1914

c 220 Housing Accommodation Act

Ontario
CHAPTER 220.

An Act to encourage Housing Accommodation in Cities and Towns.

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 Housing Accommodation Act. New.

2. In this Act,
   (a) "Land" shall include leaseholds;
   (b) "Securities" shall mean bonds, debentures, debenture stock or other securities. 3-4 Geo. V. c. 57, s. 1.

3. A company incorporated under The Ontario Companies Act with a share capital whose main purposes of incorporation are the acquisition of land in or near a city or town in Ontario and the building and making thereon of dwelling houses of moderate size and improvements and conveniences, to be rented at moderate rents, may petition the council of such city or town to guarantee its securities to enable or assist it to raise money to carry out such main purposes. 3-4 Geo. V. c. 57, s. 2.

4.—(1) If the council is satisfied that additional housing accommodation for those living or working in the municipality is urgently needed, and that the main purpose of the company is to help, bona fide, in supplying such need and is not to make profits, and that the company, without borrowing the money required, over and above the proceeds of the guaranteed securities, for the housing accommodation in contemplation, will be able to provide the same the council may, with the assent of the electors entitled to vote on money by-laws, pass a by-law authorizing and providing for the giving by the council of such guarantee to the amount and upon the terms and conditions hereinafter contained.

   (2) It shall not be necessary to obtain the assent of the electors to the by-law if it is approved of by the Provincial Board of Health. 3-4 Geo. V. c. 57, s. 3.

5. The council or a committee thereof shall, before the guarantee is given, approve of the location of the land.
selected for the housing accommodation and of the general plans for the houses. 3-4 Geo. V. c. 57, s. 4.

6. The securities to be guaranteed shall be secured by one or more deeds of trust by way of first mortgage or charge, upon such land as the council or committee may approve of, including the houses and improvements built and made or to be built and made thereon. 3-4 Geo. V. c. 57, s. 5.

7. The kind of securities to be guaranteed and the forms and terms thereof, and the forms and terms of the deed or deeds of trust securing them, and the trustee or trustees, and the times and manner of the issue of securities, and the disposition of the money to be raised thereon by sale, pledge or otherwise pending the expenditure of such money and the forms and manner of guarantee, shall be such as the council or committee approve of; and such terms, provisions and conditions may be included in such deed or deeds of trust as the council or committee deem expedient or necessary. 3-4 Geo. V. c. 57, s. 6.

8.—(1) The guarantee shall be signed by the mayor and treasurer of the municipal corporation, and upon being so signed the corporation shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof.

(2) If the corporation becomes liable to pay any of such guaranteed securities it may provide for the payment of the same out of the general funds of the corporation or by the issue of debentures payable within a term not exceeding ten years from the issue thereof, and it shall not be necessary to obtain the assent of the electors to a by-law providing for the issue of such debentures. 3-4 Geo. V. c. 57, s. 7.

9. The total amount of securities to be guaranteed shall not in the first instance exceed eighty-five per centum of an amount to be fixed in the deed or deeds of trust as representing the value of the land and housing accommodation and improvements to be built and made thereon; and the deed or deeds may make all convenient provisions for the expenditure of additional money on such land and housing accommodation and improvements, and for the acquisition of additional land to be made part of the mortgaged premises and for expenditure thereon, and for the issue of additional guaranteed securities under such deed or deeds, but so that the total amount outstanding shall not exceed eighty-five per centum of the value of the mortgaged premises to be ascertained and fixed in the manner provided in such deed or deeds, and for the issue of such additional securities in advance of expenditure, and for the disposition of the money to be raised thereon by sale, pledge or otherwise pending the expenditure thereof. 3-4 Geo. V. c. 57, s. 8.
10.—(1) The council of the municipal corporation which guarantees securities of the company as provided for in this Act may from time to time appoint and remove one member of the board of directors of such company, and in case of a vacancy in such membership by removal, death, resignation or otherwise his successor may be appointed by the council, and so on from time to time.

