1973

c 163 The Regional Municipality of Hamilton-Wentworth Amendment Act, 1973

Ontario
CHAPTER 163

An Act to amend
The Regional Municipality of Hamilton-Wentworth Act, 1973

Assented to December 17th, 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.—(1) Subsection 1 of section 27 of The Regional Municipality of Hamilton-Wentworth Act, 1973, being chapter 74, is amended by adding at the end thereof "and any employees who are members of the retirement plan established under By-Law No. 7970 of the City of Hamilton shall continue in such retirement plan and the Regional Corporation shall stand in the place and stead of The Corporation of the City of Hamilton in respect of such employees and the Regional Council may amend such by-law in respect of such employees".

(2) Subsection 3 of the said section 27 is amended by striking out "is required to employ" in the second line and inserting in lieu thereof "employs".

2. Section 51 of the said Act is amended by adding thereto the following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

3. Section 55 of the said Act is amended by adding thereto the following subsection:

(11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for consent that may have been pending before any such
committee and that is not finally disposed of on or before
the 31st day of December, 1973.

4. Section 61 of the said Act is amended by adding thereto
the following subsection:

(3) All the assets and liabilities pertaining to the func-
tions transferred to the Regional Corporation under sub-
section 2 shall become the assets and liabilities of the Regional
Corporation on the 1st day of January, 1974, and in the
event there is any dispute with respect to such transfers
the matter shall be submitted to the Municipal Board
whose determination shall be final and binding.

3. (1) Subsection 1 of section 73 of the said Act is amended by
inserting after "subsections" in the sixth line "1".

(2) Clause a of subsection 3 of the said section 73 is amended
by adding at the end thereof "on and after the 1st day
of January, 1974, in respect of service after such date".

(3) The said section 73 is amended by adding thereto the
following subsection:

(3a) Notwithstanding clause a of subsection 3, those
members of the Hamilton-Wentworth Regional Police Force
who participated in a supplementary pension plan on or
before the 31st day of December, 1973, shall continue to
participate in such plan, and in respect of those members
who did not participate in a supplementary pension plan
the bargaining committee established under subsection 6,
and its successor, shall be entitled to negotiate with the
Hamilton-Wentworth Police Board in respect of the pay-
ment by the Board of contributions into the supplementary
pension plan relating to past service of such members.

(4) Subsection 5 of the said section 73 is repealed and the
following substituted therefor:

(5) Notwithstanding the provisions of clauses a and b
of subsection 3, those members of the police force of a local
municipality whose retirement age under By-law No. 7970
of the City of Hamilton was sixty-five years of age im-
mediately before they became members of the Hamilton-
Wentworth Regional Police Force shall retire on attaining
thirty-five years of service or sixty-five years of age which-
ever comes first and for the purpose of bargaining for benefits
in the retirement plan established by the said By-law No. 7970
with the bargaining committee established under subsec-
tion 6, and its successor, the Hamilton-Wentworth Police Board shall stand in the place and stead of the Corporation of the City of Hamilton and the provisions of The Police Act apply, mutatis mutandis, thereto.

6. Section 76 of the said Act is amended by adding thereto the following subsections:

(8) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(9) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

7. Subsection 1 of section 115 of the said Act is amended by inserting after “44” in the third line “46”.

8. Section 117 of the said Act is amended by adding thereto the following subsection:

(3) In the event that any employee is required to main on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply mutatis mutandis to such employee on the date he is transferred to the Regional Corporation.

9. Subsection 1 of section 134 of the said Act is amended by adding at the end thereof “except the area municipality of the Town of Ancaster which shall be a town for the purpose of the said section 82”.

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