1973

c 98 The Conservation Authorities Amendment Act, 1973

Ontario
CHAPTER 98

An Act to amend The Conservation Authorities Act

Assented to October 30th, 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. Subsection 2 of section 3 of The Conservation Authorities Act, being chapter 78 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

   (2) Where a municipality is only partly within the watershed, the Lieutenant Governor in Council may include the whole or that part of the municipality in the area over which the authority has jurisdiction.

2. Clause c of subsection 4 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 64, section 2, is repealed.

3.—(1) Clause a of subsection 2 of section 7 of the said Act is amended by striking out "and designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to the Authority" in the third, fourth, fifth and sixth lines.

   (2) Clause b of subsection 2 of the said section 7 is repealed.

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

   7a. The Lieutenant Governor in Council may designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities.

5. Section 11 of the said Act is amended by striking out "8" in the fourteenth line and inserting in lieu thereof "9".

6. Section 13 of the said Act is amended by adding thereto the following subsection:
(la) Where the total number of members that may be appointed under subsection 1 is less than four, the Lieutenant Governor in Council may increase the total number of members that may be appointed and determine the number of members that a participating municipality may appoint.

7. Section 23 of the said Act is amended by adding thereto the following subsection:

(1a) Notwithstanding subsection 1, the approval of the Ontario Municipal Board is not required in respect of a project that is composed of phases, each of which can be implemented in any year without a participating municipality being required to raise funds for a phase other than in the year of implementation of the phase, provided that each phase shall be deemed to be a project for the year of its implementation for the purposes of section 24.

8. (1) Clause b of subsection 1 of section 27 of the said Act is amended by inserting after "regulating" in the first line "or requiring the permission of the authority for".

(2) Clause e of subsection 1 of the said section 27, as re-enacted by the Statutes of Ontario, 1971, chapter 64, section 5, is amended by inserting after "regulating" in the first line "or requiring the permission of the authority for".

(3) Clause f of subsection 1 of the said section 27 is amended by inserting after "regulating" in the first line "or requiring the permission of the authority for".

(4) The said section 27, as amended by the Statutes of Ontario, 1971, chapter 64, section 5, is further amended by adding thereto the following subsections:

Hearing

(2a) Before refusing permission required under a regulation made under clause b, e or f of subsection 1, the authority, or where the power to issue permission has been delegated to its executive committee, the executive committee shall hold a hearing to which the applicant shall be a party.

Reasons for decision

(2b) After holding a hearing under subsection 2a, the authority or committee, as the case may be, shall give written reasons for its refusal to the applicant.

Appeal

(2c) An applicant who has been refused permission may, within thirty days of the receipt of the reasons for the decision, appeal to the Minister who may dismiss the appeal or grant the permission.
9. No regulation made under clause b, e or f of subsection 1 of section 27 of The Conservation Authorities Act, or any predecessor thereof, shall be held to be invalid by reason of its being made before section 8 of this Act comes into force.

10. Section 36 of the said Act is repealed and the following substituted therefor:

36. The Municipal Conflict of Interest Act, 1972 applies mutatis mutandis to a member of a conservation authority.

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

12. This Act may be cited as The Conservation Authorities Amendment Act, 1973.