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c 169 The Municipal Amendment Act, 1972 (No. 3)

Ontario

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CHAPTER 169

An Act to amend The Municipal Act

Assented to December 15th, 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. Section 36 of The Municipal Act, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 121, section 10, is repealed and the following substituted therefor:

36.—(1) The following are not eligible to be elected a member of a council or to hold office as a member of a council:

1. Except during a leave of absence granted under subsection 3, an employee of the municipality or of a local board thereof as defined in The Municipal Affairs Act, except an employee of a school board.

2. A judge of any court.

3. A member of the Assembly as provided in The Legislative Assembly Act or of the Senate or House of Commons of Canada.

4. A Crown employee within the meaning of The Public Service Act who is a deputy minister or who is in a position or classification designated in the regulations made under that Act for the purposes of section 11 thereof.

5. A person who is an undischarged bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario.

(2) In addition to the persons that are not eligible to be elected a member of a council or to hold office as
a member of a council under paragraph 1 of subsection 1, and except during a leave of absence granted under subsection 3, an employee of a metropolitan, regional or district municipality or of any area municipality within that metropolitan, regional or district municipality is not eligible to be elected a member of the council of any area municipality within that metropolitan, regional or district municipality or to be elected a member of the council of that metropolitan, regional or district municipality or to hold office as a member of any such council.

(3) Any employee of a municipality or a local board who proposes to be a candidate to hold office as a member of a council shall apply to the council of the municipality or to the local board, as the case may be, of which he is an employee for leave of absence without pay for a period,

(a) not longer than that commencing thirty days before the beginning of the period during which candidates may be nominated under The Municipal Elections Act, 1972 and ending on polling day; and

(b) not shorter than that commencing on the last day of the period during which candidates may be nominated under The Municipal Elections Act, 1972 and ending on polling day,

and every such application shall be granted.

(4) Where an employee of a municipality or of a local board who is a candidate for office as a member of a council is elected he shall forthwith resign his position as such employee.

(5) Where an employee of a municipality or of a local board has been granted leave of absence under subsection 3 and was not elected, the period of leave of absence shall not be computed in determining the length of his service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes.

2. Where any person is elected to a council at a regular election held in the year 1972, and section 36 of The Municipal Act as it existed on the day of such election did not render such person ineligible to be elected to the council, or to hold office as a member of such council, then section 36 of The Municipal Act, as re-enacted by section 1 of this Act, does not
apply so as to render such person ineligible to hold office as a member of such council during the term of office for which he was elected by reason only of the fact that had section 36, as re-enacted, been in force on the day of his election such person would have been ineligible to be elected a member of the council or to hold office as a member of such council.

3. Section 37 of the said Act is repealed.

4. Subsection 1 of section 184 of the said Act is amended by striking out "an annual or biennial election, as the case may be" in the second line and inserting in lieu thereof "a regular election".

5. Section 199 of the said Act is repealed.

6. Section 200 of the said Act is amended by striking out "Sections 198 and 199 do" in the first line and inserting in lieu thereof "Section 198 does".

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

8. This Act may be cited as The Municipal Amendment Act, 1972 (No. 3).