1914

c 188 Telephone Act

Ontario

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CHAPTER 188.

An Act respecting Telephone Systems.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as The Ontario Telephone Act. Short title. 2 Geo. V. c. 38, s. 1.

2. In this Act, Interpretation.

(a) “Board” shall mean Ontario Railway and Municipal Board;

(b) “Company” shall include a Company, Municipal or Corporation, Association, partnership, individual or aggregation of individuals owning, controlling or operating or who may propose to own, control or operate a telephone system or line within Ontario;

(c) “Initiating municipality” shall mean a municipal corporation which has established a telephone system under any former Act or which may establish a telephone system under this Act;

(d) “Maintenance” shall include not only the cost of repair and maintenance, but also the cost of switchboard operation and the cost of labour and superintendence and management of the system, including the extensions;

(e) “Special Act” shall mean and include any Act of this Legislature authorizing the construction of a telephone system or line, and with which this Act is incorporated, and letters patent incorporating a telephone company, or supplementary letters patent relating to such a company issued under the authority of any Act of this Legislature. 2 Geo. V. c. 38, s. 2 (a-e).

(f) “Subscriber” shall mean and include every person who signs a petition to the council of a municipality praying for the establishment of a local telephone system, which is afterwards established pursuant to such petition, or who applies to connect his premises with a telephone system established under this or any former Act.
and every person whose premises are so connected. 2 Geo. V. c. 38, s. 2 (f); 3-4 Geo. V. c. 40, s. 1.

(g) "System" shall mean a telephone system established under this or any former Act;

(h) "The cost of establishing and maintaining any system or extension thereof," shall mean not only the cost of constructing, erecting and installing the original system, but also the cost of such improvement or strengthening of it, or any extension thereof, then in existence, as may be necessary or expedient by additional switchboard equipment, poles, cables, wires, cross-arms, insulators and other appliances, and such work or labour as may be deemed necessary or expedient by the Board or the initiating municipality to enable it to give the subscribers efficient telephone service;

(i) "Tolls" and "Toll" shall include any toll, rate, rental, or charge for the transmission of telephone messages or for the use of telephone instruments, or circuits, or for the supply of telephone service. 2 Geo. V. c. 38, s. 2 (g-i).

PART I.

GENERAL POWERS OF MUNICIPAL CORPORATIONS.

3.—(1) The corporation of every municipality may carry on the telephone business, and for the purposes of such business may construct, maintain and operate in, over, under, upon or across the highways, lanes, parks, squares and other public ways, passages and places in the municipality, or in, over, under, upon or across the land of any person therein an underground or overhead or partly underground and partly overhead telephone system, and do all things necessary or convenient for that purpose.

(2) The corporation may also, for the purpose of establishing and carrying on such business, acquire by purchase or lease or may expropriate any telephone system in the municipality established under any former Act, or under Part II., and may improve and extend such system and maintain and operate it and any extension of it, and may for the purposes mentioned in this subsection exercise the like powers as are conferred by subsection 1. 2 Geo. V. c. 38, s. 3.

4. The council of the corporation may pass by-laws and make rules and regulations for carrying on the business, including the fixing of the terms and conditions upon which telephone services will be provided for persons desiring the
same, the amount to be paid for such services, and for any
work or appliances that may be requisite for making connec-
tions with the buildings of such persons and the times when
and the places where the charges therefor shall be payable.
2 Geo. V. c. 38, s. 4.

5. Such charges may be collected in like manner as taxes
are collected and in default of payment the corporation may
enter into or upon the building or premises in which any
works or appliances for providing the service have been
placed for the purpose of removing and may remove the
same, doing no unnecessary damage to the buildings or
premises. 2 Geo. V. c. 38, s. 5.

6. Where any of the powers of expropriation conferred by
this Part are exercised by a corporation the provisions of
The Municipal Act as to the expropriation of land under
that Act and as to all matters consequent upon the passing
of an expropriating by-law shall apply. 2 Geo. V. c. 38,
s. 6.