(2) It shall not be necessary for the appointee of the council to hold stock in the capital of the company or to be otherwise qualified as a director. 3-4 Geo. V. c. 57, s. 9.

11. The books of a company whose securities have been guaranteed by a municipal corporation, hereinafter referred to as the "Assisted Company," shall at all times be open to inspection by any person named in that behalf by the council. 3-4 Geo. V. c. 57, s. 10.

12.—(1) No dividend upon the capital stock of the Assisted Company or other distribution of profits among the shareholders shall be declared or paid exceeding six per centum per annum in any one year.

(2) Such dividend may be payable in instalments during the year.

(3) If the sums paid in any year do not amount to six per centum the deficiency, with interest, may be made up in any subsequent year or years. 3-4 Geo. V. c. 57, s. 11.

13.—(1) Any net profits received by the Assisted Company in any year and not required to pay such six per centum or to make up a deficiency therein or for a reasonable contingent fund shall be expended by the company in acquiring land, improving its housing accommodation by way of new buildings, additions, extensions or other improvements or in redeeming or getting in the capital stock of the company as hereinafter provided.

(2) The Supreme Court shall have jurisdiction, upon the application of the council of the municipal corporation guaranteeing the company's securities, to enforce by mandamus or otherwise the carrying out of this section by the company, its directors and officers. 3-4 Geo. V. c. 57, s. 12.

14.—(1) The Assisted Company may, with the approval of the council of the municipal corporation guaranteeing its securities, pass a by-law providing for redeeming or getting in, upon such plan and terms and at such times as may be deemed best, the whole or part from time to time of the outstanding shares in the capital stock of the company.

(2) For such purpose any available money, whether representing capital or otherwise may be used; but no greater premium than ten per centum shall be paid upon the redemp-
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tion or getting in of any share, and after five years from the first issue of guaranteed securities the company, at the request of the council, shall pass such by-law and any difference which may then arise respecting the terms thereof shall be settled by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 57, s. 13.

15. Any shareholder may give or bequeath to the Assisted Company or to the board of trustees, established under section 16, the whole or any part of his shares in the capital stock of the company, and the company may accept and hold the same until transferred to such board of trustees. 3-4 Geo. V. c. 57, s. 14.

16.—(1) The Assisted Company may, with the approval of the council of the municipal corporation guaranteeing the securities, establish a board of trustees to receive and hold the shares redeemed or got in or given or bequeathed to the company or to such board upon such trusts and for such purposes and with such powers as may be thought expedient in furtherance of the objects of this Act and as may be declared or provided for in the instrument establishing the board.

(2) The successors of such trustees shall be appointed in the manner provided for in the instrument.

(3) The company with the like approval may alter the terms of the instrument and add to or otherwise vary the trusts, purposes and powers therein mentioned.

(4) After five years from the first issue of guaranteed securities the company, at the request of the council, shall establish such board of trustees, and any differences which may then arise respecting the terms of the instrument establishing the board shall be settled by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 57, s. 15.

17. The shares redeemed or got in or given or bequeathed to the company shall not become extinct but shall be transferred to and vested in the board of trustees. 3-4 Geo. V. c. 57, s. 16.

18. The council of the municipal corporation guaranteeing the company’s securities may from time to time furnish the company with money to be applied in the redemption or getting in of shares from time to time under the terms of the by-laws mentioned in section 14, and the company shall apply such money accordingly. 3-4 Geo. V. c. 57, s. 17.

19. No share in the capital of the Assisted Company shall be sold or disposed of for any consideration other than cash and money received by the Assisted Company on account of its capital stock shall not be used for expenditures other than those connected with the carrying out of the main pur-
poses of the company, that is to say, the acquisition of land in
or near a city or town in Ontario and the building and
making thereon of dwelling houses of moderate size and im-
provements and conveniences, and the carrying out of the
objects of this Act. 3-4 Geo. V. c. 57, s. 18.

20. The Assisted Company may accept gifts, devises and
bequests of real and personal property, notwithstanding The
Mortmain and Charitable Uses Act. 3-4 Geo. V. c. 57, s. 19.