan as described in Registered Instrument Number 87847 a distance of 2289.21 feet to the west limit of the Old Sunnidale Road;

THENCE southeasterly along the west limit of the Old Sunnidale Road and its prolongation to the centre line of the road allowance between concessions XIII and XIV of the Township of Sunnidale;

THENCE easterly along the centre line of the road allowance between concessions XIII and XIV and its easterly prolongation to the east boundary of the Township of Sunnidale;

THENCE northerly along the east boundary of the said Township of Sunnidale to the southeasterly boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Sunnidale and the Village of Wasaga Beach to the west boundary of the Township of Sunnidale;

THENCE southerly along the west boundary of the said Township of Sunnidale to the point of commencement.

Part of the Township of Sunnidale, commencing at the northwest angle of the Village of Wasaga Beach;

THENCE northerly along the prolongation of the boundary between the townships of Sunnidale and Nottawasaga, in accordance with the said Territorial Division Act, an approximate distance of 9 miles to the middle of Nottawasaga Bay;

THENCE southeasterly, in a straight line, to the northwest angle of the Township of Flos;

THENCE southerly along the prolongation of the boundary between the townships of Sunnidale and Flos to the north boundary of the Village of Wasaga Beach, being the high water mark of Nottawasaga Bay;

THENCE westerly along the said Village boundary to the point of commencement.