7. No action shall be brought against the corporation or
any of its officers, agents or servants for anything done or
omitted in the carrying on of such business or in the exer-
cise of the powers under this Act after the lapse of six
months after the time when the cause of action arose. 2 Geo.
V. c. 38, s. 7.

8.—(1) The council of every municipality may, in the case
of a county, village or township, with the approval of the
Board, and in the case of any other municipality, with the
assent of the municipal electors, pass by-laws for granting
to a telephone company, upon such terms and conditions
as may be deemed expedient the right to use
highways.

(2) In the case of a city, town or village the right may
be an exclusive right limited to a period not exceeding five municipalities,
years at one time.

(3) A by-law passed under subsection 2 shall not prevent
a council from granting to any person permission to use any
of the highways, squares or lanes for the purpose of a private
telephone line for the use of such person, his servants, clerks,
or agents, or persons communicating with them. 2 Geo. V.
c. 38, s. 8 (2-3).

(4) The council of every city may, without the consent of
the electors, pass by-laws granting from time to time to
any telephone company upon such terms and conditions as
may be thought expedient the exclusive right within the
municipality for a period not exceeding one year at any one time to use the streets and lanes in the municipality for the purpose of placing in, upon over or under the same, poles, cables, ducts and wires for the purpose of carrying on a telephone business and may on behalf of the municipal corporation enter into agreements with any such company for a period not exceeding one year not to give to any other company or person for such period any license or permission to use such streets or lanes for any such purpose; but no such by-law shall be passed nor shall any such agreement be entered into without the assent of two-thirds of the members of the council of the municipality being present and voting therefor and further no by-law providing for the renewal of such agreement for a further period of one year shall be passed without the assent of two-thirds of the members of the council of the municipality, in the year succeeding that in which the original by-law or by-law renewing the original agreement was passed, being present and voting therefor.

Terms of user.

(5) Subject to the provisions of the preceding subsections of this section whenever the council of a municipality and a company are unable to agree as to the terms and conditions upon which the right to use the highways, squares, or lanes in the municipality shall be granted, the council and the company may, by mutual consent, refer the matters in dispute to the Board, in which event the Board, after hearing the evidence of all persons interested, may prescribe such terms and conditions, and thereupon such terms and conditions shall be binding upon the corporation of the municipality and the company. 3-4 Geo. V. c. 40, s. 2.

PART II.

LOCAL MUNICIPAL TELEPHONE SYSTEMS.

9. A petition may be presented to the council of any local municipality praying for the establishment of a local telephone system by not less than 10 resident assessed landowners. 2 Geo. V. c. 38, s. 9.

10. The petitioners in their original or in any supplementary petition shall set forth such particulars as the council may require, including a statement showing the location of the proposed system and the manner in which it is proposed that it shall be constructed and maintained, and after having been affixed thereto no name shall be removed from the petition unless by consent of the Board. 2 Geo. V. c. 38, s. 10; 3-4 Geo. V. c. 40, s. 3.

11. The council may by by-law provide, at the expense of the subscribers and subject to such conditions as may be set
forth in the by-law, for the establishment and maintenance of the system and for the extension thereof from time to time upon the application of such persons as may desire to become subscribers. 2 Geo. V. c. 38, s. 11.

12. Every system established or extended under this Part or under any former Act and all works and property acquired, erected or used in connection therewith shall be vested in the initiating municipality in trust for the benefit of the subscribers, and the initiating municipality shall be responsible for all the obligations of the system in connection with its establishment, extension and maintenance. 2 Geo. V. c. 38, s. 12.

13. The council of the initiating municipality may, with the consent of the council of any adjoining municipality, or on the petition of ten resident assessed landowners of such adjoining municipality and with the approval of the Board, may from time to time extend the system into such adjoining municipality. 2 Geo. V. c. 38, s. 13; 3-4 Geo. V. c. 40, s. 4.

14.—(1) The cost of establishing and maintaining any system or any extension thereof under this Part or under any former Act shall be defrayed by the subscribers thereto in such proportion as they may agree upon among themselves, or, in default of agreement, or to the extent of any default in payment of the amount agreed upon, shall be defrayed by special rate to be levied upon the subscribers, or such of them as may be in default, and any such rate may be collected by action as an ordinary debt against the persons liable therefor or may be added to the collector's roll as taxes due from them, and may be collected in the same manner as other taxes. 2 Geo. V. c. 38, s. 14.

(2) The initiating municipality shall pay to its clerk, treasurer and collector, and to the clerk, treasurer and collector of the other municipalities into which its system extends, a reasonable remuneration for services performed by them or any of them under this Act.

(3) Such remuneration shall be fixed by agreement between the official performing the services and the council of the municipality or the commissioners, as the case may be, and, failing agreement, by the Board, on an application to it for that purpose. 3-4 Geo. V. c. 40, s. 5.

15. All works done at any time under this Part shall be deemed to be works done by the initiating municipality, and in carrying out the same, and in the construction, management, maintenance, control and extension of any system established under this Part or under any former Act the initiating municipality shall have and may exercise all or
any of the powers conferred upon municipal corporations
by Part I. 2 Geo. V. c. 38, s. 15.

16. The initiating municipality may enter into agree­ments for the connection of the system with any other telephone system owned or controlled by any individual or any company or by a municipal corporation, or may, with the consent of the subscribers, acquire by purchase or lease or may expropriate any existing telephone system operated in the municipality or any portion of the plant and appliances thereof, and, in case of expropriation, making such compen­sation therefor as may be agreed upon or in case of failure to agree as may be determined by arbitration under The Municipal Act. 2 Geo. V. c. 38, s. 16; 3-4 Geo. V. c. 40, s. 6.

17.—(1) Where the subscribers or a majority of them in
the petition for the establishment or extension of the system pray that the payment of the cost of the work may be extended over a period not exceeding ten years, and that de­bentures of the initiating municipality may be issued to pay the cost of the work, the council of the initiating munici­pality, in the by-law providing for such establishment or extension or in a subsequent by-law passed as provided by subsection 8, may provide for the issue of debentures payable within ten years from the date of the issue thereof, and that the proceeds of such debentures shall be applied in payment of the cost of establishing or extending the system, and for levying a special rate upon the property of the subscribers sufficient to discharge any debt so incurred in equal annual instalments of principal and interest.

(2) The council of the initiating municipality or the sub­scribers in general meeting assembled, as provided by section 21, may by by-law prescribe the terms on which persons who were not original subscribers may become subscribers and connect their premises with the system.

(3) The council may also by by-law authorize the issue of debentures, whether original or additional, to provide for the cost of any extension of the system, such debentures to be payable by annual instalments within ten years from the date of issue, and shall by any such by-law make provision for levying on the respective properties of subscribers with which connection is to be made an annual sum sufficient to discharge the debentures and the interest thereon as the same fall due.

(4) The debentures shall be issued on the credit of the initiating municipality and it shall not be necessary that the by-law be submitted for the assent of the electors.

(5) Subsections 2, 3 and 4 shall be deemed to be declaratory of the law on and from the 14th day of April, 1908.
(6) Where the system extends into another municipality, the clerk of the initiating municipality shall transmit a certified copy of the by-law to the clerk of any municipality in which the premises of a subscriber are situated, and the amount payable by each subscriber in each year shall be added to the taxes payable by him in that year upon the collector's roll, and shall be collected in the same manner as other taxes, and when collected shall be paid over to the Treasurer of the initiating municipality.

(7) If the amount collected from the subscribers is insufficient to meet any annual instalment of principal and interest, and the cost of maintenance, the deficiency shall be made up out of the general funds of the initiating municipality and shall constitute a debt due from the subscribers to the initiating municipality and be collected in the same manner as any other liability incurred on behalf of the subscribers under this Act.

(8) The initiating municipality may agree with any bank, person or body corporate for temporary advances and loans for meeting the cost of the work until the completion thereof, and may then pass the necessary by-law authorizing the issue of debentures, out of the proceeds of which the amount of the temporary loans and advances shall be paid as at first charge, but the by-law for the issue of debentures shall be passed not later than two years after the initiating municipality has enacted the by-law for the establishment or extension of the system as the case may be, and the debentures shall be issued within twelve months after the passing of the by-law. 2 Geo. V. c. 38, s. 17 (1-8).

(9) The initiating municipality before proceeding to establish a system or construct any extension thereof which may require the issue of additional debentures shall furnish to the Board a certified copy of the by-law providing for the establishment of such system or for the construction of such extension, together with such plans and specifications, particulars of the cost of the works, the amounts to be levied against the subscribers for the repayment of principal and interest, or the instalments thereof, and other information as the Board may require, and no debt shall be incurred for the construction of the system or any extension thereof or the purchase of material to be used in such construction until the Board shall have approved such by-law, plans and specifications. 2 Geo. V. c. 38, s. 17 (9); 3-4 Geo. V. c. 40, s. 7.

(10) If in the establishment of a telephone system or any extension thereof it is proposed to erect poles, cables, ducts or wires upon or along a highway, upon or along which are located the poles, cables, ducts or wires of a telephone company, which is within the Legislative jurisdiction of Ontario, the initiating municipality before proceeding to erect such
poles, cables, ducts or wires shall fix a price to offer and shall offer to purchase from the company at such price its system or such part thereof as it is proposed to duplicate, and if the company does not accept the price so offered within a period of one month from the date of the offer the price to be offered shall be fixed by the Board.

(11) If the company does not within one month from the decision of the Board accept the offer of the initiating municipality to purchase at the price fixed by the Board the initiating municipality may proceed to erect such poles, cables, ducts or wires upon or along such highways, or may expropriate such part of the system of the company as may be located within the limits of the initiating municipality or within the limits of any adjoining municipality into which the initiating municipality has authority to extend its system or lines making such compensation therefor as may be agreed upon or in case of failure to agree as may be determined by arbitration under The Municipal Act.

(12) The three next preceding subsections shall apply to a municipal corporation proposing to establish a telephone system under the provisions of section 3. 3-4 Geo. V. c. 40, s. 8.

18. If the share of the cost to each subscriber of the establishment of any extension is less than the share of the cost to each subscriber of the establishment of the original system, the initiating municipality may charge each subscriber for such extension the same annual amount, and for the like term of years, as was charged to each subscriber for the establishment of the original system, and the difference between such last mentioned amount and the amount of the cost of the establishment of the extension shall be applied by the initiating municipality towards the cost of the maintenance of the original system, and any extension thereof, and each subscriber for such extension shall pay such annual amount to the initiating municipality during such term of years. 2 Geo. V. c. 38, s. 18.

19. Where a municipal corporation, before the 14th day of April, 1908, incurred a debt in establishing or extending a system established under the Act passed in the 6th year of His late Majesty's reign, Chaptered 41, the council of the initiating municipality may by by-law provide for the issue of debentures for the payment of such debt, and any agreement heretofore entered into by the subscribers to such system to pay such debt shall be deemed sufficient authority for the passing of the by-law if the by-law in all other respects complies with the provisions of section 17. 2 Geo. V. c. 38, s. 19.
Establishment of exchange or switchboard.

20. The initiating municipality may agree with any person for the establishment of the exchange or switchboard of a telephone system established under this Part in any suitable building owned or occupied by such person, and for the operation by him of such exchange or switchboard, and may embody the terms of such agreement in the by-law for establishing or extending the system. 2 Geo. V. c. 38, s. 20.

21.—(1) Upon a petition of the majority of the subscribers the Council shall place the system under the supervision of a Board of three commissioners who shall be responsible for the efficient construction, maintenance and operation of all plant and equipment comprising the system and all extensions thereof.

(2) The Commissioners shall be elected at a general meeting of the subscribers called for the purpose in such manner as the Council directs.

(3) The subscribers in general meeting assembled may make by-laws not contrary to law or to this Act, to regulate—

(a) The time and place at which the meetings of subscribers shall be held, the calling of meetings, and the procedure at such meetings;

(b) The term of service, manner of election, duties and remuneration of the commissioners;

(c) The management of the system;

(4) The members of the council shall have the right to attend and vote at all meetings of the subscribers.

(5) If the subscribers fail to petition the council, as provided in subsection 1, the supervision of the system shall remain in the control of the council which shall have authority to employ such persons as it may deem necessary for the efficient construction, maintenance and operation of the system, and to make all necessary expenditures in connection therewith.

(6) Nothing in this section shall affect the rights of the initiating municipality in regard to the levying or collecting of any money which may from time to time be due to the initiating municipality from the subscribers for repayment of principal and interest or the cost of operation and maintenance as provided in this Act. 2 Geo. V. c. 38, s. 21.

(7) For the purposes of this section "subscribers" shall mean and include only assessed landowners who are resident in the initiating municipality or in an adjoining municipality into which the initiating municipality has the right to extend its system, and whose premises are connected with the telephone system of the initiating municipality or who may have applied to have their premises so connected. 3-4 Geo. V. c. 40, s. 9.
22. The Board shall have authority to superintend the carrying out of this Part, and advise any municipal corporation or resident assessed landowners in the establishment or operation of any works authorized by this Act and the proceedings necessary thereto. 2 Geo. V. c. 38, s. 22.

PART III.

REGULATION OF TELEPHONE COMPANIES AND SYSTEMS.

23. The Board shall have jurisdiction to enquire into, hear and determine any application by or on behalf of any person interested,

(a) Complaining that any Company has failed to do any act, matter or thing required by The Ontario Railway Act, this Act, any general or special Act, or by any regulation, order or direction made thereunder by the Lieutenant-Governor in Council, the Board, or any other authority, to be done by the company, or that any company has done or is doing anything contrary to or in violation of such Acts or any of them or any such regulation, order or direction;

(b) Complaining that any company is charging tolls in excess of those approved by the Board;

(c) Requesting the Board to make any order, or give any direction, sanction or approval which by law it is authorized to make or give. 2 Geo. V. c. 38, s. 23.

24. The Board may order or require any company to do forthwith or within or at any specified time, and in any manner prescribed by the Board, so far as it is not inconsistent with the Acts hereinbefore mentioned, or any of them, or this Act or the Special Act, anything which such company is or may be required or authorized to do thereunder, and may forbid the doing or continuing of any thing which is contrary thereto. 2 Geo. V. c. 38, s. 24.

25. For the purposes of this Act the Board shall have full jurisdiction to hear and determine all matters of law or of fact. 2 Geo. V. c. 38, s. 25.

26.—(1) The Board may prescribe standard conditions and specifications for the construction and equipment of all telephone systems, and may make such orders for the maintenance thereof as the Board shall from time to time determine to be necessary or desirable, but such standard conditions or specifications shall not apply to the existing plant or equipment of a telephone system in course of construction,
or operated by any company prior to the 30th day of June, 1911, but only to the renewal or replacement thereof whenever such renewal or replacement may, in the opinion of the Board, become necessary as a result of depreciation or obsolescence.

(2) In prescribing such conditions and specifications the Board shall take into consideration only such standards as in general practice may have been found necessary for the protection of life and property and for the provision of an efficient service to the public without regard to any particular type of equipment or apparatus.

(3) The Board, whenever in its judgment it appears that such a procedure is necessary or desirable in the public interest, may render to any company requesting the same such advisory, supervisory, or other assistance respecting the construction, management and operation of telephone systems as the Board may deem advisable, and may fix the terms and conditions under which any such assistance shall be given. 2 Geo. V. c. 38, s. 26 (1-3).

(4) The Board may, in its discretion, prescribe the forms of any and all accounts, records and memoranda to be kept by companies subject to the provisions of this Act. 3-4 Geo. V. c. 40, s. 11.

(5) The Board, whenever in its judgment it appears that it is desirable or necessary for the purpose of carrying into effect any of the provisions of this Act, may appoint or direct any person to examine and report upon the construction, operation or management of any telephone system, and for that purpose such person shall have authority at all reasonable hours to enter any building, office, or other premises belonging to or connected with any such system and to examine and check all books, accounts, tariffs, rates, balance sheets and other papers, records and documents relating to any such system, and to examine the switchboards, instruments, toll stations and all other property of whatsoever nature which belongs to or forms a part of such system and the Board may make such orders in regards to the construction, reconstruction, operation or maintenance of any telephone system which it may deem desirable or necessary in the public interest. 2 Geo. V. c. 38, s. 26 (4); 3-4 Geo. V. c. 40, s. 10.

(6) Whenever the poles and wires of two or more telephone systems or lines are erected, or are proposed to be erected, upon or along the same highway and the pole leads of the systems or lines are or are proposed to be located parallel with each other the Board, whenever in its judgment it appears to be necessary or desirable and practicable, may for the purpose of avoiding the unnecessary duplication of pole leads upon or along the same portion of any highway.
make such orders as it may deem expedient for the joint occupation by the wires or cables of two or more companies of the same lead of poles. 2 Geo. V. c. 38, s. 26 (5).

(7) The Board may approve of regulations made by any company for the purpose of preventing wilful interference with or interruption of conversations or messages over the lines of any telephone system, and any person offending against any of such regulations shall incur a penalty not exceeding $25, recoverable under The Ontario Summary Convictions Act. 3-4 Geo. V. c. 40, s. 11.

27. Every company operating a telephone system shall, on or before the first day of January in each year, or at such other times as the Board may require, furnish to the Board, in such form as it shall prescribe, such statements, reports and returns respecting the cost, receipts, expenditure, operation, management and equipment of such system as the Board may deem desirable or necessary, and any company refusing or neglecting to furnish such statements, reports and returns when required by the Board shall incur a penalty not exceeding $25 for each such act of refusal or neglect, and the same shall be recoverable under The Ontario Summary Convictions Act. 2 Geo. V. c. 38, s. 27.

28. Notwithstanding anything in any Act contained, if in the opinion of the Board it becomes necessary or desirable for the purpose of carrying into effect any order of the Board made in accordance with the provisions of sections 33 and 36 for any company to erect poles, cables, ducts or wires upon any road or highway of a town, village or township municipality, such company shall have the right to erect such poles, cables, ducts and wires along such road or highway upon such terms and conditions as may be agreed upon between the Council of the town, village or township municipality and the company, and if the Council and the company are unable to agree then upon such terms and conditions as shall be prescribed by the Board. 2 Geo. V. c. 38, s. 28; 3-4 Geo. V. c. 40, s. 12.

29. Notwithstanding anything in any Act contained no company owning a telephone system or a controlling interest therein shall sell or transfer such system or controlling interest to, or amalgamate with, or enter into any agreement or arrangement which shall, in effect, transfer the ownership or control of such system or controlling interest to any company which has been declared to be a work for the general advantage of Canada, or which is not within the Legislative jurisdiction of Ontario, until the Lieutenant-Governor in Council has approved such sale, transfer, amalgamation, agreement or arrangement. 2 Geo. V. c. 38, s. 29.
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30.—(1) The Board may make orders and regulations with respect to anything which by any of the Acts hereinbefore mentioned, or by this Act or the Special Act, is sanctioned or required to be done or is prohibited, and generally for carrying such Acts into effect.

(2) The Board may by regulation prescribe penalties when not prescribed by any of such Acts to which every company offending against any regulation made under this section shall be liable, but no such penalty shall exceed $100.

(3) The imposition of any such penalty shall not affect any other liability which the company may have incurred. 2 Geo. V. c. 38, s. 30.

31.—(1) Notwithstanding anything in any Act heretofore passed by this Legislature all tolls to be charged by any company shall be subject to the approval of the Board.

(2) Every company shall file with the Board tariffs of tolls in such form, size, and style, and give any such information, particulars and details as the Board from time to time by general regulation or by regulation applicable to the particular case may prescribe, and no company shall charge any toll in respect of which there is default in such filing or which is disallowed by the Board. 2 Geo. V. v. 38, s. 31.

32. The Board may, by regulation or otherwise, determine and prescribe the manner and form in which any tariff of tolls shall be published or kept open for public inspection. 2 Geo. V. c. 38, s. 32.

33.—(1) Subject to the approval of the Board every company may enter into any agreement with any other company for the purpose of providing for connection, inter-communication, joint operation, reciprocal use, or transmission of business as between the respective systems controlled, owned or operated by such companies, and make such arrangements as shall be deemed advisable for the proper apportionment of expenditures and commissions, the division of receipts and profits, or such other adjustments as may be necessary under any such agreement.

(2) Wherever the telephone systems or lines of two or more companies are situate in such proximity to one another as in the opinion of the Board to make it expedient in the public interest that they should be connected in order that there may be intercommunication between, or joint operation or reciprocal use of them, or that such systems or lines may be used jointly by such companies for the transmission of messages by means of or over such systems or lines, the Board, if either of such companies refuses to enter into an agreement with the other, under the authority of subsection 1, shall order that such connection be made, and shall deter-
mine and direct by whom, and in what manner any line or works necessary for the purpose of making such connection shall be constructed and maintained, and how the expenses incurred in constructing and maintaining them shall be borne, and shall direct that there shall be such intercommunication between, and joint operation and reciprocal use of, and such transmission of messages over such systems or lines, including any such connecting line or works upon such terms and conditions as the Board may prescribe, and it shall be the duty of such companies to do all things necessary for the purpose of carrying into effect every such order or direction.

(3) The determination of the Board in any such matter shall be deemed to be a determination of a question of fact.

(4) No order or direction of the Board made or given in the exercise of the powers conferred by subsection 2 shall be subject to appeal or be open to review except by the Board.

(5) This section shall apply to a telephone system or lines established under The Local Municipal Telephone Act, 1908, or under the Act repealed by that Act, or any Act repealed by this Act, and the council of the municipality by which such telephone system or lines were established shall have, for the purpose of constructing any connecting line or works which the Board has directed to be constructed by it the like powers as are conferred upon the council of an initiating municipality by section 17, and such powers may be exercised without a petition from the subscribers. 2 Geo. V. c. 38, s. 33.

34. Every agreement or arrangement between any company, and any other company having authority to construct or operate a telephone system or line, whether such authority is derived from this Legislature or otherwise, for the regulation and interchange of telephone messages or service passing to and from their respective systems and lines, or for the division or apportionment of tolls, or generally in relation to the management, working or operation of their respective systems, or of lines operated in connection with them or either of them, shall be subject to the approval of the Board, and shall be submitted to and approved by the Board before such agreement or arrangement shall have any force or effect. 2 Geo. V. c. 38, s. 34.

35. No company shall enter into any agreement or arrangement with any other company having authority to construct or operate a telephone system or line, whether such authority is derived from this Legislature or otherwise, which in the opinion of the Board has or may have the effect of increasing the cost of telephone service to the public or of restricting competition in the supply of such service until
such agreement or arrangement has been submitted to and approved of by the Board as just and reasonable. 2 Geo. V. c. 38, s. 35.

36. Notwithstanding anything in any Act contained, whenever any person makes application to any company for telephone service such company shall furnish such telephone service upon such terms and conditions as may be directed by the Board. 2 Geo. V. c. 38, s. 36.

37. The provisions of The Ontario Railway and Municipal Board Act, with respect to the jurisdiction and powers of the Board, and as to practice and procedure, shall apply mutatis mutandis to the exercise of the jurisdiction conferred on the Board by this Act, and the decision of the Board on any question of fact shall be final. 2 Geo. V. c. 38, s. 37.

PART IV.

INCORPORATION AS COMPANIES.

38.—(1) Whenever an association, partnership or aggregation of individuals owning or operating a telephone system or line, by a vote of not less than three-fourths of its members, decide to become incorporated under The Ontario Companies Act they may do so, and the proposed company shall be entitled and be bound to purchase the share or interest in such telephone system or line of any dissentient member, partner or individual, and if the company and such dissentient member, partner or individual are unable to agree as to the value of such share or interest the same shall be determined by the Board.

(2) In computing the value of any such share or interest there shall be included, in addition to any sum contributed for the purposes of the association, partnership or aggregation of individuals, the value of any poles, cables, ducts, wires and other equipment, including the cost of installation, for which such member, partner or individual has not already been reimbursed. 2 Geo. V. c. 38, s. 38